

PIMA COUNTY PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

THE PUBLIC SAFETY RETIREMENT BOARD OF PIMA COUNTY, ARIZONA MET IN SESSION ON THE 1st FLOOR CONFERENCE ROOM, 130 W. CONGRESS, TUCSON, ARIZONA AT 8:30 A.M SEPTEMBER 2nd, 2015.

VOTING MEMEBERS PRESENT:

Ms. Jennifer Cabrera
Ms. Georgia Brousseau
Lt. Gary Anderson
Sgt. Pat McGhee

VOTING MEMBERS ABSENT:

Mr. Leo Duffner

OTHERS PRESENT:

Attorney: David McEvoy
Secretary: Robin Benge
Court Reporter: Olivia Armenta
Other: Steve Bosse, Attorney for Mr. C Nanos

Ms. Cabrera, chairman for the board convened the meeting at 8:30 am.

Item 1 on the agenda was a Roll Call. Attendance as listed above with Ms. Brousseau joining the meeting at 8:35 am.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was approval of the minutes from the board meeting on 08/05/15. Lt. Anderson waived the reading of the minutes and moved to approve the minutes as submitted. Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 4 on the agenda was the Application for Termination and Retirement from the DROP for Christopher Radtke with an effective date of 10/01/15. Lt. Anderson moved to approve the application, seconded by Sgt. McGhee. Motion passed unanimously.

Item 5 on the agenda was the discussion and possible action regarding the return to work of Mr. Christopher Nanos. Mr. Steve Bosse, attorney for Mr. Nanos, spoke to the board regarding the PSPRS and EORP retirement plans. He referenced A.R.S. Section 38-810.02 and the statutory construction of the EORP plan's statutes. He also discussed that the term employee does not exist in the plan's statutes as those participants in the plan are either elected or appointed. Mr. McEvoy did ask Mr. Bosse who would be the employer, who would discipline the Sheriff and who is responsible if a lawsuit was filed.

Mr. Bosse responded that as an elected official the Sheriff can be recalled or voted out of office. The County cannot fire him as he is not an employee.

Lt. Anderson moved that the board meet in executive session, seconded by Ms. Brousseau. Motion passed unanimously.

Executive session convened at 8:41 am.

Meeting reconvened at 8:55 am.

Ms. Brousseau spoke and indicated that she does not see this as an issue as Mr. Nanos is an employee of the public and the only way to be removed from office by recall or an election.

Ms. Brousseau made the motion that they board has determined that Mr. Nanos is not subject to the re-employment statute for PSPRS that applies to other Pima County Sheriff's Department employees and the board secretary is directed to so notify the system. Lt. Anderson seconded the motion. Motion passed unanimously.

Item 6 on the agenda was the Applications for a Separation Refund for Adam Bryant and Joshua Higen. Lt. Anderson moved to approve the applications, seconded by Sgt. McGhee. Motion passed unanimously.

Item 7 on the agenda was the Applications to Transfer Service Credits Between PSPRS Employers for Michael Falquez and Aaron Medina. Sgt. McGhee moved to approve the applications, seconded by Lt. Anderson. Motion passed unanimously.

Item 8 on the agenda was the Discussion and possible action regarding the Annual Disability Physical Requirements for David Thompson. Informed the board the Mr. Thompson would reaches the mark of 20 years as of 9/24/15. Sgt. McGhee made the motion that Mr. Thompson no longer will be required to have an Annual Disability Physical due to reaching 20 years. Seconded by Ms. Brousseau. Motion passed unanimously.

Item 9 on the agenda was the review of Correspondence from the PSPR System. Informed the board that Mr. Knuth completed his transfer of service to another agency.

Item 10 was the call to the public. None responded

Ms. Brousseau moved to adjourn the meeting, seconded by Sgt. McGhee. Motion passed unanimously. The meeting was adjourned at 9:03 a.m.


Robin A. Bengé, Secretary