



# Agenda Item

## City Council

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Item #: 3.21.

8/9/2022

File #: 22-0454

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Rob Houston, City Manager

**FROM:** Gary A. Sheatz, City Attorney

### 1. SUBJECT

Delegate authority to the City Manager to apply for and Make Industrial Disability Retirement Determinations. Resolution No. 11413.

### 2. SUMMARY

The proposed resolution, delegating authority to the City Manager, or his/her designee, to act on behalf of the City regarding disability retirements, is required pursuant to Section 21173 of the Government Code. It delegates authority to the City Manager to apply for and makes industrial disability retirement determinations.

### 3. RECOMMENDED ACTION

Adopt Resolution No. 11413. A Resolution of the City Council of the City of Orange Rescinding Resolution No. 11111 and Delegating Authority to the City Manager to Apply for and Make Industrial Disability Retirement Determinations.

### 4. FISCAL IMPACT

None.

### 5. STRATEGIC PLAN GOALS

Goal 1: Provide for a safe community.

- a. Provide staffing and resources to deliver services that ensure public safety.

Goal 2: Be a fiscally healthy community.

- a. Expend fiscal resources responsibly.

Goal 4: Provide Outstanding Public Service

- e: Attract, retain and develop quality employees dedicated to public service.

### 6. DISCUSSION AND BACKGROUND

Article 5, Division 5, Title 2 of the Government Code establishes the circumstances under which an employee who is a member of Public Employees Retirement System ("PERS") may be granted a disability retirement.

Public Employees' Retirement Law ("PERL") requires local agencies to apply for and make determinations regarding industrial disability retirements on behalf of their safety members. Under Section 21173 of the Government Code, PERL allows local agencies to delegate authority to make

such applications and determinations to a designated position, usually the City Manager.

Current Resolution No. 11111 delegates authority to the City Manager to make determinations of disability on behalf of the Agency under Government Code Section 21156, but not to apply for an employer initiated industrial disability retirement. At this time, PERS is requesting that the City update its current resolution. In accordance with Government Code section 21152(c), Resolution No. 11413 delegates authority to the City Manager to also submit an employer initiated application for an industrial disability retirement.

Resolution No. 11413 satisfies PERS' request.

## **7. ATTACHMENTS**

- Resolution No. 11413