

TUCSON AIRPORT AUTHORITY
Joint Fire and Police Public Safety Personnel Retirement System
Local Board Regular Meeting
Tuesday, January 16, 2024 | 8:00 a.m. | [Microsoft Teams](#)

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tucson Airport Authority (TAA) **Joint Fire and Police Public Safety Personnel Retirement System (PSPRS) Local Board** and to the public that the Board will hold a meeting open to the public on **Tuesday, January 16, 2024, beginning at 8:00 a.m.** Board members and the public may attend virtually via the remote participation platform Microsoft Teams.

The Board may vote to go into executive session pursuant to A.R.S. § 38-431.03 for the purpose of discussion or for legal advice with the Board attorney, or for confidential medical review, regarding any item on this agenda. If authorized by a majority vote of the Board members, the executive session will be held immediately after the vote and will not be open to the public. An executive session, if approved, is authorized under A.R.S. § 38-431.03(A)(3).

Members of the public interested in observing the proceedings may do so through Microsoft Teams. Click [HERE](#) to be taken to the registration form. Upon registering, you will receive an email confirmation containing the hyperlink, telephone number, and access code to join the meeting online or by phone.

The agenda for the meeting is as follows:

1. CALL TO ORDER | ROLL CALL

- Jim Ronstadt, Chair
- Taunya Villicaña, Vice Chair
- John Ivanoff, Board Member
- Fire Captain Scott Lackey, Board Member
- Police Sergeant Raymon Smith, Board Member

2. APPROVAL OF MINUTES

The Board will consider and may approve the revised minutes of the Joint Police and Fire PSPRS Local Board special meeting held on December 5, 2023, and the Joint Police and Fire PSPRS Local Board special meeting held on December 19, 2023.

3. PRE-EXISTING CONDITION DETERMINATIONS

The Board may review, discuss, and make appropriate findings regarding any Pre-Existing Conditions relating to the following TAA public safety employee(s) pursuant to A.R.S. § 38-859(A)(1), (B), and PSPRS Model Rules § D:

<u>Employee</u>	<u>Position</u>	<u>Membership Determination</u>
Mark Velasquez	Firefighter	03/01/2022

4. RETURN-TO-WORK ELIGIBILITY DETERMINATION

The PSPRS Local Board may review, discuss, and take appropriate action regarding the return-to-work eligibility and alternate contribution rates for the following PSPRS retirees pursuant to A.R.S. § 38-849:

	<u>Employee - Start Date</u>	<u>Position</u>	<u>Membership Determination</u>
i.	Ramon Vazquez - 11/20/2023	Police Officer	Tucson Police Department
ii.	Derek Tyra - 01/08/2024	Police Officer	Tucson Police Department

5. ADJOURN

Contact:

Byron Jones, Local Board Secretary

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**TUCSON AIRPORT AUTHORITY | Public Safety Personnel Retirement System (PSPRS)
Local Board Meeting
Tuesday, December 5, 2023 | 8:00 a.m. | Virtual Meeting**

THIS BOARD MEETING WAS HELD VIRTUALLY, WITH BOARD MEMBERS ATTENDING VIA MICROSOFT TEAMS OR TELEPHONICALLY. MEMBERS OF THE PUBLIC WHO COMPLETED A REGISTRATION FORM RECEIVED A LINK TO VIEW THE MEETING VIA MICROSOFT TEAMS OR TO LISTEN TELEPHONICALLY.

1. CALL TO ORDER | ROLL CALL

Chair Ronstadt called the meeting to order at 8:04 a.m.

Board Members Present: Chair Jim Ronstadt, Vice Chair Taunya Villicaña, Board Member John Ivanoff, Board Member Scott Lackey (Fire), and Board Member Raymon Smith (Police)

Board Members Absent: None

Staff Present: Local Board Attorney Andrew Apodaca, Esq., IT Customer Support Technician Hector Lopez, and Local Board Secretary Byron Jones

Others Present: Attorney Tom Stillwell, Mr. Jeffrey Strebing, TAA Executive Vice President/Chief Operating Officer Bruce Goetz, and TAA Senior Employment Specialist José Flores

2. APPROVAL OF MINUTES

Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to approve the minutes of the PSPRS Local Board meeting held on October 17, 2023. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith

Nays (0)

3. JEFFREY STREBING DISABILITY APPLICATION

Motion by Board Member Ivanoff, seconded by Vice Chair Villicaña, to recess the public meeting and convene in executive session to discuss and to receive legal advice from the Board attorney regarding the disability application filed by former TAA employee Jeffrey Strebing. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith

Nays (0)

Chair Ronstadt recessed the public meeting, and the Board went into executive session at 8:08 a.m.

The executive session adjourned, and Chair Ronstadt reconvened the public meeting at 8:31 a.m.

Chair Ronstadt invited Mr. Jeffrey Strebing and his attorney, Tom Stillwell, to make any final comments before the Board voted on the disability application.

*****What follows is an unofficial transcript of discussion regarding the Strebing Matter*****

Tom Stillwell: Jeff asked me how the meeting would proceed this morning, and quite honestly, I have learned with PSPRS matters that, there is no telling how a PSPRS Board will decide to proceed, and so I told him that I wasn't sure what to be prepared for this morning, and I don't, don't know exactly obviously, what all that has happened in the last twenty plus minutes of Executive Session, but I would like you to hear Jeff's story briefly, and if the committee is open to hearing that and getting an impression of him that perhaps fills out a little bit of the space that's just on the plain paper of the application.

Jim Ronstadt: That's fine.

Tom Stillwell: Okay, Jeff are you there?

Jeff: Ya, can, can everybody hear me?

Jim Ronstadt: Yes.

Tom Stillwell: We can, great. State your full name for the record please.

Jeff: Jeffrey, Jeffrey Allen Strebing.

Tom Stillwell: And Jeff your, you obviously worked for the TAA for the better part, not quite twenty years, is that your only work you have ever done in law enforcement?

Jeff: Uh, yes yeah, well in civilian, civilian law enforcement. Uh uh in the military I was also military police.

Tom Stillwell: So, have you made a career of being in law enforcement?

Jeff: Uh, yes, yes.

Tom Stillwell: How long did you work in the military, in addition to TAA?

Jeff: Uh, it would have been twenty years this year.

Tom Okay., and I think it is a fair question to ask whether or not it was a position that you enjoyed and intended to continue doing, before your, before you were disabled?

Jeff: Yes, yes I I wanted to, you know serve the community for my full twenty for both. Um, um that's that's what my whole plan was.

Tom Stillwell: Obviously, uh, your claim, your claim that your Covid was contracted at work was litigated and accepted in in workers comp but I don't think that the Board necessarily knows uh, how that happened. Can you just explain briefly how it is that you got it related to Covid?

Jeff: Uh, yeah, back back in uh December uh of 2020, I I was uh in a I was I was coming back from an Army Army Active-Duty um role, and and I was getting re retrained by uh by one of my uh my supervisors. And and during that that week of training, uh, you know we were we were in close contact. It was during uh the I would say, close close close to the peak of a of Covid, and uh we wore masks uh but we were always in close contact like in in office uh office space, and also uh the vehicle when we went out uh on patrol and um, after being with my supervisor for for for a couple of days, um, we worked midnight shifts uh at the time, and uh uh uh he he called out uh he called out and it was later later and found out that he had Covid. And uh, about a day, a it's hard to hard hard to say the time frame, but uh, uh, uh a roughly a day, because we worked midnights, a day or two later uh I I got the symptoms, and I was out sick, and I tested positive for Covid.

Tom Stillwell: So, you were off work and under treatment for Covid or recovering from Covid for about a month after that, correct?

Jeff: Uh, yeah I was I had all all the symptoms and then some, and uh, even during that time time period went to uh uh the ER at at at the VA, and they gave me an Xray on my lungs uh, um but uh uh ya, I was out for, I was in bed for four weeks sick sick solid and and it then when I started feeling better it took me another week week uh, um to get uh uh a negative test so I can go back to work. So I was out for about five weeks.

Tom Stillwell: And then you attempted to return to work for TAA and you worked some, some shifts before you eventually stopped working, correct?

Jeff: Uh, yeah I went I I went back uh, back back in January of 2021, and I was uh I worked until uh, uh April. Um, and I and I I didn't feel right I uh it took me awhile to to after after that I came back about a week or two I felt weak all the time but then but then I started getting after I started feeling better physically I I didn't feel right mentally, uh, I was I was I was making mistakes I I uh

was forgetting a lot of stuff and my sleep wasn't really uh that good. And uh, uh then um it was just getting worse and worse for me and then then in April uh, uh on one of my calls I I I just had it I broke down I I after the call I went up to uh the uh HR office and I I broke down there and uh and I just said I need help, I couldn't I couldn't take it anymore.

Mr. Ronstadt: You are muted Tom.

Tom Stillwell: Thank you, Mr. Chairman I'm trying to stay muted in between question. I am going to fast forward quite a bit here, to your present day or to the recent uh recent months anyway you have been examined by a couple of doctors at the Boards request and I would like to focus on the opinions of Dr. Biggan's in particular, who um, talks about your, some of your mental impairment problems um, and anxiety problems. Can you tell the Board whether or not you suffered from what you identified as brain fog or stuttering or anxiety prior to when you got Covid?

Jeff: I, no I didn't I didn't I didn't uh have any any of that um prior to, um, and then after after my breakdown uh that I started getting worse, and that's when the uh uh the stuttering started to to to to to the point where I had to the VA and I was seeing uh, uh speech speech therapist. Um, uh, since since then my my stuttering has gotten better except when I really get really get uh anxiety uh you know when it shoots up, like right now you know anytime anytime I I start having uh I get excited it is hard for my brain and my mouth to to to come together uh, uh the so the anxiety in, you know I didn't have any of these these issues like I do now, and and and uh uh what was that you said stuttering, anxiety and what else?

Tom Stillwell: The brain fog.

Jeff: Oh, the the brain fog, yeah yeah the brain fog, uh it it that's during that time time period between January and April is when I noticed that my report writing and and my notes, and luckily, we had cameras at the time where I would, I was referring back to my cameras a lot for my reports, to write my reports. because I I I wasn't I didn't feel right, and and and I didn't and uh um you know I had to refer to the to the cameras and the notes a lot. And and, you know being being a cop uh most cops A type personalities, when you when you feel like this you just don't want to express you know how you feel to others because you know it is just one of those one of those things, and so I didn't I didn't really tell anybody until until when I broke down then I started thinking thinking back, and realizing and maybe maybe this this this is all connected you know, and uh and and and and my daily my daily my daily uh uh routine is I stay home uh, I stay home away from people, because things are so amp amplified for me now when I'm around people uh, it's just what my doctor, my original doctor, Dr. uh, uh um Carlson and I came up with is my my fight and flight has flip flopped, mm my when I when I was a cop I used to be uh, uh to proactive as much as I I could, and and and go to to to whatever I had to go to. Now I I, avoid I avoid any any any confrontation any any type of argument or anything, and and my patience is not there, so, what I do is is I walk away now, and and just do breathing techniques and other other other

things to avoid because I just can't handle stress. I uh, I can't handle uh like I used to and I I never used to cry, I cry all the time now I I I it's just hit me so emotionally uh, uh from where I was before I had Covid.

Tom Stillwell: Jeff, Dr. Biggan speculated that your condition, which is acknowledged, is that you have these conditions but then speculates that these conditions are not permanent. Have you been under continuous treatment for the conditions that you have just described to the Board ever since you stopped working in Spring of 21?

Jeff: Ya, uh, I was was with Dr. Carlson up until, uh he he he had to retire because um he he came down, he he got sick and he had to retire, and I wished he was still here but i don't even know his status. And then, and then, so I went, I went I went to the VA. and and I've been under their care at the VA, but the VA it's it's not like uh uh you know, Dr, when I was with Dr. Carlson, I I I was seeing him, you know, more frequently. But because of the VA and and how they are so uh overbooked, um I've been seeing them like uh uh once a month, well it was every every two weeks, I mean twice a week then once a week, and now it's like once a month uh for the for the psych psych psychological treatments. The speech the speech therapy they only give you so so many sessions and then and then that stops. So, you know once they felt I was uh getting better, a little better, they let me go on that. Um I'm still trying to get in for the sleep, because I was diag diagnosed as a a a sleep apnea, and they did give me a a C-Pack but because of since uh, uh covid I I have become uh uh uh claustrophobic and I can't have anything really on my face without getting a panic attack especially at night when when I'm trying to sleep. So, I have this machine just sitting there, and I would and I have to go back to try to figure out uh other means. My doc my psych psych doctor is saying that it right now that the sleep will help me help me once i get my sleep pattern better, I don't sleep, I wake up every hour, every two hours, and and and I only get about three maybe three to four, five hours a sleep a day. And I, and I have no set pattern, uh I'm up most the night or I'll sleep in the morning, or or I'll sleep late in the uh early evening whenever whenever I feel tired just to get get enough rest. That's what what I'm doing right now, that's why I stay home most of the time, I I I only go out uh to appointments, to the store, to do needed things, other than other than that I stay home most of the time.

Tom Stillwell: Have any of your own physicians told you that your current conditions for which they are treating you are temporary and are expected to resolve in a certain amount of time?

Jeff: Uh, they they haven't said, they uh, they don't know when, they don't know anything cause its Covid, covid in their eyes, Covid related and no one no one really knows anything about Covid, its still uh, uh continuing uh uh process.

Tom Stillwell: Ok, Mr. Chairman, thank you for giving me this time I appreciate it. I just wanted to conclude by pointing out to the Board, that which I'm, perhaps, Mr. Apodaca pointed out in the Executive Session but um, I just wanted to make sure that a couple of the bases were covered um, there is plenty of case law that establishes that an accidental or an accident can include

disease and um, the result of diseases, and, in Jeff's case of course, we litigated and successfully established that his Covid uh, was a work-related accident as is defined by Workers' Comp and I believe that satisfies the definition of accidents under the PSPRS statutes as well. I also just want to point out my arguments, and, Mr. Apodaca was well aware of my objections to Dr. Kirkorsky, uh of course the Board has the right to appoint any examiners that it wishes. I felt that Dr. Kirkorsky was um, a um, lacked any special background or focus on long Covid 19 and its effect, possible effects, and treating patients for it and so forth and he was selected I don't believe on the basis of any such of expertise, and indeed his reports came back with a lot of dubiousness and I would argue that one of the reasons for that is because he mostly does Workers' Comp insurance companies examinations. And um, and so he probably hasn't had the opportunity to work with patients who have long Covid or have much dealings with them in a clinical setting as Dr. Biggan's, clearly has and has made that a set specialty. So, I would urge the Board to place great weight on Dr. Biggan's opinion. Thank you.

Jim Ronstadt: Thank you Tom, and I want to thank Jeff for his testimony. We have had information on this for quite some time and staff have provided information both on from Dr. Kirkorsky, as well as Dr. Biggan's. And staff have gone through it, we have had some discussions and uh I think it's time to for action to be taken once and for all. So, I would at this point entertain a motion.

Taunya Villicana: So, Mr. Chairman Ronstadt, I um want to make a motion to reject, uh, and it has, it's a collection of all the data points we have received from the VA, to Dr. Biggan's, Dr. Kirkorsky's information, there's untruths, and inconstancies and there's consistency inside there that my recommendation to the Board is to reject this. it's unfortunate.

Scott Lackey: I would just like to say out of everything I have read, including the inconstancies that I have read, there's just, there was to me, there was not it didn't show evidence, that um, this was obtained on duty or off duty, there is no evidence to show it was obtained on duty. Um, and therefore, that's why I agree with Taunya.

Byron Jones: I'm sorry, before you go forward, um Vice Chair Villacana made a motion, is there a second?

Scott Lackey: Yeah, I second.

Jim Ronstadt: Any further discussion? Would you like to go through the uh, total motion Taunya?

Taunya Villicana: Yeah, I move that we deny the application for Accidental Disability filed by Jeffrey Strebing. Based on the findings, the differences of opinions between Dr. Kirkorsky October 12, 2023 report, Dr. Shannon Biggan's October 20, 2023 report, both agree that his condition were not permanently disabling. Um, neither provider provides that Mr. Strebing

qualifies for ordinary disability. Dr. Kirkorsky specifically finding that there is no evidence of permanency, Mr. Strebing's inability to find any gainful employment, page 31, and then if you look at Dr. Biggan's specifically finds the lack of permanency, page 12 through 13. Dr. Kirkorsky's notes conflicts with, in medical evidence in his questionnaire responses. So, I basically want you to know that its, it's been proven through various reports that we can go through um, Chairman do you want me to go through this in detail continue or is this enough to satisfy?

Jim Ronstadt: I think That's enough.

Andrew Apodaca: I'm, sorry um, Ms. Villacana if you have more to add, just because for the potential for appeal and re- hearing, I would err on the side of being more verbose than less.

Taunya Villicana: Thank you, yeah, no absolutely. So really this, the opinions are consistent with the majority of medical opinions regarding credibility of Mr. Strebing's alleged symptoms. So, what the concern is from the committee viewpoint as well as reviewing all the different documentation um, there's inconsistencies, it doesn't seem as though um, the disability really is a recommendation that the medical provided the medical reports provided as well as the inconsistencies of information that was provided to the medical providers. So, I think what we are concerned about is as a committee, there's too many untruths, and the timelines are inconsistent with each of the various interviews that a doctor, that the doctor reports indicate as well as the discussions with the patient.

Jim Ronstadt: Do you have any comments?

John: So, this is uh, uh Mr. Chairperson Ivanov, I think on the previous findings, everything we have read, it's really not necessary to decide with one opinion or the other, its more the fact that there is, as Board Member Villicana says there is just too many inconstancies, it is impossible to render a clear um, a clear decision on behalf of Mr. Strebing.

Jim Ronstadt: Ok, any other discussion, if not all those in favor?

John: Aye

Sgt Ray Smith: Aye

Scott lackey: Aye

Taunya Villicana: Aye

Jim Ronstadt: Opposed none, motion carried. Okay

Andrew Apodaca: Mr. Chair, because there were some areas of medical evidence that were conflicting. I do recommend that the Board state for the record how they resolved those disputes as I've seen PSPRS kick back an opinion on essentially unresolved conflicts in medical testimony.

So, I do recommend that um a record be made about for the Board’s decision for weighing the differences of opinion.

Jim Ronstadt: Ok, Taunya, I think you pretty well covered what you felt about the opinion, and John, Ray?

Sgt Ray Smith: Yes, uh, basically what Dr. Kirkorsky and Dr. Biggan’s findings, they ring rather loudly um, as far as two independent doctors they both noted conflict and inconsistencies. So, I, that’s why my motion was to deny.

Jim Ronstadt: Ok, Scott, do have anything else to add?

Scott Lackey: Um, kinda like what I was going along with saying before is based on both of the doctors there was nothing in there that that to me proved that um, this was obtained on duty um, that we could actually, that I could actually read, and actually agree with. So that is why I voted the way I did.

Jim Ronstadt: Ok, any other comments, if not this item is closed. Motion carried.

4. 2024 LOCAL BOARD MEETING SCHEDULE

After brief discussion, the Board’s consensus was to continue meeting on the third Tuesday of the first month of each quarter at 8:00 a.m. and to begin having a hybrid of in-person attendance and virtual attendance. The 2024 meeting dates will be January 16, April 16, July 16, and October 15.

Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to direct the Board secretary to proceed with scheduling the 2024 meetings as directed. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith

Nays (0)

5. ADJOURN

There being no further business to discuss, Chair Ronstadt adjourned the meeting at 8:43 a.m.

APPROVED BY:

Prepared by:

James Ronstadt, Chair

Byron Jones, Local Board Secretary

Date: _____

Date: _____

**TUCSON AIRPORT AUTHORITY | Public Safety Personnel Retirement System (PSPRS)
Local Board Special Meeting
Tuesday, December 19, 2023 | 8:00 a.m. | Virtual Meeting**

THIS BOARD MEETING WAS HELD VIRTUALLY, WITH BOARD MEMBERS ATTENDING VIA MICROSOFT TEAMS OR TELEPHONICALLY. MEMBERS OF THE PUBLIC WHO COMPLETED A REGISTRATION FORM RECEIVED A LINK TO VIEW THE MEETING VIA MICROSOFT TEAMS OR TO LISTEN TELEPHONICALLY.

1. CALL TO ORDER | ROLL CALL

Chair Ronstadt called the meeting to order at 8:02 a.m.

Board Members Present: Chair Jim Ronstadt, Vice Chair Taunya Villicaña, Board Member John Ivanoff, and Board Member Raymon Smith (Police)

Board Members Absent: Board Member Scott Lackey (Fire)

Staff Present: Board Attorney Andrew Apodaca, Esq., IT Customer Support Technician Hector Lopez, and Board Secretary Byron Jones

TAA Employees Present: President/CEO Danette Bewley, Executive Vice President/Chief Operating Officer Bruce Goetz, Vice President/Chief Financial Officer Kim Allison, Deputy General Counsel Kim Outlaw Ryan, and Fire Chief Tom Tucker

2. APPROVAL OF MINUTES

Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to approve the minutes of the PSPRS Local Board meeting held on December 5, 2023. The motion carried by the following vote:

Ayes (4) Ronstadt, Villicaña, Ivanoff, and Smith

Nays (0)

3. JEFFREY STREBING DISABILITY APPLICATION – Notice of Decision

Motion by Board Member Ivanoff, seconded by Vice Chair Villicaña, to recess the public meeting and convene in executive session to discuss and to receive legal advice from the Board attorney regarding a Notice of Decision rejecting a Disability Claim filed by former TAA employee Jeffrey Strebing. The motion carried by the following vote:

Ayes (4) Ronstadt, Villicaña, Ivanoff, and Smith

Nays (0)

Chair Ronstadt recessed the public meeting, and the Board went into executive session at 8:05 a.m.

The executive session adjourned at 8:41 a.m. Chair Ronstadt reconvened the public meeting at 8:42 a.m.

There was no further Board discussion.

Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to 1) direct the Board Attorney to produce a verbatim transcript of the discussion during the December 5, 2023, board meeting regarding the disability application filed by former TAA employee Jeffrey Strebing, and 2) authorize the Board Attorney to revise the Notice of Decision to clarify the Board’s intention to deny claims for both Short-Term Disability and Long-Term Disability, and to proceed with serving the revised Notice of Decision. The motion carried by the following vote:

Ayes (4) Ronstadt, Villicaña, Ivanoff, and Smith

Nays (0)

4. ADJOURN

There being no further business to discuss, Chair Ronstadt adjourned the meeting at 8:45 a.m.

APPROVED BY:

Prepared by:

James Ronstadt, Chair

Byron Jones, Local Board Secretary

Date: _____

Date: _____