

DEPARTMENT: Personnel BY: Richard J. Benson PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a Resolution certifying that former Fire Chief Blaine Shultz is not disabled within the meaning of the Public Employees' Retirement (PERS) Law. The employee has filed an application for service retirement pending the approval of an industrial disability retirement. It has been determined that the former employee was not incapacitated from performing his duties as Fire Chief and could have continued working in this capacity before he filed for service retirement effective December 6, 2006.

As a safety employee, PERS requires that the governing board, i.e., the Board of Supervisors, adopt a Resolution relative to the approval or denial of a disability or industrial disability retirement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Approving a disability retirement or an industrial disability retirement, even though the Fire Chief could have continued to work, would raise the County's employer contribution percentage.

Financial Impact? () Yes <input checked="" type="checkbox"/> 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: \$		Resolution
Source:		
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.: 07-115 Ord. No. _____
Vote - Ayes: 4 Noes: Fritz
Absent: _____
 Approved
 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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments: _____

CAO: *[Signature]*

RESOLUTION NO. 07-115

**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 service retirement pending industrial disability retirement of Blaine Shultz employed by the Agency in the position of Fire Chief/Emergency Planning Coordinator 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 Agency has reviewed the medical and other evidence relevant to such alleged disability; and

NOW, THEREFORE, BE IT RESOLVED, that the Agency does hereby find and determine that Blaine Shultz is not incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Fire Chief/Emergency Planning Coordinator; and

BE IT FURTHER RESOLVED that the member was separated from his employment in the position of Fire Chief/Emergency Planning Coordinator after expiration of his leave rights under Section 21164, Government Code, effective December 5, 2006 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was December 5, 2006.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 27th day of March 2007 by the following vote:

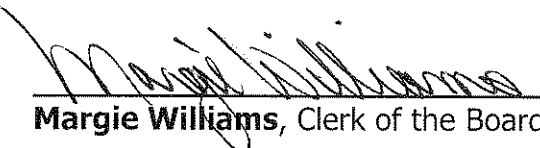
AYES: ABORN, TURPIN, BIBBY, PICKARD
NOES: FRITZ
ABSENT: NONE
ABSTAINED: NONE



Janet Bibby, Chair
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

ATTEST:



Margie Williams, Clerk of the Board



Thomas P. Guarino, County Counsel



COUNTY of MARIPOSA

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

JANET BIBBY, CHAIR
LYLE TURPIN, VICE CHAIR
BRAD ABORN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Adopt a Resolution Certifying that Former Fire Chief Blaine Shultz is not Disabled within the Meaning of the Public Employees' Retirement (PERS) Law

RESOLUTION 07-115

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 27, 2007

ACTION AND VOTE:

Adopt a Resolution Certifying that Former Fire Chief Blaine Shultz is not Disabled within the Meaning of the Public Employees' Retirement (PERS) Law (County Administrative Officer/Personnel Manager)

BOARD ACTION: Chair Bibby advised of the receipt of a letter from Blaine Shultz dated March 26, 2007. Rick Benson, County Administrative Officer, presented the staff report.

Input from the public was provided by the following:

Ruth Catalan asked for clarification of the request. Rick Benson advised that Blaine Shultz submitted his retirement in December 2006 and applied for a disability retirement and that application has been pending. An opinion has been received from outside legal resources and that is what he is basing his recommendation on.

(M)Pickard, (S)Aborn, Res. 07-115 was adopted certifying that Blaine Shultz is not disabled within the meaning of PERS law/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz.

Cc: Sandi Laird, Personnel
File