

Public Safety Memorial Fund Board

Draft Minutes

April 25, 2024

The Public Safety Memorial Fund Board held a meeting on April 25, 2024, at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. The meeting was called to order at approximately 10:00 a.m.

Board Members:

DaNeshia Barrett, Chair, Non-Management Law Enforcement
Jennifer Cameron, Vice-Chair, Non-Management Corrections
Scotty Nowning, Non-Management Law Enforcement
Matthew English, Oregon State Sheriff's Association
Chris Heppel, Oregon Fire Chiefs Association

Board Members Absent:

Maria Caballero Rubio, Public Member

DPSST Staff:

Kathy McAlpine, Professional Standards Division Director
Shelby Wright, Executive Assistant to the Director
Jennifer Howald, Legislative and Rules Coordinator
Samantha Kossa, Executive Assistant

Guests

No guests attended this meeting

1. Introductions

Chair, DaNeshia Barrett, began the meeting and invited everyone in attendance to state their name and position for the record.

2. *Approve January 25, 2024, Meeting Minutes

Approve Minutes

- *Matt English made a motion to approve the minutes from the January 25, 2024 Public Safety Memorial Fund Board (PSMFB) meeting. Jennifer Cameron seconded the motion. The vote was taken by rollcall where the motion was carried with a unanimous vote.*

3. Public Safety Memorial Fund Budget Update

Presented by Kathy McAlpine

Kathy McAlpine addressed the Board and explained that the Public Safety Memorial Fund Board (PSMFB) started the 23'-25' biennium with \$385,497. There is a current revenue of \$291,525 and an expenditure limitation of \$309,415 which has not changed since the previous meeting. \$18,617.46 in benefits has been awarded so far in the 23'-25' biennium. There have been no expenditures for the Fire

Service or OLCC so far this biennium. The Board has expended \$22,078, received \$97,460 and have spent about 7% of the fund thus far.

DaNeshia Barrett asked as to whether the amount spent so far was from the biennium or since January 2024. Kathy McAlpine confirmed it's for the biennium.

Jennifer Cameron asked if the money carried over to the next biennium and Jennifer Howald confirmed that the funds carry over.

Chris Heppel asked what the acronyms on the financial sheet stood for. Kathy McAlpine noted that she would have the Business Services Manager spell them out for future meetings.

4. *Brian Gaunt (DPSST #37820); Supplemental Application for Discretionary Benefits

Presented by Kathy McAlpine

Background: On October 24, 2021, Sergeant Brian Gaunt with Beaverton Police Department passed away after spending nearly an entire month in the hospital due to COVID-19 complications. On January 27, 2022, the Public Safety Memorial Fund Board (PSMFB) considered the initial application for PSMFB benefits submitted by Beaverton Police Department and Holly Gaunt. (Spouse of Brian Gaunt). Ultimately the PSMFB determined that Sergeant Gaunt's death was a qualifying death as defined by ORS 243.954. As a result, Holly Gaunt was awarded the lump sum benefit of \$25,000.

Issue: On March 13, 2024, Holly Gaunt submitted the supplemental application for benefits, requesting further reimbursement for medical and dental benefits for herself and three children.

DaNeshia Barrett asked if it was just for coverage for the children and Kathy McAlpine clarified that the reimbursement is for the spouse and children. DaNeshia Barrett specified that the children over 18 are eligible due to being fully enrolled in college and noted that one child is still eligible to receive benefits as defined in the statute.

- *Matt English noted that all the application criteria has been met and motioned to accept the supplemental application for benefits. DaNeshia Barrett seconded the motion. The vote was taken by rollcall where the motion was carried with a unanimous vote.*
- *Jennifer Cameron motioned to approve the full amount requested. Matt English seconded the motion. The vote was taken by rollcall where the motion was carried with a unanimous vote.*

5. *Proposed Rule Change for Oregon Administrative Rule (OAR) 259-070-0010

Codifying Eligibility Dates for OLCC Regulatory Specialists (SB 699)

Presented by Jennifer Howald

Background:

Senate Bill 699 (2023) added Oregon Liquor and Cannabis Commission (OLCC) regulatory specialists to the definition of a public safety officer for the purposes of the Public Safety Memorial Fund (PSMF). SB 699 is effective January 1, 2024. At the request of the PSMF Board, DPSST staff consulted with legal counsel, the Oregon Department of Justice (DOJ), for additional interpretation regarding the changes to eligibility for the PSMF benefits.

The opinion DPSST received from DOJ stated that SB 699 does not apply retroactively, meaning that a regulatory specialist who suffered a death or disability prior to January 1, 2024, would not be eligible for benefits. One of the things DOJ recognized in the analysis is that the Legislature has the ability to include language that would distinctly address any retroactive intent and they did not.

DPSST also asked if the effective date of the bill, January 1, 2024, was sufficient to interpret benefit eligibility or if the Board should adopt rule language to help codify eligibility requirements. DOJ found that a rule change would not be legally required. However, they recommended amending the rules to help ensure that the rules are interpreted and applied in a consistent manner in the future.

The following draft proposed rule changes add eligibility dates for regulatory specialists who suffered a qualifying death or disability. DPSST also recommends adding other historical eligibility changes and reorganizing them chronologically. The historical additions and reorganization will not affect past eligibility or current beneficiaries. Attachment A includes each statute and rule change related to eligible beneficiaries to show the additions made over time in statute compared to what has been captured in rule.

Action Items:

#1 Consensus – (Discussion) Affirm or amend the fiscal impact statements prepared by staff.

#2 Vote – (Motion) Approve filing the proposed rule changes for OAR 259-070-0010 for public comment and, if there are no substantive comments received, filing them as permanent rule changes.

○ *The PSMFB reached consensus and affirmed the fiscal impact statements prepared by staff.*

○ *DaNeshia Barrett motioned to approve the language change and filing of the proposed Oregon Administrative Rule (OAR)259-070-0010. Matt English seconded the motion. The vote was taken by rollcall where the motion was carried with a unanimous vote.*

6. Next meeting – July 25, 2024, directly following the Board on Public Safety Standards and Training meeting at 9:00 a.m.

With no further items to discuss, Chair Barrett adjourned the meeting at approximately 10:33 a.m.