

# LEGAL ACTION REPORT

## TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, JUNE 12, 2007 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ 9:02 A.M.

### 1. ROLL CALL

#### Police Board Members:

Robert Walkup - Chair  
Judith Patrick - Member Absent/Excused  
Joe Ladenburg - Member  
Tom Garrison - Member Absent/Excused  
Mike Gurr - Member

#### Fire Board Members:

Robert Walkup - Chair  
Judith Patrick - Member Absent/Excused  
Joe Ladenburg - Member  
Mike McKendrick - Member  
Roger Tamietti - Member

**Also present:** Elizabeth Martinez – Board Secretary  
David McEvoy Board Attorney  
Kathy Maish – Finance Executive Assistant  
Paul Sayre – Police System Member  
Charles Blue – Police System Member

### 2. POLICE CONSENT AGENDA: ITEMS A – F

A. MINUTES FOR APPROVAL – 08/08/07

B. PENSION PAYROLL – Addition of Normal Service Retirement for Robert Barton out of DROP in the amount of \$4,261.41. Addition of Normal Service Retirement for David G. French out of DROP in the amount of \*\$2,755.58.

**\*Correction**

Addition of Normal Service Retirement for Steven L. Kendall out of DROP in the amount of \$2,383.97. Addition of Normal Service Retirement for Deloris Roberts-Meech out of DROP in the amount of \$2,383.97. Addition of Normal Service Retirement for Jennifer Schroeder (amount pending). Addition of Normal Service Retirement for O. Mark Spillman out of DROP in the amount of \$3,638.73

C. NORMAL SERVICE RETIREMENT

Robert Barton – Last day worked 05/30/07 – Pension effective 06/01/07

David G. French – Last day worked 05/25/07 – Pension effective 06/01/07

Steven L. Kendall – Last day worked 05/10/07 – Pension effective 06/01/07

Deloris Roberts-Meech – Last day worked 05/25/07 – Pension effective 06/01/07

Jennifer Schroeder – Last day worked 05/25/07 – Pension effective 06/01/07

O. Mark Spillman – Last day worked 05/17/07 – Pension effective 06/01/07

D. DEFERRED RETIREMENT OPTION PLAN

Thomas Cormier – Election to participate in the DROP 05/31/07

William B. Young – Election to participate in the DROP 05/30/07

E. EXPENDITURE STATEMENT IN THE AMOUNT OF \$500.00 FOR APPLICATION DISABILITY PHYSICAL for Jack Wixon (\$250.00) and Charles Blue (\$250.00) by Dr. Dennis Thrasher at Sunnyside Medicenter

F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. Gurr, seconded by Mr. Ladenburg that Police Board Items A-F are adopted including the Correction and appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Garrison and Ms. Patrick Absent/Excused).

**3. FIRE CONSENT AGENDA: ITEMS A – C**

A. MINUTES FOR APPROVAL – 08/08/07

B. PENSION PAYROLL – Deletion of Survivor Benefit for Nelda (Danielson) Johantgen in the amount of \$2,384.46 due to her death on May 30, 2007.

C. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. McKendrick, seconded by Mr. Tamietti that Item A – C are adopted and the proper action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Walkup and Ms. Patrick Absent/Excused).

4. **APPLICATION FOR DISABILITY RETIREMENT EXECUTIVE SESSION**  
**Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police

Charles Blue

Dennis Widener

There was no executive session.

5. **APPLICATION FOR DISABILITY RETIREMENT**  
**Direction regarding Executive Session**

Police

Charles Blue

Dennis Widener

**MOTION** by Mr. Ladenburg, seconded by Mr. Gurr that based on the medical evidence provided and letter by Dr. Thrasher dated April 4, 2007 the Board approve the application for permanent disability retirement for Mr. Charles Blue to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

**MOTION** by Mr. Gurr, seconded by Mr. Ladenburg that based on the medical evidence presented by Mr. Dennis Widener regarding his application for Permanent Accidental Disability, he make an appointment to see Dr. Thrasher, Board Physician. Motion **CARRIED** unanimously.

6. **CONSIDERATION OF RULE 16 – ANNUAL PHYSICAL**  
**EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police

Jeffrey Thielen – Hire date: 09/12/99 Retired: 08/29/02 Last Phy: 08/04/06

Fire

Marne Plaster – Hire date: 12/05/99 Retired: 11/23/04 Last Phy: 07/28/05  
There was no executive session.

**7. CONSIDERATION OF RULE 16 – ANNUAL PHYSICAL  
Board Direction Regarding Executive Session**

Police  
Jeffrey Thielen

**MOTION** by Mr. Gurr, seconded by Mr. Ladenburg that in keeping with Board policy of seeing the Board physician every other year that Mr. Thielen’s requirement be waived and reviewed in one year. Motion **CARRIED** Unanimously.

Fire  
Marne Plaster

**MOTION** by Mr. McKendrick, seconded by Mr. Tamietti that in keeping with Board policy Ms. Plaster is required to take a physical with a physician in her area. Motion **CARRIED** Unanimously.

**8. LEGISLATION**

Police and Fire – Attachment

This Item was information only.

**9. ELECTION**

Police - Attachments

This Item was information only.

**10. BOARD STAFF**

Police & Fire - Attachment

**11. CLARIFICATION ON HUMAN RESOURCES RECOMMENDATION FOR OPTIONAL RETURN TO WORK EXAMS FOR NON-INDUSTRIAL BACK INJURIES**

Fire – Attachment

It was determined **WITHOUT OBJECTION** that the Boards would ask Human Resources for clarification on this issue.

**12. FUND INFORMATION**

Police & Fire

There was no fund information.

**13. ADJOURNMENT 9:20 A.M.**

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, **July 10, 2007**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.