

DEPARTMENT: Personnel

By: Jeffrey G. Green

PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes () No (X)

Resolution approving an industrial disability retirement for Deputy Sheriff Ronnie D. Fisher effective March 22, 2002. Mr. Fisher has a work-related medical condition that precludes him from returning to his usual and customary duties as a Deputy Sheriff. CalPERS requires the local agency (Mariposa County) to adopt a Resolution certifying the disability retirement of an individual and to further determine if the disability is industrial.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously adopted similar CalPERS Resolutions for other employees who have filed for either an industrial disability or a disability retirement.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt the Resolution as proposed.
- Do not adopt or approve as proposed, however, Mr. Fisher has been determined to be incapacitated and unable to perform his duties as a Deputy Sheriff.

COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, _____

if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Resolution

CLERK'S USE ONLY:

Res. No.: 02-124 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved () Denied

Minute Order Attached () No Action Necessary

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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

- _____ Recommended
- _____ Not Recommended
- _____ For Policy Determination
- _____ Submitted with Comment
- _____ Returned for Further Action

Comment: _____

A.O. Initials: pd

RESOLUTION NO. 02-124

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF MARIPOSA COUNTY
(Government Code section 21156)**

Whereas, the Mariposa County Board of Supervisors (hereinafter referred to as Agency) is a contracting agency of the Public Employee's Retirement System;

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 disable for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

Whereas, an application for disability retirement of Ronnie D. Fisher employed by the Agency in the position of Deputy Sheriff has been filed with the Public Employees' Retirement System; and

Whereas, the Board of Supervisors has reviewed the medical and other evidence relevant so such alleged disability;

Now, therefore, be it resolved, that the Board of Supervisors finds and determines and it does hereby finds and determine that Ronnie D. Fisher is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Deputy Sheriff; and

Be it further resolved that the Board of Supervisors 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 Mr. Fisher nor the Agency 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 Deputy Sheriff after expiration of his leave rights under Government Code section 21164, effective March 21, 2002 and that no dispute as to the expiration of such leave rights is pending.

There is not a possibility of third party liability.

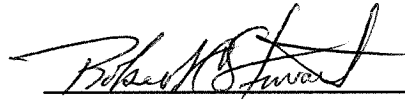
Advanced Disability Pension payment will not be made.

The primary disability condition is stress. The member is competent to act on his own behalf in legally binding retirement matters.

The member's disability condition is not a direct consequence of a violent act perpetrated upon the member's person or did not occur during the performance of those portions of the member's duties which are particularly hazardous and dangerous.

Passed and adopted by the Board of Supervisors of Mariposa County this 23rd day of April, 2002, by the following vote:

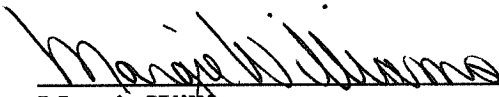
Ayes: Parker, Reilly, Stewart, Pickard, Balmain
Noes: None
Absent: None
Abstained: None



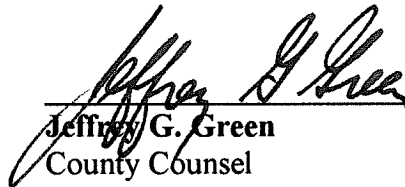
Robert C. Stewart, Chair
Mariposa County Board of Supervisors

Attest:

**Approved as to Form
and Legal Sufficiency:**



Margie Williams
Clerk of the Board



Jeffrey G. Green
County Counsel