

RESOLUTION NO. 7752

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE
DETERMINING THAT DAVID KOCHMANSKI IS ENTITLED TO AN INDUSTRIAL
DISABILITY RETIREMENT, WITHIN THE MEANING OF THE PUBLIC
EMPLOYEES' RETIREMENT LAW, ARISING OUT OF AND IN THE COURSE OF
HIS EMPLOYMENT**

WHEREAS, the City of South Gate ("Agency") is a contracting Agency of the California Public Employees' Retirement System ("CalPERS"); and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in which the employee 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 David Kochmanski, employed by the agency in the position of Police Officer, has been or will be filed with CalPERS; and

WHEREAS, the Agency has reviewed the medical and other evidence relevant to such alleged disability;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby finds and determines that David Kochmanski is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Officer with our Agency and with other California public agencies in CalPERS.

SECTION 2. The City Council hereby finds and determines that such disability is a result of injury arising out of and in the course of employment; and further determines that such disability did occur during the performance of those portions of the employee's duties.

SECTION 3. Neither David Kochmanski nor the City of South Gate has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code Section 21166 whether such disability is industrial.

SECTION 4. There is not a possibility of third party liability present.

SECTION 5. David Kochmanski's last day of employment in the position of Police Officer after the expiration of his leave rights under Government Code Section 21164 will be March 31, 2017. His last day of paid status will be March 31, 2017, and the effective date of his retirement will be April 1, 2017.

SECTION 6. Advance Disability Pension Payments will be made. The payments will be made monthly, in the amount of \$3,836, beginning May 1, 2017.

SECTION 7. Per a written medical opinion, dated November 16, 2016, David Kochmanski's primary disabling condition arises out of his employment, and as a result he is substantially incapacitated from the performance of his usual duties as a Police Officer. The member is competent to act on his behalf in legally binding retirement matters.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution which shall be effective upon its adoption.

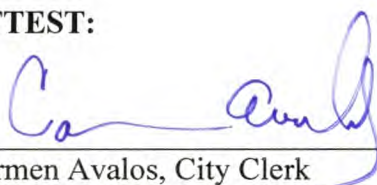
PASSED, APPROVED and ADOPTED this 28th day of March 2017.

CITY OF SOUTH GATE:



W.H. (Bill) De Witt, Mayor

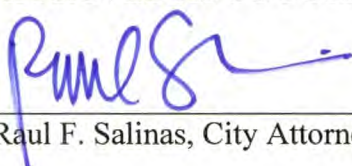
ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

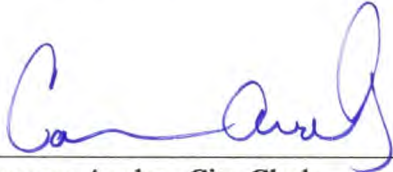
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7752 was adopted by the City Council at their Regular Meeting held on March 28, 2017, by the following vote:

Ayes: Council Members: Davila, Bernal and Morales
Noes: Council Members: None
Absent: Council Members: De Witt and Hurtado
Abstain: Council Members: None

Witness my hand and the seal of said City on April 3, 2017.



Carmen Avalos, City Clerk
City of South Gate, California