| RESOULTION NO. | |
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, FINDING THAT JUSTIN LEYSACK A LOCAL SAFETY MEMBER, IS INDUSTRIALLY DISABLED FROM HIS DUTIES AS A FIRE ENGINEER

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 California 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 Justin Leysack, employed by the City in the position of Fire Engineer, 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 Justin Leysack is incapacitated within the meaning of the California Public Employees' Retirement Law from performance of his duties in the position of Fire Engineer and does hereby find and determine that Justin Leysack is incapacitated for performance of the usual duties of the position for other California public agencies in CalPERS. Similar positions with reasonable comparable pay, benefits, and promotional opportunities with other California public agencies are not available.

BE IT FURTHER RESOLVED that the City of Rialto does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither Justin Leysack nor the City has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial; and

BE IT FURTHER RESOLVED that the member was, or will be, separated from his employment in the position of Fire Engineer after Expiration of his rights under Section 21164,

| 1 | Government Code, effective December 31, 2022, and that no dispute as to the expiration of such leave |
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| 2 | rights is pending. His last day on pay status will be December 31, 2022. |
| 3 | There is not a possibility of third-party liability. |
| 4 | Advanced Disability Pension payments will be made. The payments will be made biweekly in the |
| 5 | amount of \$1988.18 beginning January 1, 2023. |
| 6 | The primary disabling condition is both shoulders with bursitis/impingement syndrome, right shoulder |
| 7 | rotator cuff, and left shoulder thoracic outlet syndrome. |
| 8 | The duration of the disabling condition is of an extended and uncertain duration, which is certified by |
| 9 | competent medical opinion. |
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| 11 | PASSED AND ADOPTED at regular meeting of the City Council of the City of Rialto held |
| 12 | on this 15 th day of November 2022. |
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| 14 | Deboreb Robertson Mayor |
| 15 | Deborah Robertson, Mayor |
| 16 | ATTEST: |
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| 19 | BARBARA McGEE, City Clerk |
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| 22 | APPROVED AS TO FORM: |
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| 25 | ERIC VAIL, City Attorney |
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| 1 2 | STATE OF CALIFORNIA)COUNTY OF SAN BERNARDINO) ssCITY OF RIALTO) |
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| 3 | |
| 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 <u>14th</u> day of <u>June</u> , 2022. |
| 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, 2022. |
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| 18 | BARBARA McGEE, CITY CLERK |
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