



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
November 24, 2015**

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 November 24, 2015 at 3:39 p.m.

MEMBERS PRESENT

Bryan Raines, Chairman
Chris Brady, City Manager
Kurt Castaneda (Fire)
Rick Jamie (Fire)
Stephen Lentz (Police)
Ryan A. Russell (Police)

MEMBERS ABSENT

Barbara Jones, Citizen Member

STAFF PRESENT

Dee Ann Mickelsen, City Clerk
Vanessa Wisneski, Sr. Prgm. Asst.

OTHERS PRESENT

Agnes Goodwine
Jackie Hale
Nitra Hawkins
Cynthia Kelley
Gary Manning
David McRae (Applicant)
David Niederdeppe
Teri Overbey
Nikki Sullivan (Applicant)
Tim Sullivan

(Items on the agenda were discussed out of order, but for the purposes of clarity will remain as listed on the agenda.)

Chairman Raines excused Boardmember Jones from the entire meeting. Chairman Raines excused Boardmember Castaneda from the beginning of the meeting; he arrived at 4:00 p.m.

(The Board recessed at 3:40 p.m. in order to convene an Executive Session and reconvened the Public Safety Local Fire and Police Pension Boards meeting at 4:10 p.m.)

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of October 15, 2015.

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of October 15, 2015 be approved.

Chairman Raines declared the motion carried unanimously by those present.

FIRE PENSION BOARD

2. Approve the election to terminate participation in the DROP program and apply for the Normal Retirement of Fire Captain Leon McClelland.

It was moved by Boardmember Jaime, seconded by Boardmember Castaneda that the election to terminate participation in the DROP program and the application for the Normal Retirement of Fire Captain Leon McClelland be approved.

Chairman Raines declared the motion carried unanimously by those present.

3. Discuss and consider the Accidental Disability Retirement application of Fire Captain David McRae.

Chairman Raines welcomed Fire Captain David McRae. Chairman Raines advised Mr. McRae that the members of the Local Board have reviewed his application and medical records. Chairman Raines outlined the process that would be followed by the Board and encouraged the members to pose any questions they may have regarding Mr. McRae's pending Accidental Disability application.

Discussion ensued relative to Mr. McRae's disabling injury, subsequent treatments, and his current work status.

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

It was moved by Boardmember Jaime, seconded by Boardmember Castaneda, that Accidental Disability applicant Fire Captain David McRae be sent for an independent medical evaluation.

Chairman Raines declared the motion carried unanimously by those present.

4. Discuss and consider the Accidental Disability Retirement application of Firefighter Nikki Sullivan.

Chairman Raines welcomed Firefighter Nikki Sullivan and her husband Tim Sullivan to the meeting. Chairman Raines advised Ms. Sullivan that the members of the Local Board have reviewed the independent medical evaluations of Dr. Sommer Gunia, Surgical Breast Oncologist, and Dr. Jason Salganick, General Oncologist, and determined that there is a conflict of medical opinion for causation between the Local Board Physicians. Dr. Gunia agrees with Ms. Sullivan's attending physicians, however, Dr. Salganick would not suggest that the member's condition more probably than not was incurred in the performance of her duty.

Boardmember Brady noted that Dr. Gunia was provided with a recently published study, *Working Women and Breast Cancer: The State of Evidence by The Breast Cancer Fund, a national 501(c)(3) organization*, which Dr. Jason Salganick did not consider for the initial independent medical evaluation as the study had not been published until after his review. He indicated that Dr. Salganick may have concluded differently if the study had been available to him at the time of the IME.

Chairman Raines added that Dr. Gunia is a specialist in the breast cancer field, treating as an oncologist and as a breast surgeon, as opposed to Dr. Salganick, who practices general oncology with no further specialization.

Boardmembers noted that, to the extent that there had been any conflicts in medical evidence, they believe that they were resolved by Dr. Gunia's report in favor of workplace causation, due to both her medical specialty and consideration of the recently published study.

It was moved by Boardmember Jaime, seconded by Boardmember Castaneda that the Accidental Disability application of Firefighter Nikki Sullivan be approved due to her having a permanent physical condition caused by injury incurred while on duty, which totally prevents her from performing a reasonable range of duties within her department, based on the professional medical opinion from a specialist in that field of medicine, using the most up-to-date medical evidence published.

Chairman Raines declared the motion carried unanimously by those present.

Boardmembers thanked Nikki Sullivan for her service to the City.

POLICE PENSION BOARD

5. Certification of full-time Law Enforcement Officers pursuant to A.R.S. §§ 38-842.24(A), 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 Amanda Cook, Shawn Kurian, John Powell, and Arturo Ruiz have pre-existing medical conditions.

It was moved by Boardmember Lentz, seconded by Boardmember Russell, that Law Enforcement applicants Amanda Cook, Shawn Kurian, John Powell, Arturo Ruiz, and Kevin Screen be certified subject to the pre-existing medical conditions as noted.

Chairman Raines declared the motion carried unanimously by those present.

6. Discuss and consider the re-hire of retired PSPRS member Matthew Westberg.

After careful review of the job descriptions for Police Officer and Civilian Police Hiring Coordinator, Boardmembers posed questions to the Human Resources representatives attending the meeting regarding the open competitive recruitment process.

Human Resources Administrator Teri Overbey reported that Matthew Westberg retired as a Police Officer effective July 1st, 2015; that the open competitive recruitment for the Civilian Police Hiring Coordinator position ran from August 28th through September 10th, 2015, which established a large list of eligible applicants; from that list, interviews were conducted over a two-day period between October 5th and 6th, 2015. Ms. Overbey added that Mr. Westberg scored well in his interview and was selected from the list of eligible applicants interviewed for the position.

Ms. Overbey stated that there were no pre-arranged offers of employment given to Mr. Westberg; that the City of Mesa has a management policy prohibiting conditional offers of employment prior to any employee retiring or terminating employment; that the Civilian Police Hiring Coordinator position is an entry-level position covered under the Arizona State Retirement System; and that this position is not the same or similar to the Police Officer position.

Boardmembers requested clarification of the term 'functional supervision' listed in the job description.

Human Resources Director Gary Manning explained functional supervision as directing the activities of those within the Police Department associated with the hiring process and having no supervisory responsibilities or powers such as disciplining, hiring, terminating, or evaluating performance of those employees.

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

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that the re-hire of retired PSPRS member Matthew Westberg be approved as within the statute requirements.

Chairman Raines declared the motion carried unanimously by those present.

(Date of re-hire: December 14th, 2015)

7. Discuss and consider the DROP application of Police Officer Nicholas Peña.

It was moved by Boardmember Lentz, seconded by Boardmember Russell, that the DROP application of Police Officer Nicholas Peña be approved.

Chairman Raines declared the motion carried unanimously by those present.

8. Discuss and consider the Normal Retirement application of Police Officer David Dolonar.

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that the Normal Retirement application of Police Officer David Dolonar be approved.

Chairman Raines declared the motion carried unanimously by those present.

Without objection, the meeting of the Local Police Pension Board adjourned at 4:19 p.m.

9. Adjournment.

Without objection, the meeting of the Local Fire and Police Pension Boards adjourned at 4:38 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 24th day of November, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

VW

DEE ANN MICKELSEN, CITY CLERK