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2 **RESOLUTION NO. _____**

3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA,
4 FINDING THAT CRAIG HAUENSTEIN A LOCAL SAFETY MEMBER, IS INDUSTRIALLY
5 DISABLED FROM HIS DUTIES AS A FIRE BATTALION CHIEF
6

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

9 **WHEREAS**, the California Public Employees’ Retirement Law requires that a contracting
10 agency determine whether an employee of such agency in employment in which he/she is classified
11 as a local safety member is disabled for purposes of the Public Employees’ Retirement Law and
12 whether such disability is “industrial” within the meaning of such law; and

13 **WHEREAS**, an application for the industrial disability retirement of orthopedic disabilities to
14 bilateral knees from Craig Hauenstein, employed by the City in the position of Fire Battalion Chief,
15 has been filed with CalPERS; and

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

18 **NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rialto does
19 hereby find and determine that Craig Hauenstein is substantially incapacitated within the meaning of
20 the California Public Employees’ Retirement Law from performance of his duties in the position of
21 Fire Battalion Chief for medical meniscus right knee and cyst of the medical meniscus of right knee,
22 and inferior tibial articular surface tear of left knee and does hereby certify under penalty of perjury
23 that this determination was made on the basis of competent medical opinion and was not used as a
24 substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If
25 the disciplinary process occurred before the member’s separation from employment, all relevant
26 personnel documents were forwarded to CalPERS for determination of the member’s eligibility for
27 disability retirement and CalPERS’ determination that the member is eligible to apply for disability
28 retirement was obtained prior to starting the process of determination. Craig Hauenstein had filed a

1 Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was
2 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 Craig Hauenstein 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 Fire Battalion Chief
9 after expiration of his rights under Gov. Code sections 21163 and 21164, is effective July 1, 2023, and
10 that no dispute as to the expiration of such leave rights is pending. The member will exhaust unused
11 sick leave, compensating time off, or Labor Code 4850 until the last date paid. There is not a possibility
12 of third-party liability. Advanced Disability Pension Payments will not be made. The primary
13 disabling condition is orthopedic (bilateral knees). The duration of the disabling condition is expected
14 to last at least twelve consecutive months from the date of the application for benefit which is certified
15 by competent medical opinion.

16
17 **PASSED AND ADOPTED** at regular meeting of the City Council of the City of Rialto held
18 on this 27th day of June, 2023.

19 _____
20 Deborah Robertson, Mayor

21 **ATTEST:**
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23 _____

24 BARBARA McGEE, City Clerk
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26 **APPROVED AS TO FORM:**
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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 27th day of June 2023.

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:

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14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this ____ day of _____, 2023.

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17 _____

18 BARBARA McGEE, CITY CLERK
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