

**PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
MINUTES OF POLICE OFFICER'S MEETING
OCTOBER 8, 2007**

The regular meeting of the Tucson **Police** Public Safety Personnel Retirement System Board was held on Monday, October 08, 2007, on the 5th Floor, Finance Conference Room, City of Tucson, City Hall, 255 W. Alameda, Tucson, Arizona. Chair Robert Walkup called the meeting to order at 10:06 a.m.

1. ROLL CALL

Board Members:

Present:	Robert Walkup	Chair
	Marion Pickens	Member – Left at 11:01 A.M.
	Joe Ladenburg	Member
	Mike Gurr	Member
	Tom Garrison	Member
Staff Present:	Elizabeth Martinez – Police and Fire Board Secretary	
	David McEvoy - Police and Fire Board Attorney	
Also Present:	Mike McKendrick – Police Board Member	
	Roger Tamietti – Police Board Member	
	Kathy Maish – Executive Assistant Finance Department	
	Tim Petersen – Police System Member – Left at 10:08 A.M.	
	Frank Kingman – Police System Member – Left at 10:07 A.M.	
	James Parks – Police System Member – Left at 10:09 A.M.	
	Caroline Stover – Police System Member – Left at 10:23 A.M.	

2. POLICE CONSENT AGENDA: ITEMS A – G

- A. MINUTES FOR APPROVAL – 09/11/07
- B. PENSION PAYROLL – Deletion of Normal Service Retirement for Marvin D. Schrieffer in the amount of \$2,746.28 due to his death on September 14, 2007 and addition of Survivors benefit in the amount of \$2,197.02 for Patricia A. Schrieffer.
- C. SURVIVORS BENEFIT
Patricia Schrieffer – Marvin passed away 09/14/07 – Pension effective 10/01/07

- D. DEFERRED RETIREMENT OPTION PLAN
Timothy J. Beam – Election to participate in the DROP 09/30/07
- E. REDEMPTION OF PRIOR SERVICE
Ricky Hovden – Redemption of prior service from Decorah, Iowa Police 4.786 years in the amount of \$108,848.00
Fernando Valencia – Redemption of prior service Pima County – CORP 2.919 years in the amount of \$84,239.00
- F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY
- G. EXPENDITURE STATEMENT IN THE AMOUNT OF \$250.00 FOR APPLICATION DISABILITY PHYSICAL for Tim Peterson (\$250.00) and by Dr. Dennis Thrasher at Sunnyside Medcenter

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

3. FIRE CONSENT AGENDA: ITEMS A – E

- A. MINUTES FOR APPROVAL – 09/11/07
- B. PENSION PAYROLL – Addition of Normal Service Retirement for Scott McKinney out of DROP in the amount of \$ 2,441.42.
- C. NORMAL SERVICE RETIREMENT
Scott McKinney – Last day worked **09/28/07 – Pension effective 10/01/07
- D. REDEMPTION OF PRIOR SERVICE
Joyce Carrasco – Redemption of prior military service 3.036 years in the amount of \$39,999.00.
- E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

This is a Fire Board item no action required by the Police Board.

**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 – Attachments

Frank Kingman

Tim Peterson

There was no executive session.

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

Police

Frank Kingman

MOTION by Mr. Garrison, seconded by Mr. Gurr that based on the medical evidence provided and letter by Dr. Thrasher dated October 3, 2007 the Board approve the application for permanent accidental disability retirement for Mr. Frank Kingman to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

Mr. Garrison and Mr. Walkup thanked Mr. Kingman on behalf of the Board and Citizens of Tucson for his service to Tucson.

Tim Peterson

MOTION by Mr. Garrison, seconded by Mr. Gurr that based on the medical evidence provided and letter by Dr. Thrasher dated September 26, 2007 the Board approve the application for permanent accidental disability retirement for Mr. Tim Petersen to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

Mr. Garrison and Mr. Walkup thanked Mr. Petersen on behalf of the Board and Citizens of Tucson for his service to Tucson.

**6. 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 - Attachments

James Parks

Caroline Stover

There was no executive session.

7. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Police

James Parks

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

Caroline Stover

Mr. Garrison asked Ms. Stover question about how the injury occurred, and what happened between 2003 and 2005 he thought there may be some paperwork missing.

Ms. Stover went over the incidences that caused her disability and the treatments she has had.

Mr. Gurr stated that in the paperwork there is a letter dated 11/07/03 that states, “injury resulted in no permanent disability”. Then there is another letter dated 01/20/05 which is about twenty months later that states that the petition to reopen was denied. Then there is another document that is dated June of 2006. He asked if something happened between 2005 and 2006.

Ms. Stover stated that there should be an operative report.

Mr. Gurr said he does not have anything from those dates mentioned.

Ms. Stover explained what happened to her during that period.

Discussion ensued regarding the missing documentation.

MOTION by Mr. Garrison, seconded by Mr. Gurr that this item be tabled until such time that Ms. Stover submits medical documentation that can explain what happened between November 2003 and June of 2006. Motion **CARRIED** Unanimously.

8. 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

Stephan Hippel – Hired: 05/13/92 Disability: 01/03/98 Last Physical: 10/23/06

There was no executive session.

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

Police

Stephan Hippel

MOTION by Mr. Garrison, seconded by Mr. Gurr that Mr. Hippel is in compliance with Rule 16, his physical is waived for this year, and this item will be brought back for consideration in one year. Motion **CARRIED** Unanimously.

10. ELECTION

Police - Update

Ms. Martinez reported that to date the board had received 300 ballots. Mr. James Parks was withdrawing his name from the ballot, and the tally board will be on October 17, 2007.

11. PROFORMA BUDGET 2008/09

Police & Fire - Attachments

Ms. Martinez presented the pro-forma budget to the Police board for fiscal year 2008/9; she reported the requests for changes and additions to the budget. She stated that a Board Member asked if Mr. McEvoy, Board Attorney was going to request a raise.

Mr. McEvoy stated no, but the Police Board has had a case on the agenda for several months and it is not on the agenda at this time but there has been a threat of legal action

and whether or not that will happen, he was not sure, but he stated that would affect the budget. He further stated that he would recommend special council if that were to happen. He said that he has been on the Board since January of 1990 and to his recollection, there have only been two or three cases that have come to litigation.

Mr. McEvoy stated that the legal opinion that was received by the Boards from the fund manager does state that the burden for this falls to the City of Tucson.

Mr. Garrison stated that Ms. Martinez, Board Secretary is working an average of 15 to 16 hours of over time per pay period and he would like to see if the Board would hire additional staff to help.

Discussion ensued as to the hiring of additional staff, as part-time intermittent help or maybe in the future permanent staff.

Mr. Walkup requested that Ms. Martinez and Mr. Ladenburg come up with a figure/budget impact or proposal to hire additional staff for the remainder of the fiscal year beginning next month.

Mr. McKendrick requested supporting documentation to explain the request for charges to the PSPRS Budget from the TSRS Office for accounting services for police officers and fire fighters.

12. BOARD STAFF

Police & Fire - Attachment

Mr. Garrison stated that Ms. Martinez has some concerns regarding her classification. He also felt that the administrative assistant classification was not accurate for the responsibilities of the position.

Mr. McEvoy stated that in light of the opinion, from Mr. Lieberman's office who is employed by the fund manager that states the Local Boards have the authority to set the salary of its staff. In light of that, the employer is obligated without any right to veto it, to pay that obligation of salary and benefits of what the board requests. He further stated that this opinion should be sent to the appropriate individuals in the city to find out whether or not they agree with the opinion. The Board does not have to be concerned about classification if they want to pay their staff a certain amount they just make a motion and pick an amount and the city has to figure out where it fits in their classification. The Boards has the authority to set the salary and the city has to pay that amount. He did not know whether the city agreed with the opinion. If they do, there is

no reason to argue over classification. This has been going on for years and this is a way to solve the issue without discussing classification.

Mr. Garrison said that the board needs to work within the system to make sure that she is in a covered position but it may come to the point that the board will just have to make a decision.

Mr. Walkup stated that the problem is objectivity versus subjectivity. He keeps hearing things that they left out and is this judgment the best that they can make it. He felt that was not a bad next step to check.

Mr. Garrison said the board has done that.

Mr. Walkup stated than there is no sense in doing that again.

Mr. McEvoy said that it is the Boards job to determine whether the salary for this job is appropriate and may decide whether it is or it is not. If the Board decides that the salary is inappropriately low then they need to have a benchmark in mind and can make a determination, not a recommendation according to the opinion of the fund manager. It could be used as further justification and the Board could say the salary should be X and here is further justification and the City can accept it or reject it. Then the next step would be if the City accepts it then they are finished. However, if it is rejected then the board has to decide whether it wants to cross swords over it. This thing has been studied to death and with outcomes that have been met with disagreement. He felt that another study would be redundant.

Mr. Walkup asked on what basis the Board is going to make an objective analysis.

Mr. McEvoy stated that the Board historically have been uncomfortable otherwise this would not be a continuing topic, and in his mind he felt that the board thinks that it is lower than it should be. Therefore, in order to come to that conclusion the Boards must have had another range or amount in mind. The Boards tell the City what they want the salary to be and the City will have to put it into a classification that fits the scale.

Mr. Ladenburg stated that he agreed that the salary needs to fit into a classification, but also agreed with the Mayor about objectivity and how the responsibilities of this position match up with the responsibilities of the other classifications within the city. This is what the Human Resources department has done.

Mr. McEvoy stated yes and met with disagreement by the boards, so if the Boards have a range or classification in mind that they think this position fits into this classification because it fits into this one better than the current one.

Mr. McKendrick suggested that the board could form a subcommittee to fit Ms. Martinez into a position that everyone will feel comfortable with.

MOTION by Mr. Garrison, seconded by Mr. Gurr to send a letter to Human Resources that Ms. Martinez's current position as Administrative assistant does not meet the criteria of this Board and the position needs to be changed to the position of Staff Assistant, starting salary \$48,000.00 per year. After some discussion, Motion **AMENDED** by Mr. Garrison, to include that the board establish a subcommittee and make an appointment with the Human Resources Department and to discuss the need for this change. Motion **CARRIED** Unanimously.

Mr. McEvoy stated that even though Mr. Garrison will no longer be on the board, the board could request that he represent them at this meeting.

13. FUND INFORMATION

Police & Fire

Mr. Walkup announced that this was Mr. Tom Garrison, Police Board Member, last official Board Meeting and a luncheon in his honor at El Minuto.

14. ADJOURNMENT: 11:04 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, **November 13, 2007**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.