

4/3/92

RESOLUTION NO. 92-061

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA ANA DELEGATING AUTHORITY
TO THE CITY MANAGER TO MAKE DISABILITY
RETIREMENT DETERMINATIONS AND PROVIDING
FOR APPEAL PROCEDURES
FOR LOCAL SAFETY MEMBERS OF THE
PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the City of Santa Ana (hereinafter referred to as "Agency") is a contracting agency of the Public Employees' Retirement System ("PERS"); and

WHEREAS, Government Code Section 21034 provides that the governing body of a contracting agency may delegate authority or duty imposed or conferred by Title 2, Division 5, Part 3, Chapter 5, Article 3 of the Government Code (commencing with Section 21020) to a subordinate officer subject to such conditions as may be imposed; and

WHEREAS, on December 17, 1985, the City Council passed and adopted Resolution No. 85-157, delegating to the City Manager in Section 1 of said Resolution the authority or duty to make PERS disability retirement determinations as that duty is conferred on the City Council by Title 2, Division 5, Part 3, Chapter 5, Article 3 of the Government Code (commencing with Section 21020) pursuant to Section 21034 of the Government Code; and

WHEREAS, Section 2 of Resolution No. 85-157, as amended by Resolution No. 87-56, passed and adopted by the City Council on July 7, 1987, provided for an appeal of the City Manager's decision to the City Council; and

WHEREAS, Government Code Section 21025 was amended, effective January 1, 1992 (Stats. of 1991, Ch. 1159) to require contracting agencies to conduct a hearing in accordance with the Administrative Procedures Act, Title 2, Division 3, Part 1, Chapter 5 of the Government Code (commencing with Section 11500) when a local safety member of PERS appeals the decision of the contracting agency; and

WHEREAS, the City Council of the City of Santa Ana now desires to conform to the amended version of Government Code Section 21025 and to set forth the procedure for appeal of a determination by the City Manager of the disability retirement of the City's local safety members of PERS.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

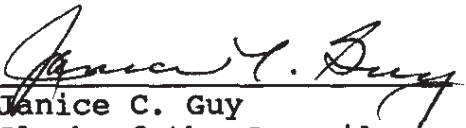
1. The City Council does hereby delegate to the City Manager the authority or duty conferred on the governing body by Title 2, Division 5, Part 3, Chapter 5, Article 3 of the Government Code (commencing with Section 21020) pursuant to Section 21034 of the Government Code to make the initial determination of the entitlement of a local safety member of PERS to disability retirement.

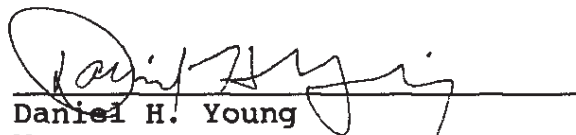
2. The authority so delegated to the City Manager may be exercised by any officer of the City deputized to exercise any and all authority granted to the office of the City Manager by charter and ordinances of the City of Santa Ana, by Resolution No. 90-109, or by any resolution or agreement superseding Resolution No. 90-109.

3. The appeal of any local safety member of PERS who has received an adverse determination by the City Manager of his/her disability retirement shall be conducted by an administrative law judge of the Office of Administrative Hearings pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

ADOPTED this 15th day of June 1992.

ATTEST:


Janice C. Guy
Clerk of the Council


Daniel H. Young
Mayor

COUNCILMEMBERS:

Young	<u>Aye</u>
Pulido	<u>Aye</u>
Acosta	<u>Aye</u>
Griset	<u>Aye</u>
McGuigan	<u>Absent</u>
Norton	<u>Aye</u>
Richardson	<u>Aye</u>

APPROVED AS TO FORM:

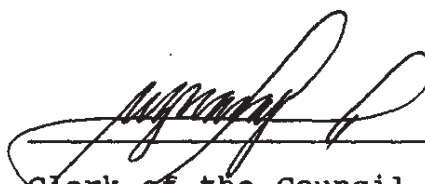

Edward J. Cooper
City Attorney

CERTIFICATE OF ORIGINALITY

State of California

County of Orange

I, JANICE C. GUY, Clerk of the Council, do hereby certify the
attached Resolution 92-061 to be the original resolution
adopted by the City Council of the City of Santa Ana on
6-15-92.



Clerk of the Council, Date
City of Santa Ana