



Minutes

Joint Meeting of the Tempe Public Safety Personnel Retirement Boards for Police and Fire

July 9, 2009

Minutes of the Joint Meeting of the Tempe Public Safety Personnel Retirement Boards for Police and Fire held on Thursday, July 9, 2009, 3:00 p.m., Tempe City Hall – Mayor’s Office, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mayor Hugh Hallman
Todd Bailey
Joe Brosius
Jim Foley
Matt Tripoli
Richard Woerth
Jeff McHenry

Board Members Absent:

City Staff Present:

Jan Hort, Clerk’s Office

Guest

David Niederdeppe, Board Attorney

Mayor Hallman called the meeting to order at 3:07 p.m.

ITEM I – Discussion of Procedures of Police & Fire Pension Board

David Niederdeppe, Board Attorney, summarized that he had worked with the Board Secretary to develop a draft of the procedures for the Board’s consideration. He emphasized that the procedures were those of the Board who needed to be comfortable with the procedures so was open to changes by the Board.

Issues were discussed as follows:

- Item 11, B - Is the applicant required to sign a waiver. Mr. Niederdeppe responded that it is the right of a person to not sign a waiver and demand that confidential information be heard in executive session.
- Item 11, C - Is the Board required to direct a medical board to conduct an examination? Mr. Niederdeppe responded that that is currently being decided by the court of appeals. His opinion that it is not required. If the court rules contrary to his opinion, we would need to reassess this section.
- Item 3, 4 – Clarification between these items in which a quorum is stated as three (3) and a majority vote of Board members governs any action taken, provided that the consent of three Board members is required. It was

explain that before a board could convene, three (3) members must be present. If only 3 members are present to vote, it must be a unanimous decision or the vote fails.

- o Item 7 – The contracted physician or clinic reports the results of the pre-existing condition examinations to the relevant departments. Is this how we do it now? Yes, the Fire and Police Department, respectively, have procedures for pre-employments physicals. They submit the forms to the Board Secretary for submittal to the Board.

Motion by Joe Brosius to adopt the procedures for the Police Board. Second by Todd Bailey. Motion passed unanimously.

Motion by Joe Brosius to adopt the procedures for the Fire Board. Second by Matt Tripoli. Motion passed unanimously.

Meeting was adjourned at 3:15 p.m.

Jan Hort
City Clerk