

**BEFORE THE BOARD OF DIRECTORS  
OF THE CENTRAL FIRE DISTRICT OF SANTA CRUZ COUNTY  
RESOLUTION NO. 2021-05**

On motion of Director *Ronco*  
Duly seconded by Director *Radloff*  
the following Resolution is adopted.

WHEREAS, the Central Fire District of Santa Cruz County (hereinafter referred to as Central Fire District of Santa Cruz County) is a contracting agency of the California Public Employees' Retirement System (CalPERS):

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 purpose 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 Orthopedic Bi-lateral Upper Extremities from Brian Rubino employed by the Central Fire District of Santa Cruz County in the position of Firefighter has been filed with CalPERS; And

WHEREAS, the Central Fire District of Santa Cruz County has reviewed the medical and other evidence relevant to such alleged disability.

NOW THEREFORE BE IT RESOLVED THAT the Central Fire District of Santa Cruz County find and determine and it does hereby find and determine that Brian Rubino is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his/her duties in the position of Firefighter for Orthopedic Bi-lateral Upper Extremities and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If the disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination.

Brian Rubino had filed a Workers' Compensation claim for his/her disabling condition. The Workers' Compensation claim was accepted.

BE IT FURTHER RESOLVED THAT the Central Fire District of Santa Cruz County find and determine and it does hereby find and determine that such disability is disease arising out of and in the course of employment.

AND

BE IT FURTHER RESOLVED that the member was separated from his employment in the position of Firefighter after expiration of his/her rights under Government Code section 21164, effective February

10, 2020 and that no dispute as to the expiration of such leave rights is pending. His/Her last day on pay status is April 2, 2021.

There is not a possibility of third party liability.

Advanced Disability Pension Payments will be made. The payments will be made bi-weekly in the amount of \$1,841.67 beginning April 3, 2021.

The primary disabling condition is Orthopedic, Bi-lateral Upper Extremities.

The duration of the disabling condition is expected to be permanent which is certified by competent medical opinion.

**PASSED AND ADOPTED BY THE BOARD** of Directors of the Central Fire District of Santa Cruz County, County of Santa Cruz, State of California, this 13<sup>th</sup> day of April, 2021, by the following called vote:

**AYES:** *SEARCOY, RANCO, RADLIEF, PARBLO*

**NOES:** *Ø*

**ABSTAIN:** *Ø*

**ABSENT:** *LUCCHESE*

*John Deane 4/13/21*

Board Chair

\_\_\_\_\_

Date

ATTEST: *[Signature]*

Secretary of Board