

CITY OF SIERRA VISTA
POLICE PENSION BOARD MEETING
September 13, 2022

CALL TO ORDER

Chairman Gregory Johnson called the regular meeting of the City of Sierra Vista Police Pension Board to order on September 13, 2022 at 2:01 p.m., in the City Manager Conference Room, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

ROLL CALL

MEMBERS PRESENT: Councilperson Gregory Johnson, Chairman
Barbara L. Fleming, Secretary
John Andela, Police Officer
Jessica Ferrel, Police Officer

MEMBERS ABSENT: Gary L. Smith, Board Member

OTHERS PRESENT: Shanna Melanson, Human Resources Analyst
Stephen Coleman, Local Board Attorney via WebEx

ACCEPTANCE OF THE AGENDA

Jessica Ferrel motioned that the agenda be accepted as written.

John Andela seconded the motion.

VOTE: Unanimous.

The motion carried.

NEW BUSINESS

1. Physical Examinations

Secretary Barbara L. Fleming advised the board that the physical examination pre-existing report for William Partridge needed to be acknowledged.

Jessica Ferrel motioned that William Partridge's Pre-Existing Condition Report dated June 17, 2022 containing a pre-existing condition be acknowledged effective September 13, 2022.

Gregory Johnson seconded the motion.

VOTE: Unanimous.

The motion carried.

2. Executive Session for legal advice regarding the Application for Disability Retirement – Jock J. Russell.

At 2:03, Jessica Ferrel motioned that the Board go into Executive Session. Barbara Fleming seconded the motion.

VOTE: Unanimous.

The motion carried.

At 2:20, John Andela motioned that the Board come out of Executive Session. Gregory Johnson seconded the motion.

VOTE: Unanimous.

The motion carried.

3. Discussion and possible action regarding a petition for Arizona Supreme Court review of the decision of the Arizona Court of Appeals and the Application for Accidental Disability Retirement – Jock J. Russell.

Chairman Johnson stated the Board would next consider a possible action regarding the petition for Arizona Supreme Court review. Ms. Fleming stated they don't yet have the order as it hasn't been thirty days. Attorney Coleman clarified that if the Board wanted to appeal, the deadline to appeal is 30 days from the decision. He stated the Board doesn't have to do anything to not appeal; they only need to vote if they want to appeal. If the Board takes no action, the thirty days will run and then the trial court will enter the final order. Chairman Johnson clarified that the Board did not need a motion to not appeal. Ms. Fleming stated correct; that after the thirty days it automatically becomes effective. Attorney Coleman stated yes, once thirty days has passed if the Board has not filed an appeal the decision will become final.

Chairman Johnson stated that Attorney Coleman, in executive session, made it clear the case has no chance to be accepted by the Supreme Court to be heard so the Board would not appeal.

The Board discussed that they could require Mr. Russell to attend an IME periodically through his disability and that another Arizona City didn't understand that that was an option. The Board decided it would not be something they would want to do as the City would not offer Mr. Russell a position that he could turn down should he be found able to perform the duties of a law enforcement officer in the future.

Mr. Andela asked Attorney Coleman if once the trial court entered the final judgement, at that time would the Board be required to vote to approve or deny the disability. Attorney Coleman

said yes, once the Board had the final order the Board would need to meet again to decide on the application for disability.

Chairman Johnson said it looked like they have concluded this matter for now.

REQUESTS OF THE BOARD

None

ADJOURNMENT

There being no further business to come before the Board, Chairman Gregory Johnson adjourned the meeting at 2:26 p.m.

Gregory Johnson, Chairman