

RESOLUTION NO. 07 38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
AUTHORIZING THE DISABILITY RETIREMENT OF SWORN SAFETY MEMBER A.
KURT FOWLER**

WHEREAS, the City of Ridgecrest (hereinafter 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 which he/she 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:

WHEREAS, an application for disability/industrial disability retirement of A. Kurt Fowler employed by the Agency in the position of Police Captain has been filed with the Public Employees' Retirement System; and

WHEREAS, The Ridgecrest City Council has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Ridgecrest City Council find and determine and it does hereby find and determine that A. Kurt Fowler is substantially incapacitated within the meaning of the Public Employees' Retirement Law for performance of his/her duties in the position of Police Captain, and

BE IT FURTHER RESOLVED THAT THE:

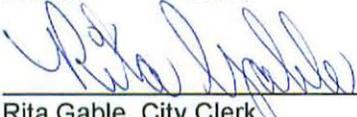
2. Ridgecrest City Council find and determine and it does hereby find and determine that A. Kurt Fowler is also substantially incapacitated from the performance of the usual duties of the position of Police Captain with other California public agencies in CalPERS.
3. Ridgecrest City Council find and 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.
4. Neither said A. Kurt Fowler nor the Agency City of Ridgecrest has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED:

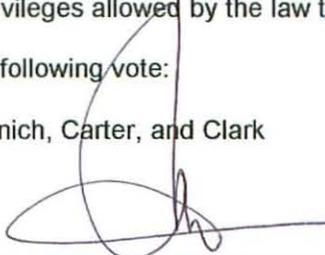
5. That the member was, or will be, separated from his employment in the position of Police Captain after expiration of his leave rights under Section 21164, Government Code, effective July 30, 2007 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is July 30, 2007
6. There is not a possibility of third party liability.
7. The primary disabling condition is Audiological.
8. Advanced Disability Pension payments will be made. The payments will be made Monthly in the amount of \$4196.50 beginning July 30, 2007 and will be mailed to the retiree's home address.
9. Captain A. Kurt Fowler is afforded all of the rights and privileges allowed by the law to a retired Police Captain.

APPROVED AND ADOPTED, this 18th day of July, 2007, by the following vote:

Ayes: Mayor Holloway, Council Members Morgan, Wiknich, Carter, and Clark
Noes: None
Abstain: None
Absent: None



Rita Gable, City Clerk



Marshall 'Chip' Holloway, Mayor