

MINUTES
Regular Meeting
San Luis Police Department Public Safety
Personnel Local Retirement Board
San Luis Council Chambers
1090 E Union Street
March 20, 2023
3:00pm

1. CALL TO ORDER/ROLL CALL: Board Member Alan Guevara called the meeting to order at approximately 03:04 p.m.

Contributing Member Nigel Reynoso requests to appoint an acting Chairman, Contributing Member Alan Guevara. There was no opposition from the board.

MOTION: Contributing Member Nigel Reynoso/Board Member Maria Munoz to approve Contributing Member Alan Guevara as acting Chairman. Motion passed unanimously.

The vote was as follows:

Board Member Maria Munoz	Aye
Contributing Member Nigel Reynoso	Aye
Contributing Member Alan Guevara	Aye

PRESENT: Nigel Reynoso, Contributing Member
Alan Guevara, Contributing Member
Maria Munoz, Board Member
Tadeo A. De La Hoya, Chairman (*arrived at approx. 3:09pm*)

OTHERS PRESENT: Cynthia Kelley, Local Board Attorney (remotely)
Sonia Cornelio, City Clerk
Ruben Lopez, IT Department
Domingo Sosa, IT Department
Michelle Boucher, Board Secretary
Adela Cortez, HR Department
Mary Barajas, HR Department

2. PRESENTATION:

2. A. Presentation of new elected board member, Lt. Nigel Reynoso, to serve on the San Luis Police Department Public Safety Personnel Local Retirement Board.

PRESENTATION: Presented by Acting Chairman Alan Guevara. Elected board member Lt. Marco Santana's term is expired as of October 2022. A secret ballot election was held, and Lt. Nigel Reynoso was selected by the Police Department. Lt. Reynoso was sworn in with the City Clerk on October 24, 2022.

No action needed by the board. Acting Chairman Alan Guevara asked the board if there were any questions. There were no questions from the board.

3. CONSENT AGENDA:

3. A. MINUTES OF

- Board meeting held on August 3rd, 2021.

MOTION: Acting Chairman Alan Guevara / Board Member Maria Munoz to approve consent agenda as presented. Motion passed unanimously.

The vote was as follows:

Nigel Reynoso, Contributing Member	Aye
Board Member Maria Munoz	Aye
Contributing Member Alan Guevara	Aye

4. DISCUSSION AND POSSIBLE ACTION ITEM

4. A. Discussion and possible action on any and all matters regarding new PSPRS membership applications. (Mary Barajas, Human Resources Coordinator)

Maria Barajas, Human Resources Coordinator, states the following:

The City of San Luis Human Resources Department is submitting appropriate information to be considered for rendering acceptance of membership of the following employees to participate in the Public Safety Personnel Retirement System Plan (PSPRS).

Under ARS § 38-847.01 employer shall provide to Local Board: the date the employee was hired, the employee's position title, and the description of the essential functions.

To comply with this statute, HR is providing the requested information to render a decision on the employee's eligibility for membership:

Daniel Tafoya; DOH: October 4th, 2021; Police Officer.
Cynthia Andrade; DOH: October 4th, 2021; Police Officer.
Carlos Bermudez; DOH: October 12th, 2021; Police Officer.

While performing the duties of a Police Officer, the employee is frequently required to sit and stand; walk long distances; drive a vehicle; talk and hear, both in person and by radio; use hands to finger, handle, feel or operate equipment; engage in repetitive movements of hands and wrists; and occasionally lift or move up to twenty-five pounds. Police officers are also required to use written and oral communication skills; read and interpret data, information, and documents; and analyze and solve problems.

Under ARS § 38-842(31) all three applicants meet the Member Definition, which include:

1. be a paid municipal police officer who is regularly assigned to hazardous duty,
2. be a full-time employee, working a minimum of 40 hours per week,
3. be a certified peace officer, and
4. be hired for more than six months in a calendar year

Under ARS § 38-859 - Medical evaluations for these applicants were conducted in compliance with PSPRS Revised Model Uniform Rules of Local Board Procedure and relevant Arizona Revised Statutes.

As a requirement of 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. These evaluations are strictly conducted for purposes related to PSPRS plan benefits and are not used in employment-related decisions such as hiring, promotion, or termination. Human Resources received required medical evaluations and finds that:

- Carlos Bermudez, and Cynthia Andrade have met eligibility requirements and satisfactorily completed the PSPRS Membership Form with no pre-existing conditions.
- Daniel Tafoya has met eligibility requirements and satisfactorily completed the PSPRS Membership Form. Member Tafoya disclosed a pre-existing condition, which with a medical device, determined him to be able to perform the essential functions of a peace officer.

Chairman Tadeo De La Hoya asked the board if there were any questions. There were no questions from the rest of the members. Chairman asked Maria Munoz if all PD staff was submitted to the Board for approval. Chairman stated that Mr. Coleman from PSPRS had mentioned that some members needed to be approved formally through the Board without going through the process because they have been working for department for years. Chairman also explained that according to Mr. Coleman, in the past 18 months ago, no one had been approved through the board. Mary Barajas explained that Mr. Coleman is no longer with PSPRS, but she could reach out to another PSPRS contact (Joan) to verify if there were other members who had not been presented to the board. In the event we have not presented all members, we could hold another meeting and follow proper procedure.

MOTION: Chairman Tadeo A. De La Hoya / Contributing Member Alan Guevara to accept HR's findings and accept membership to participate in the Public Safety Personnel Retirement System for applicants Cynthia Andrade and Carlos Bermudez with no pre-existing conditions, and Daniel Tafoya with pre-existing condition. Motion passed unanimously.

The vote was as follows:

Chairman Tadeo A. De La Hoya	Aye
Contributing Member Alan Guevara	Aye
Contributing Member Nigel Reynoso	Aye
Board Member Maria Munoz	Aye

4. B. Discussion and possible action on any and all matters regarding hiring independent Legal Counsel for the City of San Luis PD Local Board. (Adela Cortez, Director of Human Resources).

Pursuant to A.R.S. 38-847 there was an amendment in 2021(HB2381). The City Attorney cannot provide legal counsel to the Board. Each local board shall hire an independent legal counsel who is not an employee of or contracted with the employer or any employee organization and owes its duty of loyalty only to the local board in connection with its representation of the local board. Attached you can find the agreement, through research we identified an agency that is providing this independent legal counsel to other municipalities within Arizona, one of them being the City of Yuma. We have Ms. Kelly on the phone in case of any questions. Chairman Tadeo De La Hoya asked the board if there were any questions for Ms. Cortez or Ms. Kelley. There were no questions from the rest of the members. Chairman asked if attorney needed to be a labor expert or just to represent the board; Ms. Cortez informed it would be just to represent the board.

MOTION: Chairman Tadeo A. De La Hoya / Contributing Member Nigel Reynoso to hire RYAN RAPP PACHECO & KELLEY, P.L.C., with the terms of contract presented, to provide independent legal counsel to the Board. Motion passed unanimously.

The vote was as follows:

Chairman Tadeo A. De La Hoya	Aye
Contributing Member Alan Guevara	Aye
Contributing Member Nigel Reynoso	Aye
Board Member Maria Munoz	Aye

4. C. Discussion and possible action on any and all matters regarding the election of a non-voting secretary to serve on the San Luis Police Department Public Safety Personnel Local Retirement Board. (Tadeo A. De La Hoya, Chairman)

Chairman stated that the position of non-voting secretary for this board is vacant upon Ms. Michelle Boucher's resignation from this position. Ms. Mary Barajas, Human Resources Coordinator, has expressed interest in serving as the non-voting secretary for the Board. Meaning Mary Barajas will take over the duties of the non-voting secretary as per ARS 38-847 (M). "The local board shall elect a secretary who may, but need not, be a member of the local board." The secretary's duties include but are not limited to keeping a record and preparing minutes of all meetings and forwarding them within 20 days of the Board Meeting. Chairman Tadeo De La Hoya asked the board if there were any questions There were no questions from Board members.

MOTION: Chairman Tadeo A. De La Hoya / Board Member Maria Munoz to elect Mary Barajas as non-voting secretary of PSPRS Local Board for PD. Motion passed unanimously.

The vote was as follows:

Chairman Tadeo A. De La Hoya	Aye
Contributing Member Alan Guevara	Aye
Contributing Member Nigel Reynoso	Aye
Board Member Maria Munoz	Aye

5. ADJOURNMENT

Chairman Tadeo A. De La Hoya to adjourn the regular meeting at approximately 3:21 p.m.