

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 Mario Diaz effective January 1, 1998. A determination has been made that Mr. Diaz 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 1, 1998 and direct that retroactive benefits are paid to Mr. Diaz. 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:

Res. No.: 18-212 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Approved _____ Absented: _____

() Minute Order Attached () No Action Necessary

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*

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

RESOLUTION NO. 98-212

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 Mario Diaz employed by the Agency in the position of Jail Officer 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 find and determine and it does hereby find and determine that Mario Diaz is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Jail Officer; and

BE IT FURTHER RESOLVED THAT A PETITION has been filed with the Workers' Compensation Appeals Board for a determination pursuant to Section 21166, Government Code; and a copy of such determination will be provided when rendered; and

BE IT FURTHER RESOLVED that the member was separated from his employment in the position of Jail Officer after expiration of his leave rights under Section 21164, Government Code, effective December 13, 1997 and that no dispute as to the expiration of such leave rights is pending.

There is not a possibility of third party liability.

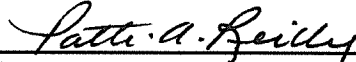
Advanced Disability Pension payments will be made. The payments will be made monthly, in the amount of \$1,230.54 beginning January 1, 1998. The reimbursement check for the advanced payments should be sent to the Mariposa County Auditor, P.O. Box 729, Mariposa, CA 95338.

The primary disabling condition is injury to right knee, right hip, and left elbow from a slip and fall.

The member's disabling condition is not a direct consequence of a violent act perpetrated upon the member's person.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 9th day of June 1998, by the following vote:

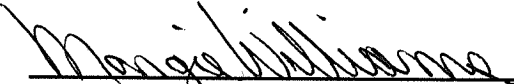
AYES: Reilly, Balmain, Stewart, Parker, Pickard
NOES: None
ABSENT: None
ABSTAINED: None



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