



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
JULY 10, 2008**

A meeting of the Public Safety Local Fire and Police Pension Boards of Mesa, Arizona, was held in Conference Room 170 West, 20 E. Main, 1st Floor, on July 10, 2008 at 11:15 a.m.

MEMBERS PRESENT

Marty Whalen, Chairman
Chris Brady, City Manager
Charlie Cluff (Fire)
Kevin Kazmaier (Police)
Kathy Pace (Citizen Member)
Ty Perkins (Fire)
Floyd Smith (Police)

MEMBERS ABSENT

None

STAFF PRESENT

Linda Crocker, Board Secretary
Bonnie Andersen, City Clerk Assistant
Lisa Angiano, Sr HR Specialist
Dee Ann Mickelsen, Sr Program Asst
Donna Salemi, Assistant HR Director
Christine Stutz, Assistant City Attorney
Jayson Vowell, Senior Accountant

OTHERS PRESENT

Mike Dubois, Applicant (Fire)
Audrey Glemba, Applicant (Police)
Royed Hollick, Applicant (Police)
Heather McDonald

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of June 19, 2008.

It was moved by Boardmember Pace, seconded by Boardmember Kazmaier, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of June 19, 2008 be approved.

Carried unanimously.

2. Discuss and make recommendations regarding City of Mesa policy relating to retirement estimate requests for PSPRS members.

Assistant Human Resources Director Donna Salemi provided an explanation to the Local Board regarding Management Policy 306 that provides for employee retirements and resignations and how it relates to providing retirement estimates to City employees. She indicated that this policy in its current form does not provide for differences in the Arizona State Retirement System (ASRS) and the Public Safety Personnel Retirement System (PSPRS) and that staff has met and prepared a revision of the policy, providing for time and frequency of retirement estimates. She added that this policy will be sent to the City Manager for review and will follow the established procedures for management and departmental review.

In response to questions posed by Ms. Salemi, Boardmember Perkins indicated that the problem with accessing PSPRS pension contribution amounts on City of Mesa computers has been resolved by the Information Technology Department (ITD).

3. Discuss and consider adding "Items from citizens present" to future agendas.

Local Board Secretary Linda Crocker indicated that this item has been placed on the agenda for Board review as a result of a request to speak on an item that was not agendized at a previous Board meeting (June 19, 2008 Board meeting). Ms. Crocker added that an additional option for anyone wishing to address the Board would be to contact her office to be pre-scheduled to speak.

In response to questions posed by the Local Board, Assistant City Attorney Christine Stutz stated that the Local Board meetings are open meetings and that any member of the public is entitled to speak to the Board relative to any item on the agenda.

Chairman Whalen indicated that this item would be continued pending additional statutory review.

4. Discuss action to comply with recent legislation that requires Local Boards to retain independent legal counsel.

Assistant City Attorney Christine Stutz advised the Local Board that due to new legislation (HB 2058), the Board is required to obtain independent legal counsel, separate from counsel of the employer and employee or member organizations. Ms. Stutz indicated that the City Attorney's office has contacted Mr. Michael Anthony, who represents the City of Scottsdale Public Safety Board; that Mr. Anthony was unavailable for today's meeting; and that Mr. Anthony would be available for future meetings either in person or via telephone.

Chairman Whalen outlined the benefits of reviewing multiple candidates for legal counsel, and requested that the City Attorney's office obtain curriculum vitae's for additional counsel. He indicated that this item would be continued to provide the City Attorney's office an opportunity to obtain additional information for Local Board review.

FIRE PENSION BOARD

5. Certification of full-time Firefighters pursuant to A.R.S. §§38-842.14(A) and 38-847(D)1.

Boardmember Perkins declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

Subsequent to a review of all medical reports, Local Boardmembers requested that the record reflect the following applicants have pre-existing medical conditions: Joshua Buschel, Travis Hyde, Zachary Kinsfather, Kristina Lubin, Tanner Perkins, Ben Strogon, and Jeremiah Sullivan.

It was moved by Boardmember Cluff, seconded by Boardmember Pace, that the following seven (7) firefighter applicants, Joshua Buschel, Travis Hyde, Zachary Kinsfather, Kristina Lubin, Tanner Perkins, Ben Strogon, and Jeremiah Sullivan, be certified pursuant to A.R.S. §§38-842.14(B) and 38-847(D)1, subject to the pre-existing medical conditions as noted.

Chairman Whalen declared the motion carried unanimously by those voting.

6. Discuss and consider the DROP application of Fire Captain Gabriel Sezate.

It was moved by Boardmember Cluff, seconded by Boardmember Perkins, that the DROP application of Fire Captain Gabriel Sezate be approved.

Carried unanimously.

7. Discuss and consider the DROP application of Fire Engineer Gary Johnson.

It was moved by Boardmember Perkins, seconded by Boardmember Cluff, that the DROP application of Fire Engineer Gary Johnson be approved.

Carried unanimously.

8. Discuss and consider the Accidental Disability Retirement application of Fire Captain Mike Dubois.

Chairman Whalen welcomed Fire Captain Mike Dubois to the meeting. Chairman Whalen advised Mr. Dubois that the Local Board has reviewed the independent medical evaluation of Dr. Michael Seivert and noted that Dr. Seivert is in agreement with the findings of Mr. Dubois' attending physician.

Chairman Whalen stated the opinion that Dr. Seivert's report supports Mr. Dubois' application for an Accidental Disability Retirement and that, in view of the absence of questions from the Board, he would entertain a motion relative to this case.

It was moved by Boardmember Perkins, seconded by Boardmember Cluff, that the Accidental Disability Retirement application of Fire Captain Mike Dubois be approved, based on the fact that Mr. Dubois has a physical condition which totally and permanently prevents him from performing a reasonable range of duties within his job classification of Fire Captain and which was incurred during the performance of his duties.

Carried unanimously.

Boardmember Brady and members of the Local Board extended their thanks to Captain Dubois for his service to the City; for being a positive representative of the City; and for the pride he has left within the Mesa Fire Department through his actions as a firefighter.

Without objection, the meeting of the Local Fire Pension Board adjourned at 11:39 a.m.

POLICE PENSION BOARD

9. Certification of full-time Law Enforcement Officers pursuant to A.R.S. §§38-842.14(A) and 38-847(D)1.

Subsequent to a review of all medical reports, Local Boardmembers requested that the record reflect that the following applicants have pre-existing medical conditions: Christopher Beauford, Nathan Beck, Matthew Burkey, Kenneth Cobb, Domenic Jaworski, Patrick Kreuzer, Joshua Lee, Edward McClory, Gritelma Portillo, Trina Richards, Eric Wagner, and Shawn Walkington.

It was moved by Boardmember Smith, seconded by Boardmember Pace, that the following twelve (12) law enforcement officer applicants, Christopher Beauford, Nathan Beck, Matthew Burkey, Kenneth Cobb, Domenic Jaworski, Patrick Kreuzer, Joshua Lee, Edward McClory, Gritelma Portillo,

Trina Richards, Eric Wagner, and Shawn Walkington be certified pursuant to A.R.S. §§38-842.14(A) and 38-847(D)1, subject to the amended pre-existing medical conditions as noted.

Carried unanimously.

(The Board recessed at 11:46 a.m. in order to convene an Executive Session and reconvened the Public Safety Local Police Pension Board meeting at 11:49 a.m.)

10. Discuss earned income policy and affidavit from ordinary disability retiree Matthew Lejcar.

Discussion ensued relative to earned income information submitted by retiree Matthew Lejcar. Boardmembers requested additional documentation in order to verify the dates and sources of income earned.

Chairman Whalen indicated that this item would be continued pending receipt of additional information from Mr. Lejcar.

11. Discuss and consider the Accidental Disability Retirement application of Police Officer Royed Hollick.

Chairman Whalen welcomed Police Officer Royed Hollick to the meeting. Chairman Whalen advised Officer Hollick that the members of the Local Board have reviewed his application and medical records. Chairman Whalen outlined the process that would be followed by the Board and encouraged the members to pose any questions they may have regarding Officer Hollick's pending Accidental Disability application.

Chairman Whalen stated that in view of the absence of questions from the Board, he would entertain a motion relative to this case.

It was moved by Boardmember Kazmaier, seconded by Boardmember Smith, that pending disability applicant Police Officer Royed Hollick be referred to a Local Board physician for an independent medical evaluation.

Carried unanimously.

(The Board recessed at 11:56 a.m. in order to convene an Executive Session and reconvened the Public Safety Local Police Pension Board meeting at 12:06 p.m.)

12. Discuss and consider the Accidental Disability Retirement application of Police Sergeant Audrey Glemba.

Subsequent to a previous request by the applicant, Boardmember Smith declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

Chairman Whalen welcomed Police Sergeant Audrey Glemba and Heather McDonald to the meeting. Chairman Whalen advised Sergeant Glemba that the members of the Local Board have reviewed her application and medical records. Chairman Whalen outlined the process that would be followed by the Board and encouraged the members to pose any questions they may have regarding Sergeant Glemba's pending Accidental Disability application.

Board Secretary Linda Crocker indicated that the applicant has requested that her case be continued and that an additional independent medical exam (IME) be ordered as she did not agree with the findings of Dr. Joseph Gimbel.

Sergeant Glemba requested clarification relative to Arizona Revised Statutes which requires the Local Board to make a decision on Accidental Disability based on the findings of the Local Board physician as well as resolving conflicts in medical evidence. Boardmember Brady explained that the Board is required to make a decision based upon the findings of the Local Board physician. Mr. Brady added that if Sergeant Glemba believes Dr. Gimbel did not have the benefit of reviewing all relevant medical records prior to making a decision, she would be provided the opportunity to submit those documents for Dr. Gimbel's review.

In response to questions posed by Boardmembers, Board Secretary Linda Crocker indicated that all medical documents submitted in the original packet for Local Board review (May 15, 2008 meeting) were submitted to Dr. Gimbel prior to the IME of June 10, 2008.

In response to questions raised by Boardmembers at the May 15, 2008 Local Board meeting relative to Sergeant Glemba's pre-employment disclosure of prior surgeries, Sergeant Glemba provided copies of her pre-employment medical report to the Local Board and indicated that she had, in fact, disclosed previous injuries and surgeries prior to her employment. Ms. Glemba also addressed issues relative to her participation in ironman and triathlon events and how they have affected her injuries; the difference between her athletic training and the physical demands of her job; and the extent to which her athletic participation has affected her injuries.

Sergeant Glemba requested that the timeline prepared by Assistant Human Resources Director Donna Salemi be removed from her file as she did not feel it was accurate or complete. Assistant City Attorney Christine Stutz indicated that the timeline was submitted to Dr. Gimbel and Sergeant Glemba prior to the IME and that Sergeant Glemba voiced her concerns regarding the timeline to the Local Board Secretary. Ms. Stutz noted that at that time Sergeant Glemba was provided an opportunity to submit, in writing, anything she felt was inaccurate or misleading in the timeline and that any changes would be provided to Dr. Gimbel prior to the IME and that, if needed, the exam could be delayed to provide her that opportunity. Sergeant Glemba did not submit any changes for the timeline and decided to proceed with the exam as scheduled.

In response to comments made by Sergeant Glemba relative to Dr. Gimbel's recommendations, Boardmembers requested that Ms. Glemba review all documentation previously submitted to Dr. Gimbel to ensure all necessary information is submitted, provide any written arguments she wishes to present, and submit them to the Board Secretary for submission to Dr. Gimbel for a follow-up evaluation.

It was moved by Boardmember Pace, seconded by Boardmember Kazmaier, that the case of pending disability applicant Police Sergeant Audrey Glemba be continued to the August 21, 2008 Local Board meeting as requested by the applicant.

Chairman Whalen declared the motion carried unanimously by those voting.

13. Adjournment.

Without objection, the meeting of the Local Police Pension Board adjourned at 12:36 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of Mesa, Arizona, held on the 10th day of July 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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