Tempe

Minutes
Tempe Police Public Safety Personnel Retirement System Board Meeting
April 4, 2013

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, April 4, 2013, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:
Joe Brosius
Chris McCormick
Jeff McHenry

Board Members Absent:
Mark W. Mitchell, Mayor
Penny Higginbottom

City Staff Present:
Brigitta Kuiper, City Clerk
Jon O'Connor, Human Resources representative
Tim Mattix, Assistant City Clerk
Wendy Messina, Human Resources representative

Legal Counsel Present:
Cynthia Kelley

Boardmember Brosius called the meeting to order at 2:04 p.m.

ITEM I – Consideration of Meeting Minutes
Motion by Jeff McHenry to approve the executive session minutes of March 7, 2013 and the board meeting minutes of March 7, 2013; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0.

ITEM II – Public Appearances
None.

ITEM III – Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §§ 38-431.03(A)(2), 38-431.03(A)(3), and 38-431.03(A)(4)
Motion by Jeff McHenry to adjourn to Executive Session; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0. The Board convened into Executive Session at 2:05 p.m.; the Board Meeting was called back to order at 2:29 p.m.

ITEM IV – New Members
There were no new applications.

ITEM V – Initial Hearing for Accidental Disability Benefits *(continued from the March 7, 2013 Board meeting)*
Motion by Jeff McHenry to accept the accidental disability benefits for **Daniel Kells** and schedule an independent medical examination; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0.

ITEM VI – Initial Hearing for Accidental Disability Benefits
Joe Brosius opened the initial hearing for accidental disability benefits for **Todd Long**. John Commerford, attorney representing Mr. Long, addressed the Board. He discussed the state statutes relating to disability cases and case law in Arizona including *Parkinson V. Guadalupe Public Safety Retirement Local Board* and *Hosea v. City of Phoenix Fire*

Pension Board. He stated that Dr. Rhorer, representing the City of Tempe Workers' Compensation carrier, declared Mr. Long permanently disabled and unable to perform the duties of a Police Officer.

The Board discussed with Mr. Long a pending internal investigation; Mr. Long stated that the investigation is not the reason he is filing for a disability retirement. The Board asked Mr. Long if the investigation could result in termination; Mr. Long replied that if the investigation is sustained, it could result in termination. Mr. Commerford addressed the Board and spoke in greater detail about *Parkinson V. Guadalupe Public Safety Retirement Local Board*, and stated that the medical disability need only be "a" reason for Mr. Long's disability retirement; he expressed his opinion that the Board cannot look into other motivations.

Motion by Jeff McHenry to adjourn to Executive Session; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0. The Board convened into Executive Session at 2:37 p.m.; the Board Meeting was called back to order at 2:44 p.m.

Motion by Jeff McHenry to continue the initial hearing for accidental disability benefits for Mr. Long, and to direct staff and legal counsel to proceed as discussed in executive session; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0.

ITEM VII – The PSPRS Local Board Newsletter Volume 5, Issue 3 (informational only)
No discussion.

ITEM VIII – Future Agenda Items
Daniel Kells – accidental disability application, following independent medical examination.
Todd Long – initial hearing for accidental disability benefits.

Adjournment
Motion by Chris McCormick to adjourn; second by Jeff McHenry. Motion passed unanimously on a voice vote 3-0. The meeting adjourned at 2:45 p.m.

Brigitta M. Kuiper
Local Board Secretary