

RESOLUTION NO. 10-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
AUTHORIZING THE DISABILITY RETIREMENT OF SWORN SAFETY MEMBER JON
WHEELER**

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 Jon Wheeler employed by the Agency in the position of Police Captain 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 Jon Wheeler is substantially incapacitated within the meaning of the Public Employees' Retirement Law for performance of his/her duties in the position of Police Captain, and

BE IT FURTHER RESOLVED THAT THE:

2. Ridgecrest City Council find and determine and it does hereby find and determine that Jon Wheeler is also substantially incapacitated from the performance of the usual duties of the position of Police Captain 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 Jon Wheeler 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.

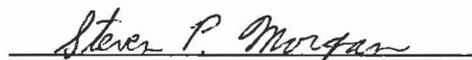
BE IT FURTHER RESOLVED:

5. That the member was, or will be, separated from his employment in the position of Police Captain after expiration of his leave rights under Section 21164, Government Code, effective June 30, 2010 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is June 29, 2010
6. There is not a possibility of third party liability.
7. The primary disabling condition is Orthopedic.
8. Advanced Disability Pension payments will be made. The payments will be made Monthly in the amount of \$3774.21 beginning June 30, 2010 and will be mailed to the retiree's home address.
9. Captain Jon Wheeler is afforded all of the rights and privileges allowed by the law to a retired Police Captain.

APPROVED AND ADOPTED, this 21st day of July, 2010, by the following vote:

Ayes: Mayor Morgan, Council Members Carter, Wiknich, Holloway, and Taylor
Noes: None
Abstain: None
Absent: None


Rachel J. Ford, CMC
City Clerk


Steven P. Morgan, Mayor