



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
March 20, 2014**

A meeting of the Public Safety Local Fire and Police Pension Boards of Mesa, Arizona, was held in Conference Room 170 W, 20 E. Main Street, 1st Floor, on March 20, 2014 at 11:04 a.m.

MEMBERS PRESENT

Bryan Raines, Vice Chairman
Chris Brady, City Manager
Rick Jaime (Fire)
Stephen Lentz (Police)
Ty Perkins (Fire)
Floyd Smith (Police)

MEMBERS ABSENT

Marty Whalen, Chairman

STAFF PRESENT

Dee Ann Mickelsen, City Clerk
Vanessa Datson, Sr. Program Asst.

OTHERS PRESENT

Cynthia Kelley
Gary Manning
David Niederdeppe
Teri Overbey
Ricardo Perine
Robert Scantlebury
Shaunna Smith

Vice Chairman Raines excused Chairman Whalen from the meeting.

(The Board recessed at 11:05 a.m. in order to convene an Executive Session and reconvened the Public Safety Local Fire and Police Pension Board meeting at 11:12 a.m.)

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of February 20, 2014.

It was moved by Boardmember Lentz, seconded by Boardmember Smith, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of February 20, 2014 be approved.

Vice Chairman Raines declared the motion carried unanimously by those present.

2. Discuss and consider the finality of Local Board decisions.

Discussed in Executive Session only. No formal action was taken by the Board.

3. Discuss and consider changes to Local Board procedures.

Discussion ensued relative to changes to Local Board procedures (**See Attachment 1**).

Boardmember Jaime expressed concern regarding the number of incidents that would trigger an employee to be evaluated under Police Department policy for prevention of Post Traumatic Stress Disorder (PTSD).

Human Resources Director Gary Manning clarified that after three traumatic events have occurred, the Peer Support Team would be notified to assist the employee with debriefing, follow-up, and referrals as needed.

It was moved by Boardmember Perkins, seconded by Boardmember Smith, that the changes to Local Board procedures be approved.

4. Consideration of Elements of Compensation Incorporated into Pension Calculations.

Police Sergeant Robert Scantlebury explained that Mesa Police Officers assigned to the Youth Alcohol Prevention Program, organized by the Mesa Prevention Alliance, and grant funded through Community Bridges, are paid by City of Mesa Payroll for over-time work related to the program. Sergeant Scantlebury added that since March 2011, pension contributions have not been made to PSPRS in order for these hours to count toward credited service for officers working with this program.

City Manager Chris Brady suggested that this issue be reviewed by City staff so that the charge back rate to Community Bridges will include pension contributions for each officer being paid from this grant fund.

No formal action was taken by the Board.

FIRE PENSION BOARD

5. Approve the election to terminate participation in the DROP program and apply for the Normal Retirement of Fire Engineer Glenn Watson.

It was moved by Boardmember Perkins, seconded by Boardmember Jaime, that the election to terminate participation in the DROP program and apply for the Normal Retirement of Fire Engineer Glenn Watson be approved.

Vice Chairman Raines declared the motion carried unanimously by those present.

Without objection, the meeting of the Local Fire Pension Board adjourned at 11:36 a.m.

POLICE PENSION BOARD

6. Certification of full-time Law Enforcement Officers pursuant to A.R.S. §§38-842.24, 38-842.27, 38-842.31 and 38-847(D)1.

Subsequent to a review of all medical reports, Local Boardmembers requested the record reflect that the applicants, Alec Brannan, Joseph DiMaria, Louis Eppenstine, Kevin Meyer, Jonathan Poterson, and Jason Rankin, have pre-existing medical conditions.

It was moved by Boardmember Lentz, seconded by Boardmember Smith, that Law Enforcement applicants Alec Brannan, Joseph DiMaria, Louis Eppenstine, Kevin Meyer, Jonathan Poterson, and Jason Rankin, be certified, subject to the pre-existing medical conditions as noted

Vice Chairman Raines declared the motion carried unanimously by those present.

7. Discuss and consider the DROP applications of Police Officers Darlene Quinn and Steven Reynolds.

It was moved by Boardmember Smith, seconded by Boardmember Lentz, that the DROP applications of Police Officers Darlene Quinn and Steven Reynolds be approved.

Vice Chairman Raines declared the motion carried unanimously by those present.

8. Discuss and consider the return to work of retired Police Officer Stephen Clark as an Evidence Technician effective March 3, 2014.

It was moved by Boardmember Lentz, seconded by Boardmember Smith, that Stephen Clark, retired Police Officer, effective June 1, 2010, be approved to return to work as an Evidence Technician, effective March 3, 2014, with no Alternate Contribution Rate due to the Public Safety Personnel Retirement System (PSPRS).

Vice Chairman Raines declared the motion carried unanimously by those present.

9. Discuss and consider reinstatement of Police Officer Tamara Alonzo effective April 1, 2014 and approval of Normal Retirement effective April 30, 2014.

It was moved by Boardmember Smith, seconded by Boardmember Lentz, that the reinstatement of Police Officer Tamara Alonzo effective April 1, 2014 and the Normal Retirement date of April 30, 2014 be approved, in order to correct a previous error and allow her to reach her twenty years of credited service.

Vice Chairman Raines declared the motion carried unanimously by those present.

10. Adjournment.

Without objection, the meeting of the Local Police Pension Board adjourned at 11:45 a.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 20th day of March, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

PROCEDURES OF THE MESA FIRE AND POLICE PENSION BOARDS

Under the Authority of A.R.S. §38-847, the Mesa Fire and Police Pension Boards, local boards formulated under the Arizona Public Safety Personnel Retirement System (PSPRS) with respect to Mesa Fire and Police sworn employees, adopt the following procedures for the presentation and resolution of System claims and issues:

1. Composition. Pursuant to statute, each board is a separate board, composed of the Mayor of Mesa or his/her designee, two members elected by secret ballot by members of the appropriate Department, and two citizens who are appointed by the Mayor of Mesa with the approval of the City Council.
 - a. Fire and Police Board members are elected by secret ballot by PSPRS members of the respective department.
 - b. One of the citizen members of the boards shall be the head or appointed by the head of the City of Mesa merit system and approved by the City Council.
 - c. The City Clerk shall serve as Board Secretary for each Board.
2. Chairperson. The Mayor or the Mayor's designee shall serve as Chairperson. The Chairperson may, in his/her absence, designate an alternate to act as Chairperson. In the absence of the Chairperson or the Chairperson's designee, an acting Chairperson shall be elected by a majority vote of the Local Board.
3. Quorum. A quorum for the purpose of doing any business by either the Fire or Police Board shall be three members.
4. Meetings. Meetings are generally held at 11:00 a.m. on the third Thursday of each month, but can be held at any time upon the call of the Chairperson or the Secretary to the Board. Meetings are held in the Mesa City Plaza Building, Room 170 or such other location as may be designated from time to time. An agenda shall be provided by the Board Secretary to Board members in advance of any meeting. Notice of all meetings of the Boards shall be given, and all meetings and any executive sessions shall be conducted, in conformance with Arizona's open meeting law, A.R.S. §38-431 et seq. A majority vote of Board members present and eligible to vote shall govern any action taken, provided that the consent of three Board members is required for action by the Board. Board members not present in person may attend by telephone or other electronic means permitting meaningful participation. The Board Secretary shall cause appropriate minutes to be taken of Board meetings, and an electronic recording may be made of meetings to facilitate preparation of such minutes. The Board Secretary will provide action minutes to the public as required by Arizona's open meeting law. The Board Secretary will provide minutes to the Fund Manager.
5. Joint Meetings. Joint meetings of the Boards with separate or joint agendas may be held; however, the elected members of the appropriate Department may be heard or vote only upon matters specifically pertaining to members of their specific Department.

6. Documentation. Files containing public and confidential documents presented to the Boards shall be maintained by the Board Secretary. Files containing public and confidential documents pertaining to plan membership for each member shall be maintained by the City of Mesa Payroll Office.
7. Pension Estimates. PSPRS members can obtain a preliminary pension estimate at psprs.com. At the time of application a preliminary pension estimate will be prepared by the City of Mesa Payroll Office for Local Board review.
8. Pre-existing Conditions/Initial Membership. Arrangements with physicians or clinics to conduct pre-membership medical examinations will be made by the respective departments and results submitted to the Personnel office who will forward the results to the Local Board Secretary. The Board Secretary will review and report these results to the Local Board for action. The Board Secretary will maintain the pre-existing conditions report for future reference by the Board.

No member shall qualify for an accidental, catastrophic or ordinary disability pension if the Boards determine the member's disability resulted from a physical condition or injury, which existed or occurred prior to the member's date of membership in PSPRS.

9. Presentation of Member Claims and Issues. Claims must be submitted on application or documentation approved by the Local Board. Members can contact the City Clerk's office for application packets. The Board Secretary shall have discretion to initially determine whether a member claim/issue or information so presented is to be treated by the Board as routine or as non-routine.
10. Routine Claims and Issues. Submission of routine claims such as normal pension applications, DROP participation, and DROP retirement, shall be placed on the agenda for the next regularly scheduled meeting, but no later than 90 days after receipt of the claim, unless the claimant requests or agrees to a later date. Routine claims shall be submitted to the Board for summary approval.
11. DROP Applications. Applications for DROP participation must be filed 30 days prior the requested participation date.
12. Non-Routine Matters – Disability Benefit Applications. The claimant shall submit a properly completed application for any of the disability pensions authorized by law. Supporting medical documentation shall be submitted by the claimant or obtained from the City of Mesa Workers Compensation Office. The Board Secretary will ascertain whether the applicant has provided sufficient supporting documentation. If not, the Board Secretary shall request such documentation and may assist the applicant in compiling appropriate documentation. A confidential packet of medical information shall be prepared for distribution to Board members. The matter shall be placed on the agenda for the next regularly scheduled Local Board meeting, but no later than 90 days after receipt of application unless claimant requests or agrees to a later date.

The Board Secretary will provide meeting notification to a claimant in advance of the meeting at which the Local Board will consider the matter. The notice will include the date, time and location of the Local Board meeting.

- A. Disability applications must be filed with the Local Board Secretary at least 30 days prior to the first Local Board meeting in which their application is to be considered. At the time of application the Board Secretary will review with the applicant the process to be followed by the Local Board in hearing his/her case.
- B. The Board shall review and discuss any confidential medical records in executive session only, unless the applicant waives the confidentiality requirement with respect to any confidential medical records by completing a confidentiality waiver.
- C. At the initial hearing on a disability benefit application, the board shall ascertain whether the medical and other documentation submitted is sufficient for the Board to conclude that the statutory prerequisites for the benefits claimed can be satisfied by the applicant. If not, the Board may deny the application or continue hearing on the matter to a date and time when any additional documentation requested by the Board or its members is available. If so, the Board shall direct that an independent medical examiner be appointed to conduct the examination of the applicant directed by the law and to report to the Board the results of that examination. The independent medical examiner for this purpose shall be composed of a Board approved physician other than a regular employee or contractee of the City of Mesa.
- D. In the event of a psychological disability application, the Local Board will require the applicant to provide detailed information for all events giving rise to the claim for a PTSD disability application. The applicant must provide all doctor and counseling notes. The Board may also request that the department supply corroborating information on all events reported by the applicant regarding the applicant's involvement. If an Internal Affairs (IA) investigation or other disciplinary action has commenced involving the applicant, the application process may be continued until the conclusion of the IA investigation or other action to determine what factors in the IA investigation or disciplinary action may have contributed to the stress related claim. The Local Board will gather all relevant Worker's Compensation information related to the claim.
 The Local Board will refer the applicant in a psychological disability case to an IME only after all relevant information has been obtained. The IME will be asked to provide not only a diagnosis but also the likelihood of recovery.
 In a psychological disability case, the medical board will consist of a Board approved psychologist and psychiatrist. The psychologist will meet with the Claimant first and issue a report containing his or her conclusions. The psychologist's report will then be forwarded to the psychiatrist, who will meet with the Claimant. After examination, the psychiatrist will issue a report to the Local Board containing his or her conclusions based on the medical evidence and the psychologist's report.
- E. If an independent medical examiner is appointed by the Board, the Board shall reconvene hearing on the matter at the first scheduled meeting after receipt of the report, permitting its distribution, unless the applicant requests otherwise.
- F. There shall be no limit on the Board's ability to accept and review relevant medical evidence, but Board action on a disability benefit application shall be based on medical evidence by the independent medical examiner appointed by the Board. The Board shall resolve material conflicts in medical evidence. If needed, the Board may employ additional physicians or medical professionals to report on the matter. (A.R.S. §38-859C).
- G. If the applicant is not present during Board action, the Board Secretary shall notify the applicant within 20 days.

- H. Upon denial of a disability benefit application, the Board Secretary shall notify the applicant of the decision of the Board, the reasons for the decision of the Board, and the rights of the applicant under the System statute to request reconsideration.
 - I. The Board Secretary shall notify the Fund Manager via certified mail, no later than 20 days after decisions are rendered by the Local Board. (A.R.S. §388-847G)
 - J. If the disability applicant retains legal counsel, communication to and from the claimant shall be done through claimant legal counsel.
 - K. Should the Board determine that an applicant is not eligible for an Accidental Disability, but is eligible for a Temporary Disability benefit the applicant can make the change request verbally during the course of a board meeting, to be followed up with written notification within 24 hours of the meeting in which the change was requested.
13. Non-Routine Matters—Other. As such other non-routine matters arise which call for Board action, the Board Secretary shall place them on a Board agenda. The Board may take action based on the information presented to it or may defer the matter to a future meeting to request additional information it deems necessary for appropriate action.
14. External Evidence. The Chairperson will review external evidence and determine if the information should be submitted to the Local Board for review and possible action (approved 11-19-09).
15. Re-Examination. The Board must undertake a periodic re-examination of catastrophic disability benefit recipients before they would have reached 25 years of service had they remained in employment. Additionally, the Board is empowered to undertake a re-examination of recipients of other disability benefits before their Normal Retirement Date, but not more often than once in a calendar year (A.R.S. §38-844 E-G). Benefit recipients selected for re-examination shall submit to an independent medical exam. The medical report will be reviewed by the Board at the next scheduled Board meeting after receipt of the report and take action as needed.
- Re-examinations shall be completed for temporary disability benefit recipients within 12 months of commencement of benefits. When at all possible, the same independent medical examiner that performed the initial evaluation shall perform the follow-up evaluation. The medical report will be reviewed by the Board at the next scheduled Board meeting after receipt of the report and the board will take action as needed.
16. Finality. Any action by a majority vote of the members of the Board which is not inconsistent with the provisions of the System statute shall be final, conclusive and binding upon all persons affected thereby, unless a timely application for rehearing or appeal is filed as provided in A.R.S. §38-847G.
17. Rehearing. A claimant or the fund manager may apply for rehearing before the local board within 60 days of notification of the Local Board's original action. An application for rehearing shall be filed in writing and submitted to the local board secretary. (A.R.S. §38-847H)
- A. Preparation of Preliminary Record. Upon receipt of a proper application for rehearing, the Board Secretary shall provide minutes and may provide a verbatim transcript of any previous proceeding of the Board in connection with the matter

and prepare a packet consisting of all documents and other tangible items of evidence made available to the Board with respect to the underlying issues. The rehearing packet shall be made available to Board members and shall be provided to all others who are party to the rehearing. This packet of materials shall constitute the preliminary record for the rehearing.

- B. Scheduling of Rehearing. The Board Secretary shall schedule the rehearing for the next scheduled meeting of the Board or such other date and time as may be determined, but no more than 90 days after receipt of notification unless agreed to by all parties involved. (A.R.S. §38-847D(3)) The Board Secretary shall notify the claimant and the Fund Manager of the date, time and location of the rehearing.
 - C. Board Action on Rehearing. At the conclusion of any rehearing, the Board may vote to uphold its earlier action, or may vote to rescind or modify such action. The Board Secretary shall notify the claimant and the Fund Manager of the action and reasons of the Board pursuant to law.
 - D. Finality. The Board action on rehearing shall be considered final, conclusive and binding on all persons affected thereby, subject only to judicial review contemplated by the System statute. (A.R.S. §38-847D(3))
18. Board Authority. All proceedings with respect to non-routine matters shall be conducted in an informal manner by the Board Chairperson. At any proceeding with respect to a non-routine matter, a party or the party's representative(s) will be permitted a reasonable amount of time to present evidence and/or argument to the Board. Any proceeding may be continued by the Board for purposes of gathering additional information or for other proper purposes.
19. These Procedures of the Mesa Fire and Police Pension Boards may be amended or revoked, and may be suspended in the interest of prompt and efficient implementation of the system, by majority vote of the members of the appropriate Board. They shall be construed in a manner consistent with the System statute.

The undersigned Chairperson and Secretary of the Mesa Fire and Police Pension Boards certify that the foregoing Procedures were duly adopted by the Boards at a meeting duly called and held on the date specified below.

Marty Whalen, Chairperson

Dee Ann Mickelsen, Local Board Secretary

Dated

Dated