



City of Goodyear

See meeting location
below

Meeting Minutes

Fire Public Safety Personnel Retirement Board

Thursday, November 10, 2016

8:15 AM

Goodyear City Hall, Room 204
190 N. Litchfield Rd.
Goodyear, AZ 85338

1. CALL TO ORDER

Chairman Stipp called the Fire Public Safety Retirement Board Meeting to order at 8:15 a.m.

2. ROLL CALL

Present: 5 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez, Boardmember Stewart and Boardmember Mathias

Staff Present: City Clerk Maureen Scott and Total Compensation Administrator Jeanni Ruddy

Legal Counsel Present: Cindy Kelley with Ryan Rapp and Underwood

Others Present: Vicky and David Lackey

3. APPROVE MINUTES

[MINUTES](#) Approve draft minutes of the Fire Public Safety Personnel Retirement Board
[82-2016](#) meeting held on October 27, 2016.

MOTION by Boardmember Doyle, SECONDED by Boardmember Stewart, to APPROVE the minutes. The motion carried by the following vote:

Ayes: 5 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez, Boardmember Stewart and Boardmember Mathias

4. CITIZENS COMMENTS/ APPEARANCES FROM THE FLOOR

None.

5. BUSINESS

BOARD, UPON ROLL CALL VOTE, MAY CONVENE AN EXECUTIVE SESSION AS POSTED FOR THE FOLLOWING:

Pursuant to A.R.S. §38-431.03(2),(3) and (4) the Fire Pension Board may vote to convene by law from public inspection, and/or to consult with the Board's Attorney for legal advice and to consider the Board's position and to instruct the Board's attorney regarding its position in contemplated litigation regarding item 5.3. The Board will take action on this item in open session.

5.1 Adjournment of Executive Session

David Lackey wished to waive his right to go into Executive Session in order to review the medical records in the public meeting. Therefore, an Executive Session wasn't held.

5.2 Reconvening of Fire Board Meeting

An Executive Session wasn't held.

5.3 Fire Board will review additional information for David Lackey and consider accepting his Accidental Disability Application.

The Fire Board reviewed a report dated November 8, 2016 that was written by the doctor who performed the IME. The doctor amended his report of October 14, 2016 and stated that Mr. Lackey has a physical condition that totally and permanently prevents him from doing a reasonable range of duties within his job classification. The report also answered the questions that the Fire Board had created at the previous Fire Board Meeting.

Answers to Questions that were sent to the IME doctor:

>What is the maximum amount of time applicant can wear the brace that has been recommended by the IME doctor? The knee brace is meant for stability and strength. Mr. Lackey shouldn't wear it for more than 6 hours a day. Therefore, based on his schedule, he would not be able to fulfill the 24 hours straight.

>What type of materials is the brace made from? Is it worn under clothes or on top? Is the material flame and heat retardant? The knee brace is made up of nylon. This brace wouldn't be amenable to fires. It is not fire retardant. He does not recommend wearing this during a fire. Therefore, he will not be able to fulfill the requirements to return to work.

>With the applicant's L3-L4 Fusion, is there any concern that this type of condition will affect physical activities, limit his range of motion or limit his ability to do the job? Does this put him at more risk of injury than other non-fusion firefighters or will he pose a risk to others?

Mr. Lackey's back issues which became apparent after his initial evaluation and consultation, would place too much risk to himself and others. He will not be able to fulfill the lifting requirements as also reported at the functional capacity evaluation. Therefore, Mr. Lackey should not be returned to the fire department.

MOTION by Boardmember Hernandez, SECONDED by Boardmember Doyle, to ACCEPT the Accidental Disability Application for David Lackey. The motion carried by the following vote:

Ayes: 5 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez, Boardmember Stewart and Boardmember Mathias

6. INFORMATION ITEMS

None.

7. ADJOURNMENT

There being no further business to discuss, Chairman Stipp adjourned the Fire Public Safety Retirement Board Meeting at 8:24 a.m.

Maureen Scott, City Clerk

Bill Stipp, Chairman

Date: _____