

DEPARTMENT: Personnel

BY: Jeffrey G. Green
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve Resolution certifying the disability retirement of Claude "Pelk" Richards effective May 1, 2003. A determination has been made that Sheriff Richards is incapacitated within the meaning of PERS law for performance of his duties in the position of Sheriff-Coroner. It has been further determined that the disability arises out of and in the scope of his 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 Sheriff Richards is disabled within the meaning of PERS 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: \$ _____		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.: 03-80 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 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. 23-80

**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 contracting agency of the Public Employees' Retirement System;

WHEREAS, an application for disability retirement of Claude "Pelk" Richards employed by the Agency in the position of Sheriff-Coroner 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 Claude "Pelk" Richards is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Sheriff-Coroner; 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 Claude "Pelk" Richards nor the agency County of Mariposa 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 will be separated from his employment in the position of Sheriff-Coroner after expiration of his leave rights under Section 21164, Government Code, effective April 30, 2003 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is April 30, 2003.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is coronary artery disease.

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

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 25th day of March 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