

CITY OF SIERRA VISTA  
POLICE PENSION BOARD MEETING  
March 03, 2023

**CALL TO ORDER**

Chairman Gregory Johnson called the regular meeting of the City of Sierra Vista Police Pension Board to order on March 03, 2023, at 1:52 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  
Gary L. Smith, Board Member

MEMBERS ABSENT: Jessica Ferrel, Police Officer

OTHERS PRESENT: Shanna Melanson, Human Resources Analyst  
Lesli Sorensen, Local Board Attorney (via WebEx)  
Thomas Griffin, Applicant Attorney (via WebEx)  
Jock J. Russell, Applicant (via WebEx)

**ACCEPTANCE OF THE AGENDA**

John Andela motioned that the agenda be accepted as written.

Barbara L. Fleming seconded the motion.

VOTE: Unanimous.

The motion carried.

**NEW BUSINESS**

Executive Session for legal advice regarding the Disability Application of Jock J. Russell, including the Final Judgment in CV2021-00140 dated February 2, 2023.

Chairman Johnson stated he was going to skip right over to new business item two which was Presentation, Discussion, and Possible Action on the Disability Application of Jock J. Russell, including the Final Judgment in case CV2021-00140 dated February 2, 2023. Board attorney Lesli Sorensen stated the Board could go into executive session for legal advice and Barbara L. Fleming agreed.

At 1:54, John Andela motioned that the Board go into Executive Session.

Barbara L. Fleming seconded the motion.

VOTE: Unanimous.

The motion carried.

At 2:12, The Board exited Executive Session and resumed the public meeting.

2. Presentation, Discussion and Possible Action on the Disability Application of Jock J. Russell, including the Final Judgment in CV2021-00140 dated February 2, 2023.

Chairman Johnson noted that Board Member Gary Smith was now present. Chairman Johnson called on Thomas Griffin, Mr. Russell's attorney to address the Board. Mr. Griffin indicated that the Superior Court had issued a ruling directing the Board to grant Mr. Russell's application, and that the appeal deadline had passed. He requested that the Board grant Mr. Russell's application as required by the Court.

Chairman Johnson called for discussion from the Board.

Ms. Fleming stated that the Board disagrees with the decision of the Court of Appeals but would approve the application for the reasons set forth in the Court's decision. Ms. Fleming requested that staff include all prior Board minutes regarding the Russell application with the package sent to PSPRS indicating its approval.

Mr. Andela stated he believes the Board disagrees with what happened and that the Board disagrees with the Court of Appeals decision. He also noted that while the appellate deadline had passed, the Board could still appeal the Final Judgment entered by the Superior Court until Monday, March 6, 2023.

Mr. Smith stated that he agreed with Ms. Fleming's comments.

Chairman Johnson stated that he became familiar with this application at the end of 2020 and recognized the angst that this Board has gone through. He noted the extensive testimony and paperwork involved in it at Board level witnessing Mr. Russell and what was going on with him. Mr. Johnson stated that the Superior Court initially agreed with this Board and then the Court of Appeals made a decision without looking at anything that this Board had done or experienced or documented, they basically made their decision with blinders on. Mr. Johnson indicated that he felt bound by the Court's decision even though he disagrees.

Chairman Johnson made the motion to approve the disability application of Jock J. Russell.

Ms. Fleming seconded the motion.

VOTE: Unanimous.

The motion carried.

Chairman Johnson thanked Mr. Griffin and Mr. Russell for attending.

Mr. Griffin asked if PSPRS needed any additional information for PSPRS to process Mr. Russell's application. Ms. Sorensen and Ms. Fleming noted that the Board is required to send the meeting minutes to PSPRS and it would process the application in the course of its ordinary business. If they receive the Board information by the 10<sup>th</sup> of the month, benefits will begin the 1<sup>st</sup> of the next month.

The Board held a brief discussion on the process of adopting meeting minutes.

Chairman Johnson excused Ms. Sorensen from the meeting.

The Board moved on to new business item one Review of Physical Examinations.

1. Physical Examinations

Secretary Barbara L. Fleming advised the board that the physical examination pre-existing reports for Nathan Stark, Sean Huntting, Ricardo Ruvalcaba, Michael Mothershed, Kelsey Guyette, Robert Hertman, Rebecca Duerrwaechter, and Johnny Wood needed to be acknowledged.

Gregory Johnson motioned that Nathan Stark's pre-existing condition report dated August 26, 2022 containing a pre-existing condition, Sean Huntting's pre-existing condition report dated October 11, 2022 containing pre-existing conditions, Ricardo Ruvalcaba's pre-existing condition report dated September 09, 2022 containing no pre-existing conditions, Michael Mothershed's pre-existing condition report dated November 02, 2022 containing no pre-existing conditions, Kelsey Guyette's pre-existing condition report dated November 23, 2022 containing pre-existing conditions, Robert Hertman's pre-existing condition report dated June 17, 2022 containing pre-existing conditions, Rebecca Duerrwaechter's pre-existing condition report dated December 21, 2022 containing no pre-existing conditions, and Johnny Wood's pre-existing condition report dated June 17, 2022 containing no pre-existing conditions be acknowledged effective March 03, 2023.

John Andela seconded the motion.

VOTE: Unanimous.

The motion carried.

**REQUESTS OF THE BOARD**

Board member John Andela talked about attending the recent PSPRS meeting held in Phoenix, AZ. He shared with the Board what he had learned and a lengthy discussion occurred.

**ADJOURNMENT**

There being no further business to come before the Board, Chairman Gregory Johnson adjourned the meeting at 3:03 p.m.

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Barbara L. Fleming, Local Board Secretary