

RESOLUTION NO. 54-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING RESOLUTION NO. 241-95 AND DELEGATING TO ADDITIONAL
EMPLOYEES THE AUTHORITY TO MAKE EMPLOYEE DISABILITY
DETERMINATIONS**

WHEREAS, the City of Richmond previously passed Resolution No. 241-95 (“Establishing a Procedure for Industrial Disability Retirement Determinations of Local Safety Employees of the Public Employees Retirement System”) on December 4, 1995.

WHEREAS, the City of Richmond (herein referred to as “the City”) is a contracting agency of the California Public Employees’ Retirement System.

WHEREAS, the Public Employees’ Retirement Law requires that a 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 such disability is “industrial” within the meaning of such Law.

WHEREAS, pursuant to Resolution No. 241-95, the City’s Risk Manager (currently the Human Resources Manager – Risk Management) currently has the sole authority to make such determinations.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Richmond (“City Council” hereby amends Resolution No. 241-95, effective immediately.

BE IT FURTHER RESOLVED that, pursuant to Government Code section 21152(c), the City Council:

hereby delegates to the Human Resources Manager(s) and the Director of Human Resources/Personnel Director the authority to do the following:

Section 1.A: apply on behalf of the City for disability retirement of all employees; and

Section 1.B: initiate requests for reinstatement of such employees who are retired on the basis of disability; and

Section 1.C: nothing in this section shall be interpreted as rescinding the Risk Manager’s existing authority to make such applications.

BE IT FURTHER RESOLVED that, pursuant to Government Code section 21156, the City Council hereby delegates to the Human Resources Manager(s) and the Director of Human Resources/Personnel Director the authority to do the following:

Section 2.A: make determinations of disability on behalf of the City, including determinations as to whether such disabilities are “industrial” (as defined by the California Public Employees’ Retirement System); and

Section 2.B: certify such determinations and all other necessary information to the California Public Employees’ Retirement System.

Section 2.C: nothing in this section shall be interpreted as rescinding the Risk Manager’s existing authority to make such determinations.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held April 19, 2022, by the following vote:

AYES: Councilmembers Bates, Jimenez, Johnson III, McLaughlin, Willis, Vice Mayor Martinez, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor



Approved as to form:

DAVE ALESHIRE
Interim City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 54-22**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 19, 2022.

Pamela Christian
Pamela Christian, Clerk of the City of Richmond