



**Public Safety Personnel Retirement System  
Local Pension Board Meeting Agenda  
Superstition Fire & Medical District**

**PURSUANT TO A.R.S. §38.431.02**

Notice is hereby given to the general public the Superstition Fire & Medical District (SFMD) Public Safety Personnel Retirement System Local Pension Board will hold a meeting on **Tuesday, August 29, 2023**. The meeting will be held at the Superstition Fire & Medical District's Administrative Office, located at 565 N. Idaho Road, Apache Junction, Arizona. The meeting will be open to the general public and will begin at **4:00 pm** local time.

**AGENDA:**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

*The following items are to be discussed at the board meeting; action or decisions may or may not be taken on any or all items. Agenda items may or may not be considered in the order listed:*

1. **Review and possible approval of the June 13, 2023 Local Pension Board meeting minutes.**
2. **Call to Public**  
A public body may make an open call to the public during a public meeting, subject to reasonable time, place, and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.  
**Scheduled:** none at time of printing
3. **Discussion and possible approval of the induction of six new Superstition Fire & Medical District Firefighters into the Public Safety Personnel Retirement System (PSPRS).**
4. **Discussion and possible approval of future legal representation to retain Cynthia K. Kelley, Esq. of Kelley Law Group (in association with the Kraw Law Group), as the Local Pension Board attorney.**
5. **Discussion and possible action to review the date / time of the next SFMD Public Safety Personnel Retirement System Local Pension Board Meeting.**
6. **Announcements and Information**
7. **Adjourn**

Notice: The Local Pension Board may go into Executive Session for the purpose of obtaining legal advice from the Fire District's attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3). One or more members of the Local Pension Board may attend the meeting telephonically.

Local Pension Board meeting agenda dated and posted On: August 17, 2023 at 1730 hours by Sherry Mueller



## *Superstition Fire & Medical District*

565 North Idaho Road, Apache Junction, AZ 85119

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### **Public Safety Personnel Retirement System** **Local Pension Board Meeting Minutes**

**June 13, 2023**

PURSUANT TO A.R.S. 38.431.02, NOTICE IS HEREBY GIVEN TO THE GENERAL PUBLIC THAT THE SUPERSTITION FIRE & MEDICAL DISTRICT (“SFMD”) PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (“PSPRS”), THE LOCAL PENSION BOARD HELD A MEETING ON TUESDAY, JUNE 13, 2023. THE MEETING WAS HELD AT THE SUPERSTITION FIRE & MEDICAL DISTRICT’S ADMINISTRATION OFFICE, AT 565 N. IDAHO ROAD, APACHE JUNCTION, ARIZONA. THE MEETING WAS OPEN TO THE GENERAL PUBLIC AND BEGAN AT 4:00 P.M.

- A. Chairman Jason Moeller called the meeting to order at 4:00 p.m.
- B. The Pledge of Allegiance was led by Chairman Jason Moeller
- C. Roll Call showed Pension Board Chairman Jason Moeller and Board Director Jim Geil were present. Board Director Zachary Leon attended via conference phone. Board Director Ron Olm and Board Director James Crowley were not present. Also present were Fire Chief John Whitney, Board Secretary Sherry Mueller, Human Resources Manager Alena Sampson and Director of Administrative Services Anna Butel.

**1. Review and possible approval of the February 7, 2023 Local Pension Board meeting minutes.**

**Motion** by Director Geil to approve the February 7, 2023 Local Pension Board minutes.

**Seconded** by Director Leon.

**Vote** 3 ayes, 0 nays. **Motion passed.**

**2. Call to Public**

None.

**3. Discussion and possible approval of the induction of one new Superstition Fire & Medical District Firefighter into the Public Safety Personnel Retirement System (PSPRS).**

Participation in the PSPRS requires that the Local Pension Board approve new membership and note if there are any pre-existing medical conditions as employees are hired. Currently, HR staff reviews the medical reports and advises the Local Board of any pre-existing conditions. Human Resources confirmed there were no pre-existing conditions.

**Motion** by Director Geil to approve the induction of one new SFMD Firefighter Jesus Rivas, with an effective date of May 22, 2023. Jesus will be inducted with pre-existing medical conditions, if any, as noted on the listing that is included with the Board Packet.

**Seconded** by Director Leon

**Vote** 3 ayes, 0 Nays. **Motion passed**

4. Discussion and possible action to review the date(s) /time(s) of the next SFMD Public Safety Personnel Retirement System Local Board Meeting.

In accordance with ARS §38-847 (3), a local pension board meeting will be held at least twice annually, otherwise scheduled as needed. In the absence of a quorum (consisting of three member, at least one of whom shall be one of the members elected by secret ballot) for a scheduled meeting, the Chairperson or any two members of the Board may reschedule the meeting as a special meeting. Any meeting may be continued to a later date.

**The following date(s) are recommended for the next Local Board Meeting:**

- Tuesday, August 29<sup>th</sup>, 2023 OR
- Tuesday, September 12<sup>th</sup>, 2023

**Motion** by Director Geil to approve **Tuesday, August 29<sup>th</sup>, 2023** as the date of the next scheduled Local Pension Board Meeting.

**Seconded** by Director Leon

**Vote** 3 ayes, 0 Nays. **Motion passed**

5. **Announcements.**  
None

6. **Adjourn.**

**Motion** by Director Geil to adjourn the meeting at 4:04 p.m.

**Seconded** by Director Leon

**Vote** 3 ayes, 0 nays. **Motion passed.**

**Board Approval:**

**Preliminary minutes emailed to PSPRS on June 14<sup>th</sup>, 2023**

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*Jason Moeller*  
*Pension Board Chairman*

June 13, 2023

## Local Pension Board Meeting – August 29, 2023

### Agenda Item 1:

#### **Agenda Item Title:**

**Review and possible approval of the June 13, 2023 Local Pension Board Meeting Minutes.**

#### **Background / Discussion:**

The Local Pension Board Meeting Minutes are provided for Local Board review, comment and approval. After approval, minutes are signed and kept as official public record and a copy is sent to Public Safety Personnel Retirement System.

#### **Recommended Motion:** *(please read motion as written)*

*“Motion to approve the June 13, 2023 Local Pension Board Meeting Minutes.”*

#### **Enclosure:**

Local Pension Board Meeting Minutes from June 13, 2023

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### Agenda Item 2:

#### **Agenda Item Title:**

#### **Call to the Public**

A public body may make an open call to the public during a public meeting, subject to reasonable time, place, and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

None

#### **Background / Discussion:**

Call to Public is provided so citizens may address the public body (Local Pension Board) with matters concerning the retirement system. Arizona public meeting law provides that the public body may discuss, consider, or decide only matters listed on the agenda and other matters related thereto. Since the public body will generally not know what specific matters may be raised at call to public, they will be unable to act until the matter is placed on a subsequent meeting agenda (at the Local Board's discretion). The Local Board may also direct staff to follow up on an issue.

No Motion.

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### Agenda Item 3:

#### **Agenda Item Title:**

**Discussion and possible approval of the induction of six new Superstition Fire & Medical District Firefighters into the Public Safety Personnel Retirement System (PSPRS).**

#### **Background / Discussion:**

Participation in the PSPRS requires that the Local Board approve new membership and note if there are any pre-existing medical conditions as employees are hired. Currently, HR staff reviews the medical reports and advises the Local Board of any pre-existing conditions.

## Local Pension Board Meeting – August 29, 2023

### Agenda Item 3 Continued:

**Recommended Motion:** (please read motion as written)

*“Motion to approve the induction of six new Superstition Fire & Medical District Firefighters: Jaren Johnson with an effective date of July 17, 2023, Matthew Hansen with an effective date of July 31, 2023, and Brock Doolen, Christian Gomez, Ryan Markham and Bradley Steinepreis with an effective date of August 14, 2023 into PSPRS. Firefighters Johnson, Hansen, Doolen, Gomez, Markham and Steinepreis will be inducted with pre-existing medical conditions, if any, as noted on the listing that is included with the Board Packet.*

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### **Agenda Item: 4**

**Agenda Item Title:**

**Discussion and possible approval of future legal representation to retain Cynthia K. Kelley, Esq. of Kelley Law Group (in association with the Kraw Law Group), as the Local Pension Board attorney.**

**Background / Discussion:**

Cynthia K. Kelley, Esq. sent the letter included in this Pension Board Packet (see below) letting us know she is opening a new law firm in Arizona, the Kelley Law Group (associating with the Kraw Law Group) effective October 1, 2023.

Ms. Kelley is asking the Pension Board to make a decision regarding future legal representation.

**Recommended Motion:** (please read motion as written)

*“Motion to approve Cynthia K. Kelley, Esq. of Kelley Law Group (in association with the Kraw Law Group) as the Superstition Fire & Medical District Pension Board attorney effective October 1, 2023.”*



August 22, 2023

Dear Local Board Members,

I am writing to inform you about an important decision I have made regarding my legal practice. After careful consideration, I have decided to leave my current firm and embark on a new venture that I believe will be best for both myself and my clients. I am pleased to announce that I will be opening a new firm in Arizona, the Kelley Law Group, and associating with the Kraw Law Group.

The Kraw Law Group is a well-established California-based firm with extensive experience representing employee benefit plans and public safety clients for over 30 years. They currently have a team of 17 skilled attorneys with offices in Mountain View and San Diego.

This collaboration brings several advantages for my clients. By aligning with the Kraw Law Group, I will gain access to additional resources and expertise in the area of employee benefits and public safety. I will remain personally responsible for all my clients, ensuring the same level of attention and autonomy as before. However, this partnership will allow me to leverage the collective knowledge of a larger employee benefits practice group.

Effective October 1, 2023, my practice will transition to the Kelley Law Group, in association with the Kraw Law Group. I am pleased to share that I will be joined by the entire employee benefits department, with the exception of Leslie Sorensen. Sara Yokich, Laure van Heijenoort, Brian Kelley, and Kenny Kelley will all be at the Kelley Law Group beginning October 1, 2023. Additionally, our dedicated legal assistant, Tania Mouat, and Law Clerk, Sanders Johnsen, will be a part of our team in this new endeavor.

I genuinely value the relationships I have built with my clients and would be honored to continue serving you under the new firm. We will be establishing new agreements with the Kelley Law Group for those clients who wish to maintain our professional relationship. I want to assure you that this transition will be seamless, with no changes to the services provided or the associated fees. As you may know, the decision on your representation is entirely up to you. The attached notice can be completed indicating the desire of the Board once there has been an opportunity to review and a decision has been made.

I am excited about this new chapter in my career and sincerely hope to continue working with each of you. If you have any questions, comments, or concerns, please feel free to reach out to me directly.

I wanted to bring this to everyone's attention in person at a board meeting. However, yesterday I learned that my colleagues, Leslie Sorensen and Andrew Pacheco, along with the approval of managing partner Chris Rapp, sent letters to some clients without the knowledge of the primary attorney. These letters indicated their intention to assume lead attorney roles for certain clients moving forward. If you received this letter, I sincerely apologize for any confusion that this unanticipated communication may have caused.

Regrettably, the letter sent by Leslie Sorensen and Andrew Pacheco failed to convey the client's right to choose their representation, diverging from the ethical guidelines outlined by the Arizona Bar and American Bar Association. I understand that many of you may not have had the opportunity to meet Lesli Sorensen or Andrew Pacheco personally, and receiving a letter indicating their assumption of your legal matters might understandably lead to confusion and concern.

Thank you for your ongoing trust and support. I look forward to the opportunities ahead and I hope to have the privilege of serving you in the future. Again, if you have any questions or concerns, please feel free to contact me.

Once the Board has had the opportunity to meet and come to a decision regarding future representation, please complete the attached form and return to me via email. If you choose to go to the Kelley Law Group, I will provide contact information later this month or in early September.

Sincerely,

*Cindy*

Cynthia K. Kelley, Esq.



**RYAN RAPP  
PACHECO  
& KELLEY** PLC

3200 N. Central Avenue, Suite 2250  
Phoenix, Arizona 85012  
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Facsimile (602) 265-1495

The Board wishes to continue being represented by Cynthia Kelley. Please transfer to her, at her new address, any records, files, advanced fees and costs held in trust, and any other property in the possession of Ryan Rapp Pacheco & Kelley, PLC as quickly as possible. I understand that the firm will provide me with a final accounting of fees earned by the firm and will transfer any remaining trust balance to Cynthia within 60 days of the transfer of the file after earned fees have been deducted from my trust balance.

I wish to continue being represented by Ryan Rapp Pacheco & Kelley. Please have a firm representative contact me to discuss continuing the representation.

Other \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
NAME OF LOCAL BOARD

\_\_\_\_\_  
BOARD SECRETARY SIGNATURE

Date /



**Agenda Item 5:**

**Agenda Item Title**

**Discussion and possible action to review the date / time of the next SFMD Public Safety Personnel Retirement System Local Pension Board Meeting.**

**Background / Discussion:**

In accordance with ARS §38-847 (3), a local pension board meeting will be held at least twice annually, otherwise scheduled as needed. In the absence of a quorum (consisting of three member, at least one of whom shall be one of the members elected by secret ballot) for a scheduled meeting, the Chairperson or any two members of the Board may reschedule the meeting as a special meeting. Any meeting may be continued to a later date.

The following date(s) are recommended for the next Local Board Meetings:

- **Tuesday, January 16, 2024 at 4:00 p.m.**
- **OR**
- **Tuesday, January 23, 2024 at 4:00 p.m.**

**Recommended Motion:**

*Motion to confirm Tuesday, \_\_\_\_\_, 2024, for the next scheduled Local Pension Board Meeting”*

**Enclosures:** None.

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**Agenda Item 6:**

**Agenda Item Title:**

**Announcements and Information**

*Local Board may direct staff to act on any of these items or request that they be added to the next meeting agenda.*

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**Agenda Item 7:**

**Agenda Item Title:**

**Adjourn**

**Recommended Motion:**

*“Motion to adjourn the Local Pension Board Meeting.”*