RESOULTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA,
FINDING THAT ROGER NAKAMURA 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 (lumbar radiculopathy, whiplash injury of neck, left knee medial meniscus tear) disabilities from Roger Nakamura, 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, THE CITY COUNCIL OF THE CITY OF RIALTO HEREBY RESOLVES AS FOLLOWS:

Section 1: That the City Council of the City of Rialto does hereby find and determine that Roger Nakamura 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 orthopedic (lumbar radiculopathy, whiplash injury of neck, left knee medial meniscus tear) disabilities, 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

1	the member is eligible to apply for disability retirement was obtained prior to starting the process of
2	determination. Roger Nakamura had filed a Workers' Compensation claim for his disabling condition.
3	The Workers' Compensation claim was accepted.
4	Section 2: That the City of Rialto does hereby find and determine that such disability is a
5	result of injury or disease arising out of and in the course of employment with the City. Neither said
6	Roger Nakamura nor the agency, City of Rialto, has applied to the Workers' Compensation Appeals
7	Board for a determination pursuant to Government Code section 21166 whether such disability is
8	industrial; and
9	Section 3: That the last date paid in the position of Police Officer after expiration of his
10	rights under Gov. Code sections 21163 and 21164, was effective August 30, 2025, and that no dispute
11	as to the expiration of such leave rights is pending. There is not a possibility of third-party liability.
12	Advanced Disability Pension Payments will not be made. The primary disabling condition is
13	orthopedic (lumbar radiculopathy, whiplash injury of neck, left knee medial meniscus tear) disabilities.
14	The duration of the disabling condition is expected to be permanent, which is certified by competent
15	medical opinion.
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17	PASSED AND ADOPTED at regular meeting of the City Council of the City of Rialto held
18	on this 25th day of November, 2025.
19	Joe Baca, Mayor
20	ATTEST:
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22	
23	BARBARA McGEE, City Clerk
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25	APPROVED AS TO FORM:
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27	
28	ERIC VAIL, City Attorney

STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO ss CITY OF RIALTO)
)
I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
Resolution No was duly passed and adopted at a regular meeting of the City Council of the
City of Rialto held on the 25 th day of November, 2025.
Upon motion of Council Member, seconded by Council Member
, the foregoing Resolution No was duly passed and adopted.
Vote on the motion:
AYES:
NOES:
ABSENT:
IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
Rialto this day of
BARBARA McGEE, CITY CLERK