



**RESOLUTION # 24/25-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE ALPINE FIRE PROTECTION DISTRICT  
RELATING TO THE INDUSTRIAL DISABILITY RETIREMENT  
OF FIRE ENGINEER GERALD R. HOWELL III  
(Government Code Section 21156)**

**WHEREAS**, the Alpine Fire Protection District (hereinafter referred to as District) is a contracting agency of the Public Employees' Retirement System; and

**WHEREAS**, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member, is disabled for purposes of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

**WHEREAS**, an application for industrial disability retirement of Gerald R. Howell III employed by the District in the position of Fire Engineer, has been filed with the California Public Employees' Retirement System and was received by the District on or about August 12, 2024; and

**WHEREAS**, the Board of Directors has reviewed the medical and other evidence relevant to such alleged disability at the Board meeting conducted on September 17, 2024.

**NOW THEREFORE, BE IT RESOLVED**, that such disability is a result of injury or disease arising out of and in the course of employment as a local safety member.

**BE IT FURTHER RESOLVED** that neither Howell 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 member was last on paid status on January 9, 2023. Howell received Labor Code 4850 benefits from January 10, 2023 to January 10, 2024 and temporary total disability benefits through September 2024.

**BE IT FURTHER RESOLVED** that there is no possibility of third-party liability.

**BE IT FURTHER RESOLVED** that the District is unaware of Howell pursuing any claim against any person or entity for the same injuries that also entitle Howell 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 District finds that Howell is substantially incapacitated from the usual duties of the position of Fire Engineer.

**BE IT FURTHER RESOLVED** that Howell has a permanent disability related to an oncology (cancer) diagnosis.

**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 competent medical opinion certifies that 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 Howell has filed a workers' compensation claim for his disabling condition, and the claim was accepted by the insurance carrier.

BE IT FURTHER RESOLVED that Howell is competent to act on his own behalf in legally binding retirement matters.

PASSED AND ADOPTED by the BOARD OF DIRECTORS of the ALPINE FIRE PROTECTION DISTRICT, County of San Diego, State of California, on this 17th Day of September 2024, by the following vote:

AYES: Taylor, Willis, Paske

ABSENT: Moore, Conwell

RECUSED:

\_\_\_\_\_  
President of the Board  
Sgt. R. Taylor

\_\_\_\_\_  
Clerk of the Board

Attest:  
I, Brian Boggein, Fire Chief of the Alpine Fire Protection District, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the Board at a regularly scheduled meeting of the Alpine Fire Protection District Board  
Executed this 9/17/2024 (Date of Execution)  
\_\_\_\_\_  
Brian Boggein

\_\_\_\_\_  
Date  
9/17/2024