

**CITY OF PHOENIX
POLICE PENSION BOARD**
101 S. Central Avenue, Suite 600
Phoenix, AZ 85004

October 24, 2006

MEMBERS PRESENT: Mr. Ed Zuercher, Chairperson
Lt. Stan Hoover, Member
Ms. Wendy Larsen, Member (participated via telephone)
Sgt. Ron Snodgrass, Member (participated via telephone)
Ms. Gayle Starr, Member (participated via telephone)

ABSENT: None

ALSO PRESENT: Ms. Donna Buelow, Retirement Program Administrator
Atty. David Niederdeppe, Board Attorney
Ms. Paula Whisel, Recording Secretary
Ms. Jackie Temple, COPERS
Ms. Patti Moore, Police Department

The City of Phoenix Police Pension Board met at 101 S. Central Avenue, Suite 600, Phoenix, Arizona, October 24, 2006, at 11:00 p.m. for the purpose of conducting regular business.

2. Consideration of Possible Re-Employment of Retiree – Jack Harris

Chairperson Zuercher stated the Board had received a copy of the correspondence from Chief Harris. He stated the correspondence summarized what Chief Harris had stated at the last Police Board meeting.

Sgt. Snodgrass asked Ms. Moore if she had any comments to share with the Board. Ms. Moore stated she had no issues with Chief Harris, but was concerned how a decision regarding this specific issue may impact future requests to the Board.

Ms. Starr asked Ms. Moore to elaborate on the potential future situations. Ms. Moore stated future situations could involve employees retiring whose skill sets are needed by the City.

Chairperson Zuercher stated in this case the Board was reviewing a situation where an employee would be retiring from a sworn position and then assigned to a civilian position with different and expanded duties.

Sgt. Snodgrass stated the law did not preclude Chief Harris from returning with any rank other than chief. He stated Chief Harris had shared with the Board his current duties would be distributed among other staff. He stated Chief Harris' duties, title and salary were going to change. Sgt. Snodgrass stated this was not the same situation the law was created to address.

Sgt. Snodgrass stated the Board was not being asked to give Chief Harris permission. He stated the Board was being asked to give reassurance the Board would not request the Fund Manager to reduce or suspend Chief Harris' pension or DROP benefits.

Ms. Starr stated these types of issues should be addressed on a case by case basis.

Chairperson Zuercher stated he agreed with Ms. Starr. He stated the Board will have to examine the specific information and circumstances of each situation. He stated Sgt. Snodgrass had correctly framed the issue before the Board.

Chairperson Zuercher asked Atty. Niederdeppe to describe the potential review process. Atty. Niederdeppe stated the local board had the right to make an initial determination on this issue. He stated the statute provided appeal rights for the applicant and oversight authority for the Fund Manager. Chairperson Zuercher asked Atty. Niederdeppe if there was a time frame for the appeal rights. Atty. Niederdeppe stated the request for reconsideration must be made within 60 days. He stated there was a 30 day deadline to file in Superior Court following a re-hearing.

Sgt. Snodgrass stated he and Chief Harris had met with Mr. Jim Hacking and Atty. Marc Lieberman with the Fund Manager's Office. He stated Mr. Hacking and Atty. Lieberman had reviewed the same information provided to the Board. He stated Mr. Hacking and Atty. Lieberman felt the issue should be determined by the Board although they indicated they would not be concerned if the Board granted the request from Chief Harris given the added complexities of the new job duties.

Sgt. Snodgrass moved, based on the information provided by Chief Harris, the Board does not see a violation of law and would notify the Fund Manager the Board felt there was no conflict with the portion of the law. Ms. Larsen seconded the motion.

Ms. Starr stated she would be voting based on the assurance given in discussion with City management the title Police Chief would not be used. Chairperson Zuercher stated the contemplated position will be a Deputy City Manager position, although the position may have a different working title. Chairperson Zuercher stated it was his understanding the City formally would not be using the title of Police Chief, although how the public referred to the position was not in the City's control.

Chairperson Zuercher called for the vote. Chairperson Zuercher, Ms. Larsen, Sgt. Snodgrass and Ms. Starr voted in favor of the motion. Lt. Hoover opposed the motion. The motion carried.