



Legislation Details (With Text)

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**Title:** Staff Report for a Resolution Reaffirming the City’s Delegation of Authority to the City Manager to Make Determinations for Industrial Disability Retirement Applications for Local Safety Members with the California Public Employment Retirement System (CalPERS)  
**Sponsors:** Jeff Kay  
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Date	Ver.	Action By	Action	Result
11/21/2016	1	City Council	Received and Filed	Pass

Staff Report for a Resolution Reaffirming the City’s Delegation of Authority to the City Manager to Make Determinations for Industrial Disability Retirement Applications for Local Safety Members with the California Public Employment Retirement System (CalPERS)

**SUMMARY AND RECOMMENDATIONS**

Staff recommends that the City Council approve a resolution to reaffirm the City Manager’s authority to make determinations for industrial disability retirement applications for Local Safety Members. This reaffirmation is required by the California Public Employment Retirement System (CalPERS).

**BACKGROUND**

The City of San Leandro, as a contract member of CalPERS, may make determinations relating to Local Safety Members’ industrial disability retirement applications. When CalPERS receives an application for industrial disability retirement filed by, or on behalf of an employee, the City is required to determine whether the employee is incapacitated or “disabled” from performing his/her job duties and, if so, whether their disability is an “industrial” disability.

In accordance with Government Code sections 21173 and 21156, the governing body of a contracting agency may delegate authority to make the determination of disability. On February 4, 1974, the City Council adopted Motion No. 1072 delegating authority to the City Manager to make these determinations under the California Public Employee’s Retirement Law.

Recently, CalPERS began reviewing paper records and determined that Motion No. 1072 does not comply with the currently established resolution format and does not have the proper signature required by CalPERS.

## Analysis

CalPERS has informed the City that Motion No. 1072 from 1974, which was signed by the City Clerk and not a formal resolution, is now unacceptable. CalPERS is requiring a new resolution in a specific format signed by the Mayor as the “highest authority” of the governing body.

Staff recommends that a resolution be approved by the City Council to reaffirm the previously delegated authority to the City Manager to determinations on industrial disability retirement applications, which will comply with CalPERS formatting and signature requirements.

## Fiscal Impacts

There is no fiscal impact to adopting the resolution.

## ATTACHMENTS

- Motion No. 1072 approving the Civil Service Board’s recommendation to delegate to the City Manager the authority to make industrial disability retirement determinations

**PREPARED BY:** Emily Hung, Human Resources Manager, City Manager’s Office