



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: January 9, 2024
DEPARTMENT: HUMAN RESOURCES DEPARTMENT
FROM: Marina Horta-Gallegos, Human Resources Director
TITLE: DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS REGARDING INDUSTRIAL DISABILITY RETIREMENT

RECOMMENDED MOTION:

A motion to approve a resolution authorizing the Interim City Manager to make and certify determinations of disability to the California Public Employees Retirement System (CalPERS) under Government Code Section 21152(c), 21156, and 21173.

EXECUTIVE SUMMARY:

A resolution is required by CalPERS to delegate authority to the Interim City Manager under Government Code Section 21152(c), 21156, and 21173 to make and certify determinations of disability to CalPERS.

BACKGROUND:

Assistant City Manager Jim Pia was appointed Interim City Manager effective October 4, 2023, with the separation of the former City Manager. The City Council appointed Jim Pia as the Interim City Manager until the appointment of a new City Manager is made.

The City is required to make and certify determinations of industrial disability for public safety members who qualify for industrial disability retirement, based on competent medical opinion, under the City's contractual obligation with CalPERS. The City Manager was delegated authority by Resolution No. 18395 to make industrial disability determinations under section 21152(c) of the Government Code on behalf of the City of Salinas.

With the appointment of Assistant City Manager Jim Pia to the Interim City Manager position while the City Council recruits for the appointment of the next City Manager, CalPERS requires a resolution delegating authority to make and certify determinations of industrial disability to CalPERS by Interim City Manager Jim Pia, effective October 4, 2023, and until the appointment of the next City Manager is made.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

The proposed action meets the Effective and Culturally Responsive Government Council goal.

DEPARTMENTAL COORDINATION:

The Human Resources Department coordinated with the Administration Department in this effort.

FISCAL AND SUSTAINABILITY IMPACT:

There is no fiscal impact to adopting the resolution.

ATTACHMENTS:

Resolution

RESOLUTION NO. _____ (N.C.S.)

RESOLUTION APPROVING DELEGATION OF AUTHORITY TO INTERIM CITY
MANAGER FOR DETERMINATIONS OF INDUSTRIAL DISABILITY RETIREMENT

WHEREAS, the City of Salinas (herein referred to as Agency) 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 Employee's Retirement Law and such disability is "industrial" within the meaning of such law;

WHEREAS, the City of Salinas previously delegated authority under Government Code section 21152(c) to make such determinations to the position of City Manager;

WHEREAS, the City Council appointed the Assistant City Manager effective October 4, 2023 to the interim position of City Manager during the recruitment for the permanent City Manager position;

WHEREAS, the City Council has determined upon legal advice that it may delegate authority under Government Code section 21173 to make such determinations to the incumbent of the position of Interim City Manager.

BE IT RESOLVED BY THE CITY COUNCIL OF SALINAS that it does hereby delegate to the incumbent of the position of Interim City Manager, authority to make application on behalf of the Agency pursuant to Government Code section 21152 (c) for disability retirement of all employees;

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF SALINAS that it does hereby delegate to the incumbent of the position of Interim City Manager under Government Code section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

PASSED AND APPROVED this 9th day of January 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk