

CITY OF SIERRA VISTA
FIRE PENSION BOARD MEETING
January 04, 2022

CALL TO ORDER

Chairman Gregory Johnson called the regular meeting of the City of Sierra Vista Fire Pension Board to order on January 4, 2022 at 2:02 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
Gary L. Smith, Board Member
Shawn Mott, Fire Captain

MEMBERS ABSENT: Christopher Klasen, Fire Engineer

OTHERS PRESENT: Shanna Melanson, Human Resources Analyst

ACCEPTANCE OF THE AGENDA

Gregory Johnson motioned that the agenda be accepted as written.

Shawn Mott seconded the motion.

VOTE: Unanimous.

The motion carried.

NEW BUSINESS

1. Approval of the hire of Donald W. Foster as Fire Marshal and allowing employee to remain in the Public Safety Personnel Retirement System (PSPRS)

Secretary Barbara L. Fleming advised the board Donald Foster has been in the Public Safety Personnel Retirement System for thirteen and a half years and was selected to lateral to the Fire Marshal position. The Fire Marshall position is an ASRS position however, the Local Board may approve Mr. Foster to remain in the PSPRS system under the “previously assigned to hazardous duty” element of ARS 38-842(42). Should the Board approve Mr. Foster to remain in the PSPRS retirement system, they must detail how the decision was made and what evidence the Board relied upon in making their decision to include Mr. Foster’s history with PSPRS and the statute. She went on to inform the Board of Mr. Foster’s history with Sierra Vista Fire and what compiles his thirteen and a half years in the PSPRS system.

Hired as a FT Firefighter 06/18/2008
Promoted to Engineer 03/29/2012
Promoted to Captain 12/1/2014
Promoted to Battalion Chief 03/02/2020
Lateral to Fire Marshall 12/20/2021

Chairman Johnson asked if there was any further discussion on this matter. Mr. Mott asked if that was in regards to Mr. Foster's lateral into the Fire Marshal position; in keeping him as a PSPRS employee? Ms. Fleming stated yes, that the meeting was to determine to keep him as a PSPRS member.

Mr. Mott said as stated in the previous meetings that it is relevant and appropriate for Mr. Foster to stay a PSPRS employee; that he has performed hazardous duties for the last thirteen and a half years and as discussed in previous meetings, he would remain in the 911 response system as the Fire Marshal. He would respond to 911 fire alarm calls. He could find himself in command and control duties on active incidents. He stated the Board should make a motion to include the previous Board meeting minutes as attachments to the current Board meeting minutes so PSPRS has what the Board discussed in the past regarding the Fire Marshal position.

Shawn Mott motioned that the two previous Board meeting minutes regarding the Fire Marshal position and PSPRS be included in the record for these Board meeting minutes.

Gary L. Smith seconded the motion.

VOTE: Unanimous.

The motion carried.

Chairman Johnson made a comment that the Board has gone over this subject with Local Board Council in attendance and they had completed a study with respect to the previous Fire Marshal's command and control authority and his actual responses to that and that he believed that should all be part of this record.

Mr. Mott stated that Mr. Foster could not only find himself on active incidents; command and control of 911 incidents; but he would also be assigned Fire investigations where he enters hazardous environments. He stated Mr. Foster still as to wear SCBA (self-contained breathing apparatus) respirators sometimes. Mr. Mott stated it's without a doubt that he would fall under PSPRS as a whole.

Chairman Johnson added that with thirteen and a half years already as a Firefighter, Mr. Foster certainly has the ability and the expertise to take advantage of that experience.

Ms. Fleming stated that was correct on all ends and specifically, the Board looked back at the data (in previous Board meetings) of the 911 call logs to make sure there was first responder activity and there were many occasions where that was the case. That was historical looking backwards but

the Board also looked forward in the job description, and the need, and also being a small community with limited staffing situations and determined that the City continues to need that position to be able to be a first responder; and to be on site. So that would put Mr. Foster in the position to routinely be in hazardous situations.

Chairman Johnson stated that although it is not specifically stated in A.R.S. 38-842 (24) eligible groups, he believes Mr. Foster would be eligible under regularly assigned hazardous duties under A.R.S. 38-842 (42). He stated he believes the Board has every right to keep Mr. Foster in PSPRS based on his previous experience as well as what Ms. Fleming said, moving into the future, to have somebody of his expertise to be able to respond in a like manner.

Mr. Mott stated that Chairman Johnson was absolutely correct. And, to piggyback on what Ms. Fleming stated, as a Captain of the Fire Department, Mr. Mott could honestly state that the Fire Marshal position serves this jurisdiction, this City, as a true first responder in that whenever Mr. Foster is at work as the Fire Marshal, he is not assigned simply to a staff position, but he is on call for 911 calls at any given moment just as a Fire truck, an ambulance, or a Police Officer is. The calls that Mr. Foster responds to may be different in nature than an ambulance responds to, but nevertheless the call goes through the 911 dispatch center and then is dispatched to him if he is the appropriate unit at that time. This city utilizes Mr. Foster's service as a first responder where other cities may not. Other cities may strictly confine the Fire Marshall to a staff position, but this city does not solely use the position in that way.

Mr. Smith stated that Mr. Foster would also be responsible for maintaining his hazardous duty certifications and training as well. Mr. Mott stated that Mr. Foster would have to maintain his paramedic certification, conduct breathe downs with SCBA respirators and physical work with that, he believed quarterly or annually, and he has to maintain his ability to do the job as well.

Chairman Johnson asked the Board if there was anything else they needed to discuss. He then made the motion to approve the hire of Donald W. Foster as the Fire Marshal and allow him to remain in the PSPRS retirement system; the Public Safety Personnel Retirement System.

Shawn Mott seconded the motion.

VOTE: Unanimous.

The motion carried.

REQUESTS OF THE BOARD

None

ADJOURNMENT

There being no further business to come before the Board, Chairman Gregory Johnson adjourned the meeting at 2:12 p.m.

Barbara Fleming, Secretary