

**FIRE PUBLIC SAFETY PERSONNEL RETIREMENT  
DRAFT MINUTES OF BOARD MEETING  
DRAFT MINUTES HAVE NOT BEEN APPROVED BY THE BOARD  
HELD MARCH 8, 2016**

**AVONDALE CIVIC CENTER  
Mojave Conference Room  
11465 W. CIVIC CENTER DRIVE  
AVONDALE, ARIZONA 85323**

**CALL TO ORDER**

President Yacoben called the meeting to order at 5:00 p.m.

**Roll Call**

The following Board Members were present:

Abbe Yacoben, President  
Evan Titterington, Board Member  
Josh Wilson, Board Member  
Betty Lynch, Board Member

Also present were:

Kathy Reyes, Board Secretary  
Gordon Lewis, Board Counsel  
Kathy Steadman, Avondale Counsel  
Jesse Gomez  
Dale Norris, Counsel for Mr. Gomez  
Frances McCoy  
Darcy Lowery  
Callie McGraw

- 1. Approve Fire Public Safety Personnel Retirement Board Minutes from meeting held on 2/23/16.**

Board members reviewed transcript of meeting. Board members were informed by Mr. Lewis that minutes would be created from transcript and would be presented for approval at next meeting.

**Motion:** Member Wilson moved to table approval of the February 23, 2016 minutes.

**Second:** Member Titterington

**Vote:** 4-aye, 0-nay, 0-abstain, 0-recuse, 1-absent

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**Motion Passed**

2. **Discussion/Action/Vote on eligibility and participation in PSPRS for Fire Inspector II Jesse Gomez.**

**EXECUTIVE SESSION: The Board may vote to adjourn to an Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and (3) to consider confidential records, or for consultation with legal counsel.**

**Motion:** Member Lynch moved for the Board to enter into Executive Session pursuant to A.R.S. §38-431.03(A)(2) and (3) to consider confidential records, or for consultation with legal counsel.

**Second:** Member Titterington

**Vote:** 4-aye, 0-nay, 0-abstain, , 0-recuse, 1-absent

**Motion Passed**

The Board entered into Executive session at 5:04 p.m.

The Board returned to Open Session at 5:49 p.m.

No legal action was taken by the Board during Executive Session

Mr. Norris informed the Board that he had no new information to present, but that he and his client were available to answer questions.

Ms. Steadman stated that the City of Avondale continued to not take a formal position on the Local Board's decision.

Member Lynch asked questions of Mr. Gomez regarding his duties.

Mr. Norris stated that he believed Mr. Gomez's duties allow Mr. Gomez to be viewed as a firefighter under the statute.

Member Titterington asked Mr. Gomez if he believed he was accepted in the department as a full-time firefighter and Mr. Gomez answered in the affirmative.

Member Lynch asked Mr. Gomez about the probationary nature of the his initial employment.

Member Titterington expressed his opinion that Mr. Gomez was hired as a full-time fireman when he was initially hired and that Mr. Gomez's current position involves hazardous duty.

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**Motion:** Member Titterington moved to approve Jesse Gomez's eligibility in the Public Safety Retirement System.

**Second:** Member Wilson

**Discussion:**

Member Titterington spoke in favor of the Motion.

Member Wilson spoke in favor of the Motion.

Member Lynch spoke against the Motion

President Yacoben spoke against the Motion

**Vote:**

Member Amos = absent

Member Lynch = nay

Member Wilson = aye

Member Titterington = aye

President Yacoben = nay

2-aye, 2-nay, 0-abstain, 0-recuse, 1-absent

**Motion Fails**

Mr. Lewis recommended a motion to convene in executive session.

**Motion:** Member Lynch moved for the Board to enter into Executive Session pursuant to A.R.S. §38-431.03(A)(2) and (3) to consider confidential records, or for consultation with legal counsel.

**Second:** Member Titterington

**Vote:** 4-aye, 0-nay, 0-abstain, 0-recuse, 1-absent

**Motion Passed**

The Board entered into Executive session at 6:09 p.m.

The Board returned to Open Session at 6:18 p.m.

No legal action was taken by the Board during Executive Session

Mr. Lewis stated that a tie vote by the Board does not constitute action taken by the Board on a matter, and that a majority vote of the members voting is required for action.

President Yacoben requested an alternate motion.

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**Motion:** Member Titterington moved to accept Mr. Gomez in the Public Safety Retirement System

**Second:** Member Wilson

**Discussion:**

Mr. Norris addressed Member Lynch

Mr. Lewis stated that deliberation should be amongst Board members once a motion is pending on the floor.

**Motion:**

Mr. Wilson moved to withdraw pending motion

**Second:** Mr. Titterington

**Motion withdrawn**

Member Lynch questioned Mr. Norris and Mr. Gomez regarding Mr. Gomez's awareness of his position.

**Motion:** Member Titterington moved to table discussion of Mr. Gomez's eligibility

**Second:** Member Wilson

**Vote:** 4-aye, 0-nay, 0-abstain, 0-recuse, 1-absent

**Motion Passed**

Discussion held regarding date to reconvene.

**3. ADJOURNMENT**

**Motion:** Member Lynch moved to adjourn.

**Second:** Member Titterington

**Vote:** 4-aye, 0-nay, 0-abstain, 0-recuse, 1-absent

**Motion Passed**

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The meeting adjourned at 6:33 p.m.

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Kathy Reyes  
Board Secretary