

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE DETERMINING THAT FRANCIS X. AROCHA IS INCAPACITATED WITHIN THE MEANING OF THE PUBLIC EMPLOYEES' RETIREMENT LAW AND THAT SUCH DISABILITY IS A RESULT OF INJURY ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT

WHEREAS, the City of South Gate (hereinafter referred to as "Agency") is a contracting Agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment 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 industrial disability retirement of **FRANCIS X. AROCHA**, employed by the agency in the position of Police Lieutenant, has been filed with the Public Employees' Retirement System; 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 **FRANCIS X. AROCHA** is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Lieutenant with our Agency and with other California public agencies in CalPERS.

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

SECTION 3. Neither **FRANCIS X. AROCHA** nor the City of South Gate has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

SECTION 4. FRANCIS X. AROCHA separated from his employment in the position of Police Lieutenant after the expiration of his leave rights under Section 21164 Government Code effective December 8, 2012 and that no dispute as to the expiration of such leave rights is pending. His last day pay status is effective December 7, 2012.

SECTION 5. There is not a possibility of third party liability present.

SECTION 6. Advance Disability Pension Payments will be made. The payments will be made monthly in the amount of \$2,769.25, beginning January 1, 2013.

SECTION 7. FRANCIS X. AROCHA'S primary disabling condition is related to his ankles, knees and elbows, as confirmed in a report by a Qualified Medical Examiner. The member is competent to act on his behalf in legally binding retirement matters.

SECTION 8. The member's disabling condition did occur during the performance of those portions of the member's duties which are particularly hazardous and dangerous.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Resolution which shall be effective upon its adoption.

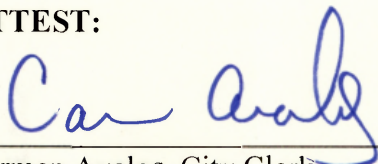
PASSED, APPROVED and ADOPTED this 27th day of November 2012.

CITY OF SOUTH GATE:



W.H. (Bill) De Witt, Mayor

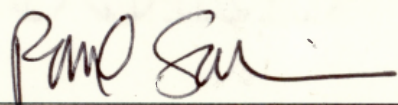
ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

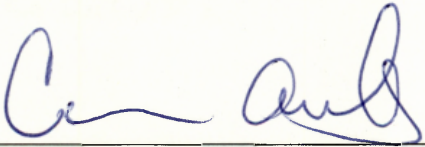
RESOLUTION CERTIFICATION PAGE

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. 7536** was adopted by the City Council at their Regular Meeting held on November 27, 2012, by the following vote:

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

Witness my hand and the seal of said City on January 24, 2013



Carmen Avalos, City Clerk
City of South Gate, California