

RESOLUTION R2019-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, AUTHORIZING
INDUSTRIAL DISABILITY RETIREMENT ON BEHALF OF
POLICE OFFICER JASON ROBERT MAY**

WHEREAS, the City of Manteca (hereinafter referred to as Agency) is a contracting agency of the Public Employee's Retirement System; and

WHEREAS, the Public Employee's 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 whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for disability retirement of Jason Robert May employed by the Agency in the position of Police Officer has been filed with the Public Employee's Retirement System; and

WHEREAS, the City Council has reviewed the medical and other evidence relevant to such alleged disability; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. That the City Council finds and determines that Jason Robert May is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Officer.
3. That the City Council finds and determines that such a disability is the result of an injury or disease arising out of and in the course of his employment with the Agency, in which he was a local safety member. Neither Jason Robert May nor the City of Manteca has applied to the Worker's Compensation Appeals Board for a determination pursuant to Government Code Section 21166 whether such disability is industrial.

ATTACHMENT 1

3. That the member will separate from his employment of the position of Police Officer after expiration of his leave rights under Section 21164, Government Code, effective September 16, 2019, and that no dispute as to the expiration of such leave rights is pending. His last day on pay status will be September 15, 2019. There is not a possibility of third party liability. Advanced Disability Pension Payments will be made. The payments will be made monthly in the amount of \$4,759.26 beginning October 1, 2019. The primary condition is orthopedic (lumbar). The member is competent to act on his own behalf legally binding retirement matters.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 17th day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
BENJAMIN J. CANTU
Mayor

ATTEST: _____
LISA BLACKMON
City Clerk