

RESOLUTION NO. 03-12

A RESOLUTION OF THE RIDGECREST CITY COUNCIL
AUTHORIZING THE DISABILITY RETIREMENT OF SWORN
SAFETY MEMBER ALLAN W. MITCHELL

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 Allan W. Mitchell employed by The City of Ridgecrest in the position of Police Sergeant 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 Allan W. Mitchell is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Sergeant; and
2. That the Ridgecrest City Council find 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 Allan W. Mitchell 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 separated from his employment in the position of Police Sergeant after expiration of his leave rights under Section 21164, Government Code, effective February 2, 2003 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is February 2, 2003.
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 \$2616.00 beginning March 1, 2003.
6. The primary disabling condition is Orthopedic.

APPROVED AND ADOPTED, this 19th day of February 2003, by the following vote:

AYES: Mayor Carter, Council Members Clark, Holloway, Martin, and Morgan

NOES: None

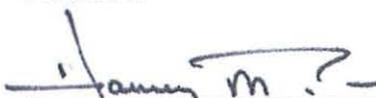
ABSENT: None

ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Harvey M. Rose
City Clerk