Oracle Fire District

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PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD
Minutes of Meeting: May 18, 2023, 8:30am
Approved September 21, 2023

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER / ROLL CALL

The meeting was called to order by Secretary Acosta at 8:40am. Board Members (BM) present were Nick Brening, Jose Huerta, Chairman Jim McNulty, and Secretary Tina Acosta. Board Members absent were citizen members Tom Nelson and Bob Elder.

Additionally, OFD PSPRS attorney Andrew Apodaca, Esq. and Asst. Chief Brian McGinnis were present.

3. CALL TO THE PUBLIC
No public.

4. APPROVAL OF PREVIOUS MINUTES
Chairman McNulty made a motion to accept the minutes from the meeting on October 27, 2022. This was seconded by BM Brening. All were in favor. Motion passed.

5. DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE NEW OFD PSPRS MEMBER BRIAN MCGINNIS, WHO WAS PROMOTED TO FULL-TIME EMPLOYMENT STATUS AS OF DECEMBER 20, 2022. ASST. CHIEF MCGINNIS WAS ALREADY A TIER 1 MEMBER THROUGH THE PINAL COUNTY SHERIFF'S OFFICE (PCSO) AND, CONSEQUENTLY, CONTINUED TO PROVIDE THE SAME CONTRIBUTIONS OF 7.65%, AS OF HIS FIRST FULL-TIME PAYCHECK WITH OFD, AS BEFORE WITH PCSO, AND AS OTHER TIER 1 OFD MEMBERS.
BM Brening motioned to approve the Tier 1 PSPRS membership for Brian McGinnis, from PCSO to OFD. This motion was seconded by BM Huerta. All were in favor. Motion passed.
Chairman McNulty motioned to accept the pre-existing conditions for Tier 1 member McGinnis As documented by his previous employer, PCSO, which was seconded by BM Brening. All were in favor. Motion passed.

6. **DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE NEW OFD PSPRS MEMBER JAMIE PIERSON, WHO WAS HIRED AS A FULL-TIME CAPTAIN WITH OFD ON 4/25/2023. HE WILL BE A TIER 3 MEMBER, WITH AN OFFICIAL START DATE IN PSPRS OF JULY 24, 2023, FOLLOWING THE MANDATORY 90 DAY WAITING PERIOD FOR NEW TIER 3 MEMBERS. CAPTAIN PIERSON WILL SOON COMPLETE THE MEDICAL EXAMINER'S DETERMINATION OF FITNESS.**

Following a brief discussion, Chairman McNulty motioned to approve OFD PSPRS Tier 3 membership for Jamie Pierson, which was seconded by BM Brening. All were In favor. Motion passed.

7. **DISCUSSION AND POSSIBLE ACTION REGARDING THE MANDATORY 30-DAY NOTICES PROVIDED TO MEMBERS LOPEZ AND VARGAS IN DECEMBER 2022, ALLOWING THEM THE OPPORTUNITY TO PROVIDE ADDITIONAL INFORMATION REGARDING PRE-EXISTING CONDITIONS DISCLOSED IN THEIR MEDICAL EXAMINER'S PHYSICAL EXAMINATIONS.**

Both Lopez and Vargas declined to provide additional information regarding their pre-existing Conditions.

BM Brening motioned to declare and accept two pre-existing conditions for Vargas, and pre-existing conditions for Lopez, as noted in their physical examinations from October 2022. The motion was seconded by BM Brening. All were in favor. Motion passed.

8. **DISCUSSION AND POSSIBLE ACTION REGARDING TIER 1 PSPRS MEMBERSHIP OF TINA ACOSTA. ATTORNEY APODACA WILL PROVIDE HIS CONCERNS AND REQUEST AUTHORIZATION FROM THE BOARD TO TALK TO PRIOR CHIEFS AND ADMIN. REGARDING THE CONDITIONS OF EMPLOYMENT AND MEMBERSHIP.**

Board Counsel_Apodaca briefly took over the secretary role for this agenda item, as Secretary Acosta is the Member being addressed. Board Counsel briefed the Board on the need for continued review to ensure that Members in the system continue to meet the requirements for membership. Because of the hybrid nature of Secretary Acosta's role with the District, the Board was asked to confirm that she continues to meet the statutory membership definitions.

In response to questions from Board Counsel Member Acosta testified, in open session, that her original job for the District was as an "Administrative Manager", but that she was to immediately be cross-trained as an EMT and firefighter. She was approved into PSPRS effective October 5, 2009. Her job description included standard office manager tasks, firefighting, and EMT duties. As part of her role in t009 she attended most fire calls to provide EMT services. She completed her EMT certification in 2010 and has maintained that certification to date. She also testified that she went on wildland fire assignments during 2010.

In 2016 her job title changed from Administrative Manager to Administrative Chief, and in 2018 her job title changed again, back to Administrative Manager. She noted that her actual duties never changed. She presented job descriptions for the Board's review for these two titles, which she testified both accurately described her job duties under both job titles. Member Acosta noted that she did not believe a formal written job description existed for her Administrative Manager role when she first joined the District.

Member Acosta also presented the Board with a letter from retired Chief Larry Southard. This letter from Retired Chief Southard provided background to the Board about the District's staffing needs that lead to Member Acosta's hybrid job duties.

Member Acosta described her day-to-day job duties—while serving as Administrative Chief between 2016 and 2018—as not requiring her to be on a fire truck for all calls; however, she was expected to respond as needed for larger fire calls, or calls requiring her EMT services. This included an "on call" role should she ever receive notice of a call that required her assistance. She testified that her normal "shift" during this time would vary, but was typically from 7:00 am to 5:00 pm., but she was expected to respond to emergency calls even if they were after her normal work hours. She confirmed that her "on call" duties stayed the same throughout her career. Member Acosta testified that she currently also supervises brush thinning crews for purposes of fire prevention. She also continues to have and maintain fire "turn out" equipment in case her assistance is needed.

Assistant Chief McGinnis was present for Member Acosta's questioning and was asked to confirm all facts as alleged by Member Acosta. Despite only being approved for membership with the Department in this meeting, Assistant Chief McGinnis has been employed by the District, in a part-time role, for many years, and is familiar with Member Acosta's role with the District. Assistant Chief McGinnis testified that "from the beginning" Member Acosta's role was not intended to be solely administrative and has never been. He testified that member Acosta's "hybrid" role is a direct result of the smaller nature of the Department and an overall lack of manpower. He added that, by comparison he himself does not attend all calls that come in, but like Member Acosta, he does respond to larger or more severe calls as need be.

Assistant Chief McGinnis and Member Acosta testified that this District typically only responds to 5-10 calls per year that can be categorized as "wildlands fires"; 4-5 calls that can be categorized as "structure fires"—with only 1-2 of those being actual structural fires; and 8-10 calls that can be categorized as "brush fires". The District only has 8 full-time employees.

BM Brening noted complete comfort in reaching a decision and referred to "running calls" multiple times with Member Acosta in the past. This was echoed by the rest of the Board.

Chairman McNulty moved to affirm that Member Acosta does meet all membership definitions and to, affirm Member Acosta's membership in PSPRS at all times going back to her original membership date of October 5, 2009. The motion was seconded by BM Brening. All were in favor. Motion passed.

9. DISCUSSION AND POSSIBLE ACTION REGARDING MANDATORY TRAINING FOR OFD PSPRS LOCAL BOARD MEMBERS.

Chairman McNulty and BM Brening returned their signed compliance forms to Secretary Acosta, following completion of watching the training videos.

10. DISCUSSION AND POSSIBLE ACTION REGARDING THE DEPARTURE OF CAPTAIN JOHN SAVAGE.

Chairman McNulty motioned to recognize the voluntary departure on February 1, 2023, and thus the termination of membership within OFD PSPRS, of Captain John Savage. This motion was seconded by BM Brening. All were in favor. Motion passed.
Savage was first hired at OFD as a Reserve firefighter in 2016 and was promoted to full-time Status in 2018, at which point he became an OFD Tier 3 PSPRS member. He quickly climbed the ladder to Engineer in 2019 and to Captain in 2022. The OFD PSPRS Local Board recognizes the dedication and hard work provided by John Savage and wishes him well.

11. DISCUSSION AND POSSIBLE ACTION REGARDING PRE-FUNDING PAYMENT OF $5,500 SENT INTO PSPRS IN MAY 2023 TO PAY DOWN UNFUNDED LIABILITIES.

No action was taken.

12. ADJOURNMENT.

Chairman McNulty motioned to adjourn, which was seconded by BM Huerta. All were in favor. Motion passed.

Meeting adjourned at 9:40am.

Minutes respectfully submitted,

Tina Acosta - Admin. Manager/HR, PSPRS Local Board Secretary, Oracle Fire District