



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
FEBRUARY 20, 2020**

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 February 20, 2020 at 11:04 a.m.

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT |
|--|----------------|---|
| Bryan Raines, Chairman Chris Brady, City Manager Kurt Castaneda (Fire) Barbara Jones, Citizen Member Stephen Lentz (Police) Ryan A. Russell (Police) Chris Tiller (Fire) | None | Dee Ann Mickelsen, City Clerk Jessica Gerspach, City Clerk Assistant |
| | | OTHERS PRESENT |
| | | Da'Shira Craig Guillermo Biascochea Nitra Hawkins Neil Landeen (via phone) Giovanni Mustaca (Applicant) Holly Nelson David Niederdeppe Teri Overbey Erin Pierce Nate Peterson Tina Rogers Amanda Stamps Christy Trevino |

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of January 16, 2020.

It was moved by Boardmember Jones, seconded by Boardmember Castaneda that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of January 16, 2020 be approved.

Upon tabulation of votes, it showed:

AYES –Brady-Castaneda-Jones-Lentz-Russell-Tiller
NAYS – None
ABSENT – None
ABSTAIN – Raines

Chairman Raines declared the motion carried unanimously by those voting.

2. Discuss and consider pending legislation related to the Public Safety Retirement System.

Chairman Raines stated that the Local Board has reviewed a copy of proposed House Bill 2631 which if passed will cause significant changes to the way PSPRS administers the system.

City Clerk Dee Ann Mickelsen explained that one of the proposed changes would require PSPRS to send all disability retirements approved by the Local Board to another IME for review. Ms. Mickelsen expressed concern regarding how long this proposed change could delay pension payments to the retiree.

Discussion item only; no action taken.

FIRE PENSION BOARD

3. Certification of full-time Firefighters pursuant to A.R.S. §§38-842.24(B), 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 applicants Charles Ardan, Brent Barraza, Chad Brewster, Justin Carrillo, George Dennison, Colton Duson, Zachary Gibson, Wendy Gobble, Richard Harp, Michael Johnson, Bryan Jones, Brandon Kiesel, Michael Krieg, Cody Moncavo, Jeremy Mondragon, Daniel Nelson, Aaron Podzielnny, Danielle Rainwater, Bryce Roche, Justin Rosales, Tyler Summers, D'Jay Threet, Eric Valentine, and Jacob Wells have pre-existing medical conditions.

It was moved by Boardmember Castaneda, seconded by Boardmember Tiller that Firefighter applicants Charles Ardan, Brent Barraza, Chad Brewster, Justin Carrillo, George Dennison, Colton Duson, Zachary Gibson, Wendy Gobble, Richard Harp, Michael Johnson, Bryan Jones, Brandon Kiesel, Michael Krieg, Cody Moncavo, Jeremy Mondragon, Daniel Nelson, Aaron Podzielnny, Danielle Rainwater, Bryce Roche, Justin Rosales, Tyler Summers, D'Jay Threet, Eric Valentine, and Jacob Wells be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Castaneda-Jones-Tiller

NAYS – None

ABSENT – None

Carried unanimously.

4. Discuss and consider the DROP applications of Fire Engineer Kaylyn Gill, Fire Engineer Richard Pursley, and Firefighter John Wilcken.

It was moved by Boardmember Tiller, seconded by Boardmember Castaneda that the DROP applications of Fire Engineer Kaylyn Gill, Fire Engineer Richard Pursley, and Firefighter John Wilcken be approved.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Castaneda-Jones-Tiller
NAYS – None
ABSENT – None

Carried unanimously.

5. Approve the election to terminate participation in the DROP program and apply for the Normal Retirement of Battalion Chief Bruce McGregor.

It was moved by Boardmember Castaneda, seconded by Boardmember Tiller that the election to terminate participation in the DROP program and apply for the Normal Retirement of Battalion Chief Bruce McGregor be approved.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Castaneda-Jones-Tiller
NAYS – None
ABSENT – None

Carried unanimously.

(The Local Fire Pension Board recessed at 11:18 a.m. in order to convene an Executive Session and reconvened the Public Safety Local Fire Pension Board meeting at 11:34 a.m.)

6. Discuss and consider the Accidental Disability Retirement application of Firefighter Giovanni Mustaca.

Chairman Raines welcomed Firefighter Giovanni Mustaca to the meeting. He advised Mr. Mustaca that the members of the Local Board have reviewed the additional medical records provided since the meeting of December 19, 2019.

Boardmember Tiller stated that the Local Board was recently informed that Mr. Mustaca was involved in a car accident in 2009 and in order for the Local Board to have a full record of any pre-existing conditions prior to membership in PSPRS the Local Board will need to review any medical treatment records related to the accident. He also noted that the Board may wish to hear testimony from individuals in the workplace familiar with the circumstances surrounding Firefighter Mustaca's injury.

It was moved by Boardmember Tiller, seconded by Boardmember Castaneda that the Accidental Disability Retirement application be tabled until March 19, 2020 in order for Mr. Mustaca to obtain records of his medical treatment related to the car accident in 2009.

Carried unanimously.

Without objection, the meeting of the Local Fire Pension Board adjourned at 11:52 a.m.

POLICE PENSION BOARD

7. 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 applicants Octavio Contreras, Madison Kelly, Gregory McWilliams, Matthew Pellegrino, and Jose Zazueta have pre-existing medical conditions.

It was moved by Boardmember Russell, seconded by Boardmember Lentz that Law Enforcement applicants Octavio Contreras, Madison Kelly, Gregory McWilliams, Matthew Pellegrino, and Jose Zazueta be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Jones-Lentz-Russell
NAYS – None
ABSENT – None

Carried unanimously.

8. Discuss and consider the DROP applications of Police Officer Young Chang, Police Officer Bryan Cochran, Police Officer Charles Evans, Police Lieutenant Bryan Soller and Police Sergeant Charles Trapani.

It was moved by Boardmember Lentz, seconded by Boardmember Russell that the DROP applications of Police Officer Young Chang, Police Officer Bryan Cochran, Police Officer Charles Evans, Police Lieutenant Bryan Soller and Police Sergeant Charles Trapani be approved.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Jones-Lentz-Russell
NAYS – None
ABSENT – None

Carried unanimously.

9. Discuss and consider approval of the Survivor Benefit application for Randall Driscoll, spouse of deceased member Sandra Driscoll, effective 1/28/2020.

It was moved by Boardmember Russell, seconded by Boardmember Lentz that the Survivor Benefit application for Randall Driscoll, spouse of deceased member Sandra Driscoll, effective 1/28/2020, be approved.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Jones-Lentz-Russell
NAYS – None
ABSENT – None

Carried unanimously.

(The Local Police Pension Board recessed at 12:04 p.m. in order to convene an Executive Session and reconvened the Public Safety Local Fire Pension Board meeting at 12:24 p.m.)

10. Discuss and consider the Accidental Disability Retirement application of Police Officer Tanya Zachary.

Chairman Raines welcomed Police Officer Amanda Stamps, representing Police Officer Tanya Zachary, to the meeting. Chairman Raines stated that the members of the Local Board have reviewed Police Officer Tanya Zachary's application and medical records. He encouraged the members to pose any questions they may have regarding Officer Zachary's pending Accidental Disability Retirement application.

Boardmember Russell advised Officer Stamps that the Local Board has reviewed the independent medical evaluations of Dr. Lisa Jones and Glenn Clouse, Psy. D. He indicated that Dr. Jones and Mr. Clouse both agree with the findings of Officer Zachary's attending physician, that Officer Zachary's condition was incurred in the performance of her duty, and that her condition totally and permanently prevents her from performing a reasonable range of duties within her job classification.

Boardmember Brady asked Officer Stamps to explain the event that caused Officer Zachary's condition.

Officer Stamps described the triggering event to the best of her knowledge. She stated that while searching for a suspect, the other Officer working with Officer Zachary was fired upon and Officer Zachary froze. She added that Officer Zachary is fearful of having the same reaction in the future which would prevent her from protecting those around her and herself.

Boardmember Russell described Officer Zachary as being a model employee before the event and indicated that he understands Officer Zachary's concern regarding her reaction during the event and concern of how she could react if faced with a similar event in the future.

Boardmember Brady expressed concern that the other Officer involved in the event has not filed an application for Accidental Disability and that Officer Zachary has filed a lawsuit against the City of Mesa regarding the handling of her Worker's Compensation case. He added that he would prefer a delay to the decision in this matter.

Chairman Raines stated that in view of the absence of further 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 Accidental Disability Retirement application of Police Officer Tanya Zachary be approved.

Upon tabulation of votes, it showed:

AYES – Raines-Jones-Lentz-Russell

NAYS – Brady

ABSENT – None

Chairman Raines declared the motion carried by majority vote.

11. Discuss and consider external information related to the Accidental Disability Retirement application of Police Officer Todd Pascarella.

Chairman Raines welcomed Neil Landeen, attorney representing Todd Pascarella, to the meeting. Mr. Landeen participated in the meeting through the use of telephonic equipment.

Boardmember Russell proposed that the Axon video referenced by the applicant related to the Accidental Disability application be provided to the Local Board and IME physicians for review. He added that the Local Board will also need updated medical records for review prior to the next meeting.

It was moved by Boardmember Russell, seconded by Boardmember Lentz to consider the Accidental Disability application of Todd Pascarella at the March Local Board meeting pending receipt of additional medical records and that the records and Axon video of the disabling event be forwarded to the IME physicians.

Upon tabulation of votes, it showed:

AYES – Raines-Brady-Jones-Lentz-Russell
NAYS – None
ABSENT – None

Carried unanimously.

12. Adjournment.

Without objection, the meeting of the Local Police Pension Board adjourned at 12:34 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 20th day of February 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK