

**DEPARTMENT:** Personnel

**BY:** Jeffrey G. Green  
**PHONE:** 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**

Approve Resolution certifying the disability retirement of Sheriff's Sergeant Philip Rauch effective May 5, 2003. A determination has been made that Sergeant Rauch is incapacitated within the meaning of PERS law for performance of his duties in the position of Sheriff's Sergeant. It has been further determined that the disability arises out of and in the scope of his employment.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board has previously adopted Resolutions approving disability retirement for employees.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

N/A. A determination has been made that Sergeant Rauch is disabled within the meaning of PERS law.

Financial Impact? ( ) Yes ( ) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		
Source:		<b>Resolution</b>
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No. 03-123 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
 Approved  
 Minute Order Attached  No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

\_\_\_\_\_ Requested Action Recommended  
\_\_\_\_\_ No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

CAO: \_\_\_\_\_

**RESOLUTION NO. 03-123**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF MARIPOSA**

Section 21156, Government Code

**WHEREAS**, the County of Mariposa (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System;

**WHEREAS**, an application for disability retirement of Philip Rauch employed by the Agency in the position of Sheriff's Sergeant has been filed with the Public Employees' Retirement System; and

**WHEREAS**, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

**WHEREAS**, the County of Mariposa has reviewed the medical and other evidence relevant to such alleged disability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Mariposa find and determine and it does hereby find and determine that Philip Rauch is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Sergeant; and

**BE IT FURTHER RESOLVED**, that the County of Mariposa finds and determines and it does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither said Philip Rauch nor the agency County of Mariposa has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

**BE IT FURTHER RESOLVED** that the member was separated from his employment in the position of Sheriff's Sergeant after expiration of his leave rights under Section 21164, Government Code, effective May 4, 2003 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is May 4, 2003.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is coronary artery disease.

The effective date of the member's disability retirement is May 5, 2003.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors this  
6th day of May 2003 by the following vote:

<b>AYES:</b>	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
<b>NOES:</b>	NONE
<b>ABSENT:</b>	NONE
<b>ABSTAINED:</b>	NONE



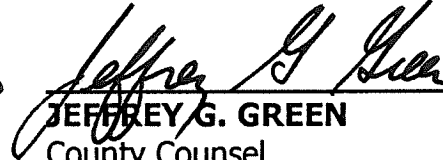
**BOB PICKARD**, Chair  
Mariposa County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**



**MARGIE WILLIAMS**  
Clerk of the Board



**JEFFREY G. GREEN**  
County Counsel



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR  
GARRY R. PARKER, VICE-CHAIR  
LEE STETSON  
DOUG BALMAIN  
JANET BIBBY

DISTRICT V  
DISTRICT IV  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: JEFF GREEN, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: OFF-AGENDA REQUEST CERTIFYING A DISABILITY RETIREMENT  
FOR SHERIFF'S SERGEANT PHIL RAUCH  
Resolution No. 03-123

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 6, 2003

#### ACTION AND VOTE:

Jeff Green, County Counsel, advised of an off-agenda request relative to consideration of certifying a disability retirement for Sheriff's Sergeant Phil Rauch. He advised that Sergeant Rauch has a serious illness and had an operation and is in critical condition, and that there is a process through the Public Employees Retirement System (PERS) for retirement in these situations. (M)Parker (S)Bibby, Board waived the rules requiring 72 hours agenda notice to consider this request, finding it was not known about at the time the agenda was prepared and finding that it is a matter of timeliness given the critical condition of Sergeant Rauch/Ayes: Unanimous. (M)Parker, (S)Bibby, Res. 03-123 was adopted certifying a disability retirement for Sergeant Phil Rauch, effective May 5, 2003/Ayes: Unanimous. Mike Bird stated he feels the resolution should be effective this date; and that an invalid action was passed with the May 5<sup>th</sup> date.

cc: Jim Allen, Sheriff  
Ken Hawkins, Auditor  
Sandi Laird, Personnel/Risk Management Technician  
File