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Item No. 9

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

10:15pm

AGENDA BILL

For the Regular Meeting of: February 26, 2019
Originating Department: Administrative Services

Department Director:


Jackie Acosta

City Manager:


Michael Flad

SUBJECT: CERTIFICATION OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR FRANK J. RIVERA, POLICE LIEUTENANT

PURPOSE: To grant Frank J. Rivera an industrial disability retirement.

RECOMMENDED ACTIONS:

- a. Adopt Resolution 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; and
- b. Authorize the California Public Employees' Retirement System (CalPERS) to process the Disability Retirement application of Frank J. Rivera, Police Lieutenant.

FISCAL IMPACT: The full fiscal impact cannot be determined at this time as Police Lieutenants are in a CalPERS Public Safety pool and final costs are based on actuarial studies. This action will affect the pension that Frank J. Rivera will receive from CalPERS.

ANALYSIS: None

BACKGROUND: Staff recommends that the City grant Frank J. Rivera an industrial disability retirement ("IDR") pursuant to its statutory authority under Government Code Section 21156 based on a qualifying medical condition related to his employment as a police lieutenant.

ATTACHMENT: Proposed Resolution

RESOLUTION NO. _____

**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;

[Remainder of page left blank intentionally]

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. The member is competent to act on his behalf in legally binding retirement matters.

SECTION 5. 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)

DRAFT
APPROVED AS TO FORM

Paul J. Salinas, City Attorney