

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION AUTHORIZING)	
INDUSTRIAL DISABILITY RETIREMENT)	RESOLUTION NO. 18-153
FOR TODD SMITH)	

WHEREAS, the County of Amador, State of California (hereinafter referred to as "Agency"), is a contracting agency of the Public Employees' 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 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; and

WHEREAS, an application for the Industrial Disability Retirement of lower back injury from Todd Smith employed by the Agency in the position of Deputy Sheriff has been filed with the Public Employees' Retirement System; and

WHEREAS, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby find and determine that Todd Smith is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Deputy Sheriff and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2).

BE IT FURTHER RESOLVED that Todd Smith had filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

BE IT FURTHER RESOLVED that the Board of Supervisors find and determine and it does find and determine that such disability is arising out of and in the course of employment.

BE IT FURTHER RESOLVED that neither said Todd Smith nor the Agency has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that no issue of third party liability is present in the disability of said Todd Smith.

BE IT FURTHER RESOLVED that Advanced Disability Pension payments will be made. Such payments will begin October 2018 in the amount of \$3,553.60 to be paid at the end of each month.

BE IT FURTHER RESOLVED the primary disabling condition is cumulative trauma industrial injury to his lumbar spine.

BE IT FURTHER RESOLVED the duration is based on a competent medical opinion that certifies the disabling condition is expected to be permanent.

BE IT FURTHER RESOLVED that his last day on pay status was January 31, 2018. Todd Smith has requested a retirement date of October 1, 2018.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 4th day of December 2018, by the following vote:

AYES: Lynn A. Morgan, Brian Oneto, Patrick Crew, Richard M. Forster, Frank U. Axe

NOES: None

ABSENT: None



Lynn A. Morgan, Chair, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy