

**BOARD OF POLICE COMMISSIONERS OF THE
BROADMOOR POLICE PROTECTION DISTRICT**

Resolution No. 2022/23 - 08

**A RESOLUTION APPROVING THE INDUSTRIAL DISABILITY
RETIREMENT OF FORMER CHIEF OF POLICE GREGORY LOVE**

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee 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; and,

WHEREAS, an application for service pending industrial disability retirement of Gregory Love ("Applicant"), employed by the Broadmoor Police Protection District ("District") in the position of Chief of Police/District Manager, has been filed with the California Public Employees' Retirement System and was received by the District on May 24, 2022; and,

WHEREAS, the District reviewed medical and other evidence relevant to such alleged disability at a hearing conducted on December 27, 2022.

NOW, THEREFORE BE IT RESOLVED, that the District does hereby find and determine that Applicant is incapacitated within the meaning of the Public Employees' Retirement Law from the performance of his usual duties in the position of Chief of Police, effective December 1, 2012.

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BE IT FURTHER RESOLVED, that the District does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of his employment as a local safety member.

BE IT FURTHER RESOLVED, that neither the Applicant nor the District has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED, that the Applicant was separated from his employment in the position of Chief of Police on November 30, 2012, after expiration of his rights under Government Code Section 21164, and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was November 30, 2012.

BE IT FURTHER RESOLVED, that there is not a possibility of third party liability.

BE IT FURTHER RESOLVED, that the District is not aware of the Applicant pursuing any claim against any person or entity for the same injuries that also entitle the Applicant to a disability retirement from CalPERS.

BE IT FURTHER RESOLVED, that Advance Disability Pension Payments will not be made.

BE IT FURTHER RESOLVED, that the primary disabling condition is a based upon a cardiac condition as a result of a specific injury occurring on December 16, 2000, which was sustained in the course of his employment with the Broadmoor Police Protection District.

In a Physician's Report on Disability form completed by Richard A. Levy, M.D., on April 13, 2022, he found that Applicant sustained permanent cardiac impairment that has left him substantially incapacitated from his usual and customary job duties as Chief of Police.

Because Applicant is precluded from performing his usual and customary job duties as Chief of Police due to his cardiac condition, the medical evidence supports an industrial disability retirement at this time.

BE IT FURTHER RESOLVED, that the District certifies under penalty of perjury that this determination was based on competent medical opinion.

BE IT FURTHER RESOLVED, that there is competent medical opinion certifying the disability is expected to be permanent.

BE IT FURTHER RESOLVED, that the District certifies under penalty of perjury that this determination was not used as a substitute for the disciplinary process.

BE IT FURTHER RESOLVED, that the Applicant filed a workers' compensation claim for his disabling conditions and the claim was accepted by the insurance carrier.

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BE IT FURTHER RESOLVED, that the Applicant is competent to act on his own behalf in legally binding retirements matters.

ADOPTED and PASSED in open session this ^{10TH} ~~27th~~ JANUARY 2023 Day of ~~December~~ 2022.

Ayes: _____

Noes: _____

Absent/Abstain: _____

ATTEST:

JOHN F. DUNCAN, **INTERIM**
~~Acting~~ Chief of Police /
District Manager

MARIE BRIZUELA, Secretary

APPROVED AS TO FORM:



ISABEL C. SAFIE
Special District Counsel