



NORTH COUNTY FIRE PROTECTION DISTRICT

RESOLUTION 2009-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT (SECTION 21156, GOVERNMENT CODE)

WHEREAS, the North County Fire Protection District (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System;

WHEREAS, the 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 Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law;

WHEREAS, an application for industrial disability retirement of **Frances Collins** employed by the Agency in the position of Fire Prevention Specialist has been filed with the 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 **Frances Collins** is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her usual duties in the position of Fire Prevention Specialist; and hereby find and determine that **Frances Collins** is incapacitated for performance of the usual duties of the position for other California public agencies in CalPERS. Similar positions with reasonably comparable pay, benefits and promotional opportunities with other California public agencies are not available.

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 **Frances Collins** nor North County Fire Protection District 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 has been separated from her employment in the position of Fire Prevention Specialist after expiration of her rights under Section 21164, Government Code, effective August 31, 2002 and that no dispute as to the expiration of such leave rights is pending. Her last day on pay status was August 30, 2002.



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There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is L4-5 disk degeneration with bilateral foraminal narrowing and right L5 radiculitis.

APPROVED, ADOPTED AND SIGNED by the Board of Directors of the North County Fire Protection District, County of San Diego, State of California on this **24th** day of **March 2009** by the following vote:

AYES: Directors Harris, Hooper, Munson, Schaden and Thuner

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: None

Kenneth Munson
Board President

ATTEST:

I **HEREBY CERTIFY** that the foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District thereof held on the 24TH day of March, 2009, and that the same now appears on record in my office.

IN WITNESS THEREOF, I hereunto set my hand and affixed by official seal this 24th day of March, 2009.

Loren A. Stephen-Porter
Board Secretary