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OFFICE OF THE CITY CLERK  
OAKLAND

2015 FEB -5 PM 12:50

# AGENDA REPORT

**TO:** John A. Flores  
Interim City Administrator

**FROM:** Katano Kasaine

**SUBJECT:** Update to City Council Resolution  
No. 77353 C.M.S.; Industrial Disability  
Retirements of Safety Members

**DATE:** January 21, 2015

City Administrator  
Approval

Date

1/30/15

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends that the City Council:

**Approve a Resolution Authorizing the City Administrator to approve Industrial Disability Retirements for local safety members of the California Public Employees' Retirement System ("CalPERS" or "PERS") and authorizing the City Administrator to apply for Industrial Disability Retirements on their behalf.**

## OUTCOME

Approval of the recommendation will establish the authority of the City Administrator or his designee to approve industrial disability retirements for local safety members of the CalPERS and authorizes the City Administrator or designee to apply for Industrial Disability Retirements on their behalf.

## BACKGROUND/LEGISLATIVE HISTORY

The City of Oakland PERS Safety Disability Retirement Committee meets on a monthly basis to make their recommendation to the City Administrator regarding the approval or denial of the Industrial Disability Retirement Applications submitted by sworn members of the Oakland Police Department and Oakland Fire Department. The Committee's recommendation requires the completion of a document ("Determination of Disability Letter") to be sent to CaPERS regarding the approval or denial. The authority to approve PERS safety disability retirements has been previously established by City Council Resolution No. 77353 C.M.S. to be the City [Manager], Assistant City [Manager], and/or the [Director of Personnel]. These City officer's titles were changed to now be City Administrator, Assistant City Administrator (City Council Resolution No. 78225 C.M.S.) and Director of Human Resources Management.

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**ANALYSIS**

CalPERS requires the most current authority designation by any signatory for their official documents to be clearly stated. Since the City no longer uses the position of City Manager, Assistant City Manager or Director of Personnel, an updated resolution to correct the designation is in order.

Approval of this resolution updates the authority designation to grant Industrial Disability Retirements to local safety members to the specification required by CalPERS.

**PUBLIC OUTREACH/INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

**COORDINATION**

This report was prepared in coordination with the following departments and offices:

- Office of the City Administrator
- Office of the City Attorney

**COST SUMMARY/IMPLICATIONS**

There are no budget implications associated with the report.

**John a. Flores, Interim City Administrator**

Subject: Update to City Council Resolution No. 77353 C.M.S.;  
Industrial Disability Retirements of Safety Members

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**SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no Economic Sustainable opportunities associated with the report.

***Environmental:*** There are no Environmentally Sustainable opportunities associated with the report.

***Social Equity:*** There are no Social Equity-related Sustainable opportunities associated with the report.

For questions regarding this report, please contact Katano Kasaine, Treasurer, at 510-238-2989.

Respectfully submitted,



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KATANO KASAINÉ  
Treasurer

Reviewed by:  
Teir Jenkins, Investment Officer  
City of Oakland

Prepared by:  
David Low, Administrative Assistant  
City of Oakland

Attachment: *Exhibit A: City Council Resolution No. 77353 C.M.S.*

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OAKLAND CITY COUNCIL

RESOLUTION NO. 77353

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
C.M.S.

02 JUL 18 AM 11:36

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER, THE ASSISTANT CITY MANAGER AND THE DIRECTOR OF PERSONNEL TO APPROVE SAFETY DISABILITY RETIREMENTS FOR MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS).

WHEREAS, the City of Oakland is a contracting agency of the 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 is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law;

WHEREAS, City Council has determined upon legal advice that it may delegate authority to make such determinations to the City Manager, Assistant City Manager and Director of Personnel pursuant to section 21173 of the Government Code;

NOW, THEREFORE, BE IT RESOLVED: That the City Council hereby delegates to the City Manager, Assistant City Manager and Director of Personnel authority to make determinations on behalf of the City of Oakland of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System; and

BE IT FURTHER RESOLVED that the City Manager, Assistant City Manager and the Director of Personnel are each authorized to make applications on behalf of the City of Oakland for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 30 2002, 2002

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN  
AND PRESIDENT DE LA FUENTE -8

NOES- 0  
ABSENT- 0  
ABSTENTION- 0

ATTEST:



CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE INDUSTRIAL DISABILITY RETIREMENTS FOR LOCAL SAFETY MEMBERS OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR INDUSTRIAL DISABILITY RETIREMENTS ON THEIR BEHALF**

**WHEREAS**, the City of Oakland is a contracting agency of the California Public Employees' Retirement System ("CalPERS"); and

**WHEREAS**, CalPERS requires that the City Council make a determination of whether a safety member employed by the City of Oakland is eligible for CalPERS industrial disability retirement in accordance with the provisions of California Government Code sections 21150, *et seq.*; and

**WHEREAS**, CalPERS authorizes the City Council to apply for industrial disability retirement benefits on behalf of local safety members in accordance with California Government Code section 21152; and

**WHEREAS**, the City Council is authorized to delegate its authority and duties with regard to CalPERS local safety disability retirements pursuant to California Government Code sections 21152 and 21173; and

**WHEREAS**, on July 30, 2002, the City Council passed Resolution No. 77353 C.M.S., delegating its authority with regard to CalPERS local safety disability retirements to the City Manager, Assistant City Manager and Director of Personnel; and

**WHEREAS**, the City no longer has a City Manager, Assistant City Manager or Director of Personnel inasmuch as the City Manager has been replaced with a City Administrator in accordance with the 2004 amendment of Article V of the City Charter; and the Director of Personnel has been replaced with a Director of Human Resources Management with the 2014 enactment of Oakland Municipal Code section 2.29.110; and

**WHEREAS**, the City Council now desires to delegate its authority with regard to CalPERS local safety disability retirements to the City Administrator, or his or her designee; now therefore be it

**RESOLVED:** that pursuant to California Government Code section 21173, the City Council hereby delegates to the City Administrator, or his or her designee, the

authority to make determinations of whether local safety members are eligible for CalPERS industrial disability retirement; and be it

**FURTHER RESOLVED**, that pursuant to California Government Code section 21152, the City Council hereby delegates to the City Administrator, or his or her designee, the authority to apply for industrial disability retirement on behalf of local safety members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,  
REID and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_