



Minutes

Queen Creek Public Safety Retirement Board

22358 S. Ellsworth Rd., Queen Creek, AZ

San Tan Conference Room – Development Services Building

October 12, 2010

8:30am

1. **Call To Order and Roll Call**

The meeting was called to order at 8:31am.

Board Members present: Gale; Reese; Gray and Chairman Barney. Board Member Kross was absent.

Others present: Board Attorney Pierce (telephone); Board Secretary Robinson; HR Director Gardner; Fire Chief Summers; Assistant Fire Chief Knight and Steve Springborn.

2. **Public Comment:** Members of the public may address the Board on items not on the printed agenda. Please observe a time limit of three minutes. Note that pursuant to the Arizona Open Meeting Law, members of the Board may not discuss matters raised under this public comment portion of the meeting.

None.

3. **Executive Session**

Pursuant to A.R.S. Section 38-431.03(A) the Queen Creek Public Safety Retirement Board may vote to convene in Executive Session to discuss or consider confidential records exempt by law from public inspection concerning matters on the agenda and/or consult with the Board's attorney for legal advice concerning any item on the agenda.

None.

4. **Items for Discussion and Possible Action**

A. Consideration and possible approval of the May 24, 2010 Minutes.

The Board discussed verbatim minutes.

Motion to approve the May 24, 2010 Board Minutes with the correction showing Boardmember Gale absent (Reese and 2nd by Gale)

Vote: Unanimous

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B. Discussion and possible action on a rehearing of the killed in line of duty death application of Judy K. Tinkham, spouse of deceased member (Eric Tinkham).

HR Director Gardner provided the Board with a timeline review of the August 18, 2009 approval of the Normal Survivor's Benefit and the submittal of an amended benefit application as a killed in the line of duty death and the Board's approval on May 24, 2010 of the amended application. Mr. Gardner stated that the amended and approved application was sent to the State public safety retirement system to be finalized. The State Board denied the application based on their belief that a) Ms. Tinkham didn't appeal the survivor's benefit approval in a timely manner; and b) the State Board believed that Capt. Tinkham's death was a result of natural causes and not "due to the proximate result of the performance of his public safety duties".

Mr. Gardner further reported that Board Attorney Pierce and Human Resources had several communications with the State Board regarding requests for a rehearing based on the 60-day timeframe and legalities of procedures and timelines for appeals.

Mr. Gardner explained that the local board must hold a rehearing; however, a continuance can be approved to allow for additional medical expert testimony.

Motion to continue to a date set by the Board Secretary once the additional testimony is secured (Board Member Reese)

Chairman Barney asked whether the medical examiner would be present in person. Fire Chief Summers responded that an affidavit or recording. Chairman Barney also asked if questions from the Board could be asked. Chief Summers responded that Dr. Gherkin has been asked to have discussions with the medical examiner and that a conference call may be possible.

Second: Boardmember Gray

Vote: Unanimous

5. **Announcements:** None

6. **Adjournment:** The meeting was adjourned at 8:42am.

Queen Creek Public Safety Local Fire Pension Board

Gail Barney, Chairman

Attest:

Jennifer F. Robinson, Board Secretary

I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the October 12, 2010 Queen Creek Public Safety Local Fire Retirement Board. I further certify that the meeting was duly called and that a quorum was present.

Jennifer F. Robinson, Board Secretary

Passed and approved on February 24, 2011.