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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA,
FINDING THAT DIONISIO CUELLAR, A LOCAL SAFETY MEMBER, IS INDUSTRIALLY
DISABLED FROM HIS DUTIES AS A POLICE OFFICER

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 his lumbar spine from Dionisio Cuellar, 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 Dionisio Cuellar is substantially incapacitated within the meaning of the California Public Employees’ Retirement Law from performance of his duties in the position of Police Officer for degenerative changes and significant facet arthropathy of his lumbar spine 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.

1 Dionisio Cuellar had filed a Workers' Compensation claim for his disabling condition. The
2 Workers' 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 Dionisio Cuellar nor the agency, City of Rialto, has applied to the
6 Workers' Compensation Appeals Board for a determination pursuant to Government Code
7 section 21166 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 his rights under Gov. Code sections 21163 and 21164, is effective November 1, 2025
10 and that no dispute as to the expiration of such leave rights is pending. There is not a possibility of
11 third-party liability. Advanced Disability Pension Payments will not be made. The primary disabling
12 condition is orthopedic. The duration of the disabling condition is expected to last at least twelve
13 consecutive months from the date of the application for benefit which is certified by competent
14 medical opinion.

15
16 **PASSED AND ADOPTED** at regular meeting of the City Council of the City of Rialto held
17 on this 26th day of May 2026.

Joe Baca, Mayor

18 **ATTEST:**

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21 _____
22 BARBARA McGEE, City Clerk

23
24 **APPROVED AS TO FORM:**

25
26
27 _____
28 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 26th day of May 2026.

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 _____, 2026.

16
17 _____

18 BARBARA McGEE, CITY CLERK