



City of Culver City

Staff Report

File #: 20-774, Version: 1

Item #: C-3.

CC - Adoption of a Resolution Reaffirming Authority Delegated to the City Manager and Assistant City Manager to Make Applications for Disability Retirement on Behalf of Employees to the California Public Employees' Retirement System (CalPERS) and Determinations Whether a Local Safety Member is Disabled for Retirement Purposes, and Rescinding Resolution No. 2015-R072.

Meeting Date: March 9, 2020

Contact Person/Dept: Rachele Adkins/Administrative Services

Phone Number: (310) 253-5640

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (03/03/20)

Department Approval: Serena Wright-Black, Assistant City Manager (02/25/20)

RECOMMENDATION

Staff recommends the City Council adopt a resolution reaffirming the authority delegated to the City Manager to make applications for disability retirement on behalf of employees to the California Public Employees Retirement System (CalPERS) and determinations whether a local safety member is disabled for retirement purposes, and rescinding Resolution No. 2015-R072.

BACKGROUND

On September 28, 2015, City Council adopted Resolution 2015-R072, which reaffirmed its intent to delegate authority to the City Manager and the Assistant City Manager to make determinations on whether a local safety member is disabled for retirement purposes and make applications for disability retirement on behalf of all city employees who are unable to perform the essential functions of his/her job.

The California Public Employees' Retirement Law (PERL) contains the primary CalPERS constitutional provisions, statutes, and regulations. In accordance with PERL, an employee is disabled if his/her condition renders him/her substantially incapable of performing work duties either permanently or for an extended, uncertain period of time exceeding six months. Under PERL, an employee's disability is industrial if the disability resulted from an injury or disease arising out of and in the course of the employee's employment.

Agencies may submit a disability retirement application for local safety and miscellaneous members who do not to independently apply. CalPERS makes the final determination as to disability status for miscellaneous members; determinations for local safety members are made by the City.

DISCUSSION

Culver City is a contracting agency with CalPERS for local safety and miscellaneous members. As a part of this contract, CalPERS administers a disability retirement program for both local safety and miscellaneous members of the retirement system. In accordance with Government Code Section 21152, a disability retirement application may be initiated by either the CalPERS member (i.e. the employee), the governing body of the contracting agency (City Council), or by an official designated by the governing body.

Government Code Section 21173 allows City Council to delegate any authority or duty to a subordinate officer. The City Council previously delegated this authority, via Resolution 2015-R072, for filing applications and making appropriate determinations to the City Manager and Assistant City Manager.

The City was recently notified by CalPERS that they would no longer approve industrial disability retirements submitted by the City because Resolution 2015-R072 did not include the individual names of the governing body members as well as the vote count on the resolution.

CalPERS has requested that the City provide a new resolution to reflect this change. As a result of this notification, a new resolution must be submitted which will identify the names of the governing body and vote count.

FISCAL ANALYSIS

No additional fiscal impact.

ATTACHMENTS

1. 2020-03-09_ATT - Proposed Resolution

MOTION

That the City Council:

Adopt a Resolution reaffirming the authority delegated to the City Manager and Assistant City Manager to make applications for disability retirement on behalf of City employees to the California Public Employees Retirement System (CalPERS) and determines whether a local safety member is disabled for retirement purposes, and rescinding Resolution No. 2015-R072.