

DRAFT

MINUTES OF THE REGULAR MEETING PUBLIC SAFETY RETIREMENT BOARD TOWN OF CHINO VALLEY

AUGUST 28, 2019
2:00 P.M.

The Public Safety Retirement Board of the Town of Chino Valley met for a regular meeting in the Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona, on August 28, 2019.

1) CALL TO ORDER

Chair Jack Miller called the meeting to order at 2:00 p.m.

2) ROLL CALL

Present: Jack Miller, Chair; Amy Chamberlin, Board Member; Dean Keller, Board Member; Cheri Romley, Board Member

Staff Present: Laura Kyriakakis, Human Resource Director; William Whittington, Legal Counsel

Attendees: Michael Pereda new Boardmember not sworn in yet., Gary Brusco

3) APPROVAL OF MINUTES

- a) Consideration and possible action to approve the April 3, 2019, regular meeting minutes.

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to approve the April 3, 2019, regular meeting minutes.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

Vote: 4 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the April 3, 2019, executive session minutes.

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to approve the April 3, 2019, executive session minutes.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

Vote: 4 - 0 PASSED - Unanimously

4) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Board concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Board action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

5) **OLD BUSINESS**

6) **NEW BUSINESS**

- a) Introduction of the newly appointed Board Member, Michael Pereda.

New Board Member Mr. Pereda was introduced to the Board. It was explained that he needed to be officially appointed by the Town Council to participate in the meeting, but was advised by Legal Counsel that the Chair could invite Mr. Pereda to be present during the executive session.

7) **EXECUTIVE SESSION**

The Board may vote to recess the Regular Meeting and hold an Executive Session, which will not be open to the public, for the following purposes:

- a) Possible vote to go into executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection with regard to David Herrera, regarding acceptance into the Public Safety Personnel Retirement System.

Legal Counsel Whittington explained that Item 7a did not need to be heard under executive session and could instead be heard and discussed under Agenda Item 8b. He explained that only Item 7b needed to be heard under executive session for legal advice and the possible inspection of confidential records. Ms. Kyriakakis explained that there were confidential medical records to be presented to the Board regarding Mr. Herrera and that was the reason Item 7a was under executive session. Legal Counsel Whittington explained for that reason, executive session for Item 7a was required. Mr. Whittington recommended authorizing the executive session for both Item 7a and 7b under one vote.

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to end the regular meeting and go into executive session for Agenda Items 7a and 7b under Section A.R.S. § 38-431.03 A1, A2 and A3, at 2:18 p.m.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

Vote: 4 - 0 PASSED - Unanimously

- b) Possible vote to go into executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection regarding Gary Brusó's temporary disability application.

Legal Counsel Whittington explained that Mr. Brusco would be asked to leave the room during section A3-legal advice and section A-2 medical records inspection and then the Chair could invite him into the room during the discussion under section A1. He also explained that new Board Member Pereda, if invited by the Chair, could be in the room during the full discussions in order to gain sufficient factual knowledge to participate in future hearings in regards to the matters should they be put on the agenda at a later date, and the record needed to reflect the invitation. Chair Miller, for the record, recommended accepting Legal Counsel Whittington's advice for Mr. Pereda invitation to the executive session.

The Board ended the Executive Session and reconvened the Regular Meeting at 3:08 p.m.

Chair Miller explained to Mr. Brusco that Mr. Pereda was only at the executive session meeting as a witness and would not be making any official statements or voting because he had not been fully sworn in as a Board Member.

8) NEW BUSINESS RESUMED

After the Executive Session, the Board will reconvene the Regular Meeting.

- a) Discussion and possible action to remove Steven Angel, Police Officer – Voluntary Resignation 4/25/2019.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Cheri Romley to remove Steven Angel, Police Officer – Voluntary Resignation 4/25/2019.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

Vote: 4 - 0 PASSED - Unanimously

- b) Discussion and possible action to add David Herrera, Police Officer – Lateral New Hire 5/13/2019.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Dean Keller to add David Herrera, Police Officer – Lateral New Hire 5/13/2019 with the noted pre-existing conditions listed on his medical report.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

Vote: 4 - 0 PASSED - Unanimously

- c) Discussion and possible action regarding Gary Brusco's application for temporary disability.

The Board Members discussed the following under A1:

The Board Chair explained to Mr. Brusco that the Board Members had reviewed his application P5 and his medical records with legal counsel.

Board Members asked Mr. Brusco to explain why he initially left the Police Department and why he had not requested another position if he was experiencing issues. Mr. Brusco explained he had left for his mental health and had taken three months off to consider his options. He also went to counseling. He

determined that for his long-term health, it was best to leave the department. He was battling some issues and after seeing his personal doctor, he was prescribed medication to help with those issues.

The Board reviewed the P5 Physicians medical record form questions and answers. The physicians report determined that incidents on the job had contributed to the health of the employee seeking disability and that the employee may be eligible to return to work within a 12-month time period.

The Board reviewed the employer disability questions regarding Mr. Brusio.

The Board discussed that during the employee's FMLA leave, it was determined he had an issue that would prevent him from coming back to work and that the employee had terminated his employment due to a disability.

The Board questioned Mr. Brusio on whether he had been offered and refused another PSPRS (law enforcement) position in the employee's department. Mr. Brusio explained that he had not been offered another position within the Police Department but other possible positions with the Town that was not in a law enforcement capacity had been mentioned to him. The Board discussed the Town's administrative positions classifications that were not considered law enforcement positions. The Board determined that Mr. Brusio had not refused an offered position covered under PSPRS.

The Board discussed whether the injury or condition occurred prior to the PSPRS starting date in January of 2009. The Board determined that it had not.

The Board discussed whether the injury or condition occurred during the performance of the employee's duties. The physicians report had stated that the condition had occurred in the performance of the employee's duties.

MOVED by Board Member Cheri Romley, seconded by Board Member Amy Chamberlin to grant the employee's request for temporary disability based on the findings of the P5 and Dr. Parker's IME diagnosis dated July 18, 2019.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley

NAY: Board Member Dean Keller

Vote: 3 - 1 PASSED

MOVED by Board Member Cheri Romley, seconded by Chair Jack Miller to adopt the findings of the P5.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley

NAY: Board Member Dean Keller

Vote: 3 - 1 PASSED

9) ADJOURNMENT

Chair Miller adjourned the meeting at 3:27 p.m.

Submitted: September 3, 2019.

By: *Vickie Nipper, Deputy Town Clerk*

Approved: _____, 2019.