



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

**Tucson Police and Fire PSPRS Boards
Thursday, December 5, 2024 at 9:00 a.m.
Fire Central, Room 262, Tucson Fire Department
300 S. Fire Central Place, Tucson, AZ**

LEGAL ACTION REPORT

Members of the Boards, staff, and the public may attend in person or remotely, through technological means, as permitted under Arizona law. *For members of the public that want to attend remotely, a Microsoft Teams conference call bridge has been established so the meeting can be accessed via telephone.*

To access the meeting by telephone through the Microsoft Teams conference call bridge, dial (213) 293-2303 then enter access code 901 633 955#

Mr. Paul Fimbres called the Tucson Police and Tucson Fire PSPRS Board meetings to order at 9:03 a.m.

1. ROLL CALL

Police Board Members:

Regina Romero	- Chair
Paul Fimbres	- Member
Anna Rosenberry	- Member
Mark Ewings	- Member
Alon Hackett	- Member

Fire Board Members:

Regina Romero	- Chair
Paul Fimbres	- Member
Anna Rosenberry	- Member
Jason Adler	- Member
Anthony D'Onofrio	- Member

A Police Board quorum was established with Ms. Rosenberry, Mr. Fimbres and Mr. Hackett attending in person. Mayor Romero was absent/excused.

A Fire Board quorum was established with Mayor Romero, Ms. Rosenberry, and Mr. D'Onofrio attending in person. Mr. Adler attended remotely. Mayor Romero was absent/excused.

2. POLICE CONSENT AGENDA: ITEMS A – D

A. MINUTES FOR APPROVAL – November 7, 2024

B. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Steven M Boggie	20.04	11/30/2024	12/01/2024

C. 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>
Dana D Richardson	NSR	11/18/2024	12/01/2024	\$4,723.08

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
Bossé Rollman PC	November Retainer	11/01/2024	\$400.00	Workday
Tucson ENT East	November Invoice	10/31/2024	\$251.98	Workday

Motion by Mr. Hackett, seconded by Ms. Rosenberry, that Police Items A-D are adopted as written.

Motion **CARRIED** by a roll call vote 3-0.

3. FIRE CONSENT AGENDA: ITEMS A – C

A. MINUTES FOR APPROVAL- November 7, 2024

B. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
No additions or deletions at this time			

C. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
Bossé Rollman PC	November Retainer	11/01/2024	\$ 400.00	Workday
SW Behavioral Health	November Invoice	11/04/2024	\$ 800.00	Workday
Sunnyside Medicenter	November Invoice	11/07/2024	\$ 1,550.00	Workday

Please note: Legal Action may be taken on any agenda item

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tucson PSPRS office at 791-4282. Requests should be made as early as possible to allow time to arrange the accommodation.

* Pursuant to ARS 38-431.03(A)(3) and (4): the board may hold an executive session for the purposes of obtaining legal advice from an attorney or attorneys for the Board or to consider its position and instruct its attorney(s) in pending or contemplated litigation. The board may also hold an executive session pursuant to A.R.S. 38-431.03(A)(2) for purposes of discussion or consideration of records, information or testimony exempt by law from public inspection.

Motion by Mr. D’Onofrio, seconded by Mr. Adler, that Fire Items A-C are adopted as written.

Motion **CARRIED** by a roll call vote 4-0.

4. APPLICATION FOR DISABILITY PENSION

Fire - Attachments

Name Ret Date: Eff Date: Application Type

No additions or deletions at this time

5. APPLICATION FOR DISABILITY PENSION

Police - Attachments

Name Ret Date: Eff Date: Application Type

No additions or deletions at this time

6. DISABILITY PENSION REVIEW OF IME REPORT

Fire - Attachments

Name Ret Date: Eff Date: Application Type

Aaron Schreiber	N/A	N/A	Accidental
William Nielson	N/A	N/A	Annual IME

Motion by Mr. D’Onofrio, seconded by Mr. Adler, that based upon the medical evidence and the report from Dr. Thrasher, Mr. Schreiber is eligible to receive an Accidental Disability retirement benefit effective upon his separation from employment with the City of Tucson Fire Department.

Motion **CARRIED** by a roll call vote 4-0.

Motion by Mr. Adler, seconded by Mr. D’Onofrio that Mr. Nielson remains in compliance with the bi-annual physical requirements and remains eligible to continue receiving disability pension benefits.

Motion **CARRIED** by a roll call vote 4-0.

Please note: Legal Action may be taken on any agenda item

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tucson PSPRS office at 791-4282. Requests should be made as early as possible to allow time to arrange the accommodation.

* Pursuant to ARS 38-431.03(A)(3) and (4): the board may hold an executive session for the purposes of obtaining legal advice from an attorney or attorneys for the Board or to consider its position and instruct its attorney(s) in pending or contemplated litigation. The board may also hold an executive session pursuant to A.R.S. 38-431.03(A)(2) for purposes of discussion or consideration of records, information or testimony exempt by law from public inspection.

7. DISABILITY PENSION REVIEW OF IME REPORT**Police** - Attachments

<u>Name</u>	<u>Ret Date:</u>	<u>Eff Date:</u>	<u>Application Type</u>
Steven Clark	N/A	N/A	Accidental
Robert McCusker	N/A	N/A	Accidental

Motion by Mr. Hackett, seconded by Ms. Rosenberry, that based upon the medical evidence and the report from Dr. Thrasher, Mr. Clark is eligible to receive an Accidental Disability retirement benefit effective upon his separation from employment with the City of Tucson Fire Department.

Motion **CARRIED** by a roll call vote 3-0.

Motion by Mr. Hackett, seconded by Ms. Rosenberry that that based upon the medical evidence and the report from Dr. Thrasher, Mr. McCusker's application for accidental disability will be tabled until an audiology report is provided.

Motion **CARRIED** by a roll call vote 4-0.

8. ANNUAL DISABILITY PHYSICAL – REQUIREMENT**Police**

<u>Name</u>	<u>DOM:</u>	<u>DOR:</u>	<u>Last Exam</u>	<u>Type</u>
James Davis	06/06/2008	11/29/2019	11/17/2022	Accidental
Ian Hyde	08/14/2015	02/26/2021	01/05/2023	Accidental
Robert Massie	02/13/2009	11/19/2021	10/13/2022	Accidental
Chelsea Gutierrez	03/19/2006	06/21/2019	07/21/2022	Accidental
Jeremy Michel	10/15/2018	08/31/2022	06/30/2022	Accidental

Motion by Mr. Hackett, seconded by Ms. Rosenberry, that all of the above listed members be referred to the board physician for their required bi-annual physical in order to remain in compliance and eligible to continue receiving disability pension benefits.

Motion **CARRIED** unanimously (3-0).

9. ANNUAL IME options for out of state members deadline

Discussion only: Mr. Bosse stated that there is no statutory requirement to have a time limit for annual IME's when a member is physically located out of state. The local board office accepts out of state IME reports. The general consensus was that as long as the member is actively trying to schedule their bi-annual IME, a deadline will not be imposed. PSPRS will accept IME reports from a physician assistant or nurse practitioner as there are some members located in rural areas. PSPRS does not require for a member to return to Tucson for their bi-annual IME. If a member is not willing to cooperate in

Please note: Legal Action may be taken on any agenda item

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tucson PSPRS office at 791-4282. Requests should be made as early as possible to allow time to arrange the accommodation.

* Pursuant to ARS 38-431.03(A)(3) and (4): the board may hold an executive session for the purposes of obtaining legal advice from an attorney or attorneys for the Board or to consider its position and instruct its attorney(s) in pending or contemplated litigation. The board may also hold an executive session pursuant to A.R.S. 38-431.03(A)(2) for purposes of discussion or consideration of records, information or testimony exempt by law from public inspection.

meeting the requirement of a bi-annual IME, then their disability pension is subject to end.

10. ADMINISTRATIVE ASSISTANT RECRUITMENT STATUS

Ms. Curbelo stated that the committee met with HR and was informed that there were 85 applicants which were reduced to 45 after the meeting. Each committee member was tasked with coming up with their top 10 applicants and thereafter select the final 10 overall to interview. There was concern as to whether or not that many applicants understood that the posting was for a part-time job with no health benefits. Ms. Curbelo suggested that we contact each search committee's 10 applicants to make sure they understand that the position is part-time before dispositioning any additional applicants.

11. FUTURE AGENDA ITEMS

- FY26 draft budget
- PSPRS Local Boards budget and hiring authority discussion with City Manager meeting
- Status report on Administrative Assistant recruitment

12. FUND/OFFICE INFORMATION

- Ms. Curbelo informed both the Police Board and Fire Board members that there was a City Audit conducted recently by the City's external auditor where the PSPRS Local Boards office met with the auditor who provided a list of names for both current and past PSPRS members and requested a copy of new member PSPRS enrollment form and retiree application forms.
- Ms. Curbelo asked both the Police Board and Fire Board members if they would like to continue receiving a monthly calendar invite for each monthly board meeting or an invite for all months at once. All members in attendance agreed that all meeting invites at once would be ideal for the upcoming year.
- Discussion took place regarding going paperless as currently all files are hard copies in the PSPRS Local Boards Office. Mr. Bosse will review the State of Arizona record retention schedule to provide guidance on record retention for the Local Boards Office. Mr. Bosse stated that once a member has passed away, there is no requirement to keep their file. Once the Local Boards office is fully staffed, going paperless will be a project the office will start.

13. CALL TO AUDIENCE

Please note: Legal Action may be taken on any agenda item

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tucson PSPRS office at 791-4282. Requests should be made as early as possible to allow time to arrange the accommodation.

* Pursuant to ARS 38-431.03(A)(3) and (4): the board may hold an executive session for the purposes of obtaining legal advice from an attorney or attorneys for the Board or to consider its position and instruct its attorney(s) in pending or contemplated litigation. The board may also hold an executive session pursuant to A.R.S. 38-431.03(A)(2) for purposes of discussion or consideration of records, information or testimony exempt by law from public inspection.

14. 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 **January 7, 2025** in Fire Central **Room 280**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ. .

Please note: Legal Action may be taken on any agenda item

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tucson PSPRS office at 791-4282. Requests should be made as early as possible to allow time to arrange the accommodation.

* Pursuant to ARS 38-431.03(A)(3) and (4): the board may hold an executive session for the purposes of obtaining legal advice from an attorney or attorneys for the Board or to consider its position and instruct its attorney(s) in pending or contemplated litigation. The board may also hold an executive session pursuant to A.R.S. 38-431.03(A)(2) for purposes of discussion or consideration of records, information or testimony exempt by law from public inspection.