

## RESOLUTION NO. 19-002

### DELEGATION OF AUTHORITY FOR DECISIONS ON APPLICATIONS FOR CALPERS DISABILITY RETIREMENT

#### FINDINGS

1. The City of Pacific Grove is a contracting agency of the California Public Employees' Retirement System.
2. Public Employees' Retirement Law requires a contracting agency determine whether an employee of such agency in employment classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and if such disability is "industrial" within the meaning of that law.
3. The City Council of the City of Pacific Grove has determined it has the power and desires to delegate authority to the City Manager to make such determinations, as authorized by the Government Code.
4. The effect of this Resolution is for the City Council of the City of Pacific Grove to delegate authority to the City Manager in accord with Government Code section 21152(c) affecting disability retirement of all employees, and delegate authority to initiate requests for reinstatement of employees who are retired for disability.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:**

1. The Council determines that each Finding set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. The City Council of the City of Pacific Grove does hereby delegate to the City Manager authority to act on applications on behalf of the City of Pacific Grove pursuant to Government Code section 21152(c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability.
3. The City Council of the City of Pacific Grove does hereby delegate to the City Manager authority to make determinations of disability on behalf of the City of Pacific Grove under Government Code section 21156, determinations as to whether such disability is industrial and to certify those determinations together with any and all other information required by the California Public Employees' Retirement System.

4. In the event any local safety member appeals the decision of the City Manager regarding his or her incapacitation from the performance of his or her duties pursuant to the Public Employees' Retirement Law, the City Manager is authorized and empowered to make represent the City and arrange to have the appeal heard pursuant to the laws governing CalPERS retirement, including, but not limited to, entering into an agreement with the Officer of Administrative Hearings for the provision of a hearing before an administrative law judge.
5. This Resolution shall take immediate effect following its passage and adoption.

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE**  
this 6th day of March, 2019, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Garfield, Huitt, McAdamns, Smith, and Tomlinson

NOES: None.

ABSENT: None.

APPROVED:

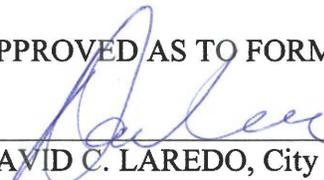


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BILL PEAKE, Mayor

ATTEST:

  
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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
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DAVID C. LAREDO, City Attorney