

# LEGAL ACTION REPORT

## TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, SEPTEMBER 11, 2007 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ 9:00 A.M.

### 1. ROLL CALL

#### Police Board Members:

Robert Walkup - Chair  
Marion Pickens - Member  
Joe Ladenburg - Member  
Tom Garrison - Member  
Mike Gurr - Member

#### Fire Board Members:

Robert Walkup - Chair  
Marion Pickens - Member  
Joe Ladenburg - Member  
Mike McKendrick - Member  
Roger Tamietti - Member

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

A. MINUTES FOR APPROVAL – 08/14/07

B. PENSION PAYROLL – Addition of Normal Service Retirement for Martin Garcia out of DROP in the amount of \$3,086.23. Addition of Normal Service Retirement for Eugene Gonzales out of DROP in the amount of \$4,084.09. Addition of Normal Service Retirement for Fernando Valencia in the amount of \$2,598.18.

C. NORMAL SERVICE RETIREMENT

Martin Garcia – Last day worked 08/21/07 – Pension effective 09/01/07  
Eugene Gonzales – Last day worked 08/02/07 – Pension effective 09/01/07  
Fernando Valencia – Last day worked 08/30/07 – Pension effective 09/01/07

D. DEFERRED RETIREMENT OPTION PLAN  
Mark L. Zbojnowicz – Election to participate in the DROP 08/31/07

E. PRE-EMPLOYMENT PHYSICAL REQUIREMENT  
DOH 04/19/07  
PSPRS: 08/17/07 Class 07-2

Abbott Bowie	Passed Pre-Employment physical
Rodolfo Dominguez	Passed Pre-Employment physical
Manuel Guerrero	Passed Pre-Employment physical
Rueben Guido	Passed Pre-Employment physical
Daniel Guzman	Passed Pre-Employment physical
Robert Hunt	Passed Pre-Employment physical
Brianne Johnson	Passed Pre-Employment physical
Conor Keating	Passed Pre-Employment physical
Jason Kerns	Passed Pre-Employment physical
Andrea Leonard	Passed Pre-Employment physical
Anissa Lozano	Passed Pre-Employment physical
Aaron Marquis	Passed Pre-Employment physical
Randall Morales	Passed Pre-Employment physical
Marcos Santa Maria	Passed Pre-Employment physical
Jeffrey Swenson	Passed Pre-Employment physical
Samuel Thompson	Passed Pre-Employment physical
Michael Thurston	Passed Pre-Employment physical
Martin Ward	Passed Pre-Employment physical
Aaron Wine	Passed Pre-Employment physical

F. TRANSFER OF SERVICE  
James Forbes – Transfer from Tucson Police to Tucson Airport Police –0.5613 years in the amount of \$1,434.25

G. REDEMPTION OF PRIOR SERVICE  
Mark Napier – Redemption of prior service from Marshaltown Police 3.667 years in the amount of \$92,820.00  
Tony Sabori – Redemption of prior service from U.S. Border Patrol 1.780 years in the amount of \$35,346.00.

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

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Police Board Items A – H are adopted along with the addition and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

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

- A. MINUTES FOR APPROVAL – 08/14/07
- B. PENSION PAYROLL – Addition of Normal Service Retirement for Alan J. Moritz out of DROP in the amount of \$ 7,876.57.
- C. NORMAL SERVICE RETIREMENT  
Alan J. Moritz – Last day worked 08/30/07 – Pension effective 09/01/07
- D. TRANSFER OF SERVICE  
David Greenleaf – from Tucson Supplemental Retirement System to Tucson Fire 4.361 Years in the amount of \$36,627.32.
- E. EXPENDITURE STATEMENT IN THE AMOUNT OF \$150.00 FOR ANNUAL PHYSICAL for Marni Plaster by Dr. Martha Riggers, MD in Bellevue, Washington
- F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. McKendrick, seconded by Mr. Tamietti that Fire Board Items A – F are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

**Item 8 and 9 were taken out of order.**

**8. HEARING - TUCSON FIRE PREVENTION INSPECTOR VS. CIVILIAN FIRE CODE COMPLIANCE INSPECTOR - 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])**

Fire – Attachments  
Edward Deschaines

There was no executive session under this item.

**9. HEARING - TUCSON FIRE PREVENTION INSPECTOR VS. CIVILIAN FIRE CODE COMPLIANCE INSPECTOR - Board Direction Regarding Executive Session**

Fire

Edward Deschaines

**MOTION** by Mr. McKendrick, seconded by Mr. Tamietti that the Fire Department is in compliance with A.R.S. # 38-849 (D) and that a Fire Code Compliance Inspector is not the “same” position as Fire Prevention Inspector. Motion **CARRIED** Unanimously

**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

Frank Kingman

There was no executive session under this item.

**EXECUTIVE SESSION:** 9:15 a.m. – 9:35 a.m. on Items 4 and 6 only.

Tim Peterson

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

Police

Frank Kingman

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to request that Mr. Frank Kingman go to the Board Physician for a review to determine if he is eligible for Permanent accidental disability retirement. Motion **CARRIED** unanimously.

Tim Peterson

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to request that Mr. Tim Petersen go to the Board Physician for a review to determine if he is eligible for Permanent accidental disability retirement. Motion **CARRIED** unanimously.

6. **APPLICATION FOR NORMAL 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])**

**EXECUTIVE SESSION**: 9:54 a.m. - 10:18 a.m. Item 6 only

Police – Attachments  
Jack Wixon

7. **APPLICATION FOR NORMAL RETIREMENT PENDING APPLICATION FOR PERMANENT ACCIDENTAL DISABILITY RETIREMENT**  
**Direction regarding Executive Session**

Police  
Jack Wixon

- A. Application for Normal Retirement pending Application for Disability Retirement.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that based on the information presented to the Board and Mr. Wixon's signature on the normal retirement application forms. The fact that Mr. Wixon is aware that this election to accept Normal retirement benefits is irrevocable, the Board accepts the application for Normal Retirement and therefore rendering the Application for Permanent Accidental Disability Pension no longer in effect because it has been superseded by the Normal Retirement Application. Motion **CARRIED** by a roll call vote of 5-0.

- B. Addition of Normal Service Retirement to the payroll in the amount of \$2,542.26.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to accept the addition to the consent agenda Item number B. payroll in the amount of \$2,542.26 for Normal Service Retirement for Mr. Wixon. Motion **CARRIED** by a roll call vote of 5-0.

- C. **NORMAL SERVICE RETIREMENT**  
Last day worked 08/15/07 – Pension effective 09/01/07

10. **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 – Attachments

Pleas Ransom – DOH: 01/19/87 DOD: 10/30/98 Last Physical: 03/31/06

There was no executive session under this item.

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

Police

Pleas Ransom

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Mr. Ransom met what would have been his 20 years in January 2007 and is not required to take a physical this year and longer required to take a physical. Motion **CARRIED** Unanimously.

**12. ELECTION**

Police – update

**No action taken.**

**13. OCTOBER 18, 2007 - POLICE AND FIRE SEMINAR**

Police & Fire - Update

**No action taken.**

**14. BOARD STAFF**

Police & Fire - Update

**No action taken.**

**15. FUND INFORMATION**

Police & Fire

**No action taken.**

**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 Tuesday, **October 9, 2007**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.