

RESOLUTION NO. 2011-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIAMOND SPRINGS/ EL DORADO
FIRE PROTECTION DISTRICT (EMPLOYER 1106)**

WHEREAS, the Diamond Springs/El Dorado Fire Protection District (hereinafter referred to as (Agency) is a contracting agency of the California Public Employees' Retirement System;

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law;

WHEREAS, an application for industrial disability retirement of Erik Peterson employed by the Agency in the position of Assistant Fire Chief has been filed with the California Public Employees' Retirement System; and

WHEREAS, the Board of Directors has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED: That the Board of Directors find and determine and it does hereby find and determine that Erik Peterson is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his/her duties in the position of Assistant Fire Chief; and

BE IT FURTHER RESOLVED THAT THE; Board of Directors find and determine and it does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither said Erik Peterson nor the Board of Directors has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member was, or will be, separated from his employment in the position of Assistant Fire Chief after expiration of his/her rights under Section 21164 Government Code, effective February 11, 2011 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is February 11, 2011. There is not a possibility of third party liability.

Cunha

Flynn

Hoff

Phillips

Williams

Signed:

Charles J. Hoff, Board Chair

Attest:

Caroline Falconer, Board Secretary