

CITY OF DOUGLAS LOCAL PENSION BOARD – FIRE
MEETING MINUTES
October 25, 2021

1. CALL TO ORDER:

Margaret Morales called the meeting to order at 3:34 p.m. in the HR Training Room and by zoom at City Hall, 425 10th Street, Douglas, Arizona.

2. ROLL CALL:

Members Present: Frank Stevens, Matthew King, Joseph Alvarez Sr., Margaret Morales

Members Absent: Mark Wilkinson (excused)

Others Present: Pamela Treadwell-Rubin (Board Attorney), Rocio Garcia-Pedroza (Board Secretary), Richard Martinez (Applicant), Judith Abramsohn (Applicant's Attorney) Rose Martinez (Applicant's wife)

3. REVIEW AND APPROVAL OF MEETING MINUTES FROM JULY 19, 2021.

Joseph Alvarez moved to approve the meeting minutes from July 19, 2021. Frank Stevens seconded the motion.

No discussion was made. All were in favor. Motion passed.

Ms. Abramsohn, as Mr. Martinez' attorney, was provided the opportunity to address the Board.

Ms. Abramsohn indicated Mr. Martinez wanted to provide to the board information to address some points that were made by Dr. Zoltan, knowing that this would not affect Dr. Zoltan's opinion, but just wanted them for the record.

Mr. Martinez provided a packet containing notes from his recollection of appointments with two of his doctors and Dr.'s notes as back up and discussed them in detail.

Mrs. Rose Martinez also addressed the board to let them know just how hard Mr. Martinez' injury has been, and how his limitations resulting from it, have affected their personal lives.

Ms. Abramsohn stated that the course following this injury, involved more than the diagnosis listed by the Medical Board doctor, and she and Mr. Martinez wanted the board to understand the complexity of what happened, including that one of the post-injury incidents the doctor referred to, did not occur (slab leak repair).

4. PURSUANT TO A.R.S. §38-431.03, (A)(3), THE BOARD MAY VOTE TO GO INTO EXECUTIVE SESSION FOR DISCUSSION OR CONSULTATION WITH ITS ATTORNEY, PAMELA TREADWELL-RUBIN, REGARDING ANY ITEM ON THE AGENDA. Executive Sessions, for the purpose of obtaining Legal Advice and/or Confidential Medical Review from our PSPRS Attorney, if needed, are confidential under Arizona law.

Motion by Joseph Alvarez, second by Frank Stevens, to enter an executive session for legal advice and confidential medical review, at 4:04 p.m. All were in favor. Motion passed.

Motion by Joseph Alvarez, second by Matthew King to adjourn the executive session. All were in favor. Motion passed.

Open Session reconvened from executive session, at 4:27 p.m. Ms. Abramsohn, and Mr. and Mrs. Martinez returned to the meeting room.

5. REVIEW, DISCUSSION, AND APPROPRIATE ACTION ON APPLICATION FOR ACCIDENTAL DISABILITY RETIREMENT SUBMITTED BY RICHARD MARTINEZ, INCLUDING ANALYSIS OF MEDICAL BOARD REPORT PURSUANT TO A.R.S. § 38-859.

Ms. Treadwell-Rubin noted that if the application was approved by today's vote, Mr. Martinez would have to tender his resignation from the Department, to satisfy the requirement of "termination by reason of accidental disability," in A.R.S. § 38-844 (B). Based on the City's records, and due to donated leave from other City employees, his last date on payroll should be today.

The Chair called for a motion on the application for accidental disability. Joseph Alvarez moved to approve the application for accidental disability of Richard Martinez effective October 25, 2021, based upon the Medical Board reports and PSPRS Questionnaire dated August 24, and October 15 and 19, 2021, from Dr. Jon Zoltan, M.D., along with the testing report dated October 6, 2021 from Sidney Spector, M.D., which demonstrate that Mr. Martinez does qualify for an Accidental Disability due to the presence of a totally and permanently disabling condition which was incurred during the performance of his job and prevents him from performing his regular duties as a Fire Captain, and is not a condition which existed or occurred prior to 9/16/2015, and subject to receipt of a corrected disability questionnaire from Dr. Zoltan and the applicant's resignation letter. Mathew King seconded the motion.

Ms. Garcia-Pedroza clarified the correction needed from Dr. Zoltan was only his date of signature. All were in favor. Motion passed. The board members were asked to make a brief, individual record on the reasons for their votes.

All 4 board members (Alvarez, King, Stevens, Morales) indicated their affirmative vote was based on following the guidelines from ARS § 38-859 and the Medical Board reports provided.

6. REPORT TO THE BOARD MAILINGS RECEIVED FOR THE BOARD, IF ANY:

Rocio Garcia-Pedroza reported there were none.

7. REQUESTS OF THE BOARD:

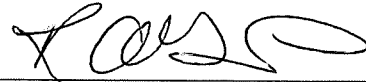
There were none.

8. ADJOURNMENT:

There being no further business to come before the board, Frank Stevens moved to adjourn the meeting. Matthew King seconded the motion. All were in favor. Motion passed.

Margaret Morales adjourned the meeting at 4:42 p.m.

Prepared by



Rocio Garcia-Pedroza, Board Secretary