

RESOLUTION NO. 02-140

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING THE  
DISABILITY RETIREMENT OF SWORN SAFETY MEMBER MICHAEL D. SWORD**

**WHEREAS**, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

**WHEREAS**, an application for disability retirement of Michael D. Sword employed by The City of Ridgecrest in the position of Police Officer has been filed with the Public Employees' Retirement System; and

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the City Council find and determine and it does hereby find and determine that Michael D. Sword is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Officer; and
2. That the Ridgecrest City Council finds and determine 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 Michael D. Sword nor the City of Ridgecrest has applied to the Workers' compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.
3. That the member was, or will be, separated from his employment in the position of Police Officer after expiration of his leave rights under Section 21164, Government Code, effective November 6, 2002 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is November 6, 2002.
4. There is not a possibility of third party liability.
5. Advanced Disability Pension payments will be made. The payments will be made Monthly in the amount of \$1641.00 beginning December 1, 2002.
6. The primary disabling condition is Orthopedic.
7. The member's disabling condition did occur during the performance of those portions of the member's duties which are particularly hazardous and dangerous.

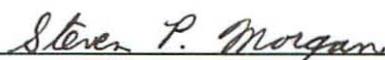
**APPROVED AND ADOPTED** this 20th day of November 2002, by the following vote:

AYES: Mayor Morgan, Council Members Carter and Martin

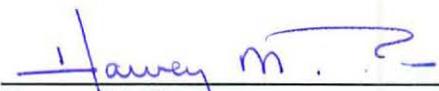
NOES: None

ABSENT: Council Members Holloway and Rollins

ABSTAIN: None

  
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Steven P. Morgan, Mayor

ATTEST:

  
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Harvey M. Rose  
City Clerk