



**CITY OF SCOTTSDALE
FIRE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)**

MINUTES

Thursday, May 19, 2022

Public Safety Headquarters
8401 E Indian School Rd
Scottsdale, AZ 85251

PRESENT: Hugo Meraz, Chairperson/Mayoral Designee
Donna Brown, Citizen Member/Merit Head
Steve Springborn, Elected Member
Todd Caverner, Elected Member

ABSENT: Ken Strobeck, Citizen Member

STAFF: Autumn Asmus, PSPRS Local Board Secretary
Darlene Ganger, Senior HR Benefits Analyst

GUESTS: William Whittington, Law firm of BPCWS

Call to Order

Chair Meraz called the meeting to order at 9:30 a.m.

Roll Call

Members present as listed above.

Public Comment

There were no members of the public who wished to speak.

Possible Executive Session

1. Discussion and possible action re: possible employment of William Whittington and the Law Firm of BPCWS to represent the local board in regards to the pending Litzell disability retirement application, and possible approval of resolution no. 2022-001 relating thereto

Chair Meraz explained that Ms. Kelley recused herself from today's matters, due to a potential conflict of interest. The Board will consider retaining William Whittington in her absence. Board Member Springborn requested that in the future all Board Members be notified ahead of the meeting about matters such as this.

Mr. Whittington reviewed his background, noting that he represents fire districts around the state, represents pension boards in various counties, and acts as General Counsel for the Arizona Fire District Association.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE EMPLOYMENT OF WILLIAM WHITTINGTON AND THE LAW FIRM OF BPCWS AS COUNCIL TO THE BOARD FOR THIS MEETING AND TO APPROVE RESOLUTION NO. 2022-001. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

2. Approval of Minutes
 - a. Regular Meeting: March 17, 2022

Board Member Springborn noted that under the item discussing the adoption of the PSPRS newly Revised Model Uniform Rules of Local Board Procedures, the minutes reference "psychologist" four times and the second and fourth time it is mentioned should be replaced with "psychologist." The statement should read "... Ms. Kelly suggested on page eight, number four, under medical examination, something be added to include a psychological examination provided by a psychologist prior to the member being sent to a psychiatrist for the IME. Board members agree that the wording indicated that the Board may send the applicant to a psychologist for testing prior to going to a psychiatrist for an IME."

BOARD MEMBER SPRINGBORN MOVED TO APPROVE WITH CHANGES NOTED THE REGULAR SESSION MEETING MINUTES FROM THE MARCH 17, 2022 PSPRS FIRE LOCAL BOARD MEETING. BOARD MEMBER BROWN SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

3. Discussion and vote on the Adoption of the PSPRS newly Revised Model Uniform Rules of Local Board Procedures

Ms. Asmus confirmed that the statement suggested regarding seeing a psychologist prior to being sent to a psychiatrist for an IME was added as item 4.1 of the Revised Model Uniform Rules of Local Board Procedures.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE AS PRESENTED THE PSPRS REVISED MODEL UNIFORM RULES OF LOCAL BOARD PROCEDURES. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

4. Discussion and vote on the Accidental Disability Retirement Application of Fire Captain Steve Leitzell

BOARD MEMBER SPRINGBORN MOVED TO GO INTO EXECUTIVE SESSION. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

EXECUTIVE SESSION HELD FROM 9:46 A.M. TO 9:53 A.M.

BOARD MEMBER SPRINGBORN MOVED TO DISAPPROVE THE ACCIDENTAL DISABILITY RETIREMENT APPLICATION OF FIRE CAPTAIN STEVE LEITZELL, BASED ON THE MEDICAL BOARD PHYSICIAN'S RESPONSE TO THE IME QUESTIONS. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Board Member Springborn noted that according to the Board's bylaws, Captain Leitzell has the opportunity to request a rehearing to present additional information within 60 days.

Mr. Whittington noted that items one through eight of the P-5 were not completed.

Board Members reviewed items one through eight of the P-5, coming to consensus on each answer.

Discussion ensued regarding item eight, clarifying the reason for the Board answering "yes" to the question of whether or not the injury occurred during the line of duty. Mr. Whittington noted that the physician response to his question number four indicated that no, the injury was not incurred during the line of duty. Board Member Springborn clarified that there is evidence that the injury was incurred during the line of duty and that the physician indicated that there is an injury, but that it is not permanent and will not prevent him from performing his duties as a firefighter. Board Members were in consensus to answer "yes" for item eight.

BOARD MEMBER SPRINGBORN MOVED TO DIRECT STAFF TO COMPLETE THE ANSWERS ON THE P-5 FORM, ITEMS ONE THROUGH EIGHT, CONSISTENT WITH THE ANSWERS AGREED UPON BY THE BOARD MEMBERS FOR EACH ITEM, AND SUBMIT THE COMPLETED FORM TO THE BOARD CHAIR FOR SIGNATURE. BOARD MEMBER BROWN SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

5. Induction of new City of Scottsdale Firefighters into PSPRS, if any

Board Member Springborn asked that the full medical file for each inductee, including those without pre-existing medical conditions, be included as part of the Board packets in the future.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE FIRE RECRUITS AUSTIN HENIGE, RANDY KUHSTOSS, ALEC MOEN, BRANDON PARCEL, TRAVIS RADKE, RICHARD TAYLOR, JESSICA TEWS, KEVIN WEBER, AND BRENT WHEELER, WITH AN EFFECTIVE DATE OF APRIL 25, 2022 AND BOYD SCHYLER AND ANDREW HOSTER, WITH AN EFFECTIVE DATE OF MAY 9, 2022. EACH WILL BE INDUCTED WITH PRE-EXISTING MEDICAL CONDITIONS, IF ANY, AS NOTED ON THE LISTING THAT IS INCLUDED WITH THE BOARD PACKET. BOARD MEMBER BROWN SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

6. Report to the Board on recently completed service transfers, if any

There were no recently completed service transfers.

7. Board suggestions for upcoming agenda items

Upcoming agenda items include:

- Discussion about the possibility of conducting future meetings remotely

Adjournment

BOARD MEMBER BROWN MOVED TO ADJOURN THE MEETING. BOARD MEMBER SPRINGBORN SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BROWN, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 10:10 a.m.

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