

**CITY OF PHOENIX
POLICE PENSION BOARD**
200 W. Washington, 10th Floor
Phoenix, AZ 85003

March 7, 2014

MEMBERS PRESENT: Ms. Toni Maccarone, Chairperson
Officer Will Buividas, Member
Lt. Stan Hoover, Member
Ms. Wendy Larsen, Member

ABSENT: Mr. Bruce Meyerson, Member

ALSO PRESENT: Ms. Gail Strohl, Retirement Program Administrator
Atty. Cynthia Kelley, Ryan Rapp & Underwood
Ms. Paula Whisel, Recording Secretary
Ms. Anna Martinez, City of Phoenix Employees'
Retirement System (COPERS)
Ms. Lolita Cordova, COPERS
Captain Brian Moore, Member (participated via telephone)
Deputy Chief Brian Tobin, Member (participated via telephone)
Ms. Phyllis Rissky, Court Reporter
Mr. Albert Salaiz, Disability Applicant
Mr. Vic Escoto, Guest of Disability Applicant

The City of Phoenix Police Pension Board met at 200 West Washington Street, 10th Floor, 10 East Conference Room, Phoenix, Arizona, on March 7, 2014, at 12:00 p.m. for the purpose of conducting regular business.

1. Call to Order

Chairperson Maccarone called the Police Pension Board to order at 12:04 p.m. for a joint meeting with the Fire Pension Board.

2. Consideration of Correspondence From Public Safety Personnel Retirement System Regarding Unauthorized Access to Personal Information

Ms. Strohl stated the Public Safety Personnel Retirement System (PSPRS) had a data breach. She stated the method PSPRS chose to communicate with the active members was to send a letter to each of the employers for them to contact the members. She stated the letter included LifeLock information, which members could sign up for data security monitoring services. She stated the City of Phoenix received the correspondence on February 25, 2014, but the correspondence was dated February 13, 2014. She stated she had contacted PSPRS to see if it was possible to extend the LifeLock deadline since the City has not sent out the notice yet. She stated PSPRS felt there had been a sufficient amount of time and they were not sure why the City received the notice so late, but they were not going to extend the deadline. She stated Police Fiscal was going to be sending the letter out through their ENS system. She stated Fire members had been notified through their bucksip. She stated the elected officials were going to receive a hard copy delivered to them. She stated PSPRS would be contacting the retirees.

Officer Buividas stated when Police sends the ENS notification he would like for his and Lt. Hoover's information to be on the notification. Lt. Hoover asked to have the information sent out by Monday or Tuesday of next week.

3. **Performance Management Reports**

Chairperson Maccarone stated this item was informational.

4. **Presentation of Legislative Activity**

Officer Buividas stated House Bill (HB) 2693 reads differently than what was portrayed by the media. He stated the way he reads it is for any catastrophic disability or any in the line of duty death the entire fund will pay those expenses as opposed to each individual employer. Chief Tobin stated he thought the bill had been amended since to exclude the catastrophic disabilities. He stated he thought any killed in the line of duty claims would be paid as a liability to the entire system and each employer will pay a share of that per employee moving forward. He stated he has not seen a lot of activity on the bill. He stated he thought this bill was something the employers should weigh in on.

No action was taken on this item.

Chairperson Maccarone adjourned the Fire Board meeting at 12:12 p.m.

5. **Approval of Police Pension Board Minutes of February 7, 2014**

Lt. Hoover moved approval of the February 7, 2014 meeting minutes. Officer Buividas seconded the motion. The motion carried unanimously.

6. **Consideration of Disability Application – Albert Salaiz (Accidental Disability)**

Mr. Albert Salaiz and Mr. Vic Escoto entered the room.

Chairperson Maccarone stated the last time the Board met with Mr. Salaiz they referred him for an independent medical examination (IME). She stated the Board had received the IME report and had a chance to review it prior to the meeting.

Lt. Hoover asked Mr. Salaiz if he had read the IME report. Mr. Salaiz stated he had read the report.

Lt. Hoover stated Atty. Kelley had pointed out there appears to be a typo on page 6 of the report. He stated under physical examination it says the claimant did appear to embellish his complaints. He stated the report then goes on to say Mr. Salaiz was straight forward and cooperative. He stated as a Board member he can make certain assumptions by law. He stated he would assume this was a typo and it should read the claimant did not appear to embellish his complaints. He stated when you go to the last page of the report, the questionnaire, the doctor was pretty definitive about what the outcome should be.

Lt. Hoover stated he had reviewed the medical documentation which was presented by Mr. Salaiz which stated he had an injury which occurred in the line of duty and subsequently had three separate surgeries. He stated he had reviewed the IME report by Dr. Michael Steingart who opines Mr. Salaiz has an injury that occurred in the line of duty to his right arm which will totally and permanently prevent him from doing a reasonable range of duties for the Phoenix Police Department. He moved to grant accidental disability benefit to Mr. Salaiz. Officer Buividas seconded the motion. The motion carried unanimously.

The Board reviewed and responded to each of the questions included in the Local Board section of the Public Safety Personnel Retirement System (PSPRS) form P5-LB-A 09/13.

1. Did the employee file the application after the disabling incident or within one year of ceasing to be an employee?

Local Board's Response: Yes.

2. Did or will the employee terminate by reason of disability?

Local Board's Response: Yes.

3. Did employment terminate based on a disciplinary issue?

Local Board's Response: No.

4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability?

Local Board's Response: No.

5. Is the employee still working in a position within their job classification that the Local Board considers a reasonable range of duties position?

Local Board's Response: No.

6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties?

Local Board's Response: No.

7. Did the condition or injury occur prior to the current PSPRS membership date?

Local Board's Response: No.

8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?

Local Board's Response: Yes.

Mr. Salaiz thanked the Board for reviewing his information. He stated it was a bitter sweet day for him because it was not how he wanted his career to end.

Mr. Salaiz and Mr. Escoto left the room.

7. **Consideration of Possible Reexaminations of Disability Retirees**

Lt. Hoover stated it was brought to his attention by staff Mr. Christopher Emch lives out of state. He stated if you look at the minutes from the last meeting Atty. Niederdeppe asked if Mr. Emch was still located in Arizona. He stated he assumed Mr. Emch was still in the state but if not, to bring it back to the Board.

Lt. Hoover stated due to the increased expense and burden on the applicant and the City, moved to rescind his motion to send Mr. Emch out for an independent medical exam and to not send anyone out this year based on other issues which are occurring before the Board. Officer Buividas seconded the motion. The motion carried unanimously.

8. **Report of City of Phoenix Public Safety Employees Who Have Retired/Exited the Deferred Retirement Option Plan During February 2014 (to be distributed)**

Chairperson Maccarone stated this item was informational.

9. **Consideration of Omnibus Action Items**

Officer Buividas moved approval of the omnibus action items. Lt. Hoover seconded the motion. The motion carried unanimously.

a. **New Member Report**

b. **Service Retirement**

1) Name:	Todd L. Hanley
Rank:	Police Officer
Years of Service:	20.344
Age:	43
Retirement Date:	02/03/14
Effective Date:	03/01/14
Monthly Pension:	\$3,825.97

c. **Service Retirement – Recalculation**

1) Name:	John H. Scott
Rank:	Sergeant
Years of Service:	22.795
Age:	47
Retirement Date:	01/22/14
Effective Date:	02/01/14
Monthly Pension:	\$5,109.45
2) Name:	Richard T. Wooten
Rank:	Police Officer
Years of Service:	26.781
Age:	48
Retirement Date:	01/08/14
Effective Date:	02/01/14
Monthly Pension:	\$5,944.79

d. **Disability Retirement**

1) Name:	Olivia K. Vetter
Rank:	Police Officer
Type:	Catastrophic
Years of Service:	11.436
Age:	42
Approval Date:	01/07/14
Retirement Date:	02/28/14
Effective Date:	03/01/14
Monthly Pension:	\$6,219.06

e. **Deferred Retirement Option Plan**

- 1) Name: David E. Chambers
Rank: Police Officer
Years of Service: 25.020
Age: 50
Effective Date: 02/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$4,760.34
- 2) Name: Rodney L. Cook
Rank: Police Officer
Years of Service: 26.038
Age: 46
Effective Date: 02/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$5,354.44
- 3) Name: Karen M. Freund
Rank: Police Officer
Years of Service: 25.039
Age: 53
Effective Date: 02/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$4,713.98
- 4) Name: Mark A. Loftus
Rank: Police Officer
Years of Service: 28.318
Age: 54
Effective Date: 02/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$6,555.95
- 5) Name: Henry D. Mollon
Rank: Police Officer
Years of Service: 32.000
Age: 63
Effective Date: 02/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$5,497.08

f. **Deferred Retirement Option Plan – Recalculation**

- 1) Name: Joseph E. Tomory
Rank: Lieutenant
Years of Service: 25.901
Age: 49
Effective Date: 01/01/14
Maximum Duration of DROP: 60 months
Monthly Benefit: \$10,560.17

g. **Election to Terminate Participation in the Deferred Retirement Option Plan (DROP) and Apply for Normal Retirement**

- 1) Name: Daniel M. Celaya
Benefit: \$4,812.01
Entered DROP Effective: 03/01/09
Terminate DROP Effective: 03/01/14

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|----|---------------------------|-------------------|
| 2) | Name: | James R. Corey |
| | Benefit: | \$3,308.80 |
| | Entered DROP Effective: | 03/01/09 |
| | Terminate DROP Effective: | 03/01/14 |
| 3) | Name: | Jeffrey P. Kozel |
| | Benefit: | \$7,995.12 |
| | Entered DROP Effective: | 04/01/09 |
| | Terminate DROP Effective: | 04/01/14 |
| 4) | Name: | Edwardo A. Mendez |
| | Benefit: | \$4,156.95 |
| | Entered DROP Effective: | 02/01/12 |
| | Terminate DROP Effective: | 03/01/14 |
- h. **Purchase of Prior Military Service**
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| 1) | Carl G. Clovis Jr. | 01/06/14 |
| 2) | Jeffrey A. Hutchison | 01/10/14 |
- i. **Purchase of Prior Service**
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| 1) | Carl G. Clovis Jr. | 01/06/14 |
| 2) | Jeffrey A. Hutchison | 01/10/14 |
| 3) | Michael Rogers | 12/19/13 |
- j. **Death – Survivor Benefits Payable**
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|----|-------------------|--------------------|
| 1) | Name: | Angela McLamb |
| | Member: | Gerald J. McLamb |
| | Date of Death: | 01/11/14 |
| | Survivor Benefit: | \$2,790.96 |
| 2) | Name: | Katherine Saunders |
| | Member: | B. Paul Saunders |
| | Date of Death: | 12/10/13 |
| | Survivor Benefit: | \$2,720.84 |
- k. **Separation Benefits**
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|----|---|---------------|
| 1) | Eric J. Amato | *\$172,526.82 |
| | *Includes enhanced portion of \$66,245.91 | |
| 2) | James E. Art | *\$196,899.30 |
| | *Includes enhanced portion of \$98,449.65 | |
| 3) | Jed Fisher | *\$122,669.46 |
| | *Includes enhanced portion of \$61,154.75 | |
| 4) | John Flanagan | *\$74,761.05 |
| | *Includes enhanced portion of \$38,710.93 | |
| 5) | Mark Roach | *\$217,845.04 |
| | *Includes enhanced portion of \$89,133.02 | |
| 6) | Albert Smith | *\$146,663.91 |
| | *Includes enhanced portion of \$73,079.68 | |
| 7) | Ralph R. Woods | *\$50,485.74 |
| | *Includes enhanced portion of \$36,061.24 | |

I. **Bills to be Paid**

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|----|-----------------------------|------------|
| 1) | Medical Consultants Network | |
| | IME – Salaiz | \$1,605.00 |
| 2) | Ryan Rapp & Underwood | |
| | Invoice #33910 | \$700.00 |
| | Invoice #33911 | \$6,807.50 |

10. **Discussion of Litigation Pending Against the Phoenix Police Pension Board, Superior Court Case CV2013-010915, Wright, et al v. Stanton, et al**

No action was taken.

11. **Future Agenda Items**

Lt. Hoover requested the Police Board also have a future agenda item like the Fire Pension Board regarding finding additional doctors to perform IME's.

12. **Call to the Public**

There was no response to the call to the public.


13. **Next Board Meeting: Friday, April 4, 2014 - Phoenix City Hall, 10th Floor, 10 East Conference Room**

Chairperson Maccarone stated this item was informational.

14. **Close Session**

The meeting adjourned at 12:28 p.m.


Gail Strohl
Retirement Program Administrator


Paula Whisel
Recording Secretary

APPROVED:


Ms. Toni Maccarone, Chairperson
Police Pension Board

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