

**NOTICE OF MEETING
SAN LUIS FIRE DEPARTMENT PUBLIC SAFETY PERSONNEL LOCAL
RETIREMENT BOARD**

In accordance with §38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Board and to the general public that the San Luis Fire Department Public Safety Personnel Local Retirement Board will hold a meeting at 1:00 p.m., Thursday, September 19, 2019. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, San Luis, Arizona, 85349; [\(928\) 341-8520](tel:9283418520).

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Board are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents, in order to exercise their rights, may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Diana Hernandez, Administrative Coordinator

**AVISO DE JUNTA
SAN LUIS FIRE DEPARTMENT PUBLIC SAFETY PERSONNEL LOCAL
RETIREMENT BOARD**

De acuerdo con los Estatutos del Estado de Arizona A.R.S. §38-431.01, se le informa a los miembros de la Mesa Directiva y al publico en general que el San Luis Fire Department Public Safety Personnel Local Retirement Board, tendran una junta a la 1:00 p.m., el dia Jueves, 19 de Septiembre del 2019. La junta se llevara a cabo en la Sala del Cabildo, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349. El publico este cordialmente invitado a la junta.

De acuerdo con el Acta de Americanos con Discapacidades y la Seccion 504 del Acta de Rehabilitacion del 1973, la Ciudad de San Luis, Arizona no discrimina por causa de discapacidad la admision y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para mas informacion referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participacion en programas, actividades o servicios de la Ciudad, contactar al: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, Arizona, ubicado en el 1090 E. Union Street, San Luis, Arizona, 85349; [\(928\) 341-8520](tel:9283418520).

Por medio de este aviso y de acuerdo con los Estatutos del Estado de Arizona A.R.S §1-602.A.9, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar el consentimiento ante el Estado o cualquiera de sus subdivisiones politicas para hacer una grabacion de audio o video de su hijo menor de edad. Las juntas de la Mesa Directiva se graban en audio y/o video y como resultado, el hecho de que hays menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden dar el consentimiento por escrito con la Secretaria de la Ciudad a tal grabacion, o tomar accion personal para asegurarse que su hijo menor no este presente cuando la grabacion se lleve a cabo. Si un menor de edad este presente en el momento de la grabacion, la Ciudad asumira que los padres de familia estan cediendo los derechos sobre una posible grabacion de acuerdo con los Estatutos del Estado de Arizona A.R.S. §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Diana Hernandez, Coordinadora Administrativa



AGENDA
San Luis Fire Department
Public Safety Personnel
Local Retirement Board
San Luis Council Chambers
1090 E. Union Street
San Luis, Arizona 85349
September 19, 2019
1:00 p.m.



PLEASE TAKE NOTICE THAT MEMBERS OF THE BOARD WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION. THE CHAIR OR ACTING CHAIR FOR THIS MEETING MAY CHANGE THE ORDER OF THE ITEMS; IF AUTHORIZED BY LAW AND BY A MAJORITY VOTE OF A QUORUM OF BOARD MEMBERS PRESENT, AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE VOTE IN ACCORDANCE WITH A.R.S. §38-431.03(A) AND THE MEETING WILL BE TEMPORARILY RECESSED WHILE THE BOARD RETIRES TO EXECUTIVE SESSION WHICH WILL NOT BE OPEN TO THE PUBLIC.

- 1. CALL TO ORDER/ROLL CALL**
- 2. DISCUSSION AND POSSIBLE ACTION ITEMS:**
 - 2. A.** Discussion and possible action on any and all matters regarding choosing which two Board Members will serve out the remaining two-years of expiring terms under A.R.S. Section 38-847(B). (**Kay Marion Macuil, City Attorney**)
 - 2. B.** Discussion and possible action on any and all matters regarding adopting the Public Safety Personnel Retirement System Revised Model Uniform Rules of Local Board Procedure. (**Kay Marion Macuil, City Attorney**)
 - 2. C.** Discussion and possible action on any and all matters regarding designating a physician or physicians to a medical board and adopting that medical board. (**Edgardo Carbajal, Human Resources Coordinator**).
 - 2. D.** Discussion and possible action on any and all matters regarding new membership applications, Firefighters Omar Teran, Christian Ofalla, David Hilpert III, Antonio Rios Jr, Alejandro Urzua, Caroline Buckingham, Anthony Burreuel, and Ramiro Rodriguez. (**Edgardo Carbajal, Human Resources Coordinator**)
- 3. ADJOURNMENT**



AGENDA ITEM REVIEW FORM



PSPRS - Fire

2. A.

Meeting Date: 09/19/2019

Submitted By: Kay Macuil, City Attorney, Attorney's Office

ITEM:

Discussion and possible action on any and all matters regarding choosing which two Board Members will serve out the remaining two-years of expiring terms under A.R.S. Section 38-847(B). (**Kay Marion Macuil, City Attorney**)

SUMMARY:

Statutory Requirements

Initial Two-Year Terms

A.R.S. §38-847(B) requires that when a city creates a local board, there must be two board members whose terms are for two years.

- One of those two board members must be one of the board members elected by the members in the retirement system (currently held by Diego Jimenez and Cesar Mora).
- The other board member must be one of the appointed board members (currently held by Monica Castro and Maria Muñoz). The position Tadeo De La Hoya holds is neither an appointed nor an elected position. He was "designated" by Mayor Sanchez to fill the mayor's position, which is "approved" by City Council (A.R.S. §38-847(A)(1)).

After the initial two-year terms expire, those positions become four-year terms.

Purpose of the Two-Year Initial Terms

Those initial board members who do not serve a two-year term, serve an initial four-year term, so every two years two of the board members' terms expire.

Note: The Statutes allow serving consecutive terms, and there are no term limits.

Background this Board

On September 12, 2018, the city council approved the one mayor-designated and the two mayor-appointed board members. The retirement system members elected the other two board members within the last year. However, the mayor and the city council and the retirement system members left to the Board which terms the board members would be replacing.

Board Action Needed

The board needs to decide which two members will be serving out the terms which will expire on September 12, 2020. The appointed board members serve both on this board and the San Luis Police Department Public Safety Personnel Local Retirement Board (Police Retirement Board). So, the appointed board member this board selects for the two-year term will also serve a two-year term on the Police Retirement Board.

The board must select either Monica Castro or Maria Muñoz, the appointed board members.

The board must select either Diego Jimenez or Cesar Mora the elected members.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO SELECT _____

[Monica Castro or Maria Muñoz]

AND _____

[Diego Jimenez or Cesar Mora]

FOR THE TERMS EXPIRING SEPTEMBER 12, 2020.

Attachments

ARS 38-847(B)

[Arizona Revised Statutes Annotated](#)

[Title 38. Public Officers and Employees \(Refs & Annos\)](#)

[Chapter 5. Social Security and Retirement](#)

[Article 4. Public Safety Personnel Retirement System \(Refs & Annos\)](#)

A.R.S. § 38-847

§ 38-847(B). Local boards

Effective: August 6, 2016

B. On the taking effect of this system for an employer, the appointments and elections of local board members shall take place with one elective and appointive local board member serving a term ending two years after the effective date of participation for the employer and other local board members serving a term ending four years after the effective date. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four years in the same manner as previously provided.

A. R. S. § 38-847, AZ ST § 38-847

Current through the First Regular Session of the Fifty-Fourth Legislature (2019)

End of Document

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AGENDA ITEM REVIEW FORM



PSPRS - Fire

2. B.

Meeting Date: 09/19/2019

Submitted By: Diana Hernandez, Administrative Coordinator, Fire Department

ITEM:

Discussion and possible action on any and all matters regarding adopting the Public Safety Personnel Retirement System Revised Model Uniform Rules of Local Board Procedure. **(Kay Marion Macuil, City Attorney)**

SUMMARY:

ARS § 38-847(F) states:

"A local board, from time to time, shall establish and adopt such rules as it deems necessary or desirable for its administration. All rules and decisions of a local board shall be uniformly and consistently applied to all members in similar circumstances. If a claim or dispute is presented to a local board for determination but the local board has not yet adopted uniform rules of procedure for adjudication of the claim or dispute, the local board shall adopt and use the model uniform rules of local board procedure that are issued by the board of trustees' fiduciary counsel to adjudicate the claim or dispute."

The only variable for the Board to decide is the two times per year to have its regular meetings. For example, 3:00 p.m. the Third Wednesday in September and February .

For this item, there are two (2) motions — one for the regular meeting date and one to adopt the model procedures.

RECOMMENDATION / SUGGESTED MOTION:

1. I MOVE TO SET THE BOARD'S TWO REGULAR MEETINGS ON

AND _____.

2. I MOVE TO ADOPT THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM REVISED MODEL UNIFORM RULES OF LOCAL BOARD PROCEDURE ADOPTED BY THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARD OF TRUSTEES ON NOVEMBER 16, 2016.



AGENDA ITEM REVIEW FORM



PSPRS - Fire

2. C.

Meeting Date: 09/19/2019

Submitted By: Diana Hernandez, Administrative Coordinator, Fire Department

ITEM:

Discussion and possible action on any and all matters regarding designating a physician or physicians to a medical board and adopting that medical board. (**Edgardo Carbajal, Human Resources Coordinator**).

SUMMARY:

The Board has the power to appoint a medical board (ARS 38-847(D))(9) authority is highlighted in the first attachment). The purpose of a medical board is to determine disability for benefits or determine pre-existing conditions or other disqualifying circumstances. (ARS 38-859 the second attachment explains the purpose of the medical board. ARS 38-844(D) list the disqualifying circumstances.) ARS 8-859(B) explains that the physicians the board designates cannot be physicians regularly contracted by the City of San Luis when the physician is determining whether a member is disabled for purposes of receiving the plan benefit. However, for purposes of determining whether a pre-existing condition or other disqualifying circumstance exists, the physician may be regularly contracted by the city. Here is the wording of ARS 8-859(B):

"For the purpose of determining a disability, the medical board shall be composed of a designated physician or physicians working in a clinic other than the employer's regular employee or contractee. Employees employed after October 1, 1992 shall undergo a medical examination for the purpose of identifying a physical or mental condition or injury that existed or occurred prior to a member's date of membership in the system and for which benefits may otherwise be limited by § 38-844, subsection D, and for this purpose, the medical board shall be composed of a designated physician or physicians working in a clinic that may be the employer's regular employee or contractee."

Staff recommends the physicians of Pinnacle Health Care, Urgent Care Health Centers, Bruce Carter, M.D. and James Black, M.D.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO DESIGNATE PHYSICIANS BRUCE CARTER, M.D. AND JAMES BLACK, m.d. AND RATIFY USING THEM FOR THE PRE-MEMBERSHIP EXAMS OF OMAR TERAN, CHRISTIAN OFALLA, DAVID HILPERT III, ANTONIO RIOS JR, ALEJANDRO URZUA, CAROLINE BUCKINGHAM, ANTHONY BURRUEL, AND RAMIRO RODRIGUEZ. AND ADOPT THOSE PHYSICIANS AS THE MEDICAL BOARD.



AGENDA ITEM REVIEW FORM



PSPRS - Fire

2. D.

Meeting Date: 09/19/2019

Submitted By: Diana Hernandez, Administrative Coordinator, Fire Department

ITEM:

Discussion and possible action on any and all matters regarding new membership applications, Firefighters Omar Teran, Christian Ofalla, David Hilpert III, Antonio Rios Jr, Alejandro Urzua, Caroline Buckingham, Anthony Burruel, and Ramiro Rodriguez. **(Edgardo Carbajal, Human Resources Coordinator)**

SUMMARY:

Under ARS § 38-847.01 (attached), for the board to determine the eligibility of new membership applications, the City of San Luis must provide to this board:

1. the date the employee was hired or appointed to the position,
2. the employee's position title,
3. the description of the essential functions for the position.

HR staff provided this board hire dates as shown in the above Agenda Item, and that all of the applicants are Firefighters and that the essential functions for the position are:

PHYSICAL AND MENTAL DEMANDS:

The physical and mental demands described here are representative of those that must be met by employees to successfully perform the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Physical Demands

While performing the duties of this job, the employee is frequently required use hands to feel or operate objects, tools or controls; reach with hands and arms; climb, balance, stoop, kneel, crouch, crawl, walk, sit, talk, or hear; the employee must regularly lift and/or move equipment and/or persons weighing up to one hundred-fifty pounds.

Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

Mental Demands

While performing the duties of this class, an employee uses written and oral communication skills; reads and interprets data, information and documents; analyzes and solve problems; uses math and mathematical reasoning; observes and interprets situations; learns and applies new information or skills; and interacts with city staff, other organizations, and the public.

Work Environment:

Work is standard office environment; standard garage and fire station environment; in various field environments during emergencies; in various outside weather conditions; and may be exposed to extremely hazardous conditions and materials. This job is classified as Safety Sensitive, and subject to Federal and state regulations

The applicants have met the definitions of Member and Eligible Group under ARS § 38-842 which includes that they:

1. be full-time employees at least 40 hours per week,
2. be paid Firefighters who are regularly assigned to hazardous duty,
3. be certified Firefighter I & II and Arizona State Emergency Medical Services Certification.
4. be hired for more than six months in a calendar year.

As a requirement for membership, the City of San Luis and this board must ensure that employees who qualify for membership into

PSPRS undergo a medical evaluation. This evaluation is completed to identify any physical or mental conditions that exist that may potentially affect the employee's future eligibility for disability benefits. (See ARS § 38-844(D) and ARS §38-859(B), attached). These evaluations are strictly conducted for the purposes related to the PSPRS plan benefits and are not used in employment-related decisions such as hiring, promotion, termination, etc. The medical evaluations for these applicants followed the PSPRS Revised Model Uniform Rules of Local Board Procedure and the relevant Arizona Revised Statutes. HR received the required medical evaluations and no pre-existing conditions indicated.

The City of San Luis HR Department finds that Omar Teran effective date 8/19/19, Christian Ofalla, David Hilpert III, Antonio Rios Jr, Alejandro Urzua effective date 9/9/19, Caroline Buckingham effective date 9/16/19, Anthony Burruel effective date 9/18/19, Ramiro Rodriguez effective 9/19/19, have met the eligibility requirements, satisfactorily completed the PSPRS Membership Form, with no pre-existing conditions.

RECOMMENDATION / SUGGESTED MOTION:

**AS TO APPLICANTS OMAR TERAN, CHRISTIAN OFALLA, DAVID HILPERT III, ANTONIO RIOS JR, ALEJANDRO URZUA,
CAROLINE BUCKINGHAM, ANTHONY BURRUEL, AND RAMIRO RODRIGUEZ,**

I MOVE TO

ACCEPT THE HR DEPARTMENT'S FINDINGS OF ELIGIBILITY WITH NO PRE-EXISTING CONDITIONS

AND

**ACCEPT THEM FOR MEMBERSHIP TO PARTICIPATE IN THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
PLAN**
