



Tucson Police and Fire PSPRS Boards
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**Tucson Police and Fire PSPRS Boards
Tuesday, February 6, 2025 at 9:00 a.m.
Fire Central, Room 280, 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#

Mayor Romero called the Tucson Police and Tucson Fire PSPRS Board meetings to order at 9:02 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 Mayor Romero, Ms. Rosenberry, Mr. Fimbres, Mr. Ewing and Mr. Hackett attending in person.

A Fire Board quorum was established with Mayor Romero, Ms. Rosenberry, Mr. Fimbres, Mr. Adler and Mr. D'Onofrio attending in person.

2. CITY MANAGER- Tim Thomure (Discussion Only)

Mr. Thomure stated that per the role of the board relative to personnel matters and how that conforms with city budgeting, hiring and management, both according to his city attorney and upon his attorney's advise, those authorities rest with the city and there is no independent budgeting authority or hiring authority of the local boards.

Mr. Bosse stated that the local boards respectfully disagree with the City attorney as the PSPRS local boards are a separate legal entity. Local boards have the power to hire a secretary and staff and incur expenses and have a statutory right to hire an independent lawyer and pay the agreed upon rate that is wholly under market.

He further stated that the local boards have been appreciative of the city's efforts with regards to using the city's hiring and interview platforms and to understand that they are cooperative in the budgetary process of submitting incurred expenses through the city manager's office. Statutorily, the local pension boards are a separate entity that has not been adversarial, and the employer is obligated to support. It's been a learning process for everybody to understand everyone's role and obligations while dealing with a high turnover of staff over the past year. It's been a learning process on how to recruit and retain staff.

Reality, in decades of representing local pension boards, Mr. Bosse has never had an employer challenge a local pension board's budget and rights to pay for the secretary and the lawyer and whatever staff they have. It's just a statutory obligation of the employer. Mr. Thomure stated, so we disagree and Legal counsel Mr. Bosse responded that we disagree on the authority.

Mayor Romero stated that the legality of the independence of PSPRS fire and police boards is not at question, it's a long tradition on state statute that the board gets to hire it's legal counsel. She would like to see both parties meeting in the middle in terms of how things get done. Mayor Romero would like to ensure that the City of Tucson is part of the decision-making in terms of the budget and how hires are made as well as processes used to hire employees for these boards and to have the same processes in place as those used for City of Tucson employees. Mayor Romero doesn't think that the PSPR Local Board should move ahead with budgeting or anything else without the advice of the City of Tucson. Those are her thoughts, the City and the Local Boards would have to go to court to settle who is right on this. Mayor Romero prefers not to do that and would prefer to have an amicable relationship where things are done in coordination with each other.

Legal Counsel Mr. Bosse stated madame Mayor, you have 2 hats, you are the Mayor of the City of Tucson and you are also the Chair of the Local Boards. ARS 38-847(N) says the fees of the medical board and of the local board's independent legal counsel and all other expenses of the local board necessary for the administration of the system shall be paid by the employer.

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Mr. Bosse further stated that the board has historically for 60 years presented a budget, gone through the budgetary process, worked with the city on the allocation of expenses and nobody has ever challenged the expenses of the local pension board and the secretary who presents the budget to the board and then to the City has always worked with the City on what are the expenses that have been incurred. There's no money flying out the window to anyone on the boards. There's no payment or reward by being on the local pension board. The Local Boards have cooperated with the city, worked with the City Manager's office and worked with personnel. They have been in compliance with the city protocol. Mr. Bosse stated that he doesn't know where the issues come from as the Local Boards have been cooperative with the budget process. It has never been adversarial from the standpoint of the budget process.

Ms. Curbelo passed out a document that she put together to all in attendance that lists state statutes as they relate to Local boards and what they are tasked to do by the State. She encouraged everyone to read this as it relates to local board authority and what they are expected to do by the state legislature to have a better understanding of what the role of the local boards is. There is an opinion by the legal counsel of the PSPRS Board of Trustees that provides guidance to Local Board members and a copy of this was provided as well.

Ms. Rosenberry stated that this last year has not been incredibly smooth as the Local Boards has tried to replace staff who has left. She has been particularly confused on what the role of the local board is and what statute requires them to do in an oversight function, and what is also the employer's responsibility to make sure it is functioning as the employer. The employer has a responsibility separate from the board somewhat overlapping of what the local board is responsible to oversee and ensure happens. The issue that she has seen in particular, is who has the authority to decide wage increases from year to year, what benefits are offered to employees and at what level as well as who gets to make a decision and how a decision is made.

Mr. Bosse stated that the Local Pension Board is a separate legal entity and has obligations under State Law. The local pension board has the authority to determine whatever benefits it wants for the Secretary. There is a vagueness in the system that is built in. There's a collaboration. It was a difficult stretch, but he doesn't think this is a sign of how it will be moving forward.

Police Local Board member Mr. Ewing asked Mr. Thomure, what is the process that you would suggest. The City Manager would like to see that the city process is followed. He further stated that all employees should be treated fair and equitable. He suggested that votes be proposed with requests or recommendations of the needs of these boards to the City instead to avoid conflict. Mr. Thomure stated that the authority lies with the Mayor and Council.

Mayor Romero stated that the desire is to have cooperation. She further stated that in the space of putting forward a budget, the secretary being treated as a department director is a fair outcome.

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Ms. Rosenberry explained that a budget recommendation goes to the City Manager's office at this time of year and a final budget adoption decision is made in June.

City Manager MR. Thomure clarified that if you lose a position, you move forward and recruit without a need to wait for the next budget round.

Local Police Board member Mr. Ewing stated that it's important to move quickly on filling vacancies to ensure PSPRS members are taken care of in a timely manner without having to wait until the next budget round.

Mr. Bosse stated that one of the struggles has been not knowing the staffing need as there have been vacancies for so long. The Local Boards will submit whatever format the city would like.

Mr. Thomure stated that what is characterized to him is that decisions are being made at the local board level which the local board members feel they have the authority to make a decision and he feels that they don't. The difference between being that a decision made, and the city must comply or have a conversation about, here is what the need is and how does the city accommodate that. We can go down the path of exerting our muscles and saying who has what authority and ARS says whatever, I have a floor full of attorneys and you have a floor full of attorneys. The only people to benefit are the attorneys. Mr. Thomure further stated do you want to do that or do you want to say hey this is what the need is and then we assess.

Mr. Bosse said that he thinks that's what we are doing and the City Manager responded that that's not what I'm hearing.

Mayor Romero stated that the board has been working diligently to get on the same page as the city. For her as the Chair of the boards, she wants to make sure that our employees in this job are fairly compensated and that they have everything they need to do a very very important job. As the Mayor of the City, the City of Tucson pays millions and millions of dollars every year to PSPRS, in her mind it is only fair for the city to ask for collaboration and advice. She further stated that while the board is an independent board, the employees of the board are compensated by the City of Tucson and the decisions of the board affect the City of Tucson and their budget. Mayor Romero has always advocated for hybrid work on this board. It is much better to work diligently in a collaborative manner than in a space of hostility. That's what she would advocate. She believes the conflict happened when Michael Jesse left. Mayor Romero likes the idea of Elizabeth going through a budgeting process with the City of Tucson and considers that it would be wonderful professional development. As an example, Elizabeth as any department director would do, would go to the CFO and propose more funding for the local boards because a third person is needed. That is just the process and protocol that every department director goes through. She thinks that it's important to ask the board secretary for input and feedback.

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Local Fire board member Mr. Adler stated that going a reasonable route sounds reasonable to him.

Local Police board member Mr. Hackett said that he understands that there is and has been conflict for a while, conflict isn't necessarily a bad thing because if everyone is always in agreement that means something is missing and the right questions aren't being asked. He sees a benefit in reasonableness in working with the city and that it's definitely beneficial. Statutorily he sides with the local board attorney on the local board member's right to make decisions for the board and he understands the city's ask that the local boards give up that stance until maybe somewhere down the road there is a need to have that discussion if something doesn't work out. Mr. Hackett asked Mr. Thomure what the the benefit for the board would be for those concessions as he believe it should be fair and balanced.

Mr. Thomure stated that you get continued cooperation and maybe even enhanced trust between the City and the board by operating in a manner that we are consciously both avoiding a conflict that quite honestly isn't going to benefit the members of PSPRS or city employees. That conflict doesn't benefit anybody. You get to generally the same results every time up until maybe there's a point where we have to have a different conversation although I don't foresee a thing that would be like that, but I can't say it would never happen. That's the return, a better working relationship and a little bit more clarity amongst everybody on how we are going to do it. It doesn't mean that when you have a vacancy, we are going to make you wait to hire. There's no benefit in waiting when you are operating within your budget capacity. In no way is it intended to slow down getting members served.

Mayor Romero asked if having an Inter-Governmental Agreement (IGA) would be beneficial to define relationships.

Mr. Bosse stated that he is not aware of any IGA between any local pension board and the employer. The secretary and the board have been attempting to work with the city for a budgeting process. He thinks that it's a friction as opposed to conflict. He further stated that the board has been cooperative with the city and the city has been very helpful in screening for vacancies. While it took a while, we hired a competent secretary and now we have another vacancy that we need to fill.

Mayor Romero stated that she thinks that we are on a better path. She further stated that whatever the city does city wide in regards to pay, the local board employees will be treated the same. If we can demonstrate based on data that there's a pay disparity, then a request can be made to the city manager's office.

Unspent budgeted funds in a fiscal year can be used for one-time purchases but not for hiring personnel.

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Mayor Romero would like to see the local board’s office staff get everything they need to do their job. She would also like to see this conversation continued.

3. POLICE CONSENT AGENDA: ITEMS A – D

A. MINUTES FOR APPROVAL – January 7, 2025

B. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Benjamin J Boschee			02/01/2025
Miguel Figueroa			03/13/2025
Fredeberto Pedrego			02/28/2025
Guadalupe Sanchez			01/22/2025
Shad Stanbrook			02/01/2025

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>
Steven Simmers	NSR	01/31/2025	02/01/2025	\$5,797.54
Jennifer Turner	NSR out of DROP		02/07/2025	\$4,077.73
Mitchell Vipond	NSR out of DROP		01/23/2025	\$4,714.25

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
Bossé Rollman PC	January Retainer	01/01/2025	\$400.00	Workday

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

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

4. FIRE CONSENT AGENDA: ITEMS A – D

A. MINUTES FOR APPROVAL- January 7, 2025

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B. ELECTION TO PARTICIPATE IN DROP

<u>Name</u>	<u>Yrs of Srv</u>	<u>Date</u>	<u>Eff. Date</u>
Jeffrey Moat			03/31/2025
Roger S Tamietti			02/28/2025

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>
No additions or deletions at this time				

D. APPROVAL OF EXPENDITURES

<u>Company Name</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>	<u>Method</u>
Bossé Rollman PC	January Retainer	01/01/2025	\$ 400.00	Workday

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

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

5. APPLICATION FOR DISABILITY PENSION

Fire - Attachments

<u>Name</u>	<u>Ret Date:</u>	<u>Eff Date:</u>	<u>Application Type</u>
No additions or deletions at this time			

6. APPLICATION FOR DISABILITY PENSION

Police - Attachments

<u>Name</u>	<u>Ret Date:</u>	<u>Eff Date:</u>	<u>Application Type</u>
No additions or deletions at this time			

7. DISABILITY PENSION REVIEW OF IME REPORT

Fire - Attachments

<u>Name</u>	<u>Ret Date:</u>	<u>Eff Date:</u>	<u>Application Type</u>
No additions or deletions at this time			

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12. RECORD RETENTION POLICY

Ms. Curbelo stated that researching the record retention policy as it applies to the PSPRS local board office documents has been complicated. She stated that she reached out to her contacts at the PSPRS office in Phoenix for record retention guidance and was told that while they adhere to state guidelines, local board offices should contact their employer for guidance. The City of Tucson Clerk's office was contacted thereafter, and they connected Ms. Curbelo with Jose Acedo in the City's record retention department. Mr. Acedo stated that he will need to research this as this area is complicated. Mr. Bosse stated that he was not able to find much either on record retention as it pertains to the PSPRS Local Boards office.

13. FUTURE AGENDA ITEMS

Budget Status Update

Administrative Assistant Recruitment Status

Continuing discussion on Local Board role and collaboration with City of Tucson

14. FUND/OFFICE INFORMATION

- Annual Fire Insurance Premium has been submitted
- Local Boards office needs to be informed of Lateral Hires as soon as possible to determine when new lateral members should start PSPRS contributions to avoid retroactive contributions to member.
- Former Tucson Police member Jeffrey Weygand corrected IME report has been received.
- Former Tucson Police member Robert McCusker received the denial letter and he called the PSPRS local board office to discuss a possible rehearing. Ms. Curbelo explained to him that per Az Post, if a member is able to do the job with hearing aids, then the member does not qualify for a disability. He stated that he would think about it.

15. CALL TO AUDIENCE**16. 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 **March 6, 2025** in Fire Central **Room 262**, Tucson Fire Department, 300 S. Fire Central Place, Tucson, AZ.

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