



Tucson Police and Fire PSPRS Boards  
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**MEETING MINUTES**  
**Tucson Fire PSPRS Board**  
**Thursday, May 5, 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 307 144 997#**

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 307 144 997#**

**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 9:04 a.m.

**1. ROLL CALL**

**Fire Board Members:**

<b>Present:</b>	Regina Romero	Chair
	Liana Perez	Member
	Nathan Weber	Member
	Jason Adler	Member

<b>Also Present:</b>	Rob Brandt	Police Board Member
	David McEvoy	Board Attorney
	Michael Jesse	Board Secretary
	Susanna Horn	Local Board Office
	Tammy Webb	Local Board Office
	William Nielson	Tucson Fire
	Nathaniel Sigal	Mayor’s Office, City of Tucson

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

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FIRE MINUTES  
05/05/2022

APPROVED  
06/02/2022

**2. POLICE CONSENT AGENDA: ITEMS A – D****A. MINUTES FOR APPROVAL –April 14, 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>
Armand, Jonathan	NSR out of DROP	04/27/2022	05/01/2022	\$5,464.46
Lansdale, Nicole	ADR	05/27/2021	05/01/2022	\$2,529.86

**C. DEATH OF INACTIVE MEMBER – Lump Sum Payout**

<u>Name</u>	<u>Transaction Type</u>	<u>DOD</u>	<u>Eff Date</u>	<u>Ben Amount</u>
Duron, Samuel	Death	10/03/2021	05/01/2022	(\$ 202.72)
Duron, Sunny	Surviving Spouse	N/A	05/01/2022	\$202.72

**D. APPROVAL OF EXPENDITURES**

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
McEvoy, Daniels, Darcy	May Retainer	05/05/2022	\$ 400.00	DA-23

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

**3. FIRE CONSENT AGENDA: ITEMS A – D****A. MINUTES FOR APPROVAL – April 14, 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>
Gulotta, Joseph	NSR out of DROP	04/08/2022	05/01/2022	\$7,030.51

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FIRE MINUTES  
05/05/2022

APPROVED  
06/02/2022

**C. ELECTION TO PARTICIPATE IN DROP**

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Wallentine, Darin	25.087	04/29/2022	05/01/2022
Briggs, Evan	20.005	04/29/2022	05/01/2022
Anderson, Eliot	25.087	04/29/2022	05/01/2022

**D. APPROVAL OF EXPENDITURES**

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
McEvoy, Daniels, Darcy	May Retainer	05/14/2022	\$ 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**

Fire - Attachments

<u>Name</u>	<u>LDW:</u>	<u>Eff Date:</u>	<u>Application Type</u>
Nielson IV, William	N/A	N/A	Accidental

**Motion** made by Mr. Weber, seconded by Mr. Adler, to refer Mr. Nielson for an independent medical evaluation in connection with his disability application.

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

**COMMENTS/DISCUSSION – Agenda Item 5 and Agenda Item 6**

Mr. Jesse mentioned that Agenda Item 5 and Agenda Item 6 were added to this meeting agenda because of the discussion and decision that took place in reference to Ordinance No. 11913 at the April 14, 2022 meeting. That Ordinance dealt specifically with a commissioned firefighter serving as the Director of the Public Safety Communications Department and continued PSPRS membership in that role.

Mr. Weber had wanted to add a second motion at the previous meeting to ensure that firefighters and police officers assigned to provide coverage for the Public Safety Communications Department were being addressed with the same membership definition under PSPRS as the Public Safety Communications Director position. It was advised that since that agenda item at the previous meeting was specific only to the Public Safety

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FIRE MINUTES  
05/05/2022

APPROVED  
06/02/2022

Communications Director position, the topic of the proposed second motion should be added to a subsequent agenda as two separate items to include clear action by the Police and Fire Boards to affirm continuing membership in PSPRS.

Mayor Romero wanted clarification as to whether this was adding language to ARS 38-842. Mr. Jesse said that the discussion would not be adding any language. Rather, this discussion would simply be the Local Boards exercising rights and responsibilities under statute to determine PSPRS eligibility. Mr. Weber added that while there was no language being added, it is the role of a Local Board to make the determination for membership eligibility and wanted to ensure that due diligence was being done to ensure that those serving in this role remain eligible members. Mr. Jesse noted that the correct statute being discussed was ARS 38-847 not ARS 38-842.

Mr. Brandt stated his only concern was since Communications is its own department and police are working out of their normal department, he was not sure if they remained members. Mr. Brandt asked if Mr. McEvoy could provide a legal interpretation for clarification. Mr. McEvoy stated that there were a few relevant statutes, specifically ARS 38-847 (D)(1) determining membership eligibility and in the same statute subsection (E) is a cautionary provision with the key part being failure to apply any requirement of eligibility for membership or benefits under the system. He went on to explain that in ARS 38-842 (31) (a), a "Member" means any full-time employee who meets the required conditions which include two components. One component is that the member must be a paid municipal police officer or firefighter and the second component is that the person must be regularly assigned to hazardous duty. If an employee satisfies those requirements, they are eligible to be a member.

Mayor Romero asked if this also applied to those that are on call or assigned to those specific departments such as Communications. Mr. McEvoy referred to ARS 38-842 (31) and ARS 38-842 (42) as the key points that state that a member must be assigned to performing the regular duties of a firefighter or police officer and subject to carrying out hazardous duties as normally expected. Mayor Romero asked if this was the same for a member that is on light duty. Mr. McEvoy said that he did not know as light duty could only be on a temporary status. Mr. Brandt said that while a police officer is on light duty they are still working for their department and, although administrative, it is still work required to be done by a police officer.

Mr. Brandt asked if this same situation would also apply to a police officer assigned to a department other than Communications. Mr. McEvoy said that it would if they met the statute regarding hazardous duties as normally expected. Mr. Weber felt that it was no different than someone who would be a detective, administrator for the police or fire departments, or fire investigator or inspector, or other positions that fell in that category as they all remain pensionable. Ms. Perez added that they are still employed within their respective department and can be deployed at any time.

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FIRE MINUTES  
05/05/2022

APPROVED  
06/02/2022

Mayor Romero felt that Chiefs and Captains have the responsibility and duty to assign personnel to whatever assignments need to get done. She also added that regarding the decision the board previously made in reference to the Public Safety Communication Director, she felt that it was only fair and just to allow the same consideration to other police and fire personnel assigned to the Communications Department. Mr. Brandt felt that this scenario would be occurring more often, and it was a good idea to create a precedent. He expressed concern that the City be protected should any liability question arise. Mayor Romero felt that Mr. Brandt had valid questions and said that the Local Boards had some responsibility to be mindful of the City of Tucson government. Mayor Romero also believed that the City Attorney, Mr. Rankin, felt comfortable, from a legal standpoint, considering police officers and firefighters assigned to cover positions within Public Safety Communications for both the Tucson Police Department and Tucson Fire Department as continuing members. Mayor Romero was not sure if this needed to be in writing and asked Ms. Perez if that had happened. Ms. Perez said she believed that only the opinion regarding the Public Safety Communications Director was written.

#### **5. PUBLIC SAFETY COMMUNICATIONS DEPARTMENT**

##### **Police Board** - Attachments

Commissioned Police Officers Providing Coverage – PSPRS eligibility

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

#### **6. PUBLIC SAFETY COMMUNICATIONS DEPARTMENT**

##### **Fire Board** - Attachments

Commissioned Firefighters Providing Coverage – PSPRS eligibility

**Motion** made by Mr. Weber, seconded by Mr. Adler, to approve continued PSPRS eligibility for commissioned fire personnel covering vacancies at Fire Dispatch and the Public Safety Communications Department. Motion **CARRIED** 4-0 in a vote of the Fire Board.

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**FIRE MINUTES**

05/05/2022

**APPROVED**

06/02/2022

## 7. FUND/OFFICE INFORMATION

- PSPRS Board Elections

Mr. Jesse said he provided draft ballots, reflecting the names of those that submitted a form declaring their candidacy, for the upcoming Police Board and Fire Board elections. He noted that that even though one of the ballots included only one name, an election was still needed as the statute requires that a board member be elected to a seat. Holding the election allows for the possibility of write in candidates. Mr. Jesse requested that the draft ballots provided be ratified by a vote of the Police Board and a vote of the Fire Board.

- Fire Ballot Ratification

**Motion** made by Mr. Weber, seconded by Mr. Adler, to approve distribution of Fire Election Ballots. Motion **CARRIED** 4-0 in a vote of the Fire Board.

- Police Ballot Ratification

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

- Recently issued Model Uniform Rules of Local Board Procedure

Mr. Jesse said Model Uniform Rules of Local Board Procedure that had been discussed at the last meeting and asked if anyone had any additional suggestions. Mr. McEvoy said he would be comfortable moving on with the suggestions made at the last meeting. Mr. Weber asked if the changes that had been made at the previous board meeting had been sent to PSPRS headquarters in Phoenix for review. Mr. Jesse said that the actions taken at the last meeting were for a specific item – not for the rules in their entirety – so nothing had been sent to Phoenix yet. That will happen when the rules are adopted in their entirety. Mayor Romero asked if there was a deadline for submission. Mr. Jesse said that although there was no hard deadline, at some point, PSPRS will

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FIRE MINUTES  
05/05/2022

APPROVED  
06/02/2022

require us to adopt them as written or with any changes the Police and Fire Boards deem necessary.

- Miscellaneous / Other

Mr. Jesse said he was working to schedule interviews for the board legal counsel candidates in June. He said that if June did not work for everyone he would schedule in July.

Mr. Jesse inquired if the Police and Fire Boards want him to continue using the language regarding COVID-19 on the Meeting Notice/Agenda. He asked for their thoughts on in person meetings and starting to allow the public to attend in person as well. He mentioned the hybrid model was also a good option. Mayor Romero said that Mayor and Council were following the Pima County suggestions but told Mr. Jesse that he could go with whatever option made the Police and Fire Boards comfortable.

Mr. Jesse told the Police Board and Fire Board that Mr. Jeff Yates was aware that he would be on the June agenda to give a quarterly update on the Pension Bond Trust.

**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, June 2, 2022** in Fire Central **Room 262**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ.

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

_____	_____	_____	_____
Michael J. Jesse, Board Secretary	Date	Regina Romero, Chair	Date

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