

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

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

Adopt the attached Resolution certifying the disability retirement of Roderic B. Sinclair effective January 30, 1998. A determination has been made that Rod became incapacitated during the course of employment with Mariposa County.

Additionally, authorize the Auditor to advance retirement disability payments on a monthly basis effective January 30, 1998 and direct that retroactive benefits are paid to Rod. Advanced payments will be reimbursed by PERS.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- > Adopt Resolution as proposed.
- > Do not adopt Resolution; revise as the Board desires and adopt.

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: 98-80

Res. No.: _____ 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: *JG*

RESOLUTION NO. 98-80

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 contraction agency of the Public Employees' Retirement System;

WHEREAS, an application for (disability retirement) of Roderic B. Sinclair employed by the Agency in the position of Sheriff's Department Captain has been filed with the Public Employees' Retirement System; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County of Mariposa finds and determines and it does hereby find and determine that Roderic B. Sinclair is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Department Captain; 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 Roderic B. Sinclair nor the agency, County of Mariposa, has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21156 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member was, or will be, separated from his employment in the position of Sheriff's Department Captain after expiration of his leave rights under Section 21164, Government Code, effective January 30, 1998 and that no dispute as to the expiration of such leave rights is pending.

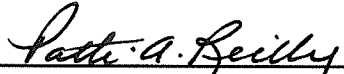
BE IT FURTHER RESOLVED that advanced disability pension payments will be made. The payments will be made monthly in the amount of \$2,451.68 beginning January 30, 1998. The monthly amount includes his current health premium of \$271. The reimbursement check for the advanced payments should be sent to the Mariposa County Auditor, P.O. Box 729, Mariposa, CA 95338.

There is not a possibility of third party liability.

The primary disabling condition is hypertension, chronic headache, pain and respiratory problems

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 3rd day of March 1998, by the following vote:

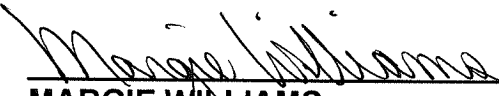
- AYES: Reilly, Balmain, Stewart, Parker, Pickard
- NOES: None
- ABSENT: None
- ABSTAINED: None



PATTI A. REILLY, 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