

RESOLUTION NO. 08-26

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
AUTHORIZING THE INDUSTRIAL DISABILITY
RETIREMENT OF SWORN SAFETY MEMBER MICHAEL
SYLVIA**

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 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:

WHEREAS, an application for disability/industrial disability retirement of Michael Sylvia employed by the Agency in the position of Police Sergeant has been filed with the Public Employees' Retirement System; and

WHEREAS, The Ridgecrest City Council 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 Michael Sylvia is substantially incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Sergeant, and

BE IT FURTHER RESOLVED THAT THE:

2. Ridgecrest City Council find and determine and it does hereby find and determine that Michael Sylvia is also substantially incapacitated from the performance of the usual duties of the position of Police Sergeant with other California public agencies in CalPERS.
3. 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.
4. Neither said Michael Sylvia 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:

5. That the member was, or will be, separated from his employment in the position of Police Sergeant after expiration of his leave rights under Section 21164, Government Code, effective January 28, 2008 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is January 28, 2008
6. There is not a possibility of third party liability.
7. The primary disabling condition is Hypertension and Dilated Aortic Root Condition.
8. Advanced Disability Pension payments will be made. The payments will be made Monthly in the amount of \$2751.38 beginning February 1, 2008 and will be mailed to the retiree's home address on record.
9. Sergeant Michael Sylvia is afforded all of the rights and privileges allowed by the law to a retired Police Sergeant.

APPROVED AND ADOPTED, this 7th day of May, 2008, by the following vote:

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

NOES: None

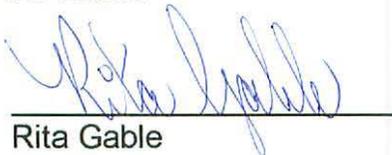
ABSTAIN: None

ABSENT: None



Marshall 'Chip' Holloway, Mayor

ATTEST:



Rita Gable
City Clerk