

**LEGAL ACTION REPORT**

**TUCSON POLICE AND FIRE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS  
MEETING OF TUESDAY, MARCH 13, 2007  
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM  
5TH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ  
10:02 A. M.**

**1. ROLL CALL**

Police Board Members:

Robert Walkup - Chair  
Schuyler Lininger - Member  
Joe Ladenburg - Member  
Mike Gurr - Member  
Tom Garrison - Member

Fire Board Members:

Robert Walkup - Chair  
Schuyler Lininger - Member  
Joe Ladenburg - Member  
Mike McKendrick - Member  
Roger Tamietti - Member - Absent/Excused

Also Present:

David McEvoy – Police and Fire Board Attorney  
Elizabeth Martinez – Police and Fire Board Secretary  
Kathy Maish – Finance Executive Assistant  
Sandy Sellers – Police System Member Left at 10:22 A.M.  
Richard Law – Police System Member Left at 10:22 A.M.

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

A. MINUTES FOR APPROVAL – 02/13/07

B. PENSION PAYROLL – Addition of Normal Service Retirement for Jeffrey Todd out of DROP in the amount of \$2,390.71. Deletion of Normal Service Retirement for Ralph O'Neill in the amount of \$2,757.34 due to his death, and addition of Survivors Benefit for Dorothy O'Niell in the amount of \$2,205.87

C. NORMAL SERVICE RETIREMENT

Jeffrey Todd – Last day worked 2/22/07 – Pension effective 03/01/07

D. SURVIVORS BENEFIT

Dorothy O'Neill – Ralph passed away 02/13/07

E. DEFERRED RETIREMENT OPTION PLAN

James T. Stoutmeyer – Election to participate in the DROP 02/28/07

F. EXPENDITURE STATEMENT IN THE AMOUNT OF \$200.00 FOR ANNUAL PHYSICAL for Author Soto by Dr. Dennis Thrasher at Sunnyside Medicenter

G. TRANSFER OF PRIOR SERVICE

Mark Fuller – Transfer of service 2.012 years from TSRS to PSPRS in the amount of \$41,220.00

H. REDEMPTION OF PRIOR SERVICE

Robert LeBlanc – Redemption of 3.732 years of prior Military service with in the amount of \$62,969.00.

Michael Pryor – Redemption of 3.732 years of prior service with Evanston, Wy Police in the amount of \$79,999.00.

James Stoutmeyer – Redemption of 4.982 years of prior service Algonac, MI Police in the amount of \$103,369.00.

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

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

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

A. MINUTES FOR APPROVAL – 02/13/07

B. PENSION PAYROLL –Addition of Normal Service Retirement out of DROP in the amount of \$4,324.74 for Rudy Pittman. Deletion of Survivors Pension for Lydia Merlene Newman Gibbens due to her death on June 25, 2006 in the amount of \$2,205.82 retroactive to July 1, 2006.

C. NORMAL SERVICE RETIREMENT

Rudy Pittman– Last day worked 01/27/07 – Pension effective 02/01/07

D. DEFERRED RETIREMENT OPTION PLAN

Robert B. Lynn – Election to participate in the DROP 02/28/07

E. EXPENDITURE STATEMENT IN THE AMOUNT OF \$200.00 FOR ANNUAL PHYSICAL for Larry Stafford by Dr. Dennis Thrasher at Sunnyside Medicenter

F. TRANSFER OF PRIOR SERVICE

Brian Thompson – Transfer of service 2.2615 years from Northwest Fire to Tucson Fire in the amount of \$6,235.71

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

**MOTION** by Mr. McKendrick, seconded by Mr. Lininger that Item A – G are adopted as amended to say Joe Ladenburg and not Scott Douthitt present and the proper action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Tamietti Absent/Excused).

**EXECUTIVE SESSION: 10:05 A.M. – 10:20 A.M.**

Tucson **Police** Public Safety Personnel Retirement System Board  
March 13, 2007 – 10:05 A.M. to 10:20 A.M.  
Finance Department Conference Room, fifth Floor of City Hall, 255 W. Alameda

The Board members were instructed on the confidentiality requirements.

Board Members

Present:	Robert Walkup	Chair
	Schuyler Lininger`	Member
	Joe Ladenburg	Member
	Tom Garrison	Member
	Mike Gurr	Member
	Mike McKendrick	Fire Member
Also Present:	David McEvoy - Police and Fire Board Attorney	
	Elizabeth Martinez – Police and Fire Board Secretary	
	Kathy Maish – Finance Executive Assistant	

It was noted that Executive session Item, #4. Application for Disability Retirement was the only item discussed.

**MOTION** by Mr. Garrison, seconded by Mr. Lininger that the police board come out of executive session and go back to regular session. Motion **CARRIED** Unanimously.

4. **REQUEST FOR REHEARING ON 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  
Jack Wixon

This item was handled under executive session

**5. REQUEST FOR REHEARING ON APPLICATION FOR DISABILITY RETIREMENT**

**Direction regarding Executive Session**

Police

Jack Wixon

It was noted that this rehearing is scheduled for April 10, 2007 at 9:00 a.m.

**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

Richard Law

There was no executive session on this item.

**7. APPLICATION FOR DISABILITY RETIREMENT**

**Direction regarding Executive Session**

Police

Richard Law

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that there is sufficient evidence in Mr. Law's paperwork to request that he make an appointment with the board physician to determine his eligibility for a permanent accidental disability retirement. Motion **CARRIED** Unanimously.

**8. COMPLIANCE WITH 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

Arthur Soto

Kristina Thacker

There was no executive session under this item.

**9. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL**

**Board Direction Regarding Executive Session**

Police

Arthur Soto

Kristina Thacker

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Mr. Arthur Soto and Ms. Kristina Thacker have complied with rule 17 and there is sufficient evidence that they continue to be eligible for an permanent accidental disability benefit based on the letter from Dr. Dennis Thrasher dated 02/22/07 (Mr. Soto) and 03/08/07 (Ms. Thacker). Motion **CARRIED** by a roll call vote of 5-0.

**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

Virgil Judd – Hire date: 09/18/94 Retired: 04/28/00 Last Phy: 03/31/06

Mariam Law – Hire date: 07/16/90 Retired: 05/29/98 Last Phy: 04/07/06

There was no executive session under this item.

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

Police

Virgil Judd

Mariam Law

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that keeping with Board Policy, Mariam Law and Virgil Judd, had complied with Rule 16 because they took a physical in 2006 and are not required to take a physical examination this year but will be reviewed in one year. Motion **CARRIED** unanimously.

**12. LEGISLATION**

Police and Fire

The Board members reviewed the current legislation effecting Public Safety personnel and discussion ensued.

**13. 2007 LOCAL BOARD SEMINAR**

Police and Fire

Discussion took place regarding the Local Board Seminar, scheduled on March 22, 2007 at the Tucson Convention Center.

**14. FUND INFORMATIONAL ITEM**

**Board Office – Staff Job Survey**

Discussion took place regarding the job survey of board staff.

**15. ADJOURNMENT: 10:35 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, April 10, 2007, in the Finance Department Conference Room, 5th floor, City Hall, 255 W. Alameda, Tucson, AZ.