

# Minutes

## Tempe Police Public Safety Personnel Retirement System Board

### April 4, 2024

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting hosted virtually via Cisco WebEx and in person at the Human Resources Conference Room located at 20 E. 6<sup>th</sup> Street Tempe, AZ 85281 on Thursday April 4, 2024 at 2:00 p.m.

**Board Members Present (via WebEx):**

Michael Bloomer

**Board Members Present (in person):**

Keith Burke  
Rob Ferraro  
Bill Munch

**Board Members Absent:**

Andy Arredondo

**City Staff Present (via WebEx):**

Matt Quick, HR Specialist  
Nichole Gonzalez, Workers Comp. Specialist

**City Staff Present (in person):**

Sarah Jenkins, Management Assistant II  
Tammy Milhon, HR Specialist

**Legal Counsel Present (in person):**

Lesli Sorensen

*Chair Keith Burke called the meeting to order at 2:26 p.m.*

#### 1. Consideration of Meeting Minutes

Motion by Rob Ferraro to approve the January 4, 2024 Police PSPRS Board Meeting Minutes and the January 4, 2024 Police PSPRS Board Executive Session Meeting Minutes; second by Michael Bloomer. Motion passed on a voice vote 3-0.

Ayes: Chair Burke; Boardmembers Bloomer and Ferraro  
Nays: None  
Absent: Boardmember Arredondo  
Abstain: Boardmember Munch

#### 2. Motion to Adjourn to Executive Session, if necessary

Motion by Rob Ferraro to adjourn to Executive Session for the purpose of obtaining legal advice from the Board's Legal Counsel and to discuss records confidential by law; second by Michael Bloomer. Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro and Munch  
Nays: None  
Absent: Boardmember Arredondo

The Board adjourned to Executive Session at 2:29 p.m. The Board reconvened at 3:03 p.m.

#### 3. Status Update on the Application for Accidental Disability Benefits for Alexandra Robinson

Acting Board Secretary Tammy Milhon said that at the January 4, 2024 meeting, the Board approved moving Alexandra Robinson forward to an Independent Medical Examination (IME). There are two parts to the examination, and the first part took place on March 27, 2024 and the second part is scheduled for April 11, 2024. The reports will be submitted for consideration by the Board once they have been received. There was no further discussion.

#### 4. **Hearing on the Application for Accidental Disability Benefits for Laura Berner (continued from July 6, 2023)**

Chair Burke said this is a continuation of the hearing on the application for accidental disability benefits for Laura Berner. At the July 6, 2023 meeting the Board voted to table the application for six months to allow the applicant to obtain additional treatment. At the January 4, 2024 meeting, the Board requested additional records as stated in the application. At today's hearing, the Board must determine whether the documentation submitted is sufficient to conclude that the statutory requirements are satisfied for the Board to direct that they be sent for an Independent Medical Exam (IME).

Dale Norris, attorney for Ms. Berner addressed the board. Mr. Norris said that the Board has received all the additional requested information requested, including treatment notes, police department reports, and transcript of the Worker's Comp deposition. The Worker's Comp case is still in front of the Administrative Law Judge and has not been decided. The Board has been provided sufficient evidence to move the application forward to an IME.

Boardmember Ferraro thanked Mr. Norris for providing the additional information for the file.

Motion by Rob Ferraro to table the application and direct legal to subpoena all body worn camera footage videos taken by Officer Berner related to IR 22-78584, unredacted so the Board may view at a future Executive Session; second by Michael Bloomer.

Mr. Norris requested to address the Board prior to the completion of the motion. Mr. Norris said this request does not speak to the question before the Board, which is whether there is sufficient evidence to send Ms. Berner for an IME. The Board has been provided medical records from her treating mental health professional, an independent IME both indicate that she is permanently disabled because of an event occurring within her job. Mr. Norris requests that the Board move Ms. Berner forward without the additional records. If the Board believes the body worn footage is relevant to provide to the IME doctor, that is understandable but it's not relevant to the question before the Board, at this time. Boardmember Ferraro said that the Board believes the videos may be material to really understand whether the disability was incurred during the performance of her job and the Board would like the opportunity to review it.

Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro, and Munch

Nays: None

Absent: Boardmember Arredondo

#### 5. **New Members**

Motion by Rob Ferraro to approve the new member applications of **Jedediah Buce (pre-existing condition), Austin Johnson (pre-existing condition), Jacob Johnson (pre-existing condition), and Justin Williams**; Second by Michael Bloomer. Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro, and Munch

Nays: None

Absent: Boardmember Arredondo

Motion by Rob Ferraro to conditionally approve the new member applications of **Fernando Perez, Jr., Dave Schilling (pre-existing condition)** pending clarification of their medical file as noted to staff during Executive Session; Second by Michael Bloomer. Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro and Munch

Nays: None

Absent: Boardmember Arredondo

## 6. Hearing on the Application for Accidental Disability Benefits for Matthew Feddeler continued from August 4, 2022, October 6, 2022 and March 2, 2023)

Chair Burke said this is a continuation of the hearing on the application for accidental disability benefits for Matthew Feddeler. At the August 4, 2022 meeting, the Board voted to table the application pending additional information. At the October 6, 2022 meeting the Board determined that the documentation submitted was sufficient to send Mr. Feddeler for an IME. At the March 2, 2023 meeting, after receiving the IME results, the Board made a motion to table the application for no more than 12 months so the applicant could obtain additional treatment as recommended. The applicant or his attorney would provide the Board with updated treatment records and other relevant information by September 7, 2023 and December 7, 2023. Staff have attempted to contact Mr. Feddeler prior to the September and December deadlines with no response and no additional treatment records have been received. At today's hearing, the Board must determine whether the documentation submitted is sufficient to make a determination on Mr. Feddeler's application.

Dale Norris, attorney for Mr. Feddeler addressed the board. Mr. Norris said that he has not been able to get a hold of him despite numerous attempts. Mr. Norris asked if, rather than taking any action at this time, the Board had any interest in sending certified mail asking Mr. Feddeler to immediately contact staff. Boardmember Ferraro thanked Mr. Norris for his advocacy.

Motion by Rob Ferraro to deny the application for accidental disability benefits due to not meeting statutory requirements and lacking sufficient evidence to move forward in the process. The applicant was given multiple opportunities to provide additional evidence to the Board and did not do so; second by Michael Bloomer. Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro and Munch

Nays: None

Absent: Boardmember Arredondo

The following questions from the Accidental Disability Questionnaire, Form P5-LB-A were read out loud and verbally affirmed by the Board:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? **Yes**
2. Did (or will) the employee terminate by a reason of disability? **Yes**
3. Did employment terminate based on a disciplinary action? **No**
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? **Not Applicable**
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position? **No**
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? **No**
7. Did the injury or condition occur prior to the current PSPRS membership date? **No**
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?  
**Yes**

## 7. Board Expenditures – 4<sup>th</sup> Quarter 2023

Acting Board Secretary Tammy Milhon said that the expenditures for the fourth quarter of 2023 were included in the Board packet. There was no further discussion.

## 8. PSPRS Actuarial Valuation Report for Tempe Police as of June 30, 2023

Ms. Milhon said that the Actuarial Valuation Report for Tempe Police Department as of June 30, 2023 was included in the Board packet sent on 3/27/2024. Ms. Sorensen provided an overview of the Valuation Report as follows:

- The contribution rate has increased to 27.87% and the funded status has dropped marginally
- PSPRS explained the reasons for the changes as primarily liability experience, negative asset experience and the internal audit and the combination of all other factors that could impact liabilities year-over-year.

- In 2019 the contribution rate was about 70% and is now just around 27%. Tier 3 is more volatile but staying between 8.5 and 9.5%
- Historical data indicates that the average annual salary increased from \$104, 431 to \$119,963

#### **9. 2023 Police PSPRS Annual Report**

Ms. Milhon said that the 2023 Annual Report for the Tempe Police PSPRS Board that was submitted to the City Clerk's Office for Mayor and Council review was included in the board packet. There was no further discussion.

#### **10. Future Meeting Date**

The next meeting is scheduled for May 2, 2024.

#### **11. Future Agenda Items**

Ms. Sorensen requested that the annual review of the members receiving accidental or ordinary disability benefits be added to a future board meeting agenda.

#### **12. Public Appearances**

There were no public appearances.

#### **Adjournment**

Motion to adjourn by Rob Ferraro; second by Michael Bloomer. Motion passed on a voice vote 4-0.

Ayes: Chair Burke; Boardmembers Bloomer, Ferraro and Munch

Nays: None

Absent: Boardmember Arredondo

The meeting adjourned at 3:21 p.m.

*Kathleen Broman*

Kathleen Broman (Jun 10, 2024 14:44 PDT)

Kathleen Broman, Local Board Secretary