



# NORTH COUNTY FIRE PROTECTION DISTRICT

## RESOLUTION 2009-11

### 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 **Stephen Gresoro** employed by the Agency in the position of Engineer 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 **Stephen Gresoro** is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual duties in the position of Engineer; and hereby find and determine that **Stephen Gresoro** 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 **Stephen Gresoro** 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 his employment in the position of Engineer after expiration of his rights under Section 21164, Government Code, effective December 31, 2008, and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was December 30, 2008.

**There is not a possibility of third party liability.**



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Advanced Disability Pension payments will not be made.

**The primary disabling condition is industrial aggravation of underlying lumbar degenerative disk disease, specifically severe spondylosis, L3-4 and L4-5, with disk protrusions and foraminal narrowing.**

**ADOPTED, SIGNED AND APPROVED** by the Board of Directors of the North County Fire Protection District, County of San Diego, State of California, on this 23<sup>rd</sup> day of June, 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 23<sup>rd</sup> day of June, 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 23<sup>rd</sup> day of June, 2009.

**Loren A. Stephen-Porter**  
Board Secretary