

**HERITAGE COMMISSION
MINUTES OF THE MEETING
HELD IN THE COUNCIL CHAMBERS
510 E. FLORENCE BLVD., CASA GRANDE, AZ 85122
WEDNESDAY, NOVEMBER 17, 2010**

A. Call to Order:

Chairman Mitchell called the meeting to order at 6:00 p.m.

The following members were present:

Robert Mitchell	Chairman
Tina Cramp	Member (Planning & Zoning Chairman)
Susan Abdallah	Member (Historic Preservation Commission Chairman)
Kent Taylor	Member (Parks & Recreation Advisory Board Chairman)
Ralph Varela	Member
Brett Benedict	Member
Deborah Thomas	Member
Johnjaline Cully	Member

Also present:

Gloria Leija	City Clerk
Remilie Miller	Deputy City Clerk
Bob Jackson	Mayor

Chairman Mitchell recognized the new members of the Heritage Commission and introduced each member to the public.

B. Minutes:

Member Taylor moved to approve the minutes of November 12, 2009. The motion was seconded by Member Thomas and was carried with an 8-0 voice vote.

C. Reports of Officer: None

D. Unfinished Business: None

E. New Business:

E.1 Presentation and Adoption of Policy for Defining “Employee’s Death in the Line of Duty”

Mayor Bob Jackson was present and spoke of the thought process how the “Memorial for Fallen City Employees” came about. He requested for the Commission to develop a criteria/guidelines on how to qualify for inclusion of name(s) on the “Ed & Lillian Memorial for Fallen City Employees.”

Mayor Jackson reported to the Commission that currently, the memorial contains the names of two employees who died in the line of duty: Candelario Espinoza, Heavy Equipment Operator (rollover accident at the landfill) and Tate Lynch, Police Sergeant (training accident).

Mayor Jackson stated that it was acknowledged during the planning process of the memorial, a situation may come up that required clarification on “fallen employees,” e.g. who qualifies for their names to be placed on the memorial. That is why the Heritage Commission is meeting tonight to hear the request of Jeff Simpson’s Family. Jeff Simpson worked at the Wastewater Division, Public Works Department and died while at work.

Mayor Jackson expressed that he believes that once criteria/guidelines are established in determining how an employees’ name can qualify for inclusion on the memorial, the Heritage Commission will be able to handle and process the request of Jeff Simpson’s Family accordingly.

Mayor Jackson expressed his gratitude to the Heritage Commission for their time and energy to develop a process for the memorial for fallen city employees.

At this time, Mayor Jackson excused himself from the meeting.

City Clerk Leija provided background information about the “Ed & Lillian Memorial for Fallen City Employees” located in front of the City Hall on the west side. The Pederson family offered the opportunity to sponsor the Memorial for Fallen City Employees by donating \$50,000.00 with a naming opportunity. The family’s intent was to honor their parents Ed Pederson, who was Casa Grande’s first City Manager, and his wife Lillian.

City Clerk Leija reported that after planning the dedication ceremony, it was brought to the City's attention that another employee died while at work. During the time of Jeff Simpson's death, he was working at the Boys & Girls Club facility. The employee was playing basketball at lunch when he suffered a heart attack and later died. The family members have requested that his name be added to the City's memorial for fallen city employees. At this point, Staff is not sure if this employee qualifies since the City does not have a policy on what defines dying in the line of duty.

City Clerk Leija restated that Mayor Jackson would like the Heritage Commission to come up with a policy defining "death in the line of duty;" e.g., if an employee dies of natural causes while performing his duties, such as the two incidents (Espinoza and Lynch), should this death be classified as dying in the line of duty, or should it required that an employee's death be caused by a **job related** accident for the death to be classified as dying in the line of duty, or some other language the Commission may consider appropriate.

City Clerk Leija reported that she called several Cities to inquire of their policy. But none has an adopted policy.

Chairman Mitchell distributed information prepared by Administrative Director Barber concerning this issue and hereto attached as ***Exhibit "A."***

Chairman Mitchell asked the Commission to review the potential guidelines outline as follows:

The purpose of the "Ed & Lillian Pederson Memorial for Fallen City Employees" is to honor those City of Casa Grande employees who gave their lives in the line of duty as a result of the hazards, perils and risks inherent to their jobs. In general, a City of Casa Grande employee who suffers an accidental injury on the job or contracts an occupational disease within the meaning of Arizona Worker's Compensation Statute that results in loss of life arising out of and in the course of an employee's employment shall have his/her name added to the "Ed & Lillian Pederson Memorial for Fallen City Employees." In unusual cases where the circumstances of an employee's death, though deemed to be compensable under Arizona Workers' Compensation laws, are such as to create a question of whether or not the employee's name should be added to the Memorial (in light of the purpose for the Memorial), the Commission shall review the unusual circumstances and make a determination by majority vote.

Discussion

In response to Member Cramp, City Clerk Leija conveyed that the Pederson Family did not specify any criteria regarding the memorial when they made the monetary contribution.

Member Varela acknowledged that the information and potential guidelines prepared by the Administrative Services Director Barber was very helpful in terms of Compensation laws as one criterion to consider. The other thing to consider is the presumption of “line of duty,” it narrows the general perception of the meaning of “line of duty” with the meaning of “in the line of duty.”

Member Abdallah concurred with Member Varela’s statement. She suggested including during the employment for the City for any position, to honor the people who lost their life during their employment with the City.

Chairman Mitchell conveyed that there are two (2) areas of employment (Police and Fire) that are easily adoptable in terms of compensation laws criterion, but not all other employees with different job classification.

Member Taylor conveyed that it is difficult to make distinction without specific language. What is the memorial really intended for? Does it mean to honor those employees who pass away whether at home or work? Is this meant to honor the employee that died doing their job, because of the risk of their job or because of some extraordinary accident? What type of employee will be covered, e.g. full time, part time, contract, etc.? These are the questions that may come up at some particular time that needs clear answers when preparing the policy.

Member Taylor read some information from the City of Delaware with regards to the “in the line of duty” death benefits and they specifically have clear things that they do not include such as natural causes, travelling to and from work, death as a result of disobedience (disobeying orders from supervisor) and suicide.

In response to Member Thomas, City Clerk Leija conveyed that all City Employees signed a “Loyalty Oath” and the form is on file.

In response to Member Thomas, City Clerk Leija conveyed that if a public safety officer (police or fire) responded in their capacity as off duty officer, they will be covered under the public safety retirement system. And most likely under industrial claim, they’ll be covered through Workman’s Compensation.

In response to Member Cramp, City Clerk Leija conveyed that there is a life insurance benefit that is given to all city employees.

Member Varela conveyed the “in the line of duty” phrase mainly applies for law enforcement and public safety employees. We might be leaving other employees out and there will be no other way to recognize other employee’s contribution to the city.

In response to Chairman Mitchell and Member Varela, City Clerk Leija conveyed that during the planning process of the memorial, Mayor Jackson expressed that he wanted to recognize all fallen city employees. It was never intended for public safety personnel (police and fire) only. What was not anticipated are the many different circumstances regarding “death in the line of duty.”

Member Cully conveyed that if an employee breaks the law, their name should be excluded from the memorial.

Member Cully read the quote she researched from Arkansa the definition of “fallen” as follows: *“Fatalities brought on by environmental causations, unforeseen which are directly formerly related and/or directly related to the perforation for or implementation of employment related duties.”*

In response to Member Thomas, City Clerk Leija conveyed that the name of the memorial cannot be changed as it has been approved and dedicated.

Member Benedict concurs with the language proposed for potential guidelines.

Byron Mays, 9579 W. Vista Bonito Drive, and Casa Grande Firefighter employee for twenty four years was present to provide additional information regarding his brother-in-law, Jeff Simpson.

Mr. Mays conveyed that he is not sure who came up with “line of duty death” for fallen city memorial. He thinks that the memorial is for City employee who had fallen, because it pretty much is limited to the public safety employee. Workman’s Compensation as far as a firefighter’s concerned, for example if one has a heart attack and died 24-hours after their shift; they are covered as “in the line of duty death.” But if a regular employee died at her desk while working, she is not covered in the Workman’s Compensation. This example is not right as far as city employees being equal.

Mr. Mays provided the Commission with information he researched regarding “in the line of duty death” relating to firefighters in Arizona and all over the country. He also provided pictures of Jeff Simpson with his children and brief story about Jeff’s life.

Mr. Mays reported that Jeff Simpson is a former employee of the Casa Grande Public Works Wastewater Division. On the day of the incident, Jeff was doing some work at the Boys & Girls Club laying carpet. He was on the clock working during regular working hours and had a heart attack while at lunch playing basketball at the Boys & Girls Club basketball court. He and the Casa Grande firefighter emergency response team worked on his brother-in-law, Jeff Simpson, who was not responding, but was not pronounced dead on the basketball court. Instead he was transported to the hospital and was later pronounced dead on April 28, 1998.

Mr. Mays, on behalf of the Simpson family, respectfully requested for the Commission to include Jeff Simpson’s name to be placed on the “Ed and Lillian Pederson Memorial for Fallen City Employees.” If minimal to those who had not had an opportunity to know Jeff Simpson, it will be a great compliment for the Simpson Family to complete the closure they are trying to achieve.

Mr. Mays recommended a policy for the memorial for fallen city employees that would include an employee that died during their scheduled work hours be included.

Mr. John C. Holliday, Casa Grande Firefighter of five years, conveyed that he concurred with Member Cully’s comment regarding “city employees breaking the law” should be excluded automatically in the inclusion to the memorial.

Mr. Holliday conveyed another example on the public safety side; a firefighter’s job requires fitness (exercising on or after duty). A firefighter can work over a 72 hour period and be off work for 4-days will still need to exercise while off work. If the firefighter gets hit by a car while running, in his opinion, the firefighter should not be excluded to the memorial.

Member Mitchell conveyed that he concurs with Mr. Holliday’s example. The City has a city wide fitness program for all city employees that sometimes do activities after their regular working hours. Most of the participants include regular employees (not just public safety personnel).

Mr. Bobby Gordon, Casa Grande Firefighter, brought a point on the “line of duty.” As a firefighter working on something when off duty, he will always be “on duty.” That’s how the headline would read for them and he would argue for any city employee that standard still holds true regardless of what department you work in because that’s how people know you as a “City of Casa Grande employee,” not the first or last name, it’s what you do for the City.

In addition, Mr. Gordon commented on the exclusion that was read from Delaware the “to and from work,” and he gave an example of his business partner (City Manager from Orange Cove) who was killed in a car accident on the way home from work. The Workman’s Compensation covered this claim. If this same situation occurs to any of the City of Casa Grande Mayor and Council Members, Manager, etc., he hopes that their names be included in the memorial.

Bryan Flint, Captain of Casa Grande Fire Department, conveyed that Workman’s Compensation makes exception to some employees to be excluded to the memorial. Basically, public safety employees are covered and eligible for their name to be included in the memorial, but other employees are not. It should be open to all current/active city employees regardless.

It was the consensus of the Commission for the City Clerk to put together all the input discussed at this meeting, have Chairman Mitchell review and present at the meeting on December 9, 2010 at 5:00 p.m.

City Clerk Leija conveyed that Scott Barber, Administrative Services Director, who’s an expert pertaining to Workman’s Compensation, will be invited at the next Commission’s meeting.

F. Miscellaneous: **None**

G. Adjournment:

There being no further business for discussion, the meeting was adjourned at approximately 7:09 p.m.

Robert Mitchell
Chairman