

RESOLUTION NO. 7845

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, DETERMINING THAT FRANK J. RIVERA 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 Frank J. Rivera, employed by the agency in the position of Police Lieutenant, has been filed with CalPERS; and

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

WHEREAS, Lieutenant Rivera filed a Workers' Compensation claim for his disabling condition and the City accepted the claim;

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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 Frank J. Rivera 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.

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. Frank J. Rivera's last day of employment in the position of Police Lieutenant was February 2, 2019. His last day of paid status was February 2, 2019, and the effective date of his retirement was February 3, 2019.

SECTION 4. Per a written medical opinion, dated February 5, 2019, Frank J. Rivera'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 Lieutenant and based on this competent medical opinion his disability is expected to be permanent. The member is competent to act on his behalf in legally binding retirement matters.

SECTION 5. The City of South Gate certifies under penalty of perjury that this determination was made on the basis of competent medical opinion and evidence.

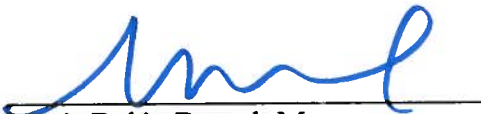
SECTION 6. The City of South Gate certifies under penalty of perjury that the determination was not used as substitute for the disciplinary process.

SECTION 7. There is not a possibility of third party liability present.

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


PASSED, APPROVED and ADOPTED this 26th day of February 2019.

CITY OF SOUTH GATE:



María Belén Bernal, 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. 7845 was adopted by the City Council at their Regular Meeting held on February 26, 2019, by the following vote:

Ayes: Council Members: Bernal, Diaz, Davila, and Rios
Noes: Council Members: None
Absent: Council Members: Morales
Abstain: Council Members: None

Witness my hand and the seal of said City on February 28, 2019.



Carmen Avalos, City Clerk
City of South Gate, California

