

Meeting Minutes

Public Safety Police Personnel

Retirement Board

Regular Meeting

January 5, 2022, | 9:00 a.m.
City Hall, 2nd Floor, Training Room B
175 S. Arizona Avenue., Chandler, AZ



Call to Order

The meeting was called to order by Chairperson Turner at 9:03 a.m.

Roll Call

Commission Attendance

Chairperson Steven Turner
Citizen Member Bill Crawford
Citizen Member Lanna Leonard
Police Member Elect Daniel Shellum
Police Member Elect Raymond Kieffer

Staff Attendance

Rae Lynn Nielsen, Human Resources Director
Nichole Bombard, Medical Leave Coord.
Christine Jarosik, Medical Leave Coord.

Others Present

Pam Treadwell-Rubin Board Attorney
Andrew Apodaca Board Attorney

Absent

None

Scheduled and Unscheduled Public Appearances

Consent Agenda and Discussion

1. December 1, 2021 Minutes
Regular Meeting Minutes of Wednesday, December 1, 2021.

Consent Agenda Motion and Vote

Police Member Elect Shellum moved to approve the Consent Agenda of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board Meeting; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Executive Session - Pursuant to A.R.S. Section 38-431.03 (A), the Chandler Local Police Public Safety Personnel Retirement Board may vote to convene in executive session to discuss or consider confidential records exempt by law from public inspection, and/or to consult with the Board's attorney for legal advice and to consider the Board's position and to instruct the Board's attorney regarding its position on items 2 through 6. The Board will take action on those items in open session.

Action Agenda Item No. 2 and Discussion

2. Application for Accidental Disability Daniel Chavarria
Consideration, Discussion, and Appropriate Action for request for rehearing for Daniel Chavarria.

Mr. Chavarria was not present; he was represented by his attorney Kathryn Bailie. Ms. Bailie requested the Board to review the differentiating opinions in the medical records of Mr. Chavarria's treating providers and the Board independent medical exam report and requested a second independent medical exam.

Modified Executive Session – Chairperson Turner asked for a motion to end the Open Session and to move into Modified Executive Session for confidential medical review. Police Member Elect Shellum made a motion to end the Open Session and to move into Modified Executive Session for confidential medical review in matter Action Agenda Item No. 2. Citizen Member Crawford seconded the motion, and the vote was unanimous to end the Open Session and move into Modified Executive Session at 9:09 a.m.

Open Session – Chairperson Turner asked for a motion to end the Modified Executive Session and move into Open Session. Citizen Member Crawford made the motion to end the Open Session and to move into Executive Session. Citizen Member Leonard seconded the motion, and the vote was unanimous to end the Modified Executive Session and move into Open Session at 9:28 a.m.

Executive Session – Chairperson Turner asked for a motion to end the Open Session and to move into Executive Session for legal advice and confidential medical review. Citizen Member Crawford made a motion to end the Open Session and to move into Executive

Session for legal advice and confidential medical review in matter Action Agenda Item No. 2. Citizen Member Leonard seconded the motion, and the vote was unanimous to end the Open Session and move into Executive Session at 9:28 a.m.

Open Session – Chairperson Turner asked for a motion to end the Executive Session and move into Open Session. Citizen Member Crawford made the motion to end the Open Session and to move into Executive Session; Police Member Elect Shellum seconded the motion, and the vote was unanimous to end the Executive Session and move into Open Session at 9:58 a.m.

Action Agenda Item No. 2 Motion and Vote

Police Member Elect Shellum moved to table Action Agenda Item No. 2 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board Meeting to follow up with Dr. Segal on the issues raised in the rehearing request and further require all documentation medical records needed for the rehearing request must be submitted to the Board no later than January 21, 2022; Seconded by Citizen Member Crawford.

Item tabled unanimously (5-0).

Action Agenda Item No. 3 and Discussion

Executive Session – Chairperson Turner asked for a motion to end the Open Session and to move into Executive Session for legal advice and confidential medical review. Police Member Elect Shellum made a motion to end the Open Session and to move into Executive Session for legal advice and confidential medical review in matter Action Agenda Item No. 3, 4, and 6. Citizen Member Leonard seconded the motion, and the vote was unanimous to end the Open Session and move into Executive Session at 10:02 a.m.

Open Session – Chairperson Turner asked for a motion to end the Executive Session and move into Open Session. Citizen Member Crawford made the motion to end the Executive Session and to move into Open Session; Police Member Elect Kieffer seconded the motion, and the vote was unanimous to end the Executive Session and move into Open Session at 10:22 a.m.

3. New Membership for Cody Triggs
Consideration, Discussion, and appropriate Action for Additional Pre-Existing Medical on a New Membership for Cody Triggs.

Action Agenda Item No. 3 Motion and Vote

Police Member Elect Shellum moved to declare three abnormal labs as pre-existing conditions for Cody Triggs Action Agenda Item No. 3 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried by unanimously (5-0).

Action Agenda Item No. 4 and Discussion

4. New Membership for Barba-Gutierrez, Gutierrez, Henderson, King, Loomis Consideration, Discussion, and appropriate Action for New Membership for Brayan Barba-Gutierrez, Jesse Gutierrez III, Zachary Henderson, Austin King, and Alyssa Loomis (Police Officer Recruits) with a hire date of January 3, 2022.

Action Agenda Item No. 4 Motion and Vote

Police Member Elect Shellum moved to find Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board that Brayan Barba-Gutierrez, Jesse Gutierrez III, Zachary Henderson, Austin King, and Alyssa Loomis (Police Officer Recruits) met the applicable PSPRS membership definitions for service with the City of Chandler Police Department with a hire date of January 3, 2022, and Tier 3 service date of April 3, 2022; Seconded by Citizen Member Crawford.

Motion carried unanimously (5-0).

Police Member Elect Shellum moved to declare two abnormal labs as pre-existing conditions for Brayan Barba-Gutierrez; Action Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Police Member Elect Shellum moved to declare four abnormal labs as pre-existing conditions for Jesse Gutierrez III; Action Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Police Member Elect Shellum moved to order medical records and declare five pre-existing conditions for Zachary Henderson to include 2015 injury, 2019 surgery, 2020 medical condition, and two abnormal lab results from Action Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Police Member Elect Shellum moved to table pre-existing conditions for Austin King to order medical records for the condition listed in the Board memo; Action Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Crawford.

Motion carried unanimously (5-0).

Police Member Elect Shellum moved to declare two abnormal labs as pre-existing conditions for Alyssa Loomis Action Agenda Item No. 4 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Action Agenda Item No. 5 and Discussion

5. Survivor Benefits for Vance Lunt
Consideration, Discussion and appropriate Action for Survivor Benefits for Vance Lunt (Heather Lunt, surviving spouse), effective November 25, 2021.

Action Agenda Item No. 5 Motion and Vote

Police Member Elect Shellum moved to approve the award of Survivor Benefits to Vance Lunt (Heather Lunt, surviving spouse), effective November 25, 2021. Action Agenda Item No. 5 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Leonard.

Motion carried unanimously (5-0).

Action Agenda Item No. 6 and Discussion

6. Survivor Benefits for Jeremy Wilkins
Consideration, Discussion and appropriate Action for Survivor Benefits for Jeremy Wilkins (Crystal Wilkins, surviving spouse), effective December 17, 2021.

Action Agenda Item No. 6 Motion and Vote

Police Member Elect Shellum moved to approve the Application for Survivor Benefits for Jeremy Wilkins (Crystal Wilkins), effective December 17, 2021. The Board further confirms that the Marriage License for Jeremy Wilkins and Crystal Luna (Wilkins) was duly recorded in Coconino County on July 13, 2020. Further, move to approve the application based on the January 4, 2022 memorandum submitted to the Board, which established the death as a line of duty death

because it was the direct and proximate result of the performance of his public safety duties as provided under A.R.S. § 38-846(D). Action Agenda Item No. 6 of the January 5, 2022, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Crawford.

Chairperson Turner asked the Board to explain their reasoning for voting to approve the beneficiary benefits. The Board was provided a memorandum from Human Resources Director Nielsen dated January 4, 2022 regarding the events of Officer Jeremy Wilkins passing.

Police Member Elect Kieffer voted to approve the Survivor Benefits because it was clearly stated in the memo to the Board the events leading to Ofc. Wilkins passing and investigation by PSS clearly identifies that this could not be considered a non-work related basis.

Police Member Elect Shellum voted to approve the Survivor Benefits because the memo clearly outlines the number of contacts and close proximity to date range to his diagnosis. Also highlights the fact that he did not have any known exposures outside of work.

Citizen Member Leonard voted to approve the Survivor Benefits due to the memo that the exposure on duty and did not have possible exposures outside of work.

Citizen Member Crawford voted to approve the Survivor Benefits because based on the memorandum and the evidence provided in that memorandum.

Chairperson Turner voted to approve the Survivor Benefits due to the amount of evidence supports that it was contracted in the line of duty.

Member Comments/Announcements

Citizen Member Bill Crawford announced that his term expires May 2022, and he will not be seeking reappointment to the Board.

Calendar

The next regular meeting will be held on Wednesday, February 2, 2022, at 9:00 a.m. at City Hall, 2nd Floor, Training Room B, 175 S Arizona Avenue, Chandler AZ

Informational Items

Adjourn

Police Member Elect Kieffer moved to adjourn the meeting; seconded by Citizen Member Crawford. Motion carried unanimously (5-0). The meeting was adjourned at 10:32 a.m.

Nichole Bombard, Secretary

Steve Turner, Chairperson