



NORTHWEST FIRE DISTRICT

Public Safety Personnel Retirement System Local Pension Board

SERVING RESIDENTS OF THE NORTHWEST FIRE DISTRICT, THE FLOWING
WELLS COMMUNITY AND THE TOWN OF MARANA

Administration/Prevention Services o 5225 W. Massingale Road o Tucson, AZ
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MINUTES OF THE NORTHWEST FIRE DISTRICT (NWFD) PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL PENSION BOARD MEETING

February 26, 2020

CALL MEETING TO ORDER

The meeting was held in the Conference Room of the NWFD Administration/Prevention Services Building, 5225 W. Massingale Road, Tucson, Arizona 85743.

Patrick Pettigrew, Vice Chairman, called the meeting to order at 1:33 p.m.

TAKE ATTENDANCE AND DETERMINE IF A QUORUM EXISTS:

Present: Bruce Kaplan, Chairman
Patrick Pettigrew, Vice Chair
Michael J. Brandt, Board Member
Clint Green, Board Member
Telephonically: Robert Lozano, Board Member

Bruce Kaplan, Chairman, called the meeting to order at 1:30 P.M.

Attendance was taken, and a quorum existed with four (4) voting members physically present, and one (1) voting member present telephonically at 1:35 p.m. and who left the meeting at 1:50 p.m.

Additional Attendees: Steve Bossé, Attorney for NWFD Local Pension Board, Patricia Aguilar, Local Pension Board Secretary, and David (Tony) Franz. employee.

SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA

Bruce Kaplan led the Pledge of Allegiance.

REVIEW, AMEND, AND APPROVAL OF THE JANUARY 07, 2019, LOCAL PENSION BOARD MEETING MINUTES.

The Secretary of the Local Board noted that the year for the date of the minutes should be 2020.

Patrick Pettigrew made the following motion, seconded by Clint Green and approved unanimously:

Motion to approve the minutes of the January 07, 2020, Local Pension Board meeting.

BUSINESS

Prior to the Business Agenda Items being introduced, Bruce Kaplan made the following motion, seconded by Patrick Pettigrew, and approved unanimously:

Motion to go into Executive Session at 1:33 p.m., for discussion and consultation for legal advice with the Local Pension Board Attorney on item D., invited is Patricia Aguilar, Local Board Secretary, to remain for the Executive Session.

Robert Lozano made the following motion, seconded by Michael Brandt, and approved unanimously:

Motion to close the Executive Session on Business item D., at 1:49 p.m.

A. REVIEW, DISCUSSION AND ACTION ON PHILLIP BRETON'S RETIREMENT APPLICATION FROM THE DEFERRED RETIREMENT OPTION PLAN (DROP), EFFECTIVE FEBRUARY 04, 2020.

Steve Bosse, Local Pension Board Attorney, introduced Business Item A, by reading the Agenda language. Mr. Bosse reported to the Board that he reviewed Phillip Breton's retirement application and it was complete.

Patrick Pettigrew made the following motion, seconded by Clint Green, and approved unanimously:

Motion to approve Phillip Breton's Retirement Application, effective February 04, 2020.

B. REVIEW, DISCUSSION AND ACTION ON DAVID (TONY) FRANZ'S RETIREMENT APPLICATION FROM THE DEFERRED RETIREMENT OPTION PLAN (DROP), EFFECTIVE FEBRUARY 16, 2020.

Steve Bosse, Local Pension Board Attorney, introduced Business Item B, by reading the Agenda language. Mr. Bosse reported to the Board that he reviewed David (Tony) Franz's retirement application and it was complete.

Michael Brandt made the following motion, seconded by Clint Green, and approved unanimously:

Motion to approve David (Tony) Franz's Retirement Application, effective February 16, 2020.

C. REVIEW AND CONSIDERATION TO APPROVE DAVID (TONY) FRANZ'S CATASTROPHIC DISABILITY RETIREMENT APPLICATION, EFFECTIVE FEBRUARY 16, 2020, BASED ON THE RESULTS FROM THE INDEPENDENT MEDICAL EVALUATION, INCLUDED IS THE REPORT OF FINDINGS, CATASTROPHIC DISABILITY QUESTIONNAIRE, AND LETTER OF REQUEST FROM THE BOARD.

Steve Bosse, Local Pension Board Attorney, introduced Business Item C, by reading the Agenda language. Mr. Bosse reported to the Board that he reviewed the Independent Medical Evaluation (IME) and Catastrophic Questionnaire completed by the IME and the determination by the IME was that David (Tony) Franz's injury meets the requirements of an Accidental Injury not a Catastrophic Injury, which the Catastrophic Injury is what Mr. Franz applied for and submitted to the Local Pension Board.

Patrick Pettigrew asked Mr. Bosse if Mr. Franz could engage in gainful employment. Mr. Bosse stated, yes according to the IME's determination.

Michael Brandt made the following motion, seconded by Clint Green, and approved unanimously:

Motion to deny David (Tony) Franz's Catastrophic Disability Retirement Application based on the IME's determination.

The Chairperson moved a "Call to the Public" to this point in the meeting to allow Mr. Franz to ask questions and/or make statements to the Board about Business Agenda Item C.

Mr. Franz stated that he did not understand nor agree with the Board's decision but realized that it was based on the IME's notes. He said that this was

not what the IME told him during his appointment and that there were several other surgeons and CopperPoint's IME who told him that his injury was catastrophic. Mr. Franz asked what his options were from this point and the PSPRS Local Pension Board's attorney, Steve Bosse, explained to him his appeal rights or he could apply for an Accidental Disability Retirement or he could accept his normal retirement which was approved at today's meeting. Mr. Bosse told Mr. Franz that he would begin receiving a normal retirement check at the end of March and any other questions he could contact the Local Pension Board Secretary, the Northwest Fire District Human Resource Services Division or the Public Safety Retirement System (PSRPS).

D. REVIEW, DISCUSSION AND DIRECTION TO THE PSPRS LOCAL PENSION BOARD SECRETARY ON WHEN TO SCHEDULE THE DISABILITY RETIREE MEDICAL EXAMINATIONS.

Steve Bosse, Local Pension Board Attorney, introduced Business Item D, by reading the Agenda language. After Board discussion regarding previous timings of Disability Retiree medical examinations, the Local Pension Board Secretary was directed to schedule the examinations for 2020 in the second quarter.

No Motion needed

CALL TO THE PUBLIC

None

ADJOURNMENT

Motion to adjourn the meeting was made by Patrick Pettigrew and seconded by lint Green and approved unanimously with four (4) voting Board Members.

The meeting adjourned at 2:08 p.m.