



Tucson Police and Fire PSPRS Boards
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MEETING MINUTES
Tucson Police PSPRS Board
Thursday, July 7, 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 399 197 056#*

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 399 197 056#*

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 PSPRS Board meetings to order at 9:03 a.m.

1. ROLL CALL

Police Board Members:

Present:	Regina Romero	Chair
	Liana Perez	Member
	Rob Brandt	Member
	Mickey Petersen	Member

Also Present:	Mark Ewings	Incoming Police Board Member
	Nathan Weber	Fire Board Member
	Jason Adler	Fire Board Member
	David McEvoy	Board Attorney
	Michael Jesse	Board Secretary
	Susanna Horn	Local Board Office
	Tammy Webb	Local Board Office
	Genesis Cubillas	Mayor’s Office, City of Tucson

A Police Board quorum was established with Mayor Romero, Ms. Perez, Mr. Brandt, and Mr. Petersen attending remotely.

2. PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARDS CANVASS OF ELECTION RETURNS

Certified copy of the returns from the Tucson **Police** Public Safety Personnel Retirement System Board mail ballot election held May 19, 2022 through June 10, 2022.

Motion by Mr. Brandt, seconded by Mr. Petersen, to accept and certify the Police Board election results declaring Mr. Mark Ewings the winner.

Motion **CARRIED** unanimously.

Certified copy of the returns from the Tucson **Fire** Public Safety Personnel Retirement System Board mail ballot election held May 19, 2022 through June 10, 2022.

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

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3. ROLL CALL**Police Board Members:**

Present:	Regina Romero	Chair
	Liana Perez	Member
	Rob Brandt	Member
	Mark Ewings	Member

A Police Board quorum was established with Mayor Romero, Ms. Perez, and Mr. Brandt attending remotely. Mr. Ewings attended in person

4. POLICE CONSENT AGENDA: ITEMS A – D**A. MINUTES FOR APPROVAL –June 02, 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>
Avalos, Bernard	NSR out of DROP	06/30/2022	07/01/2022	\$3,992.17
Bustamante, Daniel	NSR out of DROP	06/30/2022	07/01/2022	\$4,271.45
Gonzales, John	NSR out of DROP	06/30/2022	07/01/2022	\$4,313.97
Gonzales, Michael	NSR	06/16/2022	07/01/2022	TBD
Leikem, Kenneth.	NSR out of DROP	06/16/2022	07/01/2022	\$4478.62
Munoz, Mark	NSR out of DROP	06/17/2022	07/01/2022	\$4538.52
Navarro, Raul	NSR out of DROP	06/30/2022	07/01/2022	\$4446.01
Pike, Kelly	NSR out of DROP	06/16/2022	07/01/2022	\$4930.48
Fenoglio, Chris	Retiree Death	06/05/2022	7/01/2022	(\$3,486.74)

C. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Atchley, Keith	20.036	06/28/2022	07/01/2022
Lee, Monica	20.036	06/28/2022	07/01/2022

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D. APPROVAL OF EXPENDITURES

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

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

5. FIRE CONSENT AGENDA: ITEMS A – D**A. MINUTES FOR APPROVAL – June 02, 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>
Baxter, Peter	NSR out of DROP	06/15/2022	07/01/2022	\$4,412.35
Bishop, Mike	NSR out of DROP	06/03/2022	07/01/2022	\$4,307.37
McDonough, Paul	NSR out of DROP	06/30/2022	07/01/2022	\$6,212.74
Simons, William	ADR	04/30/2022	05/01/2022	\$2,709.14
Grace, Jr., Ruben	Retiree Death	06/03/2022	07/01/2022	(\$5,324.77)
Vanover, David	Retiree Death	06/14/2022	07/01/2022	(\$5,359.38)
Schoup, Robert	Retiree Death	05/31/2022	06/01/2022	(\$4,324.63)

C. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Justen, Steven	23.606	06/30/2022	07/01/2022

D. APPROVAL OF EXPENDITURES

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

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

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6. ANNUAL DISABILITY PHYSICAL – REQUIREMENT

Police

<u>Name</u>	<u>DOM:</u>	<u>DOR:</u>	<u>Last Exam</u>	<u>Type</u>
Gutiérrez, Chelsea	06/10/2007	02/28/2013	09/09/2019	Accidental
Hayes, Kevin	03/19/2006	06/21/2019	05/02/2019	Accidental
Marcotte, Douglas	11/23/2008	09/29/2010	09/26/2019	Accidental
May, Stephanie	01/23/2005	07/30/2020	05/02/2019	Accidental
Weygand, Jeffrey	05/08/2009	05/25/2018	06/22/2020	Accidental
Hyde, Ian	08/14/2015	02/26/2021	03/17/2021	Accidental
Matthews, Christal	07/27/2003	09/16/2021	07/29/2021	Accidental

Motion made by Mr. Ewings, seconded by Mr. Brandt, that Ms. Gutiérrez, Mr. Hayes, Mr. Marcotte, Ms. May, and Mr. Weygand be referred to the board physician for their required bi-annual disability physicals in order to remain in compliance and eligible to continue receiving disability pension benefits. Motion **CARRIED** unanimously.

Motion made by Mr. Ewings, seconded by Mr. Brandt, that Mr. Hyde and Ms. Matthews remain in compliance with the bi-annual physical requirements and remain eligible to continue receiving disability pension benefits. Motion **CARRIED** unanimously.

7. BOARD LEGAL COUNSEL SEARCH

- Interviews Completed
- Search Committee Comments

Mr. Jesse said the search committee conducted interviews on June 20, 2022 in an effort to identify the candidate that would replace Mr. McEvoy as board legal counsel upon his retirement later this year. Mr. Jesse invited those that were on the search committee to share their thoughts on the candidates interviewed. Ms. Perez said that both firms would serve the Police and Fire boards well. However, she felt that Mr. Bosse was the best fit. It is apparent that that this type of work is a focus of his practice. He represents multiple PSPRS local boards. She was looking to see how much time candidates invested to stay current with any changes, either at the state legislature or with implementation of various PSPRS plan and rules, and she felt he hit that mark very well. He seemed to fit more of

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what we are used to with respect to accessibility and ease of access needed to ask questions and have conversations to help guide decisions of the Police and Fire Boards.

Mr. Weber agreed with Ms. Perez. He said with the other candidate it felt like we would be hiring a law firm with two different attorneys that offered a lot of other services and capabilities. He was concerned we would be paying for all that when it was beyond what was needed. For consistency, he said he preferred having one attorney serving the Police and Fire Boards and attending meetings versus two attorneys that were alternating attendance. He supports a decision to move forward with the recommendation of Mr. Bosse.

Mr. Brandt added that Mr. Bosse's firm had previously represented us the very few times we required litigation services. He also agrees with the recommendation of Mr. Bosse.

Motion made by Mr. Weber, seconded by Mr. Brandt, to move forward with awarding Mr. Steven Bosse, of Bosse Rollman PC, the role of Police and Fire Boards legal counsel.

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

Mayor Romero thanked the search committee and Mr. McEvoy for their time conducting interviews and their feedback. She asked when Mr. Bosse would start. Mr. Jesse said that he would be invited to attend the November and December meetings to get a sense of board activities and how the meeting flows. This would prepare Mr. Bosse to take over at the January 2023 board meeting

NOTE: This award is effective upon the retirement of current Police and Fire Boards legal counsel, Mr. McEvoy, at the end of this year. Mr. Bosse would assume the role after Mr. McEvoy's final board meeting.

8. FUND/OFFICE INFORMATION

- State of Arizona - Senate Bill 1268 - DROP Extension

Mr. Jesse provided a synopsis of SB 1268. It would extend the current DROP period from 5 years to 7 years. Prospectively, members with 24 ½ years of credited service and age 51 at DROP entry would automatically be eligible for the extension. Those that are currently participating in the DROP would be allowed to extend their DROP period to 7 years, but it would be at the discretion of the employer. Mr. Jesse said that when he checked the day before the meeting, it appeared the governor had yet to sign the bill. If the governor

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did not explicitly veto the bill and does not sign it, it would become law after a prescribed number of days.

Mr. Weber said that SB 1268 had been signed into law and was effective July 6, 2022. Mr. Weber was uncertain as to who would take the lead on the employer's side in granting permission for the current DROP members to participate in the extension.

Ms. Perez, in anticipation of this law passing, said that she had spoken with City Attorney Mike Rankin. Mr. Rankin was aware of the situation. He will make a recommendation to the City Manager, advise Mayor & Council, and advise the PSPRS Local Police and Fire Boards to clarify any gray areas. It was felt that the process should not be based on an individual basis. Rather, a standardized procedure should be put in place.

Mayor Romero felt it was best that Mr. Rankin assist in navigating through this bill. He frequently discusses topics with other city attorneys and could inquire as to how other cities may proceed with this. Mayor Romero acknowledged that time was of the essence and suggested that this topic be revisited at the August board meeting with Mr. Rankin in attendance. Mr. Weber and Ms. Perez agreed. However, Mr. Weber and Ms. Perez felt that a decision on this matter could not wait until the next board meeting for certain DROP participants nearing the end of their DROP period. It should be addressed in the very near term for them. Mr. Weber pondered if action would be required today to preemptively signal approval of any extensions approved by the City of Tucson whether granted by the City Manager, City Attorney, or Mayor & Council.

Mayor Romero suggested the City Manager and City Attorney work through an interim process for making decisions on extensions for those that need one quickly. This could be in place while a formal process is developed over the longer term. She felt it would make things as fair as possible for those that request a DROP extension. Again, Mr. Weber contemplated if it might be necessary to take preemptive action today for the sake of timing. He wanted to avoid a situation in which an extension was granted, by whomever that might be, and then have it sent to the PSPRS Local Police or Fire Boards for final approval.

Mr. McEvoy asked that a minute be taken to get the context clarified. He asked Mr. Weber what was trying to be accomplished with SB 1268, generally

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speaking. Mr. Weber said it was intended for retention of staff and their experience.

Mr. McEvoy emphasized that it was the employer - City of Tucson, not the PSPRS Local Police and Fire Board that has the discretionary authority to approve DROP period extensions. Ultimately the buck stops with employer on this decision.

Mr. McEvoy said if the intent is to retain institutional knowledge and experience, then a formalized set of requirements retained in a criteria sheet might be needed to ensure uniform treatment in granting extensions.

A brief discussion followed as to criteria included in determining a member's eligibility for the discretionary extension with the possibility of a criteria sheet being developed.

Mayor Romero recommended making no official motion today. Rather, direction without a formal vote could be communicated to the City Attorney to review the bill. Due to time constraints for some members, the City Manager and City Attorney could be vested in the authority to approve extensions while the City of Tucson puts together a formal process. Mr. Weber agreed with the recommendation. Mayor Romero said Ms. Perez will make sure to have a conversation with the City Manager and the City Attorney. She also said that she would communicate this to the City Manager in the meeting she was schedule to have with him immediately following this meeting. Mayor Romero inquired about an intended motion by Mr. Weber he had mentioned earlier. He said he rescinded his intention to make any motion.

- Miscellaneous / Other

Mr. Jesse reminded the board of the email he had recently sent regarding the request from the Mayor Romero's office that the August 4, 2022, board meeting be rescheduled to either a later start time of 1:30 p.m. the same day or a 9:00 a.m. start time on August 5, 2022. Mayor Romero asked that everyone respond to Mr. Jesse with their availability as soon as possible so he can confirm a time and ensure that the regular meeting room will be available.

9. 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, August 4, 2022** in Fire Central **Room 262**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ.

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Mayor Romero adjourned the Police Board meeting at 9:55 a.m.

Michael J. Jesse, Board Secretary

Date

Regina Romero, Chair

Date

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