



**Chair: Frank Heumann Vice-Chair: Marty Peterson Secretary/Treasurer: Ryan Mellor**

Minutes of February 4, 2010

**Members Present:** Steve Ball, Ted Black, Mark Bross, Dawayne Coombs, Ryan Eckardt, Martha Ellis, Eldon Farnsworth, Ross Fowlks, Frank Heumann, Jim Judd, Steve Lutz, Ryan Mellor, Ron Morris, Marty Peterson, Coy Porter, Gil Rodriguez, Greg Rynders, Lynn Schofield, George Sumner, Brad Wardle, and Jay Westergard

**Phone:** Mike Mathieu, Robert Stoker, Kevin Ward, and Dave Spatafore

**Bureau Staff:** Jim Hansen and Jenny Allred

**1. Call to Order:**

- a. Roll Call and Contact List Update

Frank Heumann welcomed those present and called the meeting to order. He asked everyone to sign the roll and update the contact list.

**2. Consent Agenda:**

- a. Approval of Previous Meeting Minutes

Frank Heumann asked for a motion for the approval of the last meeting minutes.

**Lynn Schofield made a motion to approve the minutes of January 28, 2010. Ryan Mellor seconded the motion and voting was approved by all. There were no abstentions or negative votes.**

**3. Old Business:**

- a. Nothing reported.

**4. New Business:**

- a. Utah Retirement Systems

Marty Peterson stated that the Utah Retirement System bills are complicated if you need clarification to contact him or Jim Judd.

He provided a report of the Pension Membership Council on Monday. Senator Liljenquist is holding S.B. 42 Retirement Eligibility Modifications only if all his other bills pass.

S.B. 43 Post Retirement Employment Amendments came out with a high fiscal note. If you recall, the Legislative Auditor said that if S.B. 43 passes we would save 900 million dollars. The calculated cost of a working person's salary, a pension, and the cost of 401(k) contribution when the costs incorporated there is no savings. If a fire department hires a post retiree or new employee, they still have all those costs and no savings. In the fiscal note, \$609,000 charge to the state, increase the Firefighters Retirement System by 1.4 percent and there may be \$10.5 million savings over the lifetime of the pension system. There are some concerns regarding this fiscal note. Marty Peterson had a confidential discussion on a potential substitute for S.B. 43.

H.B. 233 Retirement Office Amendments Sponsor: Don L. Ipson. This bill did for example: a firefighter worked in Wyoming for five years had a 401(k) or a DB, moves to work in Utah as a firefighter wants to buy service time they must give up contribution from the other state or employer to obtain credit in Utah to prevent being double dippers. Also in the interpretation of this bill, an employee would loss social security benefits this was not the intent.

Marty Peterson discussed the clarifications regarding firefighter disability benefits. In the firefighter system, disabled is defined as "total and presumably permanent, and prevents a member from performing firefighter service." (Utah Code 49-16-102 (2) (a) every rational and reasonable procedure must have been thoroughly tried and anything further medically rejected by a panel of medical professionals. For example: an amputation can be replaced by prosthesis will allow continued service in some cases. Another example may be a Firefighter who develops a cataract of the eye and surgery can repair the problem. A disability may not be granted. The problem must be determined by medical professionals not to be repairable.

If a Firefighter is unable to pass a required physical fitness test, the firefighter is not disabled just by virtue of failing alone. Disability may only be granted after all possible efforts (including medically supervised extended lifestyle and eating changes) to improve the level of fitness fail. Being overweight or lacking muscle tone are not disabilities unless caused by a physical condition which cannot be corrected. The same rules apply to mental disabilities. To apply for disability the disabled Firefighter must provide all medical records, statements by physicians explaining the "presumably permanent" disability and a letter from the employer stating that Firefighter is disabled. The Utah Retirement System (URS) may request further exams by the medical professionals contracted by or to PEHP.

The Pension Membership Council will have a spring retreat. They will invite the Actuaries to answer questions and the National Conference of Public Employee Retirement System to present on the financial benefit of retiree dollars. He recommended viewing the following web site: <http://www.nirsonline.org>.

Brad Wardle, President of the Utah Fire Chiefs Association, explained their role. We are doing everything we can to support the strategies of PFFU and that is the intent of Fox and Pignanelli. Our main objective is to try to protect what is in place and try to get some samples of the retirement system. We are standing behind labor and hand and glove with PFFU.

Jim Judd reported that if the time table adhered to as planned the new retirement system bill should come out this afternoon. This will be all encompassing retirement system.

- b. Legislative Watch List (refer to the list on the following website: [www.firecouncil.com](http://www.firecouncil.com)).

The Joint Fire Council discussed the following bills:

- H.B. 45 State Construction Code Adoption Sponsor: Michael T. Morley  
Ron Morris reported that this bill is moving through.  
**Marty Peterson made a motion to support H.B. 45. Ryan Mellor seconded the motion and it was approved unanimously.**
- H.B. 201 State Fire Marshal Modifications Sponsor: Ronda Rudd Menlove  
Ron Morris reported that this bill passed out the house committee with one negative vote and currently on third reading calendar.  
**Ryan Mellor made a motion to support H.B. 201. Coy Porter seconded the motion and it was approved unanimously.**
- H.B. 202 Fireworks Amendments Sponsor: Ronda Rudd Menlove  
Ron Morris reported that this bill passed out the house committee unanimously.  
**Ryan Mellor made a motion to support H.B. 202. Coy Porter seconded the motion and it was approved unanimously.**
- H.B. 121 Emergency Medical Services Act Transport Amendments Sponsor: Gregory H. Hughes  
Brad Wardle state this bill may not will go anywhere.
- H.B. 253 Transfer of The Bureau of Emergency Medical Services From the Department of Health to the Department of Public Safety Sponsor: Paul Ray  
Jim Judd explained this bill does not include moving Preparedness with the Bureau of EMS.

Additional bills:

- S.B. 113 Wireless Telephone Use Restriction for Minors in Vehicles Sponsor: Ross I. Romero  
Coy Porter recommended adding this bill to the watch list.
- H.B. 113 Child Restraint Device Amendments Sponsor: Christopher N. Herrod  
It was recommendation to add to the watch list.
- 911 Amendments Sponsor: Brad L. Dee  
Mike Mathieu report that the 911 Committee has been working on the language on this bill and it should be coming out today. The intent is to address the local surcharge funds and expanding the primary and secondary PSAP definitions.

Steve Lutz reported that the wildland fire amendments bill may be pulled or modified. The counties are adamant would like something done this year.

- c. Other

Greg Rynders announced the Fire Caucus Planning meeting scheduled for next week. He distributed a copy of the Fire Caucus Times for review.

## **5. Board Member and District Representative Reports:**

- a. Chair – Frank Heumann had nothing more to discuss.
- b. Vice-Chair – Marty Peterson reported that Steve Lutz did send out an email requested to provide talking points for members to use when talking to their Legislators about the proposed pension changes. This information can be viewed on the PFFU web site: <http://www.pffu.org>. He followed up on the death benefits for Chief Star with the pension office.
- c. Treasurer – Ryan Mellor reported that the date for next year’s Fire Caucus Luncheon confirmed for February 14, 2011.
- d. District Representatives – Jay Westergard reported that he met with Representative Menlove and her husband. They will attend the Utah Fire Caucus Luncheon to receive her award. Jay reminded Jim Judd about the tribute.

Martha Ellis reported that she received interest from the Fire Rescue Magazine to publish an article. She will negotiate for January 2011. She thanked everyone for the information submitted.

Jay Westergard announced that an article would be published in the Straight Tip Magazine explaining the renewal fee on the license plates.

## **6. Good of the Order:**

- a. Nothing to report.

## **Next Meeting:**

The next meeting is scheduled for February 11, 2010, 9:00 a.m., Cannon Health Building, Conference Room 125.