

FIREMEN'S RELIEF AND PENSION FUND  
LOCAL BOARD MEETING  
TUESDAY, JANUARY 20, 2015  
10:00 A.M.  
SCHIEFFELIN HALL

**I. CALL TO ORDER** Chairman Joseph Perotti called the Firemen's Relief and Pension Fund Local Board Meeting to order on Tuesday, January 20, 2015.

**II. PLEDGE OF ALLEGIANCE** Chairman Joseph D. Perotti led the members and the general public in a recitation of the Pledge of Allegiance.

**III. ROLL CALL**

Mayor Dustin Escapule	Present
Board Member Chris Townsend	Present
Board Member James Dotson Jr.	Present
Board Member Caleb King	Present
Board Member David Bruster	Present
Chairman Joseph D. Perotti	Present
Citizen at Large Donna Driskell	Present

**A QUORUM WAS DECLARED**

Chairman Perotti states "this is the face of the Fire Department. I am really proud of them and we have a gentlemen like Mr. Townsend to guide us is just going to work."

Mayor Escapule: "I appreciate every one of you and I tell you the City is depending on you guys and I know that it is all volunteer and I know that the pay is little. To make it simple it says Tombstone Volunteer Fire Department and we appreciate it." "I think it has been taken advantage of over the last few years, we won't get into that." "Once again I thank you guys personally." "Thank you."

**VI. NEW BUSINESS**

**A. DISCUSSION AND/OR DECISION:** On approval of new retired member James E. Fought, Jr.

**MOTION** by Board Member Dotson, **SECOND** by Board Member Bruster to approve discussion on approval of new retired member James E. Fought, Jr.

**VOTE:** 7/0

**MOTION:** Carried

**DISCUSSION:** Chairman Perotti; Mr. Fought has been on the Fire Department for the past twenty five years. Two of those which he served his country in Iraq; because he served his country he is allowed to add those two to the system and of course, in your packet you will have seen all of the things. He did have the time in and even has his very first pay thing which I thought was very unique in it self from way back when. At this point in time he has met all the qualifications for being a retired member of the Tombstone Volunteer Fire Department. At this time I would like to entertain a motion to accept him as a retired member.”

**MOTION** by Board Member Townsend, **SECOND** by Board Member King to accept James E. Fought, Jr. as a retired member of the Tombstone Volunteer Fire Department.

**VOTE:** 7/0

**MOTION:** Carried

**Question was asked as to the effective date of retirement. Chairman Perotti answered; October (inaudible).**

**Question was asked about back pay or initiate his pay at what month.**

**Chairman Perotti; “actually he should have had the meeting. This is the right time for it so he is going to start now because he is still drawing pay from firemen. His effective date would be February 1<sup>st</sup>. That is the way I see it. If it is a month earlier that is fine.”**

**Chairman Perotti; “there has not been a Firemen’s Relief and Pension Fund meeting since 2006 at which time we had forfeited all of our monies that was accrued for the insurance. It just goes into a big bank up there and they disburse it among those who have applied.” I have since filled out the forms; I am waiting for Ruben Villa, he has to fill out what is available and then we will send that into Fire Marshal Barger. I spoke to him yesterday and he said to make sure that, that gets in. So I did my part last week, we want the City to get their part in and then we will put it in the slot. Anything else that he needs from us he will let us know. Including the minutes to this meeting.**

**B. DISCUSSION AND/OR DECISION:** Review of Pension and Relief Fund to determine status of Funds.

**MOTION** by Board Member Townsend, **SECOND** by Board Member Bruster to approve discussing the pension.

**VOTE:** 7/0

**MOTION:** Carried

**DISCUSSION:** Chairman Perotti; “What has happened is we had eighty one thousand; dollars to give you a background. When Mayor Henderson was Mayor they got into a lot of financial problems I mean to the tune of hundreds of thousands of dollars and the only available monies was the Firemen’s Relief and Pension Fund.

I was called surreptitiously as it might be to come because they were discussing how to remove it. I came to the meeting it was George Barnes and Mr. Henderson and they were discussing how to pull it. I intervened. I was not a member of the Fire Department I was a retired member and I indicated to them that I was the one who started the pension fund. He looked it up and sure enough there was my name. Then I proceeded to tell him that he can not touch that money. For years and years all of that monies was going into the general fund and it was not benefiting the Fire Department. When they did an actuarary study when I was the Fire Chief there was an excess of thirty thousand dollars that the City had taken into the general fund back since 1909 I think was the earliest that they had the records. So Mayor Gradillas who was the Mayor at the time said that there was no way that he could afford to replenish it with thirty thousand dollars but they would start the fund at ten thousand dollars. So it has grown since then from the contributions and what ever but I indicated to Mr. Barnes and the Mayor at that time that they could not touch the funds and were able to preserve it. Brenda now tells me that there is not eight some thousand dollars that there is seventy some thousand dollars. At first she thought there were forty but she said no she got a phone call from the financial advisor Ruben Villa that he though at first that it was forty thousand but now it was seventy thousand. The point of the thing is, is that you don't take the money out of the principal. That's the principal. You pay the retirees out of the interest. So we had (inaudible) Joe Castles, Frank Simmons, my father and Ben Ridge were the initial ones. Joe Castles was the Mayor and he was .....money was being paid to... the retired firemen. He was the only one at the time. It was so low on interest that they were only getting fifty dollars a month and the City was putting that money into that. At the end of the year if they needed twelve thousand dollars to pay the Firemen's Relief and Pension Fund the interest was only five thousand or six thousand the City would pay the rest of it. They are allowed to do that. That's the way it's been I guess. Now all this past time when somebody dies I don't think we pay the widow at all. I think it stops right there. Now for the past nine years it has all been illegal because there has not been any paperwork; any meeting or anything to establish payment of all the members of which I am a member of the retirement committee. I mean a retirement recipient and where that money has come from has not been indicated any where. There is no record in the Fire Department where it should have originated. The City has all the notes what ever but the City can not receive any monies unless we send in the letter. That's why I have had two discussions with the State Fire Marshal Barger and he said that he would hold us a slot as long as we get...he said as long as you just put your name on there Mr. Perotti and we will put it in the slot, we will work out the paperwork and then you can get your money. So you can help it along. But all the other monies that we did not put in for as forfeited which mean that more monies was taken out of the account, the Fire Fighters Relief and Pension Fund... it used to be Firemen but it should be firefighters. Again it's the gender thing. So at this point in time Brenda did not have and was waiting a call from Mr. Villa as to exactly how much we had and how much interest is going to be paid but we can decide that here on how much interest that we have. I think we are going to have to table this Mr. Mayor because there are no other facts to prove how much we have or anything else. So can I have a motion to table because I can't tell you that we have eighty thousand, I can't tell you if we have forty thousand.

**MOTION** by Board Member King, **SECOND** by Board Member Townsend to table.

**VOTE:** 6/0

**MOTION TO TABLE:** Carried

**\*\*Meeting interrupted by Ambulance Call. Two Board Member left to respond to call.**

**C. DISCUSSION AND/OR DECISION:** on payment of (4) four retired fire fighters and one new applicant.

**MOTION** by Mayor Escapule, **SECOND** by Board Member Townsend to approve discussion on the payment of (4) four retired fire fighters and one new applicant.

**VOTE:** 5/0

**MOTION:** Carried

**DISCUSSION:** What she did is she was looking for to give us the amount of interest that each of these fellows...not interest but the amount that they had paid into it. I don't see it in here because there was one that was incorrect.

Chairman Perotti asked Board Member Townsend if he received anything from Acting City Clerk Brenda.

Board Member Townsend responded "No."

Chairman Perotti; "she gave us the long form of the retirement monies that was paid In but we don't have the short form. The bottom line is that we have to pay them if they accept it... I mean if they want to pull it out. I don't know what the error was but she wanted to make sure that it was all right because Mr. Austin had also been calling the State Fire Marshal. So for all intense and purposes I would like to ...the four people Mr. Robert Austin, Mr. Damien Austin, Eric Spangler Sr., and Eric Spangler Jr. have put in a request to get their monies that they have paid in to the retirement system that is due them. So all those in favor of those four firefighters receiving that monies ...

**MOTION** by Mayor Escapule, **SECOND** by Board Member Townsend to refund the amount paid less interest. Otherwise, we are not going to pay them interest just the amount. paid in by them.

**VOTE:** 5/0

**MOTION:** Carried

**D. DISCUSSION AND/OR DECISION:** Approval of payment of monies paid into fund to four members who have resigned from the department.

**MOTION** by Mayor Escapule, **SECOND** by Board Member Dotson to approve discussion of approval of payment of monies paid into fund to four members who have resigned from the department.

**DISCUSSION:** Chairman Perotti; “In talking to the State Fire Marshal and Brenda after her talk with Mr. Villa those people who have quit do not get interest. They only get the interest if they retire and that interest goes into the Fire Fighters Relief and Pension Fund.

**MOTION** by Mayor Escapule, **SECOND** by Board Member Townsend for payment of the amount paid in less interest to the four applicants which is Damien Austin, Robert Austin, Eric Spangler Sr, and Eric Spangler Jr.

**VOTE:** 5/0

**MOTION:** Carried

- E. DISCUSSION AND/OR DECISION:** Disposition of interest earned by those who have resigned.

**MOTION** by Mayor Escapule, **SECOND** by Board Member Townsend for payment of what was paid in for the four people

Chairman Perotti; Item E which is the disposition of those, should have been combined with D. We don't know all of them that have paid in. That has to come from Mr. Villa. This is the least of our worries. The only thing that I wanted to make sure is that Mr. Mayor if we do not have the interest it states in Fire Fighters Relief and Pension Fund 9-947 I believe... I can't remember exactly which one ...it has been along time. The payment can go up for at least four hundred dollars. That is the maximum but if there is only a minimum of interest which won't mean that they won't get a hundred dollars. Each of us will not get a hundred dollars which will now be five people on the roster which will be Myself, Fernando Salcido, Ralph Gonzales, Gary Harrison and now James Fought, which will total six thousand dollars and you know that there is not six thousand dollars worth of interest this year because the State Fire Marshal said that we were only going to get a couple ...

Board Member Townsend; “question the retirement money for Austins and Spanglers is a one time payment. Right?”

Chairman Perotti; “Yeah, they just get it all.” I think the most is six hundred and thirty five dollars for Mr. Austin and then the other one goes down to like thirty seven. The youngest Spangler. He didn't get very much at all because he had just joined.

My question to you Mr. Mayor if we do not have the interest and it is less than fifty dollars would the City pick up the rest until we can get all this straightened out? I don't know what has to be done.

Mayor Escapule; “so in other words what you are saying if there is only three thousand dollars interest being paid would the City pay the other three thousand?” “I would say yes and I actually let me say this I can approve it up to five thousand dollars .”

Chairman Perotti, “one thing that I have failed to say is that we would like to maintain

the payment at one hundred dollars which was the minimum. It used to be fifty but now it's a hundred.

Mayor Escapule; "and I think it should be a hundred dollars.

Board Member Townsend' "Clarification, what's a hundred dollars?"

Chairman Perotti, "that's for each retirement gets. Beneficiary per month a hundred dollars a month. As opposed to four hundred.

Board Member Townsend; "that's the four that are currently retired getting.

Chairman Perotti; "Yes." Now Mr. Harrison didn't put his in on time so he got six thirty two twenty because it was pro rated and that was all his fault. That didn't have anything to do with us. Plus when I left we had all the records from all the way back to 1911 all the way through my tenure. Everything was up to date. When Fire Chief Molina came on he did something bad so he was taken out of being Fire Chief, I will just say that he did something bad, so he was not Fire Chief anymore. We lost hundreds of photos, we lost records, we lost ancient books; I am talking about the thirties and forties of fire reports all that is gone.

This has really been something hard for us to put together but there was nothing anywhere and Mr. Fought said he didn't have anything at all. At this point in time we only had minutes from two thousand six.

**VOTE:** 5/0

**MOTION:** Carried

Chairman Perotti states: "What was done at this meeting is that we okayed Mr. Fought to be put on the retirement rolls to receive one hundred dollars a month stipend because of his service to the community."

"We then okayed the four people who quit to receive their monies paid in to the retirement to be drawn out in total because of their severance from the City. We also indicated that and voted on and passed that no interest would be paid these four individuals because they quit on their own and that came from advise from Mr. Villa and the State Fire Marshal per telephone. He said he would write it out if it needed to be.

Mayor Escapule stated that the City Attorney had also advised the same.

Mayor Escapule stated that the City will off set the interest to make up to the hundred dollars. For example: if it is only fifty dollars the City will pay the additional fifty dollars and we will do it up to a total of five thousand dollars. "That is all that I can approve at this point. "

Board Member Townsend; "in other words of the hundred dollar a month retirees, if there is not enough interest to pay them you (City) would make up the difference?"

Mayor Escapule; "Exactly." That is counting five. That would be the four existing and with James Fought coming on if they can only pay forty dollars or fifty dollars a month out of the interest that is currently on hand the City.... I can't go over the five thousand without Council approval.

Board Member Townsend asked; "is that per year?"

Mayor Escapule answered; "Per year." So if the interest your making is three thousand and you need six thousand the city will pay the additional three thousand dollars.

Chairman Perotti stated; "we should be comfortable with that because according to the State Fire Marshal he said it would be a little over a thousand dollars. So with that couple of thousand dollars and we don't even know what's in that one yet cause there hasn't been a report since when. So I think that will take care of everything.

Board Member Townsend; " this retirement is a hundred dollars a month?"

Chairman Perotti; "a hundred dollars a month."

Board Member Townsend; "times five that would give you six thousand a year."

Chairman Perotti; "Right, that is what I have here."

Mayor Escapule; "but if the interest is only three thousand then we will cover it."

Board Member Townsend; "okay, I got it."

Chairman Perotti; (referring to Board Member Dotson) how many more years do you have with the department?

Board Member Dotson; "eighteen."

Chairman Perotti; "he has seven more years before he can retire and if we do everything right and hand it in that's another fifteen thousand dollars that can be added to the Firefighters Relief and Pension Fund which .....

## V. ADJOURNMENT

Chairman Perotti entertains a motion for adjournment.

**MOTION** by Board Member Townsend, **SECOND** by Board Member Dotson to adjourn the meeting.

**VOTE:** 5/0

**MOTION:** Carried

The meeting was thereby adjourned at 10:40 a.m.

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Joseph D. Perotti, Chairman

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Caleb King, Board Secretary