



## **Minutes Tempe Fire Public Safety Personnel Retirement Board July 3, 2008**

Minutes of the Tempe Fire Public Safety Personnel Retirement Board, held on Thursday, July 3, 2008, 3:00 p.m., Tempe City Hall – Mayor’s Office, 31 E. 5<sup>th</sup> Street, Tempe, Arizona.

**Board Members Present:**

Mayor Hugh Hallman  
Matt Tripoli  
Joe Brosius

**Board Members Absent:**

Rich Woerth  
James Foley

**City Staff Present:**

Jan Hort, Clerk’s Office  
Lynna Soller, Human Resources

**Mayor Hallman called the meeting to order at 3:55 p.m.**

**ITEM I - David Niederdeppe – Discussion of Board Processes**

The Fire and Police Pension Boards convened in joint session to discuss this Item. Mr. Niederdeppe explained that House Bill 2059 was approved by the Governor on April 22, 2008. This legislation goes into effect September 26, 2008. The bill amends A.R.S. § 38-847 (D) (3) relating to the Public Safety Personnel Retirement System. It requires that unless all parties involved in a matter agree that is presented to the local board for determination, a hearing on the matter must commence within 90 days. If not, the relief demanded by the party petitioning the board is deemed granted and approved by the board unless a request for rehearing or appeal is made.

The bill also amends A.R.S. §38-847 (F) which states that if a claim or dispute is presented to the local board, but the local boards have not adopted uniform rules of procedure for adjudication, the board shall adopt and use the model uniform rules of local board procedure that are issued by the Fund Manager’s Fiduciary Counsel to adjudicate the claim or dispute. To date the model uniform rules are in the process of being developed by Mr. Lieberman, the Fund Manager’s Fiduciary Counsel. Mr. Neiderdeppe will keep the board updates in regards to the completion of the procedures as well as obtain sample procedures that the Board might consider when preparing and adopting procedures by the board. This will be distributed through the Board Secretary.

Lastly, the bill amends § 38-847 (N) which state that legal counsel employed by the local board is independent of the employer and owes its duty of loyalty only to the local board in connection with it representation of the local board. This means that the board is unable to use the City’s counsel.

**ITEM II – Consideration of Meeting Minutes**

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Motion by Matt Tripoli to approve the April 3, 2008, Fire Board meeting minutes. Second by Joe Brosius. Motion passed unanimously.

**ITEM III – New Recruits**

None were submitted.

**ITEM IV - Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §§ 38-431.03(A)(2) and 38-431.03(A)(3)**

Not Applicable

**ITEM V - Retirement Applications**

Motion by Matt Tripoli to approve the DROP applications for **John Barton** and **John McMahan**. Second by Joe Brosius. Motion passed unanimously.

Motion by Matt Tripoli to approve the DROP to Retirement applications for **Jon (Jeff) Fletcher** and **Robert Lopez**. Second by Joe Brosius. Motion passed unanimously.

**ITEM IV - Future Agenda Items**

None.

Motion to adjourn the meeting by Matt Tripoli. Second by Joe Brosius. Motion passed unanimously

The meeting was adjourned at 4:10 p.m.

Prepared by:

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Jan Hort  
City Clerk