



**CITY OF SCOTTSDALE
FIRE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)**

MINUTES

Thursday, September 15, 2022

North Corp Yard
9191 E. San Salvador Drive
Scottsdale, AZ 85258

PRESENT: Hugo Meraz, Chairperson/Mayoral Designee
Amy Barczak, Citizen Member/Merit Head
Ken Strobeck, Citizen Member (MS Teams)
Steve Springborn, Elected Member
Todd Caverner, Elected Member

STAFF: Autumn Asmus, PSPRS Local Board Secretary
Darlene Ganger, Senior HR Benefits Analyst

GUESTS: Cindy Kelley, PSPRS Local Board Attorney
Dana L. Toporek (telephonic)

Call to Order

Chair Meraz called the meeting to order at 9:33 a.m.

Roll Call

Members present as listed above.

Public Comment

There were no members of the public who wished to speak.

Possible Executive Session

1. Approval of Executive Meeting Minutes from August 11, 2022

Discussion ensued regarding the legalities of the Board reviewing and approving Executive Session meeting minutes. It was noted that the PSPRS Fire Local Board is not regulated by the City. It was agreed to table the item to obtain clarification from the City Manager and PSPRS.

BOARD MEMBER SPRINGBORN MOVED TO TABLE APPROVAL OF THE EXECUTIVE SESSION MEETING MINUTES FROM AUGUST 11, 2022. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

2. Approval of Minutes
a. Regular Meeting: August 11, 2022

BOARD MEMBER CAVNER MOVED TO APPROVE AS PRESENTED THE REGULAR SESSION MEETING MINUTES FROM THE AUGUST 11, 2022, PSPRS FIRE LOCAL BOARD MEETING. BOARD MEMBER SPRINGBORN SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

3. Discussion and vote on the Accidental Disability Retirement Application of Fire Captain Dana L. Toporek

Ms. Asmus noted that Fire Captain Dana L. Toporek is retiring on September 30, 2022 with 17.251 years of service. His monthly benefit is \$4,742.56. His IME was sent out on September 9, 2022. All of his paperwork is in order.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE ACCIDENTAL DISABILITY RETIREMENT APPLICATION OF FIRE CAPTAIN DANA L. TOPOREK SINCE HE DOES MEET THE STATUTORY REQUIREMENTS, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

4. Discussion and vote on the Accidental Disability Retirement Application of Firefighter Marc A. Caballero

Ms. Asmus noted that the IME for Firefighter Marc A. Caballero was sent out on September 9, 2022. All of his paperwork is in order.

Discussion ensued regarding the IME's report, discrepancies between the IME and the treating physician's medical records, and changes in Firefighter Caballero's demeanor since the incident.

BOARD MEMBER SPRINGBORN MOVED TO SEND FIREFIGHTER MARC A. CABALLERO TO AN IME SPECIALIZING IN EAR, NOSE AND THROAT. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

5. Discussion and vote on the Accidental Disability Retirement Application of Firefighter Brian D. DeVault

Ms. Asmus reminded the Board that this application was tabled last month.

BOARD MEMBER SPRINGBORN MOVED TO GO INTO EXECUTIVE SESSION. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK, VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

EXECUTIVE SESSION HELD FROM 9:57 A.M. TO 10:06 A.M.

Board Member Springborn opined that there is precedent indicating that driving to and from work, even in a personal vehicle, should be covered by PSPRS. He said that in a discussion with a member of the PSPRS Board of Trustees and in reviewing some City of Phoenix cases in which police officers were injured or killed driving to and from work he was made aware of cases in which PSPRS member benefits were approved under those circumstances. He noted an article in the Business Journal in reference to one of the Phoenix cases where a past Scottsdale city manager stated that he felt it was appropriate and fiscally responsible to provide coverage.

Board Members argued that approving the application would be going outside of the limitations of the statute. They felt that if PSPRS felt a need to follow suit with Workmen's Comp, they should place a discussion item regarding whether PSPRS members are covered during their commute to and from work on the legislative agenda.

Discussion ensued regarding Mr. DeVault's on-the-job injuries and whether or not his carpal tunnel could be a reason for approving his application. Ms. Kelley said that the current application cannot move forward with a new injury. He would need to change the cause for his disability and provide medical records for that injury. She suggested that the best way to do that would be for him to submit a new disability retirement application.

BOARD MEMBER SPRINGBORN MOVED TO SEND FIREFIGHTER BRIAN D. DEVAULT FOR AN IME. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH FAILED WITH A VOTE OF TWO (2) TO THREE (3). BOARD MEMBERS SPRINGBORN AND CAVNER VOTED IN THE AFFIRMATIVE. CHAIR MERAZ, BOARD MEMBERS BARCZAK AND STROBECK DISSENTED.

Chair Meraz noted that the opportunity is available for Mr. DeVault to submit a new disability retirement application if he desires.

6. Induction of new City of Scottsdale Firefighters into PSPRS, if any

BOARD MEMBER STROBECK MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE FIREFIGHTERS, EMMA HAYDEN, ANTHONY MANCINE, JON NUANEZ, ZACHARY PARKER, BRADLEY REYNOLDS, AND BRADLEY SCHLERF WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2022. EACH WILL BE INDUCTED WITH PRE-EXISTING MEDICAL CONDITIONS, IF ANY, AS NOTED ON THE LISTING THAT IS INCLUDED WITH THE BOARD PACKET. BOARD MEMBER BARCZAK SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS BARCZAK, CAVNER, SPRINGBORN, AND STROBECK VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

7. Report to the Board on recently completed service transfers, if any

There were no recently completed service transfers.

8. Board suggestions for upcoming agenda items

Board Member Cavner suggested that the PSPRS Fire Local Board receive a PTSD education session and that the list of doctors used for PTSD IMEs be narrowed to psychiatrists who specialize in PTSD. He referenced a recent Scottsdale Fire Training session that included a session on PTSD where he learned that the average 20-year firefighter has experienced 540 traumatic events. There was brief discussion about personal traumatic events, the fact that firefighters typically do not share their emotions about those experiences, and efforts being made in the department to improve how mental health is addressed.

Board Members were in agreement that it would be beneficial for the Board to receive PTSD education. Board Member Springborn requested that Board Members be provided with a list of the IME psychiatrists and their background information.

Adjournment

BOARD MEMBER SPRINGBORN MOVED TO ADJOURN THE MEETING. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ, BOARD MEMBERS STROBECK, BARCZAK, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 10:27 a.m.

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