



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**

**DECEMBER 20, 2023
9:30 A.M.**

1. CALL TO ORDER THE LOCAL POLICE BOARD

Chair Charles Erickson called the meeting to order at 9:30 a.m.

2. ROLL CALL

Present:

**Mayor & Board Member Jerry Weiers
Board Member & Chair Charles Erickson
Board Member Mitchell Ervin, Police Officer
Board Member Justin Harris, Police Officer**

Absent:

City Manager & Board Member Kevin Phelps

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
Charlotte Beadles, HR Benefit Analyst
Wendy Hatt, HR Technician**

Other Attendees:

**Board Attorney Cynthia Kelley
Kathryn Baillie, Attorney for Patsy Griffith
Patsy Griffith, Former Police via Telephone
Michael Griffith**

3. CITIZEN COMMENTS

There were no citizens present.

4. APPROVAL OF THE MINUTES

The Board voted to approve the minutes of the October 25, 2023 Public Safety Personnel Retirement System Local Police Board meeting.

Motioned by Mayor & Board Member Jerry Weiers, seconded by Board Member & Police Officer Mitchell Ervin

AYE: Mayor & Board Member Jerry Weiers
 Board Member & Chair Charles Erickson
 Board Member & Police Officer Justin Harris
 Board Member & Police Officer Mitchell Ervin

Passed

5. NEW BUSINESS

There was no new business for open session

6. 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 city's attorneys (A.R.S. § 38-431.03(A)(3));

The Board voted to adjourn open session and go into Executive Session in order to review an Application for Accidental Disability Retirement from the Public Safety Personnel Retirement System (PSPRS) and medical records exempt by law for public inspection.

All attendees that were not Board members or supporting staff exited the conference room prior to the executive session.

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

AYE: Mayor & Board Member Jerry Weiers
 Board Member & Chair Charles Erickson
 Board Member & Police Officer Justin Harris
 Board Member & Police Officer Mitchell Ervin

Passed

- A. Board to review and discuss the Application for Accidental Disability Retirement, along with medical records, Independent Medical Evaluation report and Medical Addendum, submitted by Police Officer Patsy Griffith.

The Board discussed in detail the Independent Medical Evaluation Report including the medical conflicts. After the Board concluded their discussion, Ms. Griffith was reconnected via telephone and Kathryn Baillie, Attorney for Patsy Griffith, was invited back into the conference room to address the Board. Ms. Baillie and Ms. Griffith were advised that the Board was still in Executive Session. Ms. Baillie addressed the Board on behalf of Ms.

Griffith. Both parties were excused from the Executive session and the Board concluded their discussion.

- B.** Board to review and discuss the Temporary Disability Retirement along with the Independent Medical Evaluation submitted by former Police Officer Lucero Ruiz as requested by the Public Safety Retirement System.

The Board initially approved the Temporary Disability during the September 27th, 2023 Board meeting and revisited the decision during the October 25, 2023 Board Meeting in which they provided instruction to PSPRS to begin payment beginning October 31, 2023.

After the submission of the completed disability application and minutes, Public Safety Retirement System asked the Board to review and discuss the medical conflicts contained within the Independent Medical Evaluation (IME) report dated September 12, 2023.

The Board revisited the IME report and turned their attention to the medical conflicts noted on page 20. The Board discussed whether the conflicts in the medical evidence were taken into consideration during the October 25th, 2023 Board Meeting. At the conclusion of the discussion, Board attorney, Ms. Kelley, confirmed with Ms. Moss that Ms. Ruiz had not signed the "Waiver of Confidentiality", which would limit what the Board could discuss in open session.

7. ADJOURN EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION

Motioned by Mayor & Board Member Jerry Weiers, seconded by Board Member & Police Officer Justin Harris

AYE: Mayor & Board Member Jerry Weiers
 Board Member & Chair Charles Erickson
 Board Member & Police Officer Justin Harris
 Board Member & Police Officer Mitchell Ervin

Passed

8. CONSIDERATION AND POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS

- A.** Consideration and possible vote on the Application for Accidental Disability Retirement submitted by Police Officer Patsy Griffith.

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 Patsy Griffith. 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 Ms. Griffith 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 Ms. Griffith's duty as a Police Officer? (A.R.S. §38-842.1)

The Board unanimously voted 'Aye'.

3. Does Ms. Griffith'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 Member & Chair Charles Erickson asked if there was any other discussion. The Board found that although there were conflicts in the medical records, the Medical Board found with reasonable medical certainty, that Ms. Griffith met the criteria for Accidental Disability. Based on the medical records, the IME report and after review and discussion of the conflicts listed within 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 Patsy Griffith.

Motioned by Board Member & Chair Charles Erickson, seconded by Board Member & Police Officer Justin Harris

AYE: Mayor & Board Member Jerry Weiers

Board Member & Chair Charles Erickson

Board Member & Police Officer Justin Harris

Board Member & Police Officer Mitchell Ervin

Passed

B. Consideration and possible vote on the Temporary Disability Retirement submitted by former Police Officer Lucero Ruiz as requested by the Public Safety Retirement System.

Board Member & Chair Charles Erickson stated that based on the advice of counsel, the board was not required to vote on this action, but rather acknowledged the discussion the Board had during the executive session in which they discussed the medical evidence, including the noted conflicts, in detail and concurred with their original approval of the Temporary Disability Retirement. In spite of the medical conflicts referenced in the Medical IME report, the Board continues to support the Temporary Disability which would allow Mr. Ruiz the opportunity to continue treatment and be re-evaluated in the near future.

9. BOARD COMMENTS AND SUGGESTIONS

10. NEXT MEETING

The next regular meeting of the Public Safety Personnel Retirement System Local Police Board will be held on January 24, 2024, 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.

11. ADJOURN THE LOCAL POLICE BOARD MEETING

Chair Erickson adjourned the meeting at 9:51 a.m

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

AYE: Mayor & Board Member Jerry Weiers
Board Member & Chair Charles Erickson
Board Member & Police Officer Justin Harris
Board Member & Police Officer Mitchell Ervin

Passed

The Public Safety Personnel Retirement System Local Fire & Police Boards meeting minutes of _____, 2022 were submitted and approved this ____ day of _____, 2022.

Jim Brown
Recording Secretary