Tempe

Minutes
Tempe Police Public Safety Personnel Retirement System Board
January 7, 2016

Minutes of the Tempe Police Public Safety Personnel Retirement System Board, held on Thursday, January 7, 2016, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:
Joe Brosius
Jeff Millen
Dr. Russell Schoeneman

Board Members Absent:
Mark Mitchell, Mayor
Kelly McMenemy

City Staff Present:
Jon O'Connor, Deputy Internal Services Director-HR
Wendy Messina, HR Program Coordinator
Chris Hansen, Risk Manager
Susan Buck, Executive Assistant

Legal Counsel Present:
Cynthia Kelley

Joe Brosius called the meeting to order at 2:01 p.m.

ITEM I – Consideration of Meeting Minutes
Motion by Russell Schoeneman to approve the December 3, 2015 Board Meeting Minutes and the December 3, 2015 Fire & Police Board Joint Meeting Minutes; second by Jeff Millen. Motion passed unanimously on a voice vote 3-0.

ITEM II - Public Appearances
William Vanek addressed the Board regarding Item VII, the hearing on his application for Accidental Disability Benefits. Mr. Vanek stated that he had concerns about Dr. Kipling Sharpe, the physician who conducted his Independent Medical Exam (IME). Mr. Vanek attended his IME appointment with Dr. Sharpe on December 3, accompanied by his wife, who is also a nurse. Mr. Vanek described his appointment with Dr. Sharpe, stating that the doctor did not introduce himself and that he appeared confused, angry and condescending. In addition, the exam performed by Dr. Sharpe caused pain and swelling in Mr. Vanek's knee. Mr. Vanek stated that he believes that Dr. Sharpe does not like police officers and he would not send any other members to this doctor for future exams.

ITEM III - Motion to Adjourn to Executive Session
Motion by Jeff Millen to adjourn to Executive Session; second by Russell Schoeneman. The Board convened into Executive Session at 2:09 p.m.; the meeting was called back to order at 2:23 p.m.

ITEM IV - New Member Applications
Motion by Jeff Millen to approve the new member application of **Cody A. Conklin** noting pre-existing conditions; second by Russell Schoeneman. Motion passed unanimously on a voice vote 3-0.

Boardmember Millen stated that New Member Tyler W. Nitzel has resigned from the City of Tempe. Wendy Messina, HR Program Coordinator, stated that she checked with the State Administrator's Office and even though Mr. Nitzel resigned, he does have contributions into the Tempe PSPRS fund and the Board does need to take formal action on his

membership application. Motion by Jeff Millen to approve the new member application of **Tyler W. Nitzel**; second by Russell Schoeneman. Motion passed unanimously on a voice vote 3-0.

ITEM V – Prior Service / Transfer of Service
The Board acknowledged the following prior service / transfer of service:

- **Olnick Hultstrand,** 2.0930 years from Pinal County Sheriff
- **Sean Knapp**, 2.2440 years to Phoenix Police Department
- **Mitchell Manning**, 1.9370 years to Tucson Police Department
- **Kelly McMenemy**, 0.345 years from Arizona State Retirement System

Jon O'Connor, Acting Local Board Secretary, stated that staff confirmed with the State Administrator's Office that when the Board is made aware of transfers *into* or transfers *out of* the fund, the Board should formally acknowledge the transfer; this also applies to refunds. Boardmember Brosius requested clarification from staff regarding whether the members transferring in had pre-existing conditions. Ms. Messina stated that she did not know and deferred the question to Jeff Millen. Boardmember Millen stated that the members listed were approved as members previously; they are just purchasing/transferring service time at this point. Boardmember Brosius questioned whether the Board receives a copy of the medical from the agency where the member was previously employed. The Board discussed the new member process and lateral hires in general. Boardmember Brosius asked staff to provide future clarification on the process for approving or accepting new members into Tempe that have previous PSPRS service with a different employer.

ITEM VI - Application for Retirement
Motion by Jeff Millen to approve the application of **Ricardo Vasquez** for Retirement from the Deferred Retirement Option Plan (DROP) with a retirement date of 2/20/16; second by Russell Schoeneman. Motion passed on a voice vote 3-0.

ITEM VII – Hearing on Application for Accidental Disability Benefits:
Motion by Jeff Millen to approve the application of William Vanek for Accidental Disability Benefits. Boardmember Brosius requested additional discussion. The motion died due to lack of a second. Board Legal Counsel Cynthia Kelley called the Board's attention to Item No. 4 on the form P5-LB-A, Accidental Disability Questionnaire, completed by the doctor performing the Independent Medical Exam (IME). Ms. Kelley suggested the Board adjourn to Executive Session to discuss the IME report.

Motion by Jeff Millen to adjourn to Executive Session; second by Russell Schoeneman. The Board convened into Executive Session at 2:09 p.m.; the meeting was called back to order at 2:23 p.m.

Motion by Jeff Millen to table the application of **William Vanek** for Accidental Disability Benefits pending further clarification of IME report; second by Russell Schoeneman. There was consensus among the Board; however there was no voice vote. Boardmember Brosius addressed Mr. Vanek and stated that staff will be contacting the doctor who performed the IME to obtain clarification of responses on the Accidental Disability Questionnaire. Once clarification is received, this item will be placed on the next Local Board meeting agenda.

ITEM VIII – Status Update on Pending Disability Applications (Informational only; no action taken)
Boardmember Millen provided an update on the application of **James Click** for Accidental Disability Benefits. Boardmember Millen stated that Mr. Click has attended the first IME and the second IME is pending scheduling; once both IME reports are received, they will be submitted for the Board's review. Boardmember Brosius asked Mr. Click if he understood; Mr. Click answered in the affirmative. Boardmember Brosius clarified that the medical information submitted to the Board in the meeting packet was provided by Mr. Click.

ITEM IX – Amended Local Board Procedures
Boardmember Brosius requested that this item be brought back before the Board at a *joint* meeting with the Tempe Fire PSPRS Board.

ITEM X – Annual Review of Members Receiving Disability Benefits
Mr. O'Connor stated that this list is being provided as per the Local Board Procedures and noted that the Board can elect to request that members receiving disability benefits submit to an IME on an annual basis, if needed. Boardmember Brosius stated that if the member has 20 years of service, the IME requirement would not apply. Ms. Messina stated the list provided to the Board contains all Tempe Police members receiving PSPRS disability benefits, including 20-year members. Mr. O'Connor requested clarification of the service time listed for each member and the requirements to review the disability benefits. Ms. Kelley stated that the 20-year requirement includes a total of both service time *and* the amount of time they have been receiving disability benefits. Ms. Kelley noted that typically a Board assigns two members to review the list and report back to the full Board. Boardmember Brosius requested that the two elected board members, Jeff Millen and Kelly McMenemy, review the list and report back to the Board at the next meeting.

ITEM XI – 2015 Tempe Police Public Safety Personnel Retirement System Actuarial Report
Mr. O'Connor noted that page 2 of the report's Executive Summary states that the contribution rate going into effect on July 1, 2016 is 45.68%, which is a slight increase from the current rate of 44.7%. Motion by Russell Schoeneman to accept the 2015 Tempe Police PSPRS Actuarial Report; second by Jeff Millen. Motion passed on a voice vote 3-0.

ITEM XII - Future Meeting Date
The next meeting is February 4, 2016.

ITEM XIII - Future Agenda Items

- Quarterly Review of Board Expenditures
- Examples of Disability Benefit Calculations

Boardmember Millen stated that the hearing on the application by William Vanek for Accidental Disability Benefits will be on the next meeting agenda. Boardmember Millen stated that the hearing on the application by James Click for Accidental Disability Benefits will also be on the next meeting agenda if both IME reports required have been received.

Adjournment
The meeting adjourned at 2:38 pm.

Renie Broderick
Local Board Secretary