



Tucson Police and Fire PSPRS Boards
P O Box 27210
Tucson, AZ 85726-7210
(520) 791-4282 (Voice)
(520) 791-2676 (Fax)

MEETING MINUTES
Tucson Fire PSPRS Board
Thursday, April 14, 2022 at 9:00 a.m.

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 583 779 487#

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 583 779 487#

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.

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

1. ROLL CALL

Fire Board Members:

Present:	Regina Romero	Chair
	Liana Perez	Member
	Nathan Weber	Member
	Jason Adler	Member

Also Present:	Rob Brandt	Police Board Member
	Mickey Petersen	Police Board Member
	David McEvoy	Board Attorney
	Michael Jesse	Board Secretary
	Susanna Horn	Local Board Office
	Tammy Webb	Local Board Office
	Michael Rankin	City of Tucson Attorney
	Nicole Lansdale	Tucson Police Department
	Jeremy Michel	Tucson Police Department

A Fire Board quorum was established with Mayor Romero, Ms. Perez, Mr. Weber, and Mr. Adler attending remotely.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

2. POLICE CONSENT AGENDA: ITEMS A – D**A. MINUTES FOR APPROVAL –March 3, 2022****B. PENSION PAYROLL – Additions and deletions to benefits**

Name	Transaction Type	LDW	Eff Date	Ben Amount
Bracamonte, Martha	NSR out of DROP	03/32/2022	04/01/2022	\$4,026.37
Smith, Allen	NSR out of DROP	03/24/2022	04/01/2022	\$4,839.15
Stoner, Matthew	NSR out of DROP	03/31/2022	04/01/2022	\$4,170.43
Buller, Robert	ADR	04/29/2021	05/01/2021	\$4,354.61
Valenzuela, Ruben	Death of Retiree	02/26/2022	03/01/2022	(\$4,048.43)
Ridgely, Orville	Death of Retiree	02/22/2022	03/01/2022	(\$4,507.48)
Ransom, Pleas	Death of Retiree	04/01/2021	05/01/2021	(\$2,846.77)

C. ELECTION TO PARTICIPATE IN DROP

Name	Yrs of Srv	Date	Eff. Date
Frie, Benjamin	20.444	03/31/2022	04/01/2022
Navarro, Raul	22.806	03/31/2022	03/01/2022

D. APPROVAL OF EXPENDITURES

Company Name	Description	Date	Amount	Method
McEvoy, Daniels, Darcy	April Retainer	04/07/2022	\$ 400.00	DA-23
Sunnyside Medicenter	Disability Eval.	02/17/2022	\$ 1875.00	DA-23

No action taken by the Fire Board on this Police Item.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

3. FIRE CONSENT AGENDA: ITEMS A – D

A. MINUTES FOR APPROVAL – March 3, 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>
Quinn, Patrick	NSR out of DROP	03/24/2022	04/01/2022	\$7,870.08
Sotelo, Daniel	NSR out of DROP	03/30/2022	04/01/2022	\$6,266.21
Soriano, Roger	NSR out of DROP	03/11/2022	04/01/2022	\$5,847.69
Delahanty, Richard	Retiree Death	03/19/2022	04/01/2022	(\$4,201.52)
Montano, Edward	Retiree Death	03/29/2022	04/01/2022	(\$4,874.95)

C. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
La Fave, Christopher	20.312	03/25/2022	04/01/2022

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
McEvoy, Daniels, Darcy	April Retainer	04/07/2022	\$ 400.00	DA-23

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

4. APPLICATION FOR DISABILITY PENSION-Review of Board Physician Report

Police - Attachments

<u>Name</u>	<u>LDW:</u>	<u>Eff Date:</u>	<u>Application Type</u>
Lansdale, Nicole	N/A	N/A	Accidental

No action taken by the Fire Board on this Police Item.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS’ OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

5. APPLICATION FOR DISABILITY PENSION

Police - Attachments

Name	LDW:	Eff Date:	Application Type
Wingate, Carter	N/A	N/A	Accidental
Michel, Jeremy	N/A	N/A	Accidental

No action taken by the Fire Board on this Police Item.

6. ORDINANCE NO. 11913

Fire Board - Attachments

Director of Public Safety Communications – PSPRS membership eligibility

Mr. Jesse told the Fire Board that he had received an email regarding Ordinance No. 11913 shortly after the April 7 meeting was rescheduled for April 14. He sent the document to Mr. McEvoy for review.

McEvoy suggested that to satisfy ARS 38-847, that states that PSPRS local boards are tasked with deciding all questions of eligibility for membership, it was best to add the item to the agenda for the Fire Board to make a formal decision for membership eligibility. Mr. McEvoy stated that the issue was whether Ms. McDonough remains a member of PSPRS. He said that under ARS 38-842, sub-part 31 (a) 1, a “member” means any full-time employee who meets all the conditions listed in romanettes i-vi. The relevant determination from the Fire Board would be to decide to if Ms. McDonough, in her new position as Director of the City of Tucson Department of Public Safety Communications, is still a paid firefighter and remains a qualified member of PSPRS. Mr. McEvoy said that PSPRS does not define “firefighter” so, in the absence of a definition, it would be what the Fire Board feels is the ordinary use of the term in the context of the PSPRS plan and what the City of Tucson Fire Department firefighters do

Mr. McEvoy acknowledged the letter from Mr. Rankin and stated that he did not disagree with the issue of her DROP as he did not feel that that was the issue of Ms. McDonough remaining a qualified member under the statue. Mr. Rankin mentioned his letter shared with the Fire Board stating he felt it addressed the issue of membership and who is a qualified member. He explained that a specific part of the ordinance was made expressly clear by Mayor and Council to acknowledge that Ms. McDonough, at the time of appointment, was a member of PSPRS and would remain a member because she is still

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS’ OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

subject to performing the duties of a firefighter and is still subject to carrying out hazardous duties as referenced in ARS 38-842 (31) and ARS 38-842 (42). Mr. Weber added, that as a member of the Fire Board tasked with making the determination, he felt Ms. McDonough under her new appointment, still meets the requirements of a firefighter.

He also mentioned that he would like to make a second motion as there were vacancies in Public Safety Communications being covered by firefighters serving in the same capacity and wanted to ensure that they were being addressed with the same membership definition under PSPRS as Ms. McDonough. Mayor Romero added that while visiting Public Safety Communications, she had met both firefighters and members of the Tucson Police Department that were receiving training to cover positions in Public Safety Communications duties while remaining on duty in their capacity as police officers and firefighters.

Mayor Romero asked Mr. Rankin for advice as to how to proceed for the second motion Mr. Weber suggested. Mr. Rankin felt that it was a good issue to raise. He suggested that since the only item on this agenda was in reference to the Ordinance regarding Ms. McDonough, it would be more suitable for the issue to be placed on the agenda for a subsequent. The specific purposes would be to address the groups covering those positions within Public Safety Communications and to include clear action by the Police and Fire Boards to affirm continuing membership in PSPRS. Mr. McEvoy agreed that that would be the proper action to take.

Motion made by Mr. Weber, seconded by Mr. Adler, that according to the information presented about the role, Chief McDonough still meets all the qualifications of a firefighter especially given the role is assigned hazardous duty and is retrievable for that, and still meets all of the specifications and requirements of the Tucson Fire Department, thus, as a continuing employee, remains a defined member of PSPRS.

Motion **CARRIED** unanimously (4-0).

7. FUND/OFFICE INFORMATION

- 2022 Board Election

Mr. Jesse told board members that the 2022 PSPRS Fire and Police Local Board elections were in their initial phase. The deadline for candidates to file for inclusion on the ballot is April 15, 2022. He mentioned that draft ballots would be available at the May board meeting for approval by the individual boards.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

- FY 2023 Board Office Budget

Mr. Jesse presented the projected year end Local Board Office budget results for FY 2022. He called attention to the line showing an overage for projected pay. Mr. Jesse explained that this was due to market value adjustments the City of Tucson made to employee pay during calendar year 2021. When the FY 2022 budget was being developed, those market value adjustments had not been made and, thus, were not contemplated in developing the budget. The Local Board Office is projected to come in about \$7,000 under the overall adopted budget as there were several other areas for which the entire budget would not be used.

Mr. Jesse presented the FY 2023 PSPRS Local Office budget request. He felt it was very straightforward, without various scenarios to price, as things were now stable with the new staffing model. He also provided results for the City of Tucson budget request for the PSPRS Local Board Office drawn from the budgeting system. That City of Tucson budget request provides more funding than Mr. Jesse had computed in his PSPRS Local Board Office budget request.

Mr. Jesse stated that if the Police Board and Fire Board had no questions or comments, he would like a joint vote to be taken to approve the PSPRS Local Board Office budget request he developed. Mayor Romero asked Mr. Jesse if he would prefer the City of Tucson budget request for the PSPRS Local Board Office be approved instead. She noted it provides more funding and felt it was easier to have the funds available rather than having to request more later. Mr. Jesse said he was comfortable sticking with his budget request but was not opposed if it was thought better to approve the City of Tucson version. Mr. Weber was concerned that if the budget does go over it is absorbed by the Fire Department as the Local Board Office is housed there. He was more comfortable approving the City of Tucson version. He hoped that if the workload in the Local Board Office normalizes, staff could take utilize the extra funding for training opportunities and updating office equipment. Mr. Weber also stated, with this stipulation, unused funds would roll over to the next year.

Motion made by Mr. Weber, seconded by Mr. Petersen, to adopt the City of Tucson version of the FY 2023 budget request for the PSPRS Local Board Office.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

Motion **CARRIED** unanimously (6-0) in a joint vote of the Police Board and the Fire Board.

- Recently issued Model Uniform Rules of Local Board Procedure

Mr. Jesse reminded the board of the Model Uniform Rules of Local Board Procedure that had been handed out at the last meeting and asked if anyone had any input because at some point PSPRS would like us to adopt them as written or with any changes the Police and Fire Boards deem necessary. Mr. McEvoy brought up one item of note that he felt was inconsistent with state statutes. He referenced pg. 10 paragraph H(2) - subparts a and b - and suggested replacing the words “an annual” in both places with the word “a” in both places for medical evaluations pursuant to ongoing Accidental Disability pension benefits. Mr. McEvoy felt that as the language sits now, it suggests an annual medical evaluation is the only option we have when, per state statute, that is not the case. In fact, the Police and Fire Boards long ago decided to have those medical evaluations performed every two years.

Motion made by Mr. Petersen, seconded by Mr. Brandt, to adopt changes to the disability section, per Mr. McEvoy’s recommendation, in paragraph H(2) - subparts a and b - replacing the words “an annual” in both places with the word “a” in both places.

Motion **CARRIED** unanimously (6-0) in a joint vote of the Police Board and the Fire Board.

Note: This action is just for the specified language change, not for adoption of the Model Uniform Rules of Local Board Procedure in their entirety. Review and discussion will continue.

- Board Legal Counsel

Mr. Jesse noted that at the last meeting it was requested he gather resumes from the potential candidates to replace Mr. McEvoy as legal counsel when he retires. Those we gathered and placed in the meeting materials binders for board members to review.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS’ OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES
04/14/2022

APPROVED
05/05/2022

Mr. Jesse inquired as to how the Police and Fire Boards would like to proceed. Mayor Romero asked if there were two or three attorneys involved. Mr. Jesse clarified that two names were provided by Mr. McEvoy but one of the attorneys also included the resume for another member of the firm that would serve as a member the team. So, two law firms but three attorneys are involved.

Mayor Romero suggested a process be put in place to ask questions of the candidates. Further discussion led to the suggestion that a committee be formed for this purpose. Ms. Perez said that she would like to be part of the committee as there were questions that she would like to ask. Mr. Brandt felt that the committee should consist of one elected Police Board member, one elected Fire Board Member, and Ms. Perez. He asked that Mr. McEvoy be part of the committee too so that he could bring up any legal items on behalf of the committee for discussion. Mr. McEvoy stated that he would be fine participating in the discussion and offered his office as a central location for the meetings. It was concluded that the meetings be held at either Police or Fire headquarters. Board members felt it would be best to conduct the interviews in June so the item could be added to the July meeting agenda. Mayor Romero asked Mr. Jesse to secure a room, contact the candidates, and work with everyone's schedule to conduct the interviews in June.

- Miscellaneous / Other

Mr. Weber wanted to know the status of filling the chairperson vacancy on the Civil Service Commission. Mr. Rankin commented that there is currently an acting Vice-Chair, but the Commission has not yet taken a formal vote to elect a new chairperson.

Mr. Weber also asked about the status of the 115 Pension Bond Trust. Mayor Romero stated that at a previous meeting it was suggested that Jeff Yates and/or City Manager Ortega provide quarterly reports on that. Mr. Jesse asked if the next presentation should be scheduled for the June 2 meeting. Mayor Romero indicated it should be.

8. 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, May 5, 2022** in Fire Central **Room 262**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ.

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES

04/14/2022

APPROVED

05/05/2022

Mayor Romero adjourned the Fire Board meeting at 9:58 a.m.

Michael J. Jesse, Board Secretary

Date

Regina Romero, Chair

Date

AUDIO RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT THE TUCSON FIRE DEPARTMENT, FIRE CENTRAL, ROOM 131, 300 S. FIRE CENTRAL PLACE, TUCSON, ARIZONA – AVAILABLE UPON REQUEST.

FIRE MINUTES

04/14/2022

APPROVED

05/05/2022