

DEPARTMENT: Personnel

BY: Jeffrey G. Green
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve Resolution certifying the disability retirement of Jail Officer Deborah L. Wenger effective July 1, 2003. A determination has been made that Officer Wenger is incapacitated within the meaning of CalPERS law for performance of her duties in the position of Jail Officer. It has been further determined that the disability arises out of and in the scope of her 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 Officer Wenger is disabled within the meaning of CalPERS 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:		Resolution
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.: 03-248 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
hww 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: *RAH*

RESOLUTION NO. 03-248

**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 Deborah L. Wenger employed by the Agency in the position of Jail Officer 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 Deborah L. Wenger is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of Jail Officer; 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.

BE IT FURTHER RESOLVED that the member will be separated from her employment in the position of Jail Officer after expiration of her leave rights under Section 21164, Government Code, effective June 30, 2003 and that no dispute as to the expiration of such leave rights is pending. Her last day on pay status is June 30, 2003.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is severe injury to left foot and ankle.

The effective date of the member's disability retirement is July 1, 2003.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 1st day of July 2003 by the following vote:

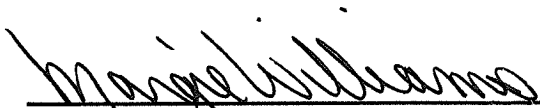
AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE




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