

RESOLUTION NO. 5422(07)

**A Resolution Of The Council Of The City Of Lompoc,
County of Santa Barbara, State of California,
In the Matter of the Industrial Disability Retirement of Christopher P. Kies**

WHEREAS, the City of Lompoc (also referred to as Agency) is a contracting agency of the Public Employee's Retirement System; and

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

WHEREAS, an application for disability retirement of Christopher P. Kies employed by the agency in the position of Police Agent has been filed with the Public Employee's Retirement System; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC RESOLVES THAT:

SECTION 1. Christopher P. Kies was substantially incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Agent ; and

SECTION 2. Christopher P. Kies disability and subsequent death was a result of injury arising out of and in the course of employment.

SECTION 3. That a petition was filed with the Workers' Compensation Appeals Board for a determination pursuant to Section 21166, Government Code; and a copy of such determination is attached (Attachment 1); and

SECTION 4. Christopher P. Kies was separated from employment in the position of Police Agent effective January 11, 2007 and after expiration of his rights under Section 21164, Government Code, and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was January 11, 2007.

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

SECTION 6. The primary disabling condition was a back injury.

The foregoing Resolution was proposed by Councilmember _____
_____, seconded by Councilmember _____, and passed and
adopted by the Council of the City of Lompoc at its duly noticed regular meeting on ____
_____, 2007 by the following electronic vote:

AYE: Councilmember(s):

NOE: Councilmember(s):

ABSENT: Councilmember(s):

Dick DeWees, Mayor
City of Lompoc

ATTEST:

Donna N. Terrones
City Clerk, City of Lompoc