



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
AUGUST 29, 2022**

A meeting of the Public Safety Local Fire and Police Pension Boards of Mesa, Arizona, was held in the City Clerk's Conference Room, Suite 150, 20 E. Main Street, August 29, 2022 at 11:02 a.m.

MEMBERS PRESENT

Dee Ann Mickelsen, Chairperson
Chris Brady, City Manager
Kurt Castaneda (Fire)
Stephen Lentz (Police)*
Ryan A. Russell (Police)
Jenny Sheppard (Citizen Member)
David Silides (Fire)

MEMBERS ABSENT

STAFF PRESENT

Holly Moseley, City Clerk
Ann Marie Fantasia, Sr. Program Asst.
Vanessa Wisneski, Sr. Program Asst.

OTHERS PRESENT

Mayra Araujo
Eric Butler (Applicant)
Marisa Butler
Nicole Fazzio
Nitra Hawkins
Cynthia Kelley
Natalie Kurdoghlian
Jennifer Lelouarn
Jose Montenegro (Applicant)
Teri Overbey
Tina Rogers
Christy Trevino

(* Participated telephonically.)

Chairperson Mickelsen excused Boardmember Brady from the beginning of the meeting. He arrived at 11:04 a.m.

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of June 16, 2022.

It was moved by Boardmember Sheppard, seconded by Boardmember Russell, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of June 16, 2022 be approved.

Upon tabulation of votes, it showed:

AYES - Lentz-Russell-Sheppard-Silides
NAYS - None
ABSENT - Brady
ABSTAIN - Castaneda-Mickelsen

Chairperson Mickelsen declared the motion carried unanimously by those present and voting.

2. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of July 21, 2022.

It was moved by Boardmember Sheppard, seconded by Boardmember Russell, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of July 21, 2022 be approved.

Upon tabulation of votes, it showed:

AYES - Castaneda-Mickelsen-Russell-Sheppard-Silides

NAYS – None

ABSENT – Brady

ABSTAIN - Lentz

Chairperson Mickelsen declared the motion carried unanimously by those present and voting.

FIRE PENSION BOARD

(The Local Fire Pension Board recessed at 11:06 a.m. in order to convene an Executive Session and reconvened the Public Safety Local Fire Pension Board meeting at 11:25 a.m.)

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 Meagan Clark, Kendall Curtis, Bryan Dukes, James Figueroa, Michael George, Preston Guerra, Jack Hansen, Daniel Jackson, Casey Johnson, Bailey Kirkham, Jessica Leonard, Jacob Loaiza, Zackary Manis, Daniel Moe, Juan Mundo Reyes, Nicholas Norwick, Deven Odenthal, Cullen O'Dwyer, Michelle Orr, Eduardo Perez, Zachary Rock, Galina Romanova, Luke Schwartz, Martin Sebastian, William Stewart, David Talarico, Jordan Upham, Matthew Wilbur, David Wilcutt, and Nicolas Woolstenhulme have pre-existing medical conditions.

It was moved by Boardmember Castaneda, seconded by Boardmember Silides that Firefighter applicants Meagan Clark, Kendall Curtis, Bryan Dukes, James Figueroa, Michael George, Preston Guerra, Jack Hansen, Daniel Jackson, Casey Johnson, Bailey Kirkham, Jessica Leonard, Jacob Loaiza, Zackary Manis, Daniel Moe, Juan Mundo Reyes, Nicholas Norwick, Deven Odenthal, Cullen O'Dwyer, Michelle Orr, Eduardo Perez, Zachary Rock, Galina Romanova, Luke Schwartz, Martin Sebastian, William Stewart, David Talarico, Jordan Upham, Matthew Wilbur, David Wilcutt, and Nicolas Woolstenhulme be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES - Brady-Castaneda-Mickelsen-Sheppard-Silides

NAYS - None

ABSENT - None

Carried unanimously.

4. Discuss and take action on the Ordinary Disability Retirement application of Firefighter Blu Caton.

Chairperson Mickelsen indicated that Firefighter Blu Caton was absent from the meeting. She stated that the members of the Local Board have reviewed the IME report from Dr. Jody Reiser. She encouraged Boardmembers to pose any questions they may have regarding the IME report and Mr. Caton's pending Ordinary Disability Retirement application.

Boardmember Castaneda stated that Dr. Reiser marked yes to item number four on the Ordinary Disability Questionnaire, indicating that during her examination of all medical evidence, she discovered at least one pre-existing condition or injury that contributed to the claimed disability. He indicated that the IME report did not clearly explain the extent that the pre-existing condition contributed to the current disability. He advised that the Local Board should seek further clarification from Dr. Reiser before making a decision.

It was moved by Boardmember Castaneda, seconded by Boardmember Silides, that the Ordinary Disability Retirement application of Firefighter Blu Caton be continued until clarification is received from the IME Physician.

Upon tabulation of votes, it showed:

AYES - Brady-Castaneda-Mickelsen-Sheppard-Silides

NAYS - None

ABSENT - None

Carried unanimously.

Without objection, the meeting of the Local Fire Pension Board adjourned at 11:28 a.m.

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 applicants Zachary Bryan, Michael Herrold, Curtis Schultz, Harrison Taylor, Steven Wilkes, and Daniel Ziebell have pre-existing medical conditions.

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that Law Enforcement applicants Zachary Bryan, Michael Herrold, Curtis Schultz, Harrison Taylor, Steven Wilkes, and Daniel Ziebell be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES - Brady-Lentz-Mickelsen-Russell-Sheppard

NAYS - None

ABSENT - None

Carried unanimously.

6. Discuss and take action on the rehire of retired PSPRS member Courtenay Harris to Code Compliance Officer I.

Human Resources Director Teri Overbey stated that Courtney Harris competed in an open, competitive recruitment process for the civilian, non-supervisory, non-PSPRS position of Code Compliance Officer I. She added that he retired effective 5/1/2022 and was offered the position after the mandatory sixty-day wait period had been completed post retirement.

Boardmember Russell advised that there was no vacant Code Compliance Officer I position at the time Officer Harris competed in the recruitment process and he was advised that no decision or offer on any position could be made to him until after he had completed the sixty-day wait period after the effective date of his retirement. He added that once an opening occurred, Officer Harris was selected from a list of eligible applicants for an interview to determine if he would be offered the position.

It was moved by Boardmember Lentz, seconded by Boardmember Sheppard, that the rehire of retired PSPRS member Courtenay Harris to Code Compliance Officer I, effective 9/5/2022, be approved as within the statute requirements and that no alternate contribution will need to be paid.

Upon tabulation of votes, it showed:

AYES – Brady-Lentz-Mickelsen-Sheppard

NAYS – None

ABSENT – None

ABSTAIN - Russell

Chairperson Mickelsen declared the motion carried unanimously by those voting.

7. Discuss and take action on the rehire of retired PSPRS member James Scott McClellan to Real Time Crime Center Operator.

Human Resources Director Teri Overbey stated that James Scott McClellan retired effective 3/1/2022 and after competing in an open, competitive recruitment process, he was offered the civilian, non-supervisory, non-PSPRS position of Real Time Crime Center Operator.

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that the rehire of retired PSPRS member James Scott McClellan to Real Time Crime Center Operator, effective 9/5/2022, be approved as within the statute requirements and that no alternate contribution will need to be paid.

Upon tabulation of votes, it showed:

AYES – Brady-Lentz-Mickelsen-Russell-Sheppard

NAYS – None

ABSENT - None

Carried unanimously.

8. Discuss and take action on the Accidental Disability Retirement application of Police Officer Eric Butler.

Chairperson Mickelsen welcomed Police Officer Eric Butler to the meeting. She stated that the members of the Local Board have reviewed Officer Butler's application and medical records. She encouraged the members to pose any questions they may have regarding Officer Butler's pending Accidental Disability Retirement application.

Discussion ensued relative to Officer Butler's injuries, subsequent treatments, and current condition.

Boardmember Russell expressed concern that the medical documentation did not include a diagnosis from a medical doctor for the claimed disability. He suggested that Officer Butler seek a documented diagnosis from a medical doctor to better support his disability claim.

Chairperson Mickelsen indicated that in view of the absence of further questions from the Board, she 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 Eric Butler be continued to allow Officer Butler to seek a documented diagnosis from a medical doctor.

Upon tabulation of votes, it showed:

AYES – Brady-Lentz-Mickelsen-Russell-Sheppard

NAYS – None

ABSENT - None

Carried unanimously.

9. Discuss and take action on the Accidental Disability Retirement application of Police Officer Jose Montenegro.

Chairperson Mickelsen welcomed Police Officer Jose Montenegro to the meeting. She advised Officer Montenegro that the members of the Local Board have reviewed his application, medical records, and the IME report from Dr. Schmidt. She encouraged Boardmembers to pose any questions they may have regarding Officer Montenegro's pending Accidental Disability Retirement application.

Boardmember Russell stated Dr. Schmidt was not satisfied with the medical records provided, hence, did not answer all questions on the questionnaire. He explained that after receipt of additional medical records, Dr. Schmidt completed an addendum to his original report, but did not update the questionnaire. He advised that there are some conflicts in the IME questionnaire that can be resolved using further explanation from the addendum and by the Local Board as follows:

- Question two – Does the injury or condition totally prevent the employee from performing a reasonable range of duties within the employee's job classification?

In the IME report Dr. Schmidt states that Officer Montenegro can perform some tasks listed in the job description but is not able to perform physically demanding activities such as running, jumping, physical altercations, kneeling or squatting. While Dr. Schmidt considers this to be a reasonable range of duties, the employer and the Local Board do not.

- Question four – Was the injury or condition the result of an event incurred during the performance of the employee's duty?

In the addendum Dr. Schmidt answered yes.

- Question five – During your examination of all medical evidence, did you discover any pre-existing conditions or injuries that contributed to the claimed disability?

In the addendum Dr. Schmidt answered yes, but also advises while it is reasonable to think at some point in the future he would have needed surgery, it is difficult to say if it would have been anytime soon. This statement indicates to the Local Board that it was impossible to determine when the pre-existing condition might have caused the claimed disability without further injury, therefore, the on-duty injury contributed significantly to the claimed disability.

Chairperson Mickelsen stated that with all conflict resolved by the Local Board, she 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 Jose Montenegro be approved.

Upon tabulation of votes, it showed:

AYES – Brady-Lentz-Mickelsen-Russell-Sheppard

NAYS – None

ABSENT - None

Carried unanimously.

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 29th day of August 2022. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK