

**LEGAL ACTION REPORT**

**TUCSON POLICE AND FIRE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS  
\*ANNUAL MEETING  
OF TUESDAY, DECEMBER 12, 2006  
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM  
5TH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ  
9:00 A. M.**

**1. ROLL CALL**

Police Board Members:

Robert Walkup - Chair  
Schuyler Lininger - Member  
J. Scott Douthitt - Member  
Mike Gurr - Member  
Tom Garrison - Member

Fire Board Members:

Robert Walkup - Chair  
Schuyler Lininger - Member  
J. Scott Douthitt - Member  
Mike McKendrick - Member  
Roger Tamietti - Member

**2. POLICE CONSENT AGENDA: ITEMS A – I\*\***

A. MINUTES FOR APPROVAL – 11/14/06

B. PENSION PAYROLL – Addition of Normal Service Retirement out of DROP in the amount of \$1,985.20 for Peter Kouratou; Addition of Normal Service Retirement for Thomas Thompson in the amount of \$4,074.43; Addition of Accidental Disability for James Hartsuck amount pending.

C. NORMAL SERVICE RETIREMENT  
Peter Kouratou – Last day worked 11/13/06 – Pension effective 12/01/06  
Thomas Thompson – Last day worked 11/29/06 – Pension effective 12/01/06

D. PERMANENT ACCIDENTAL DISABILITY RETIREMENT  
James Hartsuck – Last day worked 11/29/05 – Pension effective 11/01/06

E. PRE-EMPLOYMENT PHYSICAL REQUIREMENT  
DOH: 6/22/06                      PSPRS: 10/12/06    **Class 06-2**  
Kristopher Cabulong              Passed Pre-Employment physical on 04/28/06  
Jose Escalante                      Passed Pre-Employment physical on 04/28/06  
Fidel R. Florez                      Passed Pre-Employment physical on 05/08/06

**\*State Fire Marshall Report  
(For the purposes of the Firefighters Relief and Pension Fund)**

E. **\*\*PRE-EMPLOYMENT PHYSICAL REQUIREMENT**

DOH: 6/22/06

PSPRS: 10/12/06 **Class 06-2**

James Forbes	Passed Pre-Employment physical on 04/27/06
Justin Gilbert	Passed Pre-Employment physical on 01/19/06
Edward Harper	Passed Pre-Employment physical on 05/08/06
Colin Hyde	Passed Pre-Employment physical on 04/28/06
Robert Kelly	Passed Pre-Employment physical on 04/27/06
Thomas Koontz	Passed Pre-Employment physical on 04/28/06
John Murphy	Passed Pre-Employment physical on 05/08/06
Robert Orduno	Passed Pre-Employment physical on 04/27/06
Frank Ortiz	Passed Pre-Employment physical on 05/05/06
Garrett Smith	Passed Pre-Employment physical on 05/08/06
Benjamin Soltero	Passed Pre-Employment physical on 04/27/06
Adaliz Stuck	Passed Pre-Employment physical on 05/04/06
Michael Szelewski	Passed Pre-Employment physical on 04/25/06

F. **APPLICATION FOR A SEPARATION REFUND**

Esteban Jacobo – Terminated 10/10/06 refund in the amount of \$809.13

G. **REDEMPTION OF PRIOR SERVICE**

James Norwood – prior Military Service – 4.0 Years in the amount of \$30,475.00

H. **EXPENDITURE STATEMENT**

Annual Disability evaluation for James Hartsuck (\$250.00) for Sunnyside Medcenter, and Stephen Hippel for Seminole Orthopaedic Associates (\$45.00)

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

Mr. Gurr stated that on the November 14, 2006 Minutes the motions on Item #5 and #9 were reversed and needed to be corrected. Also Consent agenda item 2. that #E was number E. and F and should just be #E and changes item 2 to A. through I.

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

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

A. **MINUTES FOR APPROVAL – 11/14/06**

B. **PENSION PAYROLL – No Change**

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

\*\*Corrected Numbering

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

**EXECUTIVE SESSION:** 9:05 a.m. to 9:10 a.m.

**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  
Jack Wixon

This Item was handled under Police executive session

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

Police  
Jack Wixon

**MOTION** by Mr. Gurr, seconded by Mr. Lininger that the Board request Clarification from Dr. Logan regarding Mr. Wixon's injury. Motion **CARRIED** unanimously.

**6. COMPLIANCE WITH ANNUAL PHYSICAL REQUIREMENT - RULE 17  
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  
Patrick Hannigan  
Stephen Hippel – Attachment

There was no executive session under this item.

**7. COMPLIANCE WITH ANNUAL PHYSICAL REQUIREMENT – RULE 17  
Board Direction Regarding Executive Session**

Police  
Patrick Hannigan  
Stephen Hippel

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Mr. Patrick Hannigan and Mr. Stephen Hippel have complied with rule 17, and continue to be eligible for their Disability Benefit. Motion **CARRIED** unanimously.

8. **COMPLIANCE WITH FINANCIAL AUDITS - RULE 18**  
**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  
Dennis Keys – Received/waiting for 1099R  
Pleas Ransom – Received

There was no executive session under this item.

9. **COMPLIANCE WITH FINANCIAL AUDITS - RULE 18**  
**Board Direction Regarding Executive Session**

Police  
Dennis Keys  
Pleas Ransom

**MOTION** by Mr. Garrison, seconded by Mr. Lininger that Mr. Keys be advised that his pension will be terminated at the next Board meeting, if he does not comply with rule 18. Motion **CARRIED** unanimously.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Mr. Pleas Ransom has complied with the 2006 audit for 2005 income, but have not gone over the financial limit, and continues to be eligible. Motion **CARRIED** unanimously.

10. **GUARDIAN BENEFITS**  
**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  
Lyle McGregor

This Item was handled under executive session

**10. GUARDIAN BENEFITS EXECUTIVE SESSION  
Board Direction Regarding Executive Session**

Police - Attachments  
Lyle McGregor

**MOTION** by Mr. Garrison, seconded by Mr. Douthitt that Board staff notifies Mr. McGregor again that they feel he does not qualify as guardian of Ms. Emily McGregor. Motion **CARRIED** unanimously.

**11. REPORT FOR STATE FIRE MARSHAL**

Fire - Attachments

**MOTION** by Mr. McKendrick, seconded by Mr. Douthitt to continue item 11 until the January 2007 board meeting. Motion **CARRIED** unanimously.

**12 FUND INFORMATIONAL ITEM**

Police

Physical fitness

Mr. Garrison reported that he spoke with the command staff at the PSA Academy and they are going to require a yearly physical fitness test for the newly hired police officers starting January 2007.

Police & Fire

Luncheon for retiring Board Member

It was DETERMINED by the Board that board staff would arrange a luncheon for Mr. Douthitt after the January 9, 2007 board meeting.

**13. ADJOURNMENT (9:30 a.m.)**

Police

**MOTION** by Mr. Gurr, seconded by Mr. Lininger to Adjourn.

Fire

**MOTION** by Mr. McKendrick, seconded by Mr. Lininger to Adjourn

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, January 9, 2007, in the Finance Department Conference Room, 5th floor, City Hall, 255 W. Alameda, Tucson, AZ.