

LEGAL ACTION REPORT

TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, FEBRUARY 12, 2008 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ

Ms. Pickens called the meeting to order at 9:05 A.M.

1. ROLL CALL

Police Board Members:

Robert Walkup - Chair Absent/Excused
Marion Pickens - Member
Joe Ladenburg - Member
Mike Gurr - Member
JD Kragnes - Member

Fire Board Members:

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

2. POLICE CONSENT AGENDA: ITEMS A – G.

- A. MINUTES FOR APPROVAL – 12/11/07 AND 01/08/08
- B. PENSION PAYROLL – Addition of Normal Service Retirement for Lorraine Thompson out of DROP in the amount of \$ 2,970.20. Deletion of Childs benefit for Robert Oehmke due to him turning 23 on January 30, 2008.
- C. NORMAL SERVICE RETIREMENT
Lorraine Thompson – Last day worked 01/11/08 – Pension effective 02/01/08
- D. DEFERRED RETIREMENT OPTION PLAN
Mark Fuller – Election to participate in the DROP 01/31/08
Anthony Kadous – Election to participate in the DROP 01/31/08

- E. REDEMPTION OF PRIOR SERVICE
Timothy Milbourn – 2.502 years of prior service from Ball State University Police for \$51,817.00.
- F. REQUEST FOR SEPARATION REFUND
Sam Thompson – From 08/17/07 – 11/19/07 in the amount of \$730.11
- G. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Gurr, seconded by Mr. Kragnes that Police Board Items A – G are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4 - 0. (Mr. Walkup absent/excused).

3. FIRE CONSENT AGENDA: ITEMS A – H*

- A. MINUTES FOR APPROVAL – 12/11/07 AND 01/08/08
- B. PENSION PAYROLL – Addition of Normal Service Retirement for David D. Hanneman out of DROP in the amount of \$ 6,598.18. Addition of Ordinary disability Retirement for Roscoe Ealey in the amount of \$1,875.36. Deletion of Survivors pension for Norma Putney in the amount of \$2,399.32, she passed away on January 21, 2008.
- C. NORMAL SERVICE RETIREMENT
David D. Hanneman– Last day worked 1/30/08 – Pension effective 02/01/08
- D. ORDINARY DISABILITY RETIREMENT
Roscoe Ealey – Last day worked 1/16/08 – Pension effective 02/01/08
- E. DEFERRED RETIREMENT OPTION PLAN
Dan Holladay – Election to participate in the DROP 01/31/08
Dave Siwarski – Election to participate in the DROP 01/31/08
James Smith – Election to participate in the DROP 01/31/08
- F. REDEMPTION OF PRIOR SERVICE
Michael Jones – 1.5 years of prior service from the Military for \$66,297.00.
- G. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY
- H. EXPENDITURE STATEMENT IN THE AMOUNT OF \$250.00 FOR PHYSICAL for Roscoe Ealey by Dr. Dennis Thrasher at Sunnyside Medcenter

MOTION by Mr. McKendrick, seconded by Mr. Tamietti that Fire Board Items A – H are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

4. **APPLICATION FOR DISABILITY PENSION 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 (was approved for a temporary March 07)
Dennis Widener

There was no executive session.

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

Police
Dennis Widener

MOTION by Mr. Gurr, seconded by Mr. Kragnes that with the submission of additional medical evidence that Mr. Widener make an appointment with the Board Physician, Dr. Thrasher for a 2nd review to determine if he is eligible for an Accidental Disability retirement. Motion **CARRIED** unanimously.

6. **CONSIDERATION OF RULE 17 – 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
Richard Douglas - DOR: 01/30/02 DOH: 05/28/95 Last Physical: 03/01/06
Kristina Thacker - DOR: 02/26/99 DOH: 11/14/93 Last Physical: 03/08/07

There is no executive session.

7. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police
Richard Douglas
Kristina Thacker

MOTION by Mr. Kragnes, seconded by Mr. Gurr that keeping with Board Policy, that the Board request that Richard Douglas take his annual physical and Kristina Thacker has complied with Rule 16 and is not required to take a physical examination this year but will be reviewed in one year. Motion **CARRIED** unanimously.

8. ELECTIONS

Police & Fire

MOTION by Mr. Gurr, seconded by Mr. Kragnes to direct staff to hold an election, and also allocate and expend the funds necessary to run a mail ballot election. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

MOTION by Mr. McKendrick, seconded by Mr. Tamietti to direct staff to hold an election, and also allocate and expend the funds necessary to run a mail ballot election. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

9. LEGISLATION

Police & Fire

MOTION by Mr. McKendrick, seconded by Mr. Ladenburg that Board Staff send a letter to the fund manager voicing their concerns and requesting an explanation of the HB 2058 and that Mr. Tamietti will contact the union lobbyist. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

MOTION by Mr. Gurr, seconded by Mr. Kragnes to add the Police board to the letter to the fund manager, and Mr. Gurr will contact the police union. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

10. LOCAL BOARD SEMINAR TUCSON CONVENTION CENTER FRIDAY, MARCH 28, 2008

Police & Fire

MOTION by Mr. Gurr, seconded by Mr. Kragnes to appropriate the funds necessary for the individuals that choose to attend the seminar. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

MOTION by Mr. McKendrick, seconded by Mr. Tamietti to appropriate the funds necessary for the individuals that choose to attend the seminar. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

**11. RETIREMENT SEMINAR FOR POLICE AND FIRE
TPD SUBSTATION 1310 W. MIRACLE MILE
REQUEST FOR FUNDS**

Police & Fire

MOTION by Mr. Gurr, seconded by Mr. Kragnes to send the police department \$300.00 for refreshments at the Police and Fire Retirement Seminar. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

MOTION by Mr. Tamietti, seconded by Mr. McKendrick to send the police department \$300.00 for refreshments at the Police and Fire Retirement Seminar. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Walkup absent/excused)

12. FUND INFORMATION

Police & Fire

There was no action taken under this item.

13. ADJOURNMENT: 9:45 A.M.

MOTION by Mr. McKendrick, Seconded by Mr. Tamietti to adjourn. Motion **CARRIED** unanimously.

MOTION by Mr. Gurr, seconded by Mr. Ladenburg to adjourn. Motion **CARRIED** unanimously.

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, March 11, 2008, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.