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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, 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

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 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
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.

10
11 **PASSED AND ADOPTED** at regular meeting of the City Council of the City of Rialto held
12 on this 15th day of November 2022.

13
14 _____
15 Deborah Robertson, Mayor

16 **ATTEST:**

17
18 _____
19 BARBARA McGEE, City Clerk

20
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22 **APPROVED AS TO FORM:**

23
24
25 _____
26 ERIC VAIL, City Attorney

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 14th day of June, 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.

16
17 _____

18 BARBARA McGEE, CITY CLERK
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