



Tucson Police and Fire PSPRS Boards
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**Tucson Police and Fire PSPRS Boards
Thursday, February 3, 2022 at 9:00 a.m.
Fire Central, Room 262, Tucson Fire Department
300 S. Fire Central Place, Tucson, AZ**

LEGAL ACTION REPORT

COVID-19 UPDATE

The Public Safety Personnel Retirement System and the Board of Trustees are committed to helping slow the spread of COVID-19. Following the recommendations from the Center for Diseases Control and Prevention (CDC), to avoid gatherings of 10 or more people, as well as federal and state emergency declarations related to COVID-19, *physical attendance at the meeting held in Fire Central Room 262 was limited to members of the Tucson Police and Fire Public Safety Personnel Retirement System Boards and necessary staff only. Some members of the Boards and staff attended remotely, through technological means.*

MEETING NOTE: This meeting was conducted using measures to protect public health. It was held remotely through technological means, as permitted under Arizona law. Specifically, a conference call bridge was established so that members of the public could access the meeting via telephone.

Access to the meeting by telephone was provided through the Microsoft Teams conference call bridge, by dialing (213) 293-2303 then entering access code 694 510 535#

Members of the public were encouraged **NOT TO ATTEND THE MEETING IN PERSON** but instead to access the meeting via telephone using the conference call bridge.

Public access to the meeting in Fire Central Room 262 was restricted in order to prevent a large or close gathering of the members of the public and to promote social distancing.

Again, in recognition of the current public health emergency, members of the public were encouraged **NOT TO ATTEND THE MEETING IN PERSON** but instead to access the meeting via telephone by dialing the Microsoft Teams conference call bridge at (213) 293-2303 then entering access code 694 510 535#

PLEASE BE AWARE THAT THESE MEASURES WERE IN PLACE TO LIMIT THE NEED FOR MEMBERS OF THE PUBLIC TO PARTICIPATE IN A LARGE PUBLIC GATHERING, WHILE ENSURING THAT THE DISCUSSIONS, DELIBERATIONS AND ACTIONS OF THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS WERE TRANSPARENT AND CONDUCTED OPENLY.

Ms. Perez called the Tucson Police and Tucson Fire PSPRS Board meetings to order at 9:05 a.m.

1. ROLL CALL

Police Board Members:

Regina Romero	- Chair
Civil Service Chair	- Seat Vacant
Liana Perez	- Member
Mickey Petersen	- Member
Rob Brandt	- Member

Fire Board Members:

Regina Romero	- Chair
Civil Service Chair	- Seat Vacant
Liana Perez	- Member
Nathan Weber	- Member
Jason Adler	- Member

A Police Board quorum was established with Ms. Perez, Mr. Petersen, and Mr. Brandt attending remotely. Mayor Romero joined the meeting remotely as the Fire Consent Agenda (Item 3) motion was being made.

A Fire Board quorum was established with Ms. Perez, Mr. Weber, and Mr. Adler attending remotely. Mayor Romero joined the meeting remotely as the Fire Consent Agenda (Item 3) motion was being made.

2. POLICE CONSENT AGENDA: ITEMS A – D

A. MINUTES FOR APPROVAL –January 6, 2022

B. PENSION PAYROLL – Additions and deletions to benefits

<u>Name</u>	<u>Transaction Type</u>	<u>LDW</u>	<u>Eff Date</u>	<u>Ben Amount</u>
Smith, Richard	NSR	01/20/2022	02/01/2022	\$3,128.63
Deakin, Ronald	NSR out of DROP	01/14/2022	02/01/2022	\$3,437.79
Briamonte III, William	NSR out of DROP	01/20/2022	02/01/2022	\$6,293.43
Stevenson, Rusty	NSR	01/06/2022	02/01/2022	\$3,093.32
Timpf, Mark	NSR out of DROP	01/31/2022	02/01/2022	\$9,138.38
Riddell, Steven	NSR out of DROP	01/28/2022	02/01/2022	\$6,489.35
Cox, Lonnie	Death of Retiree	01/06/2022	02/01/2022	(\$4,131.63)
Cox, Bonnie	Surviving Spouse	N/A	02/01/2022	\$3,305.30
Scott, Edward	Death of retiree	12/22/2021	01/01/2022	(\$4,350.20)
Scott, Patricia	Surviving Spouse	N/A	01/01/2022	\$3,480.16
Brooks, Nancy	Death of Surviving Spouse	12/29/2021	01/01/2022	(\$3,021.42)

C. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Higginbotham, Joseph	25.107	01/28/2022	02/01/2022
Wakefield, Scott	21.577	01/28/2022	02/01/2022
Baker, Jeffrey	20.044	01/28/2022	02/01/2022
Badilla Jr., Fernando	20.274	01/28/2022	02/01/2022
Wakeman, James	20.274	01/28/2022	02/01/2022
Stark, Warren	20.044	01/28/2022	02/01/2022
Scherzinger, David	25.098	01/28/2022	02/01/2022

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
McEvoy, Daniels, Darcy	February Retainer	02/03/2022	\$ 400.00	DA-23
Sunnyside Medicenter	Ann. Disability Eval.	12/9/2021	\$ 400.00	DA-23

Motion by Mr. Brandt, seconded by Mr. Petersen, that Police Items A-D are adopted as written. Motion **CARRIED** by a roll call vote of 3-0.

3. FIRE CONSENT AGENDA: ITEMS A – D**A. MINUTES FOR APPROVAL – January 6, 2022****B. PENSION PAYROLL – Additions and deletions to benefits**

<u>Name</u>	<u>Transaction Type</u>	<u>LDW</u>	<u>Eff Date</u>	<u>Ben Amount</u>
Barzar Jr., Joseph	Death of retiree	12/30/2021	01/01/2022	(\$4,735.33)
Barzar, Tabitha	Surviving Spouse	N/A	01/01/2022	\$3,788.26
Kanyur., Joseph	Death of retiree	12/31/2021	01/01/2022	(\$4,129.73)
Kanyur, Susan	Surviving Spouse	N/A	01/01/2022	\$3,303.78
Bruning, Francis	Death of Retiree	12/17/2021	01/01/2022	(\$4010.57)
Bruning, Penelope	Surviving Spouse	N/A	01/01/2022	\$3,208.54
Simmons, Jack	Death of Retiree	12/20/2021	01/01/2022	(\$4,123.97)
Abitz, Gerald	Death of Retiree	11/28/2021	12/01/2022	(\$3,715.70)

C. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Kelahr, James	27.097	01/28/2022	02/01/2022
Moss, Clinton	21.155	01/28/2022	02/01/2022

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
McEvoy, Daniels, Darcy	February Retainer	02/03/2022	\$ 400.00	DA-23

Motion by Mr. Adler, seconded by Mr. Weber, that Fire Items A-D are adopted as written. Motion **CARRIED** by a roll call vote of 4-0.

4. LINE OF DUTY DEATH FOR POLICE- Attachments

Jason Southard- DOD 11/26/2021, Surviving spouse Marilene Southard

Mr. Brandt mentioned the Safeguarding America's First Responders Act of 2020 and its treatment of COVID deaths as a presumptive line of duty death for a federal plan. He said, although not directly applicable to state and local plans, this federal plan provision has been given consideration by other Local PSPRS Boards in the state of Arizona per a conversation Mr. Brandt had with the PSPRS state office. Further Mr. Southard's death fell in 2021, before the December 31, 2021 sunset provision of the legislation.

Mr. Brandt cited Arizona Revised Statutes 38-846 where it states "killed in the line of duty" means the decedent's death was the direct and proximate result of the performance of the decedent's public safety duties and does not include suicide

Mr. Brandt said that based on the investigation conducted by the Tucson Police Department, along with consideration of the federal plan guidelines, he felt Mr. Southard's death met the standard of being a direct and proximate result of the performance of his duties. Mr. Brandt stated given that, along with consideration of the federal plan presumption provisions, and in being in line with standards set by other PSPRS Local boards throughout the state, **he makes the motion** to approve Ms. Southard's application for Line of Duty Death for Mr. Southard. Mr. Petersen said that his review of all the information led him to the same conclusions as Mr. Brandt and **he seconds the motion**.

Motion made by Mr. Brandt, seconded by Mr. Petersen, to approve a Line Of Duty Death benefit for Ms. Southard.

Motion **CARRIED** unanimously.

5. FUND/OFFICE INFORMATION

- Pension Bond Funds Update-Mr. Jeffrey Yates
- Actuarial Valuation Reports- Summary of Results
- Board Legal Counsel
- PSPRS Annual Conference Update
- Miscellaneous / Other

No action taken on this item – discussion only

6. ADJOURNMENT

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 a.m.** on **Thursday, March 3, 2022** in Fire Central **Room 262**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ.