RESOLUTION NO. 05-22

A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING THE DISABILITY RETIREMENT OF SWORN SAFETY MEMBER JACK STURGEON

WHEREAS, the City of Ridgecrest (hereinafter referred to as Agency) is a contracting agency of the Public Employee's 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/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 Jack Sturgeon employed by the Agency in the position of Police Patrol Officer has been filed with the Public Employees' Retirement System; and

WHEREAS, The City of Ridgecrest has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Ridgecrest City Council find and determine and it does hereby find and determine that Jack Sturgeon is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual duties in the position of Police Patrol Officer; and

BE IT FURTHER RESOLVED:

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.

3. Neither said Jack Sturgeon nor the agency City of Ridgecrest has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED:

4. That the member was, or will be, separated from his employment in the position of Police Patrol Officer after expiration of his leave rights under Section 21164, Government Code, effective March 17, 2005 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is March 17, 2005

5. There is not a possibility of third party liability.

6. Advanced Disability Pension payments will be made. The payments will be made Monthly in the amount of $2680.09 beginning March 17, 2005

7. The primary disabling condition is Orthopedic.

APPROVED AND ADOPTED, this 6th day of April, 2005, by the following vote:

Ayes: Mayor Holloway, Council Members Martin, Clark, and Carter

Noes: None

Absent: Council Member Morgan

Abstain: None

Marshall 'Chip' Holloway, Mayor

Rita Gable, City Clerk