



City of Goodyear

See meeting location
below

Meeting Minutes

Fire Public Safety Personnel Retirement Board

Thursday, October 27, 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 Retirement Board Meeting
[79-2016](#) held on September 15, 2016.

**MOTION by Boardmember Hernandez, SECONDED by Boardmember Mathias, 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.

MOTION by Boardmember Doyle, SECONDED by Boardmember Hernandez, to CONVENE into Executive Session at 8:20 a.m. The motion carried by the following vote:

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

5.1 Adjournment of Executive Session

Chairman Stipp adjourned the Executive Session at 8:35 a.m.

5.2 Reconvening of Fire Board Meeting

Chairman Stipp reconvened the Board Meeting at 8:35 a.m.

5.3 Fire Board will review Independent Medical Examination and consider accepting Accidental Disability Application for David Lackey.

Vicky Lackey stated that David Lackey wished to waive his right to go into Executive Session in order to review the medical records in the public meeting.

The Fire Board reviewed the Independent Medical Exam Report (IME).

Total Compensation Administrator Jeanni Ruddy distributed a copy of the Industrial Report from Copperpoint that was dated October 21, 2016. The Fire Board reviewed the Industrial Report and found a conflict of information between the IME and the Industrial Report. The Industrial Report stated that Lackey is at his maximum medical improvement with limited duty of lifting no more than fifty pounds, bending/twisting, no ladder climbing and no stair climbing more than one flight at a time. The IME report stated that the injury does not prevent him from performing a reasonable range of duties within the employee's job classification.

Board Discussion

*There is a conflict of information between the IME and Copperpoint.

*Can go back to the IME doctor for clarification.

*Send the report from Copperpoint to the IME doctor and have him evaluate the additional

information.

*Come up with questions to send to the IME doctor.

>What is the maximum amount of time applicant can wear the brace that has been recommended by the IME doctor?

>What type of materials is the brace made from? Is it worn under clothes or on top? Is the material flame and heat retardant?

>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?

*Include Dr. Datta's Report dated August 30, 2016.

*Does Dr. Datta's report change the findings and the IME doctor's opinion?

Chairman Stipp said there are two options for the board to decide:

1. Accept the IME as it is presented and deny the disability application.
2. Continue the IME process and ask for clarification from the IME doctor on recent findings by Copperpoint.

**MOTION by Boardmember Doyle, SECONDED by Boardmember Mathias, to
CONTINUE the consideration of accepting the Accidental Disability Application for
David Lackey and pose questions to send back to the doctor who performed the IME.
The motion carried by the following vote:**

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

6. INFORMATION ITEMS

Chairman Stipp reminded the Board to respond to the request for feedback concerning the Local Board Consolidation and Employer Risk Pooling Study. The deadline to respond is November 18, 2016.

7. ADJOURNMENT

There being no further business to discuss, Chairman Stipp adjourned the Fire Public Safety Retirement Board Meeting at 8:56 a.m.

Maureen Scott, City Clerk

Bill Stipp, Chairman

Date: _____