

# DRAFT



## MINUTES

### PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL POLICE BOARD

GLENDALE REGIONAL PUBLIC SAFETY TRAINING CENTER  
11550 W. GLENDALE AVE.  
1st FLOOR, CONFERENCE ROOM 103  
GLENDALE, ARIZONA 85307

SEPTEMBER 27, 2023  
9:30 A.M.

**1. CALL TO ORDER A JOINT MEETING OF THE LOCAL FIRE AND POLICE BOARDS**

Chair Jerry Weiers called the meeting to order at 9:30 a.m.

**2. ROLL CALL FOR THE JOINT MEETING OF THE LOCAL FIRE AND POLICE BOARDS**

Present:

Mayor & Chair Jerry Weiers  
City Manager & Board Member Kevin Phelps  
Fire Board Member Kyle Borg, Fire Captain  
Fire Board Member Anthony Love, Fire Engineer  
Police Board Member Mitchell Ervin Police Officer  
Police Board Member Justin Harris, Police Officer

Absent:

Board Member Charles Erickson

Staff Present:

Jim Brown, Board Secretary & Director of Human Resources & Risk Mgmt.  
Vicki Moss, Assistant Director of Human Resources & Risk Mgmt.  
Levi Gibson, Director of Budget & Finance  
Mike Hamblin, Assistant City Attorney  
Gary Benson, Assistant Fire Chief  
John Davidge, Police Sergeant  
Charlotte Beadles, HR Benefits Analyst  
Lisa Chill, HR Operations Analyst

Other Attendees:

Board Attorney Cynthia Kelley  
Kathryn Baillie, Attorney for Stephanie Fikejs  
Stephanie Fikejs, Police Officer (via telephone conferencing)

Lucero Ruiz, former Police Officer (via telephone conferencing)

**3. CITIZEN COMMENTS**

There were no citizens present.

**4. REVIEW OF THE JUNE 30, 2022 ANNUAL ACTUARIAL VALUATION OF MEMBERS FOR GLENDALE FIRE AND POLICE COVERED BY THE PSPRS**

Budget & Finance Director Levi Gibson led a discussion of the actuarial data and the city's strategy to manage pension liabilities.

**5. ANNUAL OPEN MEETING LAW TRAINING**

Assistant City Attorney Mike Hamblin presented the annual Arizona Open Meeting Law training.

**6. EXECUTIVE SESSION**

Upon a public majority vote of a quorum of the joint session of the Local Fire Board and the Local Police Board, the Boards may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

(ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

(ii) discussion or consultation for legal advice with the Boards' attorneys (A.R.S. §38-431.03(A)(3))

The Boards voted to go into Executive Session. All attendees that are not Board members or supporting staff exited the conference room prior to executive session.

Motioned by Police Board Member Justin Harris, seconded by Police Board Member Mitchell Ervin

AYE: Mayor Jerry Weiers  
Board Member Kevin Phelps  
Fire Board Member Kyle Borg  
Fire Board Member Anthony Love  
Police Board Member Mitchell Ervin  
Police Board Member Justin Harris  
Other: Board Member Charles Erickson (ABSENT)  
Passed

Both Boards jointly discussed the Boards' independent legal representation.

**7. ADJOURN EXECUTIVE SESSION AND RECONVENE IN OPEN JOINT SESSION**

The Boards adjourned executive session and reconvened in open session.

**8. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM**

The Boards jointly voted to move forward with Cynthia Kelly, Esq. and her new firm, Kelley Law Group, for independent legal representation.

Motioned by Police Board Member Justin Harris, seconded by Fire Board Member Anthony Love

AYE: Mayor Jerry Weiers  
Board Member Kevin Phelps  
Fire Board Member Kyle Borg  
Fire Board Member Anthony Love  
Police Board Member Mitchell Ervin  
Police Board Member Justin Harris  
Other: Board Member Charles Erickson (ABSENT)  
Passed

**9. ADJOURN THE JOINT MEETING OF THE LOCAL FIRE AND POLICE BOARDS**

Chair Weiers adjourned the joint meeting of both Boards at 10:05 a.m.

**10. CALL TO ORDER THE LOCAL POLICE BOARD**

At the conclusion of the Fire Board meeting, Chair Jerry Weiers called the Police Board meeting to order at 10:14 a.m.

**11. ROLL CALL**

Present:

Mayor & Chair Jerry Weiers  
City Manager & Board Member Kevin Phelps  
Board Member Mitchell Ervin, Police Officer  
Board Member Justin Harris, Police Officer

Absent:

Board Member Charles Erickson

Staff Present:

Jim Brown, Board Secretary & Director of Human Resources & Risk Mgmt.  
Vicki Moss, Assistant Director of Human Resources & Risk Mgmt.  
Mike Hamblin, Assistant City Attorney  
John Davidge, Police Sergeant  
Charlotte Beadles, HR Benefits Analyst  
Lisa Chill, HR Operations Analyst

Other Attendees:

Board Attorney Cynthia Kelley  
Kathryn Baillie, Attorney for Stephanie Fikejs  
Stephanie Fikejs, Police Officer (via telephone conferencing)  
Lucero Ruiz, former Police Officer (via telephone conferencing)

**12. CITIZEN COMMENTS**

There were no citizens present.

**13. APPROVAL OF THE MINUTES**

The Board voted to approve the Public Safety Personnel Retirement System - Local Police Board Minutes of August 23, 2023

Motioned by Board Member Mitchell Ervin, seconded by Board Member Kevin Phelps

AYE: Mayor Jerry Weiers

Board Member Kevin Phelps

Board Member Mitchell Ervin

Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

**14. NEW BUSINESS**

There was no new business for open session.

**15. EXECUTIVE SESSION**

Upon a public majority vote of a quorum of the Local Police Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

(i) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));

(ii) discussion or consultation for legal advice with the Board's attorneys (A.R.S. § 38-431.03(A)(3))

The Board voted to go into Executive Session. All attendees that are not Board members or supporting staff exited the conference room prior to executive session.

Motioned by Board Member Mitchell Ervin, seconded by Board Member Justin Harris

AYE: Mayor Jerry Weiers

Board Member Kevin Phelps

Board Member Mitchell Ervin

Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

**A. The Board reviewed Medical Evaluations for three (3) New City of Glendale Police Personnel:**

Gauge W. Moody

Jesse L. Rodriguez

Ryan Sullivan

- B.** The Board reviewed and discussed the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report, submitted by Police Officer Stephanie Fikejs.

Kathryn Baillie, Attorney for Stephanie Fikejs, had notified Board Secretary Jim Brown in writing that she wanted to address the Board during executive session. Ms. Baillie was invited back into the conference room to address the Board after they concluded their discussions on the application.

- C.** The Board reviewed and discussed the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report, submitted by former Police Officer Lucero Ruiz

- D.** The Board reviewed and discussed the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report, submitted by former Police Officer Matthew Salyers.

Mr. Salyers had notified Board Secretary Jim Brown that he wanted to address the Board during executive session. Mr. Salyers was invited back into the conference room to address the Board after they had concluded their executive session discussions.

**16. ADJOURN EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION**

The Board adjourned executive session and reconvened in open session.

**17. CONSIDERATION AND POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS**

- A.** Police Sergeant John Davidge confirmed that the following two (2) New Police Personnel have met the standards of the Glendale Police Department and the Arizona Peace Officer Standards and Training Board (AZPOST).

The Board voted to approve the admission of two (2) New Police Personnel into the Public Safety Personnel Retirement System (PSPRS) with any pre-existing conditions noted on the Pre-Existing Conditions Reports:

Jesse L. Rodriguez  
Ryan Sullivan

Motioned by Board Member Justin Harris, seconded by Board Member Mitchell Ervin

AYE: Mayor Jerry Weiers  
Board Member Kevin Phelps  
Board Member Mitchell Ervin  
Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

The Board voted to approve the admission of one (1) New Police Personnel into the Public Safety Personnel Retirement System (PSPRS) with any pre-existing conditions noted on the Pre-Existing Conditions Report, and pending clarified and corrected questions on the AZPOST medical forms:

Gauge W. Moody

Motioned by Board Member Justin Harris, seconded by Board Member Mitchell Ervin

AYE: Mayor Jerry Weiers

Board Member Kevin Phelps

Board Member Mitchell Ervin

Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

- B.** The Board voted to approve that the recently submitted medical documentation from Stephanie Fikejs be forwarded to the IME Board for review and possible reconsideration on the prior Independent Medical Evaluation (IME).

Motioned by Board Member Justin Harris, seconded by Board Member Kevin Phelps

AYE: Mayor Jerry Weiers

Board Member Kevin Phelps

Board Member Mitchell Ervin

Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

- C.** Board Member Justin Harris stated that the Board would like to take action and motion that Lucero Ruiz apply for a Temporary Disability from the Public Safety Personnel System (PSPRS) and submit such application by October 15, 2023, prior to the next Board meeting.

Board Secretary Jim Brown stated that there are statutory questions that need to be discussed and answered by the Local Board in regard to an Application for Temporary Disability to be submitted by former Police Officer Lucero Ruiz. Mr. Brown read each question and the Board answered each question.

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

The Board unanimously agreed that the answer is 'yes'.

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

The Board unanimously agreed that the answer is 'no' because she resigned.

3. Did employment terminate based on a disciplinary issue?

The Board unanimously agreed that the answer is 'no'.

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

This question is not applicable.

5. Is the employee still working a PSPRS covered position that the Local Board considers a reasonable range of duties position within the employee's department?

The Board unanimously agreed that the answer is 'no'.

6. Has the employee refused a PSPRS covered position that the Local Board considered a reasonable range of duties within the employee's department?

The Board unanimously agreed that the answer is 'no'.

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

The Board unanimously agreed that the answer is 'no'.

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

The Board unanimously agreed that the answer is 'yes'.

Mr. Brown stated that there are also 3 (three) statutory questions that must be motioned on and voted on by the Board.

1. Does Ms. Ruiz have a physical or mental condition which totally and temporarily prevents her from performing a reasonable range of duties within his job classification?

(A.R.S. §38-842.34)

The Board unanimously voted 'Aye'.

2. Was the disabling condition or injury incurred in the performance of Ms. Ruiz's duty as a Police Officer? (A.R.S. §38-842.1)

The Board unanimously voted 'Aye'.

3. Does Ms. Ruiz's disability result from a physical or mental condition or injury that existed or occurred prior to the Claimant's date of membership into the PSPRS?

(A.R.S. §38-844.D.3)

The Board unanimously voted 'No'.

Board Attorney Cynthia Kelly stated that there could be an issue with PSPRS on the answer to the question of whether the employee terminated by reason of disability. Board Member Justin Harris stated that Ms. Ruiz resigned, and that her resignation letter just stated that she was resigning from employment. Mr. Brown stated that she applied for disability after the resignation.

The Board voted to approve a Temporary Disability from the Public Safety Retirement System (PSPRS) contingent upon Lucero Ruiz submitting an Application for Temporary Disability to the Board prior to October 15, 2023.

Motioned by Board Member Justin Harris, seconded by Board Member Kevin Phelps

AYE: Mayor Jerry Weiers

Board Member Kevin Phelps

Board Member Mitchell Ervin

Board Member Justin Harris

Other: Board Member Charles Erickson (ABSENT)

Passed

**D.** Board Secretary Jim Brown stated that there are statutory questions that need to be discussed and answered by the Local Board in regard to the Application for Accidental Disability Retirement submitted by former Police Officer Matthew Salyers. Mr. Brown read each question and the Board answered each question.

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

The Board unanimously agreed that the answer is 'yes'.

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

- The Board unanimously agreed that the answer is 'yes'.
3. Did employment terminate based on a disciplinary issue?  
The Board unanimously agreed that the answer is 'no'.
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by reason of disability?  
This question is not applicable.
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties?  
The Board unanimously agreed that the answer is 'no'.
6. Has the employee refused a job within their job classification that the Local Board considers a reasonable range of duties position?  
The Board unanimously agreed that the answer is 'no'.
7. Did the injury or condition occur prior to the current PSPRS membership date?  
The Board unanimously agreed that the answer is 'no'.
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?  
The Board unanimously agreed that the answer is 'yes'.

Mr. Brown stated that there are also 3 (three) statutory questions that must be considered and voted on by the Board. Mr. Brown read the following questions:

1. Does Mr. Salyers have a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within his job classification? (A.R.S.§38-842.34)  
The Board unanimously voted 'Aye'.
2. Was the disabling condition or injury incurred in the performance of Mr. Salyers' duty as a Police Officer? (A.R.S.§38-842.1)  
The Board unanimously voted 'Aye'.
3. Does Mr. Salyers' disability result from a physical or mental condition or injury that existed or occurred prior to the Claimant's date of membership into the PSPRS? (A.R.S.§38-844.D.3)  
The Board unanimously voted 'No'.

Based on the medical records and the IME report, the Board voted to APPROVE the Application for Accidental Disability Retirement from the Public Safety Personnel Retirement System (PSPRS) submitted by former Police Officer Matthew Salyers.

Motioned by Board Member Justin Harris, seconded by Board Member Kevin Phelps

AYE: Mayor Jerry Weiers  
Board Member Kevin Phelps  
Board Member Mitchell Ervin  
Board Member Justin Harris  
Other: Board Member Charles Erickson (ABSENT)  
Passed

## 18. BOARD COMMENTS AND SUGGESTIONS

There were no Board comments or suggestions.

**19. NEXT MEETING**

The next regular meeting of the Public Safety Personnel Retirement System Local Police Board will be held on October 25, 2023 at 9:30 a.m., at the Glendale Regional Public Safety Training Center (GRPSTC) in the 1st Floor Conference Room 103, located at 11550 W. Glendale Ave., Glendale, Arizona, 85307.

**20. ADJOURN THE LOCAL POLICE BOARD MEETING**

Chair Weiers adjourned the meeting at 11:15 a.m.

The Public Safety Personnel Retirement System Local Police Board meeting minutes of September 27, 2023 were submitted and approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Jim Brown  
Recording Secretary