

REVISED

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No.: 16-176

Adopted a Resolution of the County of Monterey,)
State of California, delegating authority to the)
County Administrative Officer to make)
determinations regarding industrial disability)
retirement and to submit employer-originated)
disability applications.....)

WHEREAS, Article 5 (commencing with Section 21150) of Division 5 of Title 2 of the California Government Code establishes the circumstances under which an employee who is a member of the California Public Employees' Retirement System (CalPERS) may be granted a disability retirement; and

WHEREAS, the County of Monterey is a contracting agency of CalPERS; and

WHEREAS, pursuant to Government Code subsections 21152(c-d), application to CalPERS for disability retirement may be initiated by the governing body, or by an official designated by the governing body of the contracting agency, or the CalPERS member or any person on his/her behalf; and

WHEREAS, the Board of Supervisors has previously delegated to the County Administrative Officer the authority to make disability retirement applications to CalPERS by form of letter dated March 8, 1982, and although such authority continues until the present day, CalPERS has requested a Board of Supervisors resolution delegating the Board's authority be submitted to CalPERS.

WHEREAS, following an application to CalPERS for disability retirement, pursuant to Government Code sections 21156(a)(1) and 21159, the Public Employees' Retirement Law requires a contracting agency determine whether an employee of such agency in employment in which he/she is certified as a local safety member is disabled for purpose of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

* **WHEREAS**, pursuant to Government Code section 21173, the County may delegate authority to make such industrial disability determination to the County Administrative Officer.

NOW, THEREFORE, THE COUNTY OF MONTEREY DOES HEREBY RESOLVE AS FOLLOWS:

* **SECTION 1:** The Board of Supervisors hereby affirms it has delegated to the County Administrative Officer authority to make applications on behalf of the County pursuant to Government Code subsection 21152(c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability; and

* **SECTION 2:** The Board of Supervisors delegates to the County Administrative Officer authority to make determinations of disability on behalf of the County under Government Code section 21156 and whether such disability is industrial and to certify such determination and all other necessary information to CalPERS.

SECTION 3: Effective Date. This Resolution is effective on the day of its adoption.

PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Salinas carried this 14th day of June 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas and Potter
NOES: None
ABSENT: Supervisor Parker


I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on June 14, 2016.

Dated: June 23, 2016
File Number: 16-712



Chair, Board of Supervisors

ATTEST:
Gail T. Borkowski, Clerk of the Board of Supervisors

By: 
Deputy.