Legislation Text

File #: 16-617, **Version:** 1

RESOLUTION Reaffirming the City of San Leandro'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)

WHEREAS, the City of San Leandro is a contracting agency of the California Public Employees' Retirement System ("PERS"); and

WHEREAS, the Public Employees' Retirement Law requires that the 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 Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS the City Council of the City of San Leandro has determined upon legal advice that it may delegate authority under Government Code Section 21173 to make such determinations; and

WHEREAS, pursuant to City Council Motion No.1072 approved on February 4, 1974, the City Council delegated this authority to the City Manager;

WHEREAS, CalPERS has informed the City that Motion No. 1072 no longer complies with the required format.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Leandro delegate and it does hereby delegate applications on behalf of the City of San Leandro under Government Code Section 21156(c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability;

BE IT FURTHER RESOLVED that the City Council of the City of San Leandro delegate and it does hereby reaffirms its delegation to the incumbent in the position of City Manager authority to make determinations of disability on behalf of the City of San Leandro and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.