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**WHEREAS**, the City of Rialto (hereinafter referred to as “City”) is a contracting agency of the California Public Employees’ Retirement System (“CalPERS”); and

**WHEREAS**, the California 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 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 orthopedic disabilities to left hip, both shoulders, cervical spine and lumbar spine from Donna Crow, employed by the City in the position of Police Officer, has been filed with CalPERS; and

**WHEREAS**, the City of Rialto has reviewed the medical and other evidence relevant to such alleged disability.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rialto does hereby find and determine that Donna Crow is substantially incapacitated within the meaning of the California Public Employees’ Retirement Law from performance of her duties in the position of Police Officer for cervical strain with probable left upper extremity radiculopathy, 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). If the disciplinary process occurred before the member’s separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member’s eligibility for disability retirement and CalPERS’ determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination. Donna

1 Crow had filed a Workers' Compensation claim for her disabling condition. The Workers'  
2 Compensation claim was accepted.

3 **BE IT FURTHER RESOLVED** that the City of Rialto does hereby find and determine that  
4 such disability is a result of injury or disease arising out of and in the course of employment with the  
5 City. Neither said Donna Crow nor the agency, City of Rialto, has applied to the Workers'  
6 Compensation Appeals Board for a determination pursuant to Government Code section 21166  
7 whether such disability is industrial; and

8 **BE IT FURTHER RESOLVED** that the last date paid in the position of Police Officer after  
9 expiration of her rights under Gov. Code sections 21163 and 21164, is effective May 7, 2023, and that  
10 no dispute as to the expiration of such leave rights is pending. There is not a possibility of third-party  
11 liability. Advanced Disability Pension Payments will not be made. The primary disabling condition is  
12 orthopedic. The duration of the disabling condition is expected to last at least twelve consecutive  
13 months from the date of the application for benefit which is certified by competent medical opinion.

14  
15 **PASSED AND ADOPTED** at regular meeting of the City Council of the City of Rialto held  
16 on this 22<sup>nd</sup> day of July, 2025.

17 \_\_\_\_\_  
18 Joe Baca, Mayor

19 **ATTEST:**

20  
21 \_\_\_\_\_  
22 BARBARA McGEE, City Clerk

23  
24 **APPROVED AS TO FORM:**

25  
26 \_\_\_\_\_  
27 ERIC VAIL, City Attorney  
28

1 **STATE OF CALIFORNIA** )  
2 **COUNTY OF SAN BERNARDINO** ) ss  
3 **CITY OF RIALTO** )

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the  
6 City of Rialto held on the 22<sup>nd</sup> day of July 2025.

7 Upon motion of Council Member \_\_\_\_\_, seconded by Council Member  
8 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13  
14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
15 Rialto this \_\_\_\_ day of \_\_\_\_\_, 2025.

16  
17 \_\_\_\_\_

18 BARBARA McGEE, CITY CLERK  
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