



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374

Wednesday, February 12, 2020 @ 9:00 AM
COUNCIL CHAMBERS OVERFLOW ROOM

Amended item #3 on 2/10/2020 at 12:30 PM

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Local Fire and Police Boards Joint Meeting Agenda

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- | | | | |
|----|----------|---|-----------------|
| 1. | Citywide | Discussion and action pertaining to the approval of the PSPRS Local Fire and Police Boards Joint Meeting - December 11, 2019 and December 19, 2019 minutes. | Human Resources |
|----|----------|---|-----------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------------------------|
| 2. | Citywide | Presentation from City Clerk, Sherry Aguilar, regarding the operational process of creating an agenda. | Sherry Aguilar
Human Resources |
| 3. | Citywide | Discussion pertaining to the comparison of PSPRS Local Board Fire and Police bylaws against State statutes. | Carrie O'Brien
Human Resources |
| 4. | Citywide | Review of the 2018 PSPRS Annual Summary Report comparing the City of Surprise to Glendale, Peoria and Phoenix disability retirements. | Human Resources |
| 5. | Citywide | Discussion regarding City Council changes made in policy concerning pension board's hiring process. | Human Resources |
| 6. | Citywide | Discussion pertaining to the retention of legal services of Carrie L. O'Brien. | Human Resources |

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum of the Public Safety Personnel Retirement Commission ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2)); or discussion or consultation for legal advice with the Commission's attorneys (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: February 10, 2020 at 12:30 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Discussion and action pertaining to the approval of the PSPRS Local Fire and Police Boards Joint Meeting - December 11, 2019 and December 19, 2019 minutes.

Motion:

I move to approve the December 11, 2019 and December 19, 2019 PSPRS Joint Board meeting minutes.

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Draft December 11, 2019 Special Meeting PSPRS Joint Board Minutes
 2. Draft December 19, 2019 PSPRS Joint Board Meeting Minutes
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The following are the minutes from the PSPRS City of Surprise Local Board – Police Meeting held at 9:00 a.m. Wednesday, December 11, 2019. The meeting was held in City Hall, Council Overflow Conference Room.

A. Call To Order:

Chair Hall called the meeting to order at 9:05 a.m.

B. Roll Call: Skip Hall, Chairperson & Citizen Board Member – Present
Chandler Brown, Citizen Board Member – Present
Jim Conner, Citizen Board Member – Present
Ian Murton, Employee Board Member – Police Dept. – Present
Severin Hall, Employee Board Member- Police Dept. – Present
Rick Valdez, Vice Chair, Employee Member – Fire Dept. – Present
Chris Preest, Employee Board Member- Fire Dept. – Present

In attendance: Kirsten Riege, Interim Board Secretary
Carrie O'Brien, Board Attorney

C. Pledge of Allegiance: Completed

D. Current Events Reports: None

E. Staff Reports: None

F. Call to the Public: None

Consent Agenda: None

Regular Agenda:

#1. Joint Board training meeting conducted by Carrie O'Brien.

Ms. O'Brien conducted a training related to PSPRS Local Board Powers, Open Meeting Law and Conflict of Interest. Ms. O'Brien confirmed that since the bylaws for Fire and Police mirror each other, it makes sense to conduct a joint board training.

Ms. O'Brien clarified the Board serves on behalf of the employer and that the Board has a narrow scope of authority that relates primarily to determining right of claimants for certain benefits, i.e. eligibility, service credits, disability and deciding the amount, time of payments and manner of benefits under the PSPRS system. etc.

Ms. O'Brien informed members of Board responsibilities, some of these are:

- Administer the PRPRS System diligently and honestly.
- To understand provisions of the system.

Ms. O'Brien then spoke about the Local Board authority and obligations, some of which are below:

- Determine rights of claimants to benefits such as:
 - Eligibility
 - Disability

Ms. O'Brien went on to clarify information related to the purpose of medical boards, which can include an IME (independent medical examination) which is generally conducted when there is not enough information on the original application for the Board to make a decision.

The next area Ms. O'Brien covered in her training related to Local Board authority and obligations under State law and the rights of reexamination of disability benefits. Some of those obligations include:

- New member acceptance into the PSPRS (this will include a medical exam which lists any preexisting conditions)
- DROP (Deferred Retirement Option Plan)
- Disability retirement

The Board may also create a subcommittee to reexamine members that have been approved for Disability benefits (A.R.S 38-844 (E)) to ensure they are still eligible for the benefits. Subcommittees must adhere to open meeting law. The subcommittee then presents recommendations to the board for decisions on any potential further action.

Ms. O'Brien's training continued on the topic of open meeting law and conflicts of interest. The public policy of the State of Arizona requires an open government, this means that a "public body" must conduct business in a public meeting with few exceptions (i.e. review of confidential records).

The Board had questions related to executive session in regards to disability applications. Ms. O'Brien clarified the best practice is to adjourn to executive session in two parts;

- Meet with the applicant alone or with their legal counsel, to ask questions related to their disability.
- Meet to receive legal advice from Board Counsel, this session would not have the applicant or their legal counsel, so as to retain attorney/client confidentiality.

Ms. O'Brien continued her training, discussing how agenda items could be added to a meeting. Ms. O'Brien listed several examples of how an agenda item can be added. Mr. Murton expressed his frustration that an agenda item he had requested had not been put on the agenda for the December 11, 2019 meeting. Ms. O'Brien responded

stating that in order to be transparent, she recommended to Mrs. Riege that the Board establish a process before adding individual items to the agenda.

Through discussion the Board agreed that agenda items may be added two ways;

- Make a motion during the meeting in the Other Business and Future Agenda Items section of the meeting and get a second and a quorum.
- Second Signer, a board member may request an item be added to the agenda, outside of a meeting, via email. The request must be “seconded” and approved by another Board member, via email.

A special meeting was set for December 19, 2019 to discuss Mr. Murton's agenda items.

Ms. O'Brien continued the discussion on open meeting laws and how they pertain to electronic communication. Ms. O'Brien cautioned against “reply all” and posts on social media as a couple of examples. She further discussed conflicts of interests and what that means, informing the Board that a member must have a substantial interest in certain areas, i.e. a contract, sale, purchase, to be deemed a conflict of interest. Ms. O'Brien explained how a Board member could disclose the conflict and steps to take to ensure transparency.

In closing, Ms. O'Brien reminded the Board that to ensure compliance with open meeting laws, members should avoid discussing topics that may come before the board, with other members outside of a meeting setting.

G. Other Business and Future Agenda Items:

A special meeting was scheduled on December 19, 2019 to discuss additional items to include the selection process for the Board Secretary and Legal Counsel as well as a review of State statute and Board bylaws.

H. Adjournment:

Mr. Conner made a motion to adjourn the meeting at 10:07 a.m. – **Approved**

Motion: Conner
Second: Valdez
Opposed: None

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - voted yes
Ian Murton- voted yes
Severin Hall - voted yes



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE
DRAFT Minutes, Wednesday, December 11, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

Skip Hall, Chairperson

Chandler Brown, Board Member - Citizen

Jim Conner, Board Member -Citizen

Severin Hall, Board Member - Police Dept.

Ian Murton, Board Member - Police Dept.

Chris Preest, Board Member – Fire Dept.

Rick Valdez, Board Member – Fire Dept.

Kirsten Riege, Interim Board Secretary



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – JOINT BOARD MEETING
DRAFT Minutes, Thursday, December 19, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Local Board – Joint Board Meeting held at 9:00 a.m. Thursday, December 19, 2019. The meeting was held in City Hall, Council Overflow Conference Room.

A. Call To Order:

Chair Hall called the meeting to order at 9:01 a.m.

B. Roll Call: Skip Hall, Chairperson & Citizen Board Member – Present
Chandler Brown, Citizen Board Member – Present
Jim Conner, Citizen Board Member – Present
Ian Murton, Employee Board Member – Police Dept. – Present
Severin Hall, Employee Board Member- Police Dept. – Present
Rick Valdez, Vice Chair, Employee Member – Fire Dept. – Present
Chris Preest, Employee Board Member- Fire Dept. – Present

In attendance: Kirsten Riege, Interim Board Secretary
Carrie O'Brien, Board Attorney

C. Pledge of Allegiance: Completed

D. Current Events Reports: None

E. Staff Reports: None

F. Call to the Public: None

Consent Agenda: None

Regular Agenda:

#1 Discussion regarding a conflict of interest as it pertains to Mayor Skip Hall.

Mr. Murton opened discussion stating that due to perceived legal issues, he feels that Mayor Hall should recuse himself from any Board discussion related to a letter sent to the City from Senator Boyer and a letter sent from PSPRS in November, 2019.

The Board convened to Executive session to receive legal advice.

Motion: Murton
Second: Conner
Opposed: None

Skip Hall - voted yes
Chandler Brown - voted yes
Jim Conner - voted yes
Ian Murton- voted yes



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – JOINT BOARD MEETING
DRAFT Minutes, Thursday, December 19, 2019
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Severin Hall- voted yes
Rick Valdez- voted yes
Chris Preest- voted yes

The Board reconvened to open session at 9:13 am.

In response to Mr. Murton's concerns about a conflict of interest, Chair Hall stated he does not think there is any conflict of interest.

Ms. O'Brien questioned if the Board was asked to submit a response or take any action related to either letter. The Board confirmed they were not asked to respond. Ms. O'Brien stated that if the Board felt compelled to respond, she could assist with the response.

#2. Discussion regarding letter from Senator Paul Boyer regarding violations by the City in regards to the boards.

Mr. Murton asked for clarification as to if Ms. O'Brien represented Chair Hall in his capacity as the Mayor in regards to the letter from Senator Boyer. Ms. O'Brien confirmed that she was not involved in the response to Senator Boyer, nor had she seen the response. Ms. O'Brien further clarified that she has not had conversation with either Mayor Hall or the City's legal counsel, Robert Wingo.

Ms. O'Brien stated that if the Board felt there were questions about competencies or independent representation, the Board could ask that her firm be dismissed.

Ms. O'Brien informed the Board that after review of Senator Boyer's letter, she reached out to Brett Park at PSPRS to speak with him about any concerns. Mr. Park appreciated Ms. O'Brien reaching out and told her that no previous counsel had reached out to PSPRS. Ms. O'Brien relayed that Mr. Park was concerned about the City Attorney's attendance at the February 2019 Local Board Police meeting.

#3. Discussion regarding the PSPRS State Board's letter regarding violations by the City in regards to the boards.

Chair Hall and Ms. O'Brien confirmed that both the letter from Senator Boyer and PSPRS were notices of concerns but that no violations were cited and no legal action has been taken against the Board.

#4. Discussion related to the removal of former board member Don Jeffrey.

Item #4 and #5 were a combined discussion. Chair Hall stated that he was concerned about the Board after PSPRS brought up the high approval rate for disability retirements from the Police board compared to similar sized entities. Chair Hall also confirmed that Don Jeffrey had been appointed by the previous Mayor.

Mr. Valdez voiced his concerns that Mr. Jeffrey wasn't notified prior to the November 2019 meeting that he was being replaced. Chair Hall reiterated that a letter had been sent and phone call had placed to Mr. Jeffrey; the letter, sent to the address that Mr. Jeffrey provided, was returned.

Both Mr. Valdez and Mr. Preest stated that the way Mr. Jeffrey was asked to leave was quite disruptive to the Board. Mr. Preest further stated he felt as though Chair Hall joined the Board and made board changes to "get control of the votes" in favor of the City and possibly deny disability applications.

Chair Hall stated this was not true and that he is complying with State Statute.

#5. Discussion regarding the removal of former board Chair Scott Gwaltney.

Chair Hall confirmed that through research of other cities and municipalities that the City of Surprise was one of the few boards that did not have either the Mayor or a City Council member as their Board chair.

Mr. Brown confirmed that there were issues and mistakes made previously and the Board should be focused on moving forward and doing their best work to support the employees that rely on the Board. He stated his concern is moving forward and making the Board better.

#6. Discussion regarding conflict of interest as it pertains to board member Jim Conner.

Mr. Murton voiced his concerns related to a possible conflict of interest related to Jim Conner. Mr. Conner had made a \$200.00 donation to Mayor Hall's re-election campaign.

Mr. Conner asked if any of the elected members had ever contributed to an election campaign for any City or Council positions. There were no responses.

Ms. O'Brien offered legal advice to the Board. Mr. Brown made a motion to adjourn to Executive Session to receive legal advice.

Motion: Brown
Second: Conner
Opposed: four

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - voted yes
Ian Murton- voted no
Severin Hall - voted no
Rick Valdez- voted no
Christ Preest- voted no

The Board remained in open session. Ms. O'Brien referred to the Board training provided on December 11, 2019, citing the section on conflicts of interest. To create a conflict of interest there is a determination whether someone has a substantial interest i.e. property interest or financial interest in a matter listed on the agenda. Ms. O'Brien further stated a potential conflict of interest or appearance of impropriety might come up if someone participated in an underlying investigation or made public comments about an applicant that was coming before the Board for disability, DROP (Deferred Retirement Option Plan) or other retirement benefits. Additionally, the Board member decides if they need to recuse themselves.

Mr. Conner stated that he does not have a conflict of interest.

#7. Discussion and action related to establishing a vetting process for the selection of the Local Board Secretary and Legal Counsel positions.

Mr. Murton opened discussion stating that in comparison to the Phoenix board, he does not believe the Surprise boards need a full time secretary position, but he does like the process that Phoenix has in place to select their secretary. He stated he understands that an HR designated Secretary would have access and knowledge of the systems and computer programs. Mr. Murton also mentioned a previous secretary, stating that the secretary may come from a different department within the City. While he agrees an individual needs to have the proper skills, he would prefer to be given a list of individuals to choose from.

Mr. Valdez agreed with Mr. Murton and suggested that the Board create a subcommittee to vet the secretary and legal counsel positions, be a part of the process and maintain compliance with State statute.

Ms. O'Brien read through the statutes and stated that she does have some recommendations for changes to the current bylaws.

Mr. Murton stated concerns that the Board needs to make sure they have the best employee to serve the position and ensure paperwork is completed and filed properly.

Mr. Valdez confirmed the Board should have a process to select a secretary, as well as create a job description.

The board voted to create a subcommittee to create a process to present to the Board for the selection of a Board Secretary.

Motion: Severin Hall
Second: Conner
Opposed: Two

Skip Hall - voted no

Jim Conner- voted no
Chandler Brown - voted yes
Ian Murton- voted yes
Severin Hall - voted yes
Rick Valdez- voted yes

The subcommittee is comprised of Chandler Brown, Ian Murton and Chris Preest. The subcommittee will receive support and guidance from Ms. O'Brien as well as Lisa Angelini, HR Director for the City.

Chair Hall stated the City Council was going to have a special meeting the evening of December 19 to consider revising City ordinance related to the PSPRS Board being exempted from the City Attorney and able to choose their own legal counsel without input from the City Attorney.

#8. Discussion and action regarding review and comparison of State statute and local board bylaws.

Ms. O'Brien confirmed that she had done a side by side comparison of the Fire and Police bylaws in relation to the State statutes. Ms. O'Brien will present a side by side comparison and include her recommendations for updating the bylaws at the January 8 Local Joint Board meeting.

#9. Chairman's statement to the Board.

Chair Hall made a statement to the Board, saying that this is a very important board that can affect people's lives. Chair Hall would like the Board to get back to their core mission, supporting the three areas that the Board serves: the pension, the employee and the City. Chair Hall stated he takes accountability for the disruption related to the change of board members. He reminded the Board their responsibility is to make decisions based on facts. Chair Hall said he thinks the Board has some really good things to tackle and change, he appreciates the Board's patience and concerns for making things better and that he is with them (the Board).

#10. Acknowledgement of Code of Conduct.

Mr. Valdez opened stating he had an issue with the Code of Conduct because he hadn't been a part of the process, it simply appeared as an agenda item. He stated he would have preferred to be a part of the process and discussion.

Mr. Murton asked if the Board had already signed something similar.

Chair Hall stated that both HR and the Clerk's office were not able to find any codes of conduct previously signed, only Oath's of Office were located.

The Board asked Ms. O'Brien if she saw any issues with the code of conduct and if they were legally required to sign it. Ms. O'Brien stated it appeared to outline some of the statutory obligations and practicalities.

Chair Hall and board members, Mr. Severin Hall, Mr. Connor and Mr. Brown signed and returned their code of conduct forms.

Mr. Valdez, Mr. Preest and Mr. Murton did not sign or return their code of conduct forms.

G. Other Business –

The Board will review the PSPRS disability comparisons and bylaws at the January 8, 2020 Joint Board meeting.

The subcommittee will meet to begin the process of creating a job description and vetting process for the board secretary on January 8, 2020.

The board will also vote on a Vice Chair for the joint board meetings.

Ms. O'Brien will reach out to PSPRS to see what types of educational meetings PSPRS might be able to conduct for the Board.

H. Adjournment:

Mr. Conner made a motion to adjourn the meeting at 10:46 a.m. – **Approved**

Motion: Conner
Second: Brown
Opposed: None

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - voted yes
Ian Murton- voted yes
Severin Hall - voted yes



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – JOINT BOARD MEETING
DRAFT Minutes, Thursday, December 19, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

Skip Hall, Chairperson

Chandler Brown, Board Member – Citizen

Jim Conner, Board Member –Citizen

Severin Hall, Board Member - Police Dept.

Ian Murton, Board Member - Police Dept.

Chris Preest, Board Member - Fire Dept.

Rick Valdez, Board Member - Police Dept.

Kirsten Riege, Interim Board Secretary



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation from City Clerk, Sherry Aguilar, regarding the operational process of creating an agenda.

Motion:

N/A

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person: Carrie O'Brien
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Discussion pertaining to the comparison of PSPRS Local Board Fire and Police bylaws against State statutes.

Motion:

Discussion only.

Background:

Board Legal Counsel, Carrie O'Brien, conducted a comparison review of current Board bylaws to ensure consistency with State statute.

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Comparison Surprise PSPRS Board Rules-1-2020
 2. Surprise Police Board Rules-1-2020
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~~AMENDED PROCEDURES OF THE~~
~~SURPRISE~~City of Surprise
~~POLICE PUBLIC SAFETY PERSONNEL RETIREMENT LOCAL BOARD~~
Public Safety Personnel Retirement System
Local Police Board Rules
Adopted Pursuant to A.R.S. § 38-847(F)

A. ~~Definitions~~Definitions

1. "A.R.S." means Arizona Revised Statutes.
2. "Administrator" means the Administrator of the Plan (including any persons authorized by the Administrator to act for the Administrator) acting for the benefit of the Board of Trustees as more particularly described in A.R.S. §38-848(L).
3. "Board of Trustees" has the meaning ascribed to that term in A.R.S. §38-842(8).
4. "Claim" means any request for relief under the Plan involving all questions of eligibility and service credits, which is properly before a Local Police Board for Decision, pursuant to A.R.S. § 38-847(D). ~~A claim may include a request for temporary, normal, ordinary, survivor, accidental or catastrophic disability, or Plan benefits of any kind.~~
5. "Claimant" ~~means a person who submits a Claim under the Plan, and includes (a) active, inactive or retired members of the Plan; (b) persons receiving survivor benefits under the Plan; and (c) persons who claim to be eligible for membership in the Plan.~~ has the meaning ascribed to that term in A.R.S. § 38-842(11).
6. "Decision" means (i) a separate written document setting forth the Local Police Board's action resolving a Claim; or (ii) any orders issued by a Local Police Board relating to a Claim, including orders denying a request for Rehearing or further relief. As required by A.R.S. §38-847(G), a Decision shall contain, at a minimum, (a) the name of the member affected by the Local Police Board's action; (b) a description of the action taken; and (c) an explanation of the reasons supporting the Local Police Board's action.
7. "Decision on Rehearing" means a Decision issued by the Local Police Board after a Rehearing.
8. "Employee" has the meaning ascribed to that term in A.R.S. §38-842 (27).
9. "Employer" has the meaning ascribed to that term in A.R.S. § 38-842(28) and means the City of Surprise, Arizona.
10. "Hearing" means the Local Police Board's initial public Meeting concerning a Claim, which is conducted in accordance with the Open Meeting Law and these Rules.

11. "Initial Decision" means the first Decision on a Claim issued by the Local Police Board.
12. "Local Police Board" means ~~that~~ the public body described in A.R.S. §38-847 as ~~constituted for the City of Surprise Police Department.~~ 847.

13. "Meeting" is a gathering of a quorum of the Local Police Board to conduct business and to hold Hearings and/or Rehearings, which is conducted in accordance with the Open Meeting Law and these Rules.
14. "Member" has the meaning ascribed to that term in A.R.S. §38-842(31).
15. "Minutes" means the written official record of the proceedings, including the testimony of witnesses.
16. "Non-Routine Claim" means any Claim that is not a Routine Claim, including, but not limited to, Claims for the following: (i) a "killed in the line of duty" survivor pension; (ii) an accidental disability pension; (iii) a catastrophic disability pension; (iv) an ordinary disability pension; (v) a temporary disability pension; or (vi) determinations for plan membership concerning whether the Employee is or was regularly assigned to hazardous duty.
17. "Notice" means a written Notice of Hearing or Rehearing, as applicable, which includes, at minimum: (i) a statement of the time, place and nature of the Hearing or Rehearing; (ii) a statement of the legal authority and jurisdiction under which the Local Police Board will be conducting the Hearing or Rehearing; (iii) a reference to the particular section(s) of the Arizona Revised Statutes (and/or any other applicable rules) involved in the particular matter presented for Decision; and (iv) a short and plain statement of the matters asserted by the Claimant or issues to be considered at the Hearing or Rehearing.
18. "Open Meeting Law" is that body of laws described in Title 38, Ch. 3, Article 3.1 of the Arizona Revised Statutes, which requires public bodies, such as the Local Police Board, to hold its meetings and conduct its activities in public, except in those limited circumstances described in A.R.S. §38-431.03.
19. "Party or Parties" means the Claimant, Local Police Board and Board of Trustees.
20. "Plan" means the Public Safety Personnel Retirement System, as described in A.R.S. §38-841 *et seq.*
21. "Pre-Membership Physical" means a medical examination of an Employee before the Employee joins the Plan, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to the Employee's date of membership in the Plan, pursuant to A.R.S. §38-859(A)(1).
22. "Presiding Officer" means the Chair, **Vice-Chair, in the absence of the Chair,** or Acting Chair of the Local Police Board, who presides over any Meeting, Hearing or Rehearing.
23. "Rehearing" means a public Meeting before the Local Police Board that is conducted in accordance with the Open Meeting Law and these Rules, to consider a Claimant's

or the Board of Trustee's request that the Local Board reconsider its Initial Decision, as provided by A.R.S. §38-847(H).

24. "Routine Claim" means a Claim for any of the following: (i) a normal retirement pension; (ii) an early retirement pension; (iii) a normal survivor pension; (iv) a determination of eligibility for Plan membership other than that involving whether the Employee is or was regularly assigned to hazardous duty; (v) a survivor's pension that is not a "killed in the line of duty" survivor's pension; (vi) request for service credit; and (vii) initiation or termination of Deferred Retirement Option Plan participation.
25. "Secretary" means the person so designated and elected pursuant to A.R.S. §38-847(M), who is charged with keeping a record and preparing agendas, Minutes and Decisions of all Hearings and Rehearings of the Local Police Board. The Board Secretary has the authority to accept service of process for the Local Police Board.
26. "Subcommittee" or "Working Subcommittee" means a group of no more than two Local Police Board members appointed by the Board Chair to undertake Local Police Board business.

B. Purpose and Scope of Procedures

1. Board Responsibility. Pursuant to A.R.S. §38-847(D), the Local Police Board is responsible for deciding all questions of eligibility and service credits, and determining the amount, manner and time of payment of any benefits under the Plan. The Board of Trustees cannot pay any benefits ~~under~~ under the Plan without the direction and approval of the Local Police Board.
2. Scope. These Rules govern all Claims before the Local Police Board for Decision, effective for any Claims brought, and any Hearing and Rehearing held, after the effective date of adoption of these rules by the Local Police Board. ~~Effective July 1, 2017, and insofar as applicable, these Rules will govern disability and death benefit determinations entrusted to the Local Boards under the provisions of A.R.S. §§ 38-870.06 and 870.07, and will be construed consistently with the aims of those Sections.~~
3. Conflict. These Rules are authorized by A.R.S. §38-847(F) and supplement all authority of the Local Police Board specified in that statute. Should any of these Rules conflict with any provision of A.R.S. §38-847 or any other Arizona law, the provisions of Arizona law shall control. **If PSPRS promulgates revised Model Rules for Local Boards and a conflict exists with these Rules, the revised Model Rules shall prevail.**
4. **Amendment. These Rules may be amended by a majority vote of the Police Board at a public meeting.**

C. Composition of the Board and Conduct of Meetings

1. Composition. **The membership of the Local Police Board is set forth in A.R.S. § 38-847(A).** Pursuant to statute, the Local Police Board is composed of the Mayor of the

City of Surprise or his/her designee, two members elected by secret ballot by members of the Department, and two citizens who are appointed by the Mayor of

Surprise with approval of the City Council. In the event of a tied election during the secret ballot election process, there will be subsequent elections until there is a winner.

2. Chair. The Mayor or Mayor's designee shall serve as Chair of the Board. The Board may elect a Vice Chairperson to serve in the absence of the Chairperson. In the absence of the Chairperson or Vice Chairperson, an acting Chairperson will be elected by a majority vote of the Local Police Board.
3. Secretary. ~~Human Resources Director or designee shall serve as the Local Board Secretary. The Local Board shall confirm the appointment of the Board Secretary.~~ **Pursuant to A.R.S. § 38-847(M), the Local Police Board shall designate a Secretary who may, but need not, be a member of the Local Police Board. If a vacancy occurs for the Secretary, the Local Police Board shall designate a new Secretary at the next Local Police Board meeting after the vacancy occurs.**
4. Quorum. A quorum for the purpose of doing ~~any business~~ **any business** by the Local Police Board will be three (3) members. The Police Board requires at least one (1) of the employee members of the Police Department to be present to have a quorum.
5. **Agendas. Any item may be placed on the agenda with the consent of two members of the Local Police Board. Any agenda items must be received by the Board Secretary no later than seven (7) days prior to the meeting in order to be placed on the agenda so in order to meet administrative deadlines for the City Clerk's Office.**
6. ~~5.~~ Meetings, Minutes and Decisions. Meetings are generally held at 10:00 a.m. on the second Wednesday of the month but can be held at any time upon the call of the Chair, any two members of the Local Police Board, or the Secretary of the Local Police Board, with appropriate notice to the members of the Local Police Board and the public. The Local Police Board shall meet at least twice a year.
 - a. Meetings are generally held at 16000 N. Civic Center Plaza, Surprise Arizona 85374, in the Council Overflow Room.
 - b. The Secretary shall provide an agenda to the Local Police Board members in advance of any Meeting, describing the business to be addressed at such Meeting. The content of the agenda shall comply with the Open Meeting Law.
 - c. Notice of all Meetings of the Local Police Board shall be given, and all Meetings and any ~~executive~~ **executive** sessions shall be conducted, in conformance with the Open Meeting Law.
 - d. Provided the quorum is ~~met~~ **present**, a majority vote of Local Police Board members present and eligible to vote shall govern any action taken.
 - e. **Local Police Board members not present in person may attend by telephone or other electronic means permitting meaningful participation in accordance with the Open Meeting Law.**

f. ~~e.~~ The Secretary shall cause appropriate Minutes to be taken of Local Police Board Meetings, and an electronic recording may be made of Meetings to facilitate preparation of such Minutes.

g. ~~i.~~ ~~Such~~ The electronic recording ~~will~~ shall be maintained at least until Minutes have been transcribed and approved by the Local Board. ~~ii.~~ ~~So long as such action is in accordance with a Local Board's records retention, storage and destruction policy, the Secretary may destroy~~ the City of Surprise's record retention schedule.

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~~the electronic recording of a Local Board Meeting after the Minutes of such Meeting have been approved. The Secretary will prepare and retain a certificate of destruction when any electronic recordings are destroyed.~~

h. ~~f.~~ The Secretary shall forward to the Board of Trustees (in care of the Administrator) a copy of each Local Police Board meeting minutes which include the Decision(s) on a Claim no later than twenty (20) business days after the Local Police Board takes action on such Claim, pursuant to A.R.S. § 38-847(G). Decisions shall be sent by certified mail to the Administrator as required by A.R.S. § 38-847(H)(2). As required by A.R.S. § 38-847(G), a Decision shall contain, at minimum: (i) the name of the member affected by the Local Police Board's action; (ii) a description of the action taken; and (iii) an explanation of the reasons supporting the Local Police Board's action, and (iv) all documents submitted to the Local Police Board for the action taken including the reports of a medical board.

i. The Secretary shall forward all other Minutes to the Board of Trustees, in care of the Administrator, within twenty (20) days after each Local Police Board Meeting, and forward all necessary communications to the Board of Trustees, in care of the Administrator, pursuant to A.R.S. § 38-847(M).

j. ~~g.~~ Unless the Claimant is present at a Meeting at which the Local Police Board announces its Decision on a Claim, at the same time that the Secretary forwards the Decision to the Administrator, the Secretary shall forward the Local Police Board's Decision to the Claimant via certified mail, pursuant to A.R.S. §38-847(H)(~~1~~1).

7. ~~6.~~ Documentation. ~~In~~ In a location separate from any Personnel or Department files, the Local Police Board Secretary shall maintain files for each Claimant, containing public and confidential documents presented to the Local Police Board.

8. Parliamentary Procedure. In matters of procedure not covered by law or these rules and where no conflict exists, the Local Police Board shall be guided by Robert's Rules of Order.

9. Independent Legal Counsel. In accordance with A.R.S. § 38-847(N), the Local Police Board shall be represented by independent legal counsel who shall be independent of the City of Surprise and any employee organization or member. Independent legal counsel shall be selected independently by the Local Police Board in accordance with Local Surprise Ordinance INSERT NEW ORDINANCE NUMBER. Independent legal counsel shall be paid by the City of Surprise.

D. Pre-Membership Physical

1. Examination. Pursuant to A.R.S. §38-859(A)(1), the Local Police Board shall contract with a physician or clinic to conduct a Pre-Membership Physical of Employees, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to an Employee's date of membership in the Plan. The physician or clinic conducting a Pre-Membership Physical may be the regular employee or contractee of the Employer City of Surprise.
2. Appointment. The ~~Employer Department~~ City of Surprise, or the Secretary shall coordinate appointments for the Employee's Pre-Membership Physical.
3. Report. The physician or clinic retained to conduct an Employee's Pre-Membership Physical shall provide a written report of the results of the Pre-Membership Physical to the Secretary within 10 days after the examination. The Secretary shall file the report as a permanent record, as required by A.R.S. §38- 859(E).

No Pre-Existing Condition. ~~If the~~ If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has no pre-existing condition, the Secretary shall file the report as a permanent record, as required by A.R.S. §38-859(E) and the employee will receive a copy of his or her pre-employment physical.

4. Finding of Pre-Existing Condition. If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has a pre-existing condition:
 - a. The Secretary shall notify the Employee by certified mail that the physician or clinic has reported that the Employee has a pre-existing condition. The Employee shall have 30 days to submit additional documentation or comments to the Secretary before the physician or clinic's report is placed on an agenda for the Local Police Board's consideration.
 - b. Reports concerning an Employee's pre-existing condition shall be placed on the Meeting agenda for recognition by the Local Police Board.
 - c. The Secretary shall provide the Local Police Board with any additional

documentation or comments submitted by an Employee regarding a physician or clinic's conclusion that an Employee has a pre-existing condition.

- d. The Local Police Board shall review the physician or clinic's report and any additional documentation submitted by the Employee at a Meeting. After review of the relevant documents, the Local Police Board will take any action the Local Police Board deems necessary and appropriate.
- e. The Secretary shall file all reports concerning an Employee's pre-existing condition(s) as ~~a permanent~~ a permanent record, ~~as required~~ as required by A.R.S. §38-859(E), along with any additional documentation and comments provided by the Employee, and appropriate records of any actions or determinations by the Local Police Board with respect to the same. In the event a Member whose Pre-Membership Physical revealed a pre-existing condition applies for an accidental, catastrophic, ordinary, or temporary disability pension, all such documentation related to the Member's pre-existing condition will be presented to the Local Police Board. If the Local Police Board determines that a Member's disability resulted from a physical or mental condition or injury, which existed or occurred prior to the Member's date of membership in the Plan, the Member shall not qualify for an accidental, catastrophic, ordinary, or temporary disability pension.
- f. ~~Initial Membership. The Boards will make all determinations concerning System membership eligibility, subject to A.R.S. §38-847 (E). Effective July 1, 2017, the Boards will acknowledge elections made by newly hired employees under A.R.S. §38-842.01, and take such action as is necessary to implement those elections.~~

E. Initial Decision

1. Submitting Claims. A Claimant may request that the Local Police Board issue an Initial Decision by presenting an application for benefits or service credit to the Secretary, using the prescribed Plan forms.
2. Content of Claims. If desired, a Claimant may supplement the application for benefits or service credit by submitting a letter to the Secretary. In order for any supplemental letter to be considered by the Local Police Board, such letter shall set forth: ~~(i)~~ (i) the name and address of the Claimant; (ii) the name and address of the Claimant's attorney, if applicable; (iii) a brief statement of the facts forming the basis of the Claim, including any evidence relevant to the Local Police Board's Decision on the Claim; and (iv) the precise relief sought by the Claimant from the Local Police Board.
3. Routine Claims; Consent Agenda. A Local Police Board may authorize its Secretary to determine whether a Claim is to be treated by the Local Police Board as Routine or as Non-Routine, and to present Routine Claims as a "Consent Agenda" item. Ordinarily, the Secretary does not provide Notice of a Hearing to Claimants for Routine Claims on the Consent Agenda, because the Local Police

Board generally approves Consent Agenda items summarily. If a Routine Claim on the Consent Agenda warrants discussion by the Local Police Board, the Claim may be deferred to a future Hearing in order to provide Notice to the Claimant.

4. Non-Routine Claims. All Non-Routine Claims are subject to this Section E concerning an Initial Decision. However, more detailed procedures for certain Non-Routine Claims, specifically disability benefit applications and reexamination of disability recipients, are set forth in Sections F and G of these Rules. Other Non-Routine Claims shall be placed on the agenda for consideration by the Local Police Board, after appropriate Notice to the Claimant.
5. Deadline for Scheduling a Hearing on Routine and Non-Routine Claims.
 - a. Hearings are held at Meetings as provided by Section C (5) of these Rules.
 - b. Unless the Claimant and all other parties to the Claim otherwise agree, the Local Police Board shall commence a Hearing on a Routine or Non-Routine Claim within ninety (90) days of its receipt of a Claim, pursuant to A.R.S. §38- 847(D)(3).
 - c. ~~If the~~ If the Local Police Board does not commence a Hearing on a Claim within ninety (90) days of its receipt of the Claim:
 - i. The Claimant shall notify the Administrator and Secretary by letter sent by certified mail that the Local Police Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim.
 - ~~ii.~~ ii. As provided by A.R.S. §38-847(D)(3), the relief demanded by the Claimant is deemed granted and approved by the Local Police Board. The granting and approval of this relief is considered final and binding unless a timely request for Rehearing or appeal is made, or unless the Board of Trustees determines that granting the relief requested would violate the Internal Revenue Code or threaten to impair the Plan's status as a qualified plan under the Internal Revenue Code. If the Board of Trustees determines that granting the requested relief would violate the Internal Revenue Code or threaten to impair the Plan's status as a qualified plan, the Board of Trustees may refuse to grant the relief by issuing a written determination, sent certified mail to the Local Police Board and the Claimant. The written determination issued by the Board of Trustees is subject to judicial review pursuant to Title 12, Chap. 7, Article 6.
 - ~~iii.~~ iii. As provided in A.R.S. §38-847(H), the Board of Trustees may request a Rehearing within sixty (60) days after receiving notice from the Claimant by letter sent by certified mail that the Local Police Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim. However, if the relief deemed granted

and approved by the Local Police Board violates the Internal Revenue Code or threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, no limitation period for the Board of Trustees to seek a Rehearing applies.

6. Issuance of Decision. When a Hearing is held within the deadlines set forth in Section E(5) of these Rules, the Secretary shall forward the Decision, Minutes and other necessary communications, as provided in Section C(5)(f)-(h) of these Rules.
7. Finality of Decision. Pursuant to A.R.S. §38-847, any Decision that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely application for a rehearing is filed as provided in Section H of these Rules, or an appeal is filed. However, the Board of Trustees may not implement and comply with any Decision that does not comply with the Internal Revenue Code or that threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, and under such circumstances, no limitation period for the Board of Trustees to seek a rehearing of a Decision applies. A final decision may be appealed to Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by, the Arizona Revised Statutes (see A.R.S. §12-901 *et seq.*) and the rules adopted by the Maricopa County Superior and Appellate Courts of the State of Arizona.

F. **Disability Benefit Applications**

1. Disability Application. Upon presentation of a properly completed application for any of the disability pensions authorized by law, the Secretary will determine whether the Claimant has provided complete documentation supporting the Claim referenced in the application. ~~If the~~ If the information is incomplete, the Secretary shall request that the Claimant provide additional documentation and may assist the Claimant in identifying deficiencies or incomplete items in the application. The Secretary shall also obtain from the ~~Employer~~ City of Surprise any documentation contained in workers' compensation records. A confidential packet of medical information on the Claimant shall be prepared for distribution to Local Police Board members. When the Claimant's application is complete, the Claim shall be placed, as a separate item, on the agenda for a Meeting, pursuant to Section E(5) of these Rules.
2. Initial Hearing. At the initial Hearing on a Claim for disability benefits, the Local Police Board will determine whether the medical and other documentation submitted is sufficient for the Local Police Board to conclude that the statutory prerequisites are satisfied by the Claimant. If the statutory prerequisites are satisfied, pursuant to A.R.S. §38-859(A), the Local Police Board shall direct that a medical board be appointed to conduct an examination of the Claimant and to report to the Local Police Board the results of that examination. ~~If the statutory prerequisites are not~~ are not satisfied, the Local Police Board may deny the Claim based on a lack of evidence, either medical or otherwise, such as the Claimant's continued work status or the Claimant's performance of a reasonable range of duties. In the alternative, the

Local Police Board ~~may~~may continue the Hearing on the matter to a date and time when any additional documentation requested by the Board is available.

3. Independent Medical Board. Pursuant to A.R.S. §38-859(B), medical boards appointed pursuant to A.R.S. §38-859(A)(2)-(5) shall be composed of a designated physician or a clinic other than a regular employee or contractee of the employer City of Surprise.

Mental Examinations. ~~In the event of a psychological disability application, the Board will require the applicant to provide detailed information for any and all events giving rise to the claim for disability. The applicant must provide all doctor and counseling notes. The Board may also request that the employing department supply corroborating information on any and all events reported by the applicant. If an Internal Affairs (IA) investigation or other disciplinary action has commenced involving the applicant, the application process may be continued until the conclusion of the investigation or other action to determine if factors in the investigation or disciplinary action contributed to the claim. The Local Board will gather all relevant Worker's Compensation information related to the claim. The Local Board will refer the applicant in a psychological disability case to a medical board only after all relevant information has been obtained. The medical board will be asked to provide not only a diagnosis but also to project the likelihood of recovery. In a psychological disability case, the medical board will consist of a Board approved psychologist and psychiatrist. The psychologist will meet with the Claimant first and issue a report containing his or her conclusions. The psychologist's report will then be forwarded to the psychiatrist, who will meet with the Claimant. After examination, the psychiatrist will issue a report to the Local Board containing his or her conclusions based on the medical evidence and the psychologist's report.~~ **the medical board will consist of a doctor of medicine who is a psychiatrist or has a specialty in psychiatry. The psychiatrist shall issue a report containing his/her conclusions to the Local Police Board.**

5. Prompt Hearing. ~~If a~~If a medical board is appointed, the Secretary shall reconvene the Hearing at the first feasible Meeting after the Local Police Board members' receipt of the medical board's report, unless the Claimant requests in writing otherwise.
6. Disability Findings. Pursuant to A.R.S. §38-859(C), a finding of disability shall be based on medical evidence provided by the medical board appointed by the Local Police Board. The Local Police Board shall resolve material conflicts in the medical evidence. ~~If required~~If required, the Local Police Board may employ other physicians or clinics to report on special cases. With the approval of the Local Police Board, a physician or clinic employed by the Local Police Board may employ occupational specialists to assist the physician or clinic in rendering an opinion.
7. Approval of Disability Claim. ~~If a~~If a Claim for disability benefits is approved by the Local Police Board, the Secretary will obtain Employer certification of the Claimant's employment termination date and indicate the determination of the

Board on the disability pension on proscribed Plan forms. ~~If the~~ **If the** Board Secretary cannot obtain certification of the termination of the Claimant's employment within forty-five (45) days after the Local **Police** Board's approval, the Claimant's application for disability benefits will be considered withdrawn. Until such time as the Claimant has terminated employment with ~~his Employer~~ **the City of Surprise**, the Local **Police** Board shall not consider any further Claim by the Claimant for disability benefits.

8. **Denial of Disability Claim.** ~~If a~~ **If a** Claim for disability benefits is denied by the Local **Police** Board, and the Claimant is not present at the Meeting, the Secretary will notify the Claimant in writing by certified mail of the Decision of the Board, the reasons for the Decision, and the Claimant's rights to a Rehearing.

G. **Reexamination of Disability Recipients**

1. **Catastrophic Disability-enefits Benefits Pursuant to A.R.S. § 38-844(F)**
 - a. Sixty (60) months after approval of a Catastrophic Disability, the Local Police Board must undertake a re-evaluation of a Member receiving catastrophic disability benefits to determine whether the Member remains qualified for such benefits, as specified in A.R.S. §38-844(F).
 - b. After the initial sixty (60) month review, the Local **Police** Board is empowered to undertake an annual reevaluation of Members receiving catastrophic disability benefits, who, had they remained in employment, would not have attained 25 years of service.

- c. ~~On an on-going basis~~**going basis**, the Secretary will prepare a list of Members receiving catastrophic disability benefits who may be required to undergo an annual reevaluation pursuant to Section G(1)(b) of these Rules.
 - d. At the direction of the Chair, a Subcommittee of the two elected members of the Local **Police** Board shall review the list of Members prepared pursuant to Section G(1)(c), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local **Police** Board.
 - e. The Secretary shall place the issue of re-examination of a Member receiving catastrophic disability benefits on an appropriate Meeting agenda as a separate item.
2. Accidental and Ordinary Disability Benefits Pursuant to A.R.S. § 38-844(E).
- a. ~~In its~~**In its** discretion, the Local **Police** Board may require Members receiving accidental or ordinary disability benefits to undergo an annual medical examination to determine whether they are still disabled and therefore, qualified for continued disability benefits.
 - b. On an on-going basis, the Secretary will prepare a list of Members receiving accidental and ordinary disability benefits who may be required to undergo an annual medical reevaluation pursuant to Section G(2)(a) of these Rules.
 - c. At the direction of the Chair, a Subcommittee of the two elected Members of the Local **Police** Board shall review the list of Members prepared pursuant to Section G(2)(b), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local **Police** Board.
3. Medical Boards Appointed Pursuant to A.R.S. § 38-859.
- a. The Local Police Board shall appoint a medical board to examine any Member required to obtain, or selected for, reevaluation pursuant to Sections G(1), (2) of these Rules. If the Member refuses to submit to the medical board reevaluation, the Member's disability shall be considered to have ceased and the Member's disability pension terminated.
 - b. A formal report of the medical board on the results of the reevaluations referenced in Section G(3)(a) above shall be submitted to the Local **Police** Board. The Local **Police** Board shall review any such report at the first scheduled Meeting after receipt of the report, and shall take any action warranted, as permitted by the relevant statutes.

H. Rehearings

1. Application for Rehearing.
 - a. A Claimant's application for Rehearing must be filed within sixty (60) days after the Claimant receives notification of the Initial Decision by certified mail, by attending the Meeting at which the Initial Decision is rendered, or by receiving benefits from the Plan pursuant to the Initial Decision, whichever occurs first.
 - b. The Board of Trustees' application for Rehearing must be filed within sixty (60) days after the Board of Trustees receives a copy of the Initial Decision by certified mail.
2. Rehearings Granted. The Local Police Board will conduct a Rehearing of any matter upon proper and timely application by a Claimant or the Board of Trustees, pursuant to A.R.S. §38-847(H).
3. Preparation of Preliminary Record. Upon receipt of a proper and timely application for Rehearing, the Secretary shall prepare a packet consisting of all documents and other tangible items of evidence made available to the Local Police Board with respect to the underlying issues. The Secretary may obtain a written transcript of ~~any previous~~ any previous proceedings of the Local Police Board in connection with the matter, for inclusion in such packet. The Rehearing packet shall be made available to Local Police Board members and shall be provided to all Parties to the Rehearing. This packet of materials shall constitute the preliminary record for the Rehearing.
4. Scheduling of Rehearing. When the preliminary record is complete, the Secretary will schedule the Rehearing for the next scheduled Meeting or for such other date and time as may be determined but no later than 90 (ninety) days after receipt of either the Claimant's or the Board of Trustees' application/request for Rehearing. Rehearings are not subject to the time limitations set forth in Section E(5) of these Rules.
5. Local Police Board Action on Rehearing. At or after the conclusion of the Rehearing, the Local Police Board may vote to uphold, rescind or modify its Initial Decision.
6. Issuance of Decision on Rehearing. When a Rehearing is held, the Secretary shall forward the Decision on Rehearing, Minutes of Rehearing and other necessary communications, as provided in Section C(5)(f)-(h) of these Rules.
7. Finality. Pursuant to A.R.S. §38-847, any Decision on Rehearing that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely appeal is filed. However, the Board of Trustees may not implement and comply with any Decision on Rehearing that does not comply with the Internal Revenue Code or that threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code. A final Decision on Rehearing may be appealed to the Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by, the Arizona Revised Statutes ~~(see A.R.S. §12-901 et seq.)~~

and the rules adopted by the Maricopa County Superior and Appellate Courts of the State of Arizona.

I. **General Provisions Applicable to All Hearings and Rehearings**

1. **Review of Medical Records.** The Local Police Board shall review and discuss any confidential medical records in executive session only, unless the Claimant or Member waives the confidentiality requirement with respect to any confidential medical records by completing a confidentiality waiver.
2. **Exclusion of Evidence.** The Presiding Officer may preclude the presentation of argumentative, repetitious or irrelevant facts or questioning in any proceeding on a Claim.
3. **Informal Proceedings.** All Hearings and Rehearings shall be conducted in an informal manner and without adherence to the rules of procedure or evidence required in judicial proceedings. The manner of conducting the Hearing or Rehearing, rulings on evidentiary or procedural objections, and the failure to adhere to rules of procedure or evidence required in judicial proceedings shall not be grounds for reversing a Decision of the Local **Police** Board, provided substantial evidence supports such order or Decision.
4. **Notice of the Truth of Widely-Known and Accepted Facts.** The Presiding Officer may take notice of the truth of certain widely known and accepted facts, including generally recognized technical, statistical, actuarial or scientific facts within the Local **Police** Board's specialized knowledge. Parties shall be notified, either before or during the Hearing or Rehearing, of any widely known and generally accepted facts noticed as true, including any staff memoranda or data. Parties shall be afforded an opportunity to contest any material so noticed. The Local **Police** Board's experience, technical competence and specialized knowledge may be utilized in its evaluation of all evidence. The Local **Police** Board shall be entitled to consider and rely on as true information furnished by the Employer, Administrator, the Local **Police** Board's independent legal counsel or the Plan's actuary.
5. **Failure to Appear at Hearing.** In the event a Claimant (and the Claimant's counsel, if any) fails to appear at a duly noticed Hearing or Rehearing, in its discretion, the Local **Police** Board may enter a Decision by default or vacate the Hearing or Rehearing. ~~4a~~**If a** witness fails to appear at a duly noticed Hearing or Rehearing, in his discretion, the Presiding Officer may exclude the witness' testimony or reschedule the Hearing or Rehearing.
6. **Limitation of Issues.** All Hearings and Rehearings shall be limited to matters referenced in the Claim and any request for Rehearing filed by any Party.

7. ~~Record of Proceedings~~**Proceedings**. All Hearings and Rehearings shall be recorded by electronic means and at the Local **Police** Board's expense. A copy of the recorded Hearing or Rehearing will be provided to the Claimant and all other interested Parties upon request. Parties are responsible for obtaining their own transcription of a recorded Hearing or Rehearing, although a Local **Police** Board may provide such a transcription in its discretion. In addition to any electronic recording of the proceedings, the Local **Police** Board shall include all relevant written records as part of the official record of the Hearing or Rehearing.
8. **Evidence on Claims**. The Claimant and Administrator shall be afforded equal time to state their positions.
9. ~~Subpoenas;~~**and Depositions**. To facilitate the collection and presentation of evidence with respect to any matter before the Local **Police** Board, the Presiding Officer may authorize subpoenas and depositions of witnesses.
10. ~~Consultation among~~**among** Members. The Presiding Officer may consult on the record with the other members of the Local **Police** Board. The Local **Police** Board may consult in executive session with the Local **Police** Board's legal counsel so long as all requirements of the Open Meeting Law are satisfied. The Local **Police** Board may also go into executive session for any lawful reason, including the need to preserve the confidentiality of medical information. However, all Decisions of the Local **Police** Board shall be made in open, public session of the Local **Police** Board.
11. **Submission of Evidence**. The Claimant must submit to the Secretary within ten (10) working days of the Hearing or Rehearing any documents the Claimant wishes to introduce into the record, including doctor reports and other written evidence. Documents received by the Secretary less than ten (10) working days before a Hearing or Rehearing may cause a delay in the Hearing or Rehearing. Information and documents presented on the date of the Hearing or Rehearing will be reason for the Presiding Officer to call for a motion to continue the Hearing or Rehearing to a later date.
- 12. Bifurcation of Issues/Hearing. In connection with any Claim, the Presiding Officer is empowered to bifurcate (i.e., separate into two or more) issues presented to the Local Police Board for resolution, or set multiple Hearings or Rehearings in a single case.**
- 13.** ~~12.~~ **Public Participation**. The Open Meeting Law governs public participation in Hearings and Rehearings.
- 14.** ~~13.~~ **No Rehearing on Remand**. A Hearing before the Local **Police** Board on a matter remanded from the Maricopa County Superior Court is not subject to a Rehearing before the Local **Police** Board. However, the Local **Police** Board may consider new evidence or review items remanded by the Maricopa

County Superior Court.

J. ~~Local Board Conduct~~

1. ~~Attendance. Local Board Members will attend all hearings, unless an absence is unavoidable. If a Local Board member cannot attend a meeting he or she shall contact Local Board chairperson or Secretary to request as excused absence. The~~

~~chairperson will make a determination if the absence is excused.~~

~~More than three (3) unexcused absences in twelve (12) month period will be reported to the appointing authority for consideration for possible member replacement.~~

2. ~~Voting. If a member has missed meetings where important discussions have occurred regarding the matter the Chairperson may request the member to consider abstaining from the vote if it is felt they have not heard all of the facts. The final Decision to abstain will be the members.~~

3. ~~Conflicts. Occasionally conflicts will occur and be brought before the Local Board by a Local Board member or member/applicant.~~

- a. ~~If a Local Board member feels he or she has a conflict or cannot be impartial, the member will identify the item on the agenda and be recused from any participation or discussion on the matter. The member will leave the meeting room during any discussion or action on this matter.~~

The undersigned Chair and Secretary of the City of Surprise Local Police Board certify that the foregoing Rules were duly adopted by the Board at a meeting duly called and held on the date specified below.

- b. ~~If the Local Board member is the Chairperson they will appoint a Vice-Chairperson during all actions on this matter.~~

- c. ~~If a member/Claimant feels a Local Board member has a conflict they must address their concerns to the Local Board in open meeting. The Local Board member will be allowed to address the concerns and the final Decision to recuse will be made by the Local Board member.~~

Chair

Secretary

- d. ~~In some cases the conflicts may only be of perception. In these cases, the Local Board member may determine that he or she has no conflict but for reasons of public perception it would be better to be recused from the matter.~~

4. ~~Confidentiality. In application for disability retirement Local Board members will be allowed to review the member's medical evidence. All medical evidence obtained for review will be retained in a confidential medical packet for review by members and not be subject to public review.~~

Dated

Dated

- a. ~~— A member may waive their right to allow discussion of the medical evidence in open meeting. In doing so some of the medical information discussed may become public information. However, unless the medical evidence is introduced into the record the actual files will remain confidential.~~
- b. ~~— The independent medical exam will be the basis for any action to grant a disability retirement and is considered.~~

City of Surprise
Public Safety Personnel Retirement System
Local Police Board Rules
Adopted Pursuant to A.R.S. § 38-847(F)

A. Definitions

1. "A.R.S." means Arizona Revised Statutes.
2. "Administrator" means the Administrator of the Plan (including any persons authorized by the Administrator to act for the Administrator) acting for the benefit of the Board of Trustees as more particularly described in A.R.S. §38-848(L).
3. "Board of Trustees" has the meaning ascribed to that term in A.R.S. §38-842(8).
4. "Claim" means any request for relief under the Plan involving all questions of eligibility and service credits, which is properly before a Local Police Board for Decision, pursuant to A.R.S. § 38-847(D).
5. "Claimant" has the meaning ascribed to that term in A.R.S. § 38-842(11).
6. "Decision" means (i) a separate written document setting forth the Local Police Board's action resolving a Claim; or (ii) any orders issued by a Local Police Board relating to a Claim, including orders denying a request for Rehearing or further relief. As required by A.R.S. §38-847(G), a Decision shall contain, at a minimum, (a) the name of the member affected by the Local Police Board's action; (b) a description of the action taken; and (c) an explanation of the reasons supporting the Local Police Board's action.
7. "Decision on Rehearing" means a Decision issued by the Local Police Board after a Rehearing.
8. "Employee" has the meaning ascribed to that term in A.R.S. §38-842 (27).
9. "Employer" has the meaning ascribed to that term in A.R.S. § 38-842(28) and means the City of Surprise, Arizona.
10. "Hearing" means the Local Police Board's initial public Meeting concerning a Claim, which is conducted in accordance with the Open Meeting Law and these Rules.
11. "Initial Decision" means the first Decision on a Claim issued by the Local Police Board.
12. "Local Police Board" means the public body described in A.R.S. §38-847.

13. "Meeting" is a gathering of a quorum of the Local Police Board to conduct business and to hold Hearings and/or Rehearings, which is conducted in accordance with the Open Meeting Law and these Rules.
14. "Member" has the meaning ascribed to that term in A.R.S. §38-842(31).
15. "Minutes" means the written official record of the proceedings, including the testimony of witnesses.
16. "Non-Routine Claim" means any Claim that is not a Routine Claim, including, but not limited to, Claims for the following: (i) a "killed in the line of duty" survivor pension; (ii) an accidental disability pension; (iii) a catastrophic disability pension; (iv) an ordinary disability pension; (v) a temporary disability pension; or (vi) determinations for plan membership concerning whether the Employee is or was regularly assigned to hazardous duty.
17. "Notice" means a written Notice of Hearing or Rehearing, as applicable, which includes, at minimum: (i) a statement of the time, place and nature of the Hearing or Rehearing; (ii) a statement of the legal authority and jurisdiction under which the Local Police Board will be conducting the Hearing or Rehearing; (iii) a reference to the particular section(s) of the Arizona Revised Statutes (and/or any other applicable rules) involved in the particular matter presented for Decision; and (iv) a short and plain statement of the matters asserted by the Claimant or issues to be considered at the Hearing or Rehearing.
18. "Open Meeting Law" is that body of laws described in Title 38, Ch. 3, Article 3.1 of the Arizona Revised Statutes, which requires public bodies, such as the Local Police Board, to hold its meetings and conduct its activities in public, except in those limited circumstances described in A.R.S. §38-431.03.
19. "Party or Parties" means the Claimant, Local Police Board and Board of Trustees.
20. "Plan" means the Public Safety Personnel Retirement System, as described in A.R.S. §38-841 *et seq.*
21. "Pre-Membership Physical" means a medical examination of an Employee before the Employee joins the Plan, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to the Employee's date of membership in the Plan, pursuant to A.R.S. §38-859(A)(1).
22. "Presiding Officer" means the Chair, Vice-Chair, in the absence of the Chair, or Acting Chair of the Local Police Board, who presides over any Meeting, Hearing or Rehearing.
23. "Rehearing" means a public Meeting before the Local Police Board that is conducted in accordance with the Open Meeting Law and these Rules, to consider a Claimant's

or the Board of Trustee's request that the Local Board reconsider its Initial Decision, as provided by A.R.S. §38-847(H).

24. "Routine Claim" means a Claim for any of the following: (i) a normal retirement pension; (ii) an early retirement pension; (iii) a normal survivor pension; (iv) a determination of eligibility for Plan membership other than that involving whether the Employee is or was regularly assigned to hazardous duty; (v) a survivor's pension that is not a "killed in the line of duty" survivor's pension; (vi) request for service credit; and (vii) initiation or termination of Deferred Retirement Option Plan participation.
25. "Secretary" means the person so designated and elected pursuant to A.R.S. §38-847(M), who is charged with keeping a record and preparing agendas, Minutes and Decisions of all Hearings and Rehearings of the Local Police Board. The Board Secretary has the authority to accept service of process for the Local Police Board.
26. "Subcommittee" or "Working Subcommittee" means a group of no more than two Local Police Board members appointed by the Board Chair to undertake Local Police Board business.

B. Purpose and Scope of Procedures

1. Board Responsibility. Pursuant to A.R.S. §38-847(D), the Local Police Board is responsible for deciding all questions of eligibility and service credits, and determining the amount, manner and time of payment of any benefits under the Plan. The Board of Trustees cannot pay any benefits under the Plan without the direction and approval of the Local Police Board.
2. Scope. These Rules govern all Claims before the Local Police Board for Decision, effective for any Claims brought, and any Hearing and Rehearing held, after the effective date of adoption of these rules by the Local Police Board.
3. Conflict. These Rules are authorized by A.R.S. §38-847(F) and supplement all authority of the Local Police Board specified in that statute. Should any of these Rules conflict with any provision of A.R.S. §38-847 or any other Arizona law, the provisions of Arizona law shall control. If PSPRS promulgates revised Model Rules for Local Boards and a conflict exists with these Rules, the revised Model Rules shall prevail.
4. Amendment. These Rules may be amended by a majority vote of the Police Board at a public meeting.

C. Composition of the Board and Conduct of Meetings

1. Composition. The membership of the Local Police Board is set forth in A.R.S. § 38-847(A). Pursuant to statute, the Local Police Board is composed of the Mayor of the City of Surprise or his/her designee, two members elected by secret ballot by members of the Department, and two citizens who are appointed by the Mayor of

Surprise with approval of the City Council. In the event of a tied election during the secret ballot election process, there will be subsequent elections until there is a winner.

2. Chair. The Mayor or Mayor's designee shall serve as Chair of the Board. The Board may elect a Vice Chairperson to serve in the absence of the Chairperson. In the absence of the Chairperson or Vice Chairperson, an acting Chairperson will be elected by a majority vote of the Local Police Board.
3. Secretary. Pursuant to A.R.S. § 38-847(M), the Local Police Board shall designate a Secretary who may, but need not, be a member of the Local Police Board. If a vacancy occurs for the Secretary, the Local Police Board shall designate a new Secretary at the next Local Police Board meeting after the vacancy occurs.
4. Quorum. A quorum for the purpose of doing any business by the Local Police Board will be three (3) members. The Police Board requires at least one (1) of the employee members of the Police Department to be present to have a quorum.
5. Agendas. Any item may be placed on the agenda with the consent of two members of the Local Police Board. Any agenda items must be received by the Board Secretary no later than seven (7) days prior to the meeting in order to be placed on the agenda so in order to meet administrative deadlines for the City Clerk's Office.
6. Meetings, Minutes and Decisions. Meetings are generally held at 10:00 a.m. on the second Wednesday of the month but can be held at any time upon the call of the Chair, any two members of the Local Police Board, or the Secretary of the Local Police Board, with appropriate notice to the members of the Local Police Board and the public. The Local Police Board shall meet at least twice a year.
 - a. Meetings are generally held at 16000 N. Civic Center Plaza, Surprise Arizona 85374, in the Council Overflow Room.
 - b. The Secretary shall provide an agenda to the Local Police Board members in advance of any Meeting, describing the business to be addressed at such Meeting. The content of the agenda shall comply with the Open Meeting Law.
 - c. Notice of all Meetings of the Local Police Board shall be given, and all Meetings and any executive sessions shall be conducted in conformance with the Open Meeting Law.
 - d. Provided the quorum is present, a majority vote of Local Police Board members present and eligible to vote shall govern any action taken.
 - e. Local Police Board members not present in person may attend by telephone or other electronic means permitting meaningful participation in accordance with the Open Meeting Law.
 - f. The Secretary shall cause appropriate Minutes to be taken of Local Police

Board Meetings, and an electronic recording may be made of Meetings to facilitate preparation of such Minutes.

- g. The electronic recording shall be maintained in accordance with the City of Surprise's record retention schedule.
 - h. The Secretary shall forward to the Board of Trustees (in care of the Administrator) a copy of each Local Police Board meeting minutes which include the Decision(s) on a Claim no later than twenty (20) business days after the Local Police Board takes action on such Claim, pursuant to A.R.S. § 38-847(G). Decisions shall be sent by certified mail to the Administrator as required by A.R.S. § 38-847(H)(2). As required by A.R.S. § 38-847(G), a Decision shall contain, at minimum: (i) the name of the member affected by the Local Police Board's action; (ii) a description of the action taken; and (iii) an explanation of the reasons supporting the Local Police Board's action, and (iv) all documents submitted to the Local Police Board for the action taken including the reports of a medical board.
 - i. The Secretary shall forward all other Minutes to the Board of Trustees, in care of the Administrator, within twenty (20) days after each Local Police Board Meeting, and forward all necessary communications to the Board of Trustees, in care of the Administrator, pursuant to A.R.S. § 38-847(M).
 - j. Unless the Claimant is present at a Meeting at which the Local Police Board announces its Decision on a Claim, at the same time that the Secretary forwards the Decision to the Administrator, the Secretary shall forward the Local Police Board's Decision to the Claimant via certified mail, pursuant to A.R.S. §38-847(H)(1).
- 7. Documentation. In a location separate from any Personnel or Department files, the Local Police Board Secretary shall maintain files for each Claimant, containing public and confidential documents presented to the Local Police Board.
 - 8. Parliamentary Procedure. In matters of procedure not covered by law or these rules and where no conflict exists, the Local Police Board shall be guided by Robert's Rules of Order.
 - 9. Independent Legal Counsel. In accordance with A.R.S. § 38-847(N), the Local Police Board shall be represented by independent legal counsel who shall be independent of the City of Surprise and any employee organization or member. Independent legal counsel shall be selected independently by the Local Police Board in accordance with Local Surprise Ordinance INSERT NEW ORDINANCE NUMBER. Independent legal counsel shall be paid by the City of Surprise.

D. **Pre-Membership Physical**

1. Examination. Pursuant to A.R.S. §38-859(A)(1), the Local Police Board shall contract with a physician or clinic to conduct a Pre-Membership Physical of Employees, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to an Employee's date of membership in the Plan. The physician or clinic conducting a Pre-Membership Physical may be the regular employee or contractee of the City of Surprise.
2. Appointment. The City of Surprise, or the Secretary shall coordinate appointments for the Employee's Pre-Membership Physical.
3. Report. The physician or clinic retained to conduct an Employee's Pre-Membership Physical shall provide a written report of the results of the Pre-Membership Physical to the Secretary within 10 days after the examination. The Secretary shall file the report as a permanent record, as required by A.R.S. §38- 859(E).
4. No Pre-Existing Condition. If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has no pre-existing condition, the Secretary shall file the report as a permanent record, as required by A.R.S. §38-859(E) and the employee will receive a copy of his or her pre-employment physical.
5. Finding of Pre-Existing Condition. If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has a pre-existing condition:
 - a. The Secretary shall notify the Employee by certified mail that the physician or clinic has reported that the Employee has a pre-existing condition. The Employee shall have 30 days to submit additional documentation or comments to the Secretary before the physician or clinic's report is placed on an agenda for the Local Police Board's consideration.
 - b. Reports concerning an Employee's pre-existing condition shall be placed on the Meeting agenda for recognition by the Local Police Board.
 - c. The Secretary shall provide the Local Police Board with any additional documentation or comments submitted by an Employee regarding a physician or clinic's conclusion that an Employee has a pre-existing condition.
 - d. The Local Police Board shall review the physician or clinic's report and any additional documentation submitted by the Employee at a Meeting. After review of the relevant documents, the Local Police Board will take any action the Local Police Board deems necessary and appropriate.
 - e. The Secretary shall file all reports concerning an Employee's pre-existing condition(s) as a permanent record, as required by A.R.S. §38-859(E), along with any additional documentation and comments provided by the Employee, and appropriate records of any actions or determinations by the Local Police Board with respect to the same. In the event a Member whose

Pre- Membership Physical revealed a pre-existing condition applies for an accidental, catastrophic, ordinary, or temporary disability pension, all such documentation related to the Member's pre-existing condition will be presented to the Local Police Board. If the Local Police Board determines that a Member's disability resulted from a physical or mental condition or injury, which existed or occurred prior to the Member's date of membership in the Plan, the Member shall not qualify for an accidental, catastrophic, ordinary, or temporary disability pension.

E. **Initial Decision**

1. Submitting Claims. A Claimant may request that the Local Police Board issue an Initial Decision by presenting an application for benefits or service credit to the Secretary, using the prescribed Plan forms.
2. Content of Claims. If desired, a Claimant may supplement the application for benefits or service credit by submitting a letter to the Secretary. In order for any supplemental letter to be considered by the Local Police Board, such letter shall set forth: (i) the name and address of the Claimant; (ii) the name and address of the Claimant's attorney, if applicable; (iii) a brief statement of the facts forming the basis of the Claim, including any evidence relevant to the Local Police Board's Decision on the Claim; and (iv) the precise relief sought by the Claimant from the Local Police Board.
3. Routine Claims; Consent Agenda. A Local Police Board may authorize its Secretary to determine whether a Claim is to be treated by the Local Police Board as Routine or as Non-Routine, and to present Routine Claims as a "Consent Agenda" item. Ordinarily, the Secretary does not provide Notice of a Hearing to Claimants for Routine Claims on the Consent Agenda, because the Local Police Board generally approves Consent Agenda items summarily. If a Routine Claim on the Consent Agenda warrants discussion by the Local Police Board, the Claim may be deferred to a future Hearing in order to provide Notice to the Claimant.
4. Non-Routine Claims. All Non-Routine Claims are subject to this Section E concerning an Initial Decision. However, more detailed procedures for certain Non-Routine Claims, specifically disability benefit applications and reexamination of disability recipients, are set forth in Sections F and G of these Rules. Other Non-Routine Claims shall be placed on the agenda for consideration by the Local Police Board, after appropriate Notice to the Claimant.
5. Deadline for Scheduling a Hearing on Routine and Non-Routine Claims.
 - a. Hearings are held at Meetings as provided by Section C (5) of these Rules.
 - b. Unless the Claimant and all other parties to the Claim otherwise agree, the Local Police Board shall commence a Hearing on a Routine or Non-Routine Claim within ninety (90) days of its receipt of a Claim, pursuant to A.R.S. §38- 847(D)(3).

- c. If the Local Police Board does not commence a Hearing on a Claim within ninety (90) days of its receipt of the Claim:
 - i. The Claimant shall notify the Administrator and Secretary by letter sent by certified mail that the Local Police Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim.
 - ii. As provided by A.R.S. §38-847(D)(3), the relief demanded by the Claimant is deemed granted and approved by the Local Police Board. The granting and approval of this relief is considered final and binding unless a timely request for Rehearing or appeal is made, or unless the Board of Trustees determines that granting the relief requested would violate the Internal Revenue Code or threaten to impair the Plan's status as a qualified plan under the Internal Revenue Code. If the Board of Trustees determines that granting the requested relief would violate the Internal Revenue Code or threaten to impair the Plan's status as a qualified plan, the Board of Trustees may refuse to grant the relief by issuing a written determination, sent certified mail to the Local Police Board and the Claimant. The written determination issued by the Board of Trustees is subject to judicial review pursuant to Title 12, Chap. 7, Article 6.
 - iii. As provided in A.R.S. §38-847(H), the Board of Trustees may request a Rehearing within sixty (60) days after receiving notice from the Claimant by letter sent by certified mail that the Local Police Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim. However, if the relief deemed granted and approved by the Local Police Board violates the Internal Revenue Code or threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, no limitation period for the Board of Trustees to seek a Rehearing applies.
- 6. Issuance of Decision. When a Hearing is held within the deadlines set forth in Section E(5) of these Rules, the Secretary shall forward the Decision, Minutes and other necessary communications, as provided in Section C(5)(f)-(j) of these Rules.
- 7. Finality of Decision. Pursuant to A.R.S. §38-847, any Decision that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely application for a rehearing is filed as provided in Section H of these Rules, or an appeal is filed. However, the Board of Trustees may not implement and comply with any Decision that does not comply with the Internal Revenue Code or that threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, and under such circumstances, no limitation period for the Board of Trustees to seek a rehearing of a Decision applies. A final decision may be

appealed to Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by Arizona Revised Statutes A.R.S. §12-901 *et seq.* and the rules adopted by the Maricopa County Superior and Appellate Courts of the State of Arizona.

F. **Disability Benefit Applications**

1. **Disability Application.** Upon presentation of a properly completed application for any of the disability pensions authorized by law, the Secretary will determine whether the Claimant has provided complete documentation supporting the Claim referenced in the application. If the information is incomplete, the Secretary shall request that the Claimant provide additional documentation and may assist the Claimant in identifying deficiencies or incomplete items in the application. The Secretary shall also obtain from the City of Surprise any documentation contained in workers' compensation records. A confidential packet of medical information on the Claimant shall be prepared for distribution to Local Police Board members. When the Claimant's application is complete, the Claim shall be placed, as a separate item, on the agenda for a Meeting, pursuant to Section E(5) of these Rules.
2. **Initial Hearing.** At the initial Hearing on a Claim for disability benefits, the Local Police Board will determine whether the medical and other documentation submitted is sufficient for the Local Police Board to conclude that the statutory prerequisites are satisfied by the Claimant. If the statutory prerequisites are satisfied, pursuant to A.R.S. §38-859(A), the Local Police Board shall direct that a medical board be appointed to conduct an examination of the Claimant and to report to the Local Police Board the results of that examination. If the statutory prerequisites are not satisfied, the Local Police Board may deny the Claim based on a lack of evidence, either medical or otherwise, such as the Claimant's continued work status or the Claimant's performance of a reasonable range of duties. In the alternative, the Local Police Board may continue the Hearing on the matter to a date and time when any additional documentation requested by the Board is available.
3. **Independent Medical Board.** Pursuant to A.R.S. §38-859(B), medical boards appointed pursuant to A.R.S. §38-859(A)(2)-(5) shall be composed of a designated physician or a clinic other than a regular employee or contractee of the City of Surprise.
4. **Mental Examinations.** In the event of a psychological disability application, the medical board will consist of a doctor of medicine who is a psychiatrist or has a specialty in psychiatry. The psychiatrist shall issue a report containing his/her conclusions to the Local Police Board.
5. **Prompt Hearing.** If a medical board is appointed, the Secretary shall reconvene the Hearing at the first feasible Meeting after the Local Police Board members' receipt of the medical board's report, unless the Claimant requests in writing otherwise.

6. Disability Findings. Pursuant to A.R.S. §38-859(C), a finding of disability shall be based on medical evidence provided by the medical board appointed by the Local Police Board. The Local Police Board shall resolve material conflicts in the medical evidence. If required, the Local Police Board may employ other physicians or clinics to report on special cases. With the approval of the Local Police Board, a physician or clinic employed by the Local Police Board may employ occupational specialists to assist the physician or clinic in rendering an opinion.
7. Approval of Disability Claim. If a Claim for disability benefits is approved by the Local Police Board, the Secretary will obtain Employer certification of the Claimant's employment termination date and indicate the determination of the Board on the disability pension on proscribed Plan forms. If the Board Secretary cannot obtain certification of the termination of the Claimant's employment within forty-five (45) days after the Local Police Board's approval, the Claimant's application for disability benefits will be considered withdrawn. Until such time as the Claimant has terminated employment with the City of Surprise, the Local Police Board shall not consider any further Claim by the Claimant for disability benefits.
8. Denial of Disability Claim. If a Claim for disability benefits is denied by the Local Police Board, and the Claimant is not present at the Meeting, the Secretary will notify the Claimant in writing by certified mail of the Decision of the Board, the reasons for the Decision, and the Claimant's rights to a Rehearing.

G. **Reexamination of Disability Recipients**

1. Catastrophic Disability Benefits Pursuant to A.R.S. § 38-844(F)
 - a. Sixty (60) months after approval of a Catastrophic Disability, the Local Police Board must undertake a re-evaluation of a Member receiving catastrophic disability benefits to determine whether the Member remains qualified for such benefits, as specified in A.R.S. §38-844(F).
 - b. After the initial sixty (60) month review, the Local Police Board is empowered to undertake an annual reevaluation of Members receiving catastrophic disability benefits, who, had they remained in employment, would not have attained 25 years of service.

- c. On an on-going basis, the Secretary will prepare a list of Members receiving catastrophic disability benefits who may be required to undergo an annual reevaluation pursuant to Section G(1)(b) of these Rules.
 - d. At the direction of the Chair, a Subcommittee of the two elected members of the Local Police Board shall review the list of Members prepared pursuant to Section G(1)(c), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local Police Board.
 - e. The Secretary shall place the issue of re-examination of a Member receiving catastrophic disability benefits on an appropriate Meeting agenda as a separate item.
2. Accidental and Ordinary Disability Benefits Pursuant to A.R.S. § 38-844(E).
- a. In its discretion, the Local Police Board may require Members receiving accidental or ordinary disability benefits to undergo an annual medical examination to determine whether they are still disabled and therefore, qualified for continued disability benefits.
 - b. On an on-going basis, the Secretary will prepare a list of Members receiving accidental and ordinary disability benefits who may be required to undergo an annual medical reevaluation pursuant to Section G(2)(a) of these Rules.
 - c. At the direction of the Chair, a Subcommittee of the two elected Members of the Local Police Board shall review the list of Members prepared pursuant to Section G(2)(b), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local Police Board.
3. Medical Boards Appointed Pursuant to A.R.S. § 38-859.
- a. The Local Police Board shall appoint a medical board to examine any Member required to obtain, or selected for, reevaluation pursuant to Sections G(1), (2) of these Rules. If the Member refuses to submit to the medical board reevaluation, the Member's disability shall be considered to have ceased and the Member's disability pension terminated.
 - b. A formal report of the medical board on the results of the reevaluations referenced in Section G(3)(a) above shall be submitted to the Local Police Board. The Local Police Board shall review any such report at the first scheduled Meeting after receipt of the report, and shall take any action warranted, as permitted by the relevant statutes.

H. **Rehearings**

1. Application for Rehearing.
 - a. A Claimant's application for Rehearing must be filed within sixty (60) days after the Claimant receives notification of the Initial Decision by certified mail, by attending the Meeting at which the Initial Decision is rendered, or by receiving benefits from the Plan pursuant to the Initial Decision, whichever occurs first.
 - b. The Board of Trustees' application for Rehearing must be filed within sixty (60) days after the Board of Trustees receives a copy of the Initial Decision by certified mail.
2. Rehearings Granted. The Local Police Board will conduct a Rehearing of any matter upon proper and timely application by a Claimant or the Board of Trustees, pursuant to A.R.S. §38-847(H).
3. Preparation of Preliminary Record. Upon receipt of a proper and timely application for Rehearing, the Secretary shall prepare a packet consisting of all documents and other tangible items of evidence made available to the Local Police Board with respect to the underlying issues. The Secretary may obtain a written transcript of any previous proceedings of the Local Police Board in connection with the matter, for inclusion in such packet. The Rehearing packet shall be made available to Local Police Board members and shall be provided to all Parties to the Rehearing. This packet of materials shall constitute the preliminary record for the Rehearing.
4. Scheduling of Rehearing. When the preliminary record is complete, the Secretary will schedule the Rehearing for the next scheduled Meeting or for such other date and time as may be determined but no later than 90 (ninety) days after receipt of either the Claimant's or the Board of Trustees' application/request for Rehearing. Rehearings are not subject to the time limitations set forth in Section E(5) of these Rules.
5. Local Police Board Action on Rehearing. At or after the conclusion of the Rehearing, the Local Police Board may vote to uphold, rescind or modify its Initial Decision.
6. Issuance of Decision on Rehearing. When a Rehearing is held, the Secretary shall forward the Decision on Rehearing, Minutes of Rehearing and other necessary communications, as provided in Section C(5)(f)-(j) of these Rules.
7. Finality. Pursuant to A.R.S. §38-847, any Decision on Rehearing that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely appeal is filed. However, the Board of Trustees may not implement and comply with any Decision on Rehearing that does not comply with the Internal Revenue Code or that threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code. A final Decision on Rehearing may be appealed to the Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by Arizona Revised Statutes A.R.S. §12-901 *et seq.* and the

rules adopted by the Maricopa County Superior and Appellate Courts of the State of Arizona.

I. General Provisions Applicable to All Hearings and Rehearings

1. Review of Medical Records. The Local Police Board shall review and discuss any confidential medical records in executive session only, unless the Claimant or Member waives the confidentiality requirement with respect to any confidential medical records by completing a confidentiality waiver.
2. Exclusion of Evidence. The Presiding Officer may preclude the presentation of argumentative, repetitious or irrelevant facts or questioning in any proceeding on a Claim.
3. Informal Proceedings. All Hearings and Rehearings shall be conducted in an informal manner and without adherence to the rules of procedure or evidence required in judicial proceedings. The manner of conducting the Hearing or Rehearing, rulings on evidentiary or procedural objections, and the failure to adhere to rules of procedure or evidence required in judicial proceedings shall not be grounds for reversing a Decision of the Local Police Board, provided substantial evidence supports such order or Decision.
4. Notice of the Truth of Widely-Known and Accepted Facts. The Presiding Officer may take notice of the truth of certain widely known and accepted facts, including generally recognized technical, statistical, actuarial or scientific facts within the Local Police Board's specialized knowledge. Parties shall be notified, either before or during the Hearing or Rehearing, of any widely known and generally accepted facts noticed as true, including any staff memoranda or data. Parties shall be afforded an opportunity to contest any material so noticed. The Local Police Board's experience, technical competence and specialized knowledge may be utilized in its evaluation of all evidence. The Local Police Board shall be entitled to consider and rely on as true information furnished by the Employer, Administrator, the Local Police Board's independent legal counsel or the Plan's actuary.
5. Failure to Appear at Hearing. In the event a Claimant (and the Claimant's counsel, if any) fails to appear at a duly noticed Hearing or Rehearing, in its discretion, the Local Police Board may enter a Decision by default or vacate the Hearing or Rehearing. If a witness fails to appear at a duly noticed Hearing or Rehearing, in his discretion, the Presiding Officer may exclude the witness' testimony or reschedule the Hearing or Rehearing.
6. Limitation of Issues. All Hearings and Rehearings shall be limited to matters referenced in the Claim and any request for Rehearing filed by any Party.

7. Record of Proceedings. All Hearings and Rehearings shall be recorded by electronic means and at the Local Police Board's expense. A copy of the recorded Hearing or Rehearing will be provided to the Claimant and all other interested Parties upon request. Parties are responsible for obtaining their own transcription of a recorded Hearing or Rehearing, although a Local Police Board may provide such a transcription in its discretion. In addition to any electronic recording of the proceedings, the Local Police Board shall include all relevant written records as part of the official record of the Hearing or Rehearing.
8. Evidence on Claims. The Claimant and Administrator shall be afforded equal time to state their positions.
9. Subpoenas and Depositions. To facilitate the collection and presentation of evidence with respect to any matter before the Local Police Board, the Presiding Officer may authorize subpoenas and depositions of witnesses.
10. Consultation among Members. The Presiding Officer may consult on the record with the other members of the Local Police Board. The Local Police Board may consult in executive session with the Local Police Board's legal counsel so long as all requirements of the Open Meeting Law are satisfied. The Local Police Board may also go into executive session for any lawful reason, including the need to preserve the confidentiality of medical information. However, all Decisions of the Local Police Board shall be made in open, public session of the Local Police Board.
11. Submission of Evidence. The Claimant must submit to the Secretary within ten (10) working days of the Hearing or Rehearing any documents the Claimant wishes to introduce into the record, including doctor reports and other written evidence. Documents received by the Secretary less than ten (10) working days before a Hearing or Rehearing may cause a delay in the Hearing or Rehearing. Information and documents presented on the date of the Hearing or Rehearing will be reason for the Presiding Officer to call for a motion to continue the Hearing or Rehearing to a later date.
12. Bifurcation of Issues/Hearing. In connection with any Claim, the Presiding Officer is empowered to bifurcate (*i.e.*, separate into two or more) issues presented to the Local Police Board for resolution, or set multiple Hearings or Rehearings in a single case.
13. Public Participation. The Open Meeting Law governs public participation in Hearings and Rehearings.
14. No Rehearing on Remand. A Hearing before the Local Police Board on a matter remanded from the Maricopa County Superior Court is not subject to a Rehearing before the Local Police Board. However, the Local Police Board may consider new evidence or review items remanded by the Maricopa

County Superior Court.

The undersigned Chair and Secretary of the City of Surprise Local Police Board certify that the foregoing Rules were duly adopted by the Board at a meeting duly called and held on the date specified below.

Chair Secretary

Dated Dated



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Review of the 2018 PSPRS Annual Summary Report comparing the City of Surprise to Glendale, Peoria and Phoenix disability retirements.

Motion:

N/A

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Fire 2018 PSPRS Annual Report Summary
 2. Police 2018 PSPRS Annual Report Summary
-

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	0	\$ 0	0	\$ 0	0	\$ 0
25-29	0	0	0	0	0	0
30-34	0	0	0	0	0	0
35-39	0	0	0	0	0	0
40-44	0	0	0	0	0	0
45-49	1	73,894	0	0	1	73,894
50-54	2	101,207	0	0	2	101,207
55-59	11	781,955	1	75,034	12	856,989
60-64	20	1,356,384	2	129,715	22	1,486,099
65-69	29	1,815,109	2	85,407	31	1,900,516
70-74	9	559,494	3	123,204	12	682,698
75-79	8	461,052	1	35,754	9	496,806
80-84	1	64,727	1	34,719	2	99,446
85-89	3	149,273	0	0	3	149,273
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	84	\$ 5,363,095	10	\$ 483,833	94	\$ 5,846,928

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	79	\$ 5,133,591	\$64,982
	Disability Pensions	8	434,253	54,282
Totals		87	5,567,844	63,998
Survivors of Members	Spouses	7	279,084	39,869
	Children with Guardians	0	0	0
Total		7	279,084	39,869
Total Pension being Paid		94	\$5,846,928	\$62,201
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		66.6	25.2	53.7
Disability Retired Members		64.5	19.9	48.5
Spouse Beneficiaries		72.9	18.6	42.0

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	0	\$ 0	0	\$ 0	0	\$ 0
25-29	0	0	0	0	0	0
30-34	0	0	0	0	0	0
35-39	0	0	0	0	0	0
40-44	1	70,606	0	0	1	70,606
45-49	1	40,855	0	0	1	40,855
50-54	2	148,339	2	88,636	4	236,975
55-59	13	797,583	2	81,871	15	879,454
60-64	11	694,392	0	0	11	694,392
65-69	4	210,381	0	0	4	210,381
70-74	1	54,447	0	0	1	54,447
75-79	0	0	0	0	0	0
80-84	0	0	0	0	0	0
85-89	0	0	0	0	0	0
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	33	\$ 2,016,603	4	\$ 170,507	37	\$ 2,187,110

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	31	\$ 1,879,878	\$60,641
	Disability Pensions	4	220,086	55,022
Totals		35	2,099,964	59,999
Survivors of Members	Spouses	2	87,146	43,573
	Children with Guardians	0	0	0
Total		2	87,146	43,573
Total Pension being Paid		37	\$2,187,110	\$59,111
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		60.1	23.6	53.1
Disability Retired Members		54.5	19.6	49.2
Spouse Beneficiaries		55.7	9.2	34.1

Retirees and Beneficiaries Tier 1 & 2

All Retirants and Beneficiaries June 30, 2018 by Attained Ages

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	1	\$ 3,767	2	\$ 7,469	3	\$ 11,236
25-29	0	0	1	56,006	1	56,006
30-34	0	0	0	0	0	0
35-39	1	85,330	2	43,675	3	129,005
40-44	1	44,672	4	146,485	5	191,157
45-49	7	336,483	5	259,476	12	595,959
50-54	21	1,347,654	12	650,418	33	1,998,072
55-59	139	10,858,112	29	1,760,900	168	12,619,012
60-64	220	16,665,740	24	1,326,432	244	17,992,172
65-69	199	14,432,571	19	973,396	218	15,405,967
70-74	126	9,181,368	21	1,033,592	147	10,214,960
75-79	83	5,449,795	29	1,408,034	112	6,857,829
80-84	62	3,684,184	30	1,234,014	92	4,918,198
85-89	21	1,152,340	13	554,528	34	1,706,868
90-94	10	498,386	16	671,665	26	1,170,051
95-99	0	0	3	121,796	3	121,796
100 and Over	1	42,187	0	0	1	42,187
Totals	892	\$ 63,782,589	210	\$ 10,247,886	1,102	\$ 74,030,475

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	833	\$ 59,905,751	\$71,916
	Disability Pensions	92	5,860,090	63,697
Totals		925	65,765,841	71,098
Survivors of Members	Spouses	170	8,103,532	47,668
	Children with Guardians	7	161,102	23,015
Total		177	8,264,634	46,693
Total Pension being Paid		1,102	\$74,030,475	\$67,178
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		67.6	26.3	54.3
Disability Retired Members		63.0	22.7	51.0
Spouse Beneficiaries		74.2	23.5	45.5

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	0	\$ 0	0	\$ 0	0	\$ 0
25-29	0	0	0	0	0	0
30-34	0	0	0	0	0	0
35-39	1	41,276	0	0	1	41,276
40-44	0	0	0	0	0	0
45-49	3	139,892	1	25,266	4	165,158
50-54	1	43,355	0	0	1	43,355
55-59	1	60,670	0	0	1	60,670
60-64	2	121,731	1	65,399	3	187,130
65-69	2	178,463	0	0	2	178,463
70-74	0	0	0	0	0	0
75-79	0	0	0	0	0	0
80-84	0	0	0	0	0	0
85-89	0	0	0	0	0	0
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	10	\$ 585,387	2	\$ 90,665	12	\$ 676,052

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	8	\$ 498,222	\$62,278
	Disability Pensions	2	87,165	43,583
Totals		10	585,387	58,539
Survivors of Members	Spouses	2	90,665	45,333
	Children with Guardians	0	0	0
Total		2	90,665	45,333
Total Pension being Paid		12	\$676,052	\$56,338
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		57.4	23.3	53.2
Disability Retired Members		42.6	16.4	41.8
Spouse Beneficiaries		54.2	13.0	42.8

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	1	\$ 2,658	0	\$ 0	1	\$ 2,658
25-29	0	0	0	0	0	0
30-34	0	0	1	58,335	1	58,335
35-39	2	85,674	1	44,590	3	130,264
40-44	2	74,663	1	45,439	3	120,102
45-49	3	159,225	2	105,596	5	264,821
50-54	14	684,807	6	286,160	20	970,967
55-59	33	1,876,215	6	326,763	39	2,202,978
60-64	45	2,485,681	6	303,458	51	2,789,139
65-69	36	1,949,181	8	377,428	44	2,326,609
70-74	28	1,679,237	3	136,294	31	1,815,531
75-79	4	246,828	3	138,100	7	384,928
80-84	4	230,162	0	0	4	230,162
85-89	0	0	1	46,920	1	46,920
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	172	\$ 9,474,331	38	\$ 1,869,083	210	\$ 11,343,414

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	163	\$ 9,263,385	\$56,831
	Disability Pensions	30	1,347,197	44,907
Totals		193	10,610,582	54,977
Survivors of Members	Spouses	16	730,174	45,636
	Children with Guardians	1	2,658	2,658
Total		17	732,832	43,108
Total Pension being Paid		210	\$11,343,414	\$54,016
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		63.7	23.2	51.6
Disability Retired Members		58.3	12.6	41.4
Spouse Beneficiaries		64.4	18.0	42.6

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	0	\$ 0	0	\$ 0	0	\$ 0
25-29	0	0	0	0	0	0
30-34	0	0	0	0	0	0
35-39	2	72,830	2	67,532	4	140,362
40-44	2	70,227	1	28,612	3	98,839
45-49	14	689,994	2	103,199	16	793,193
50-54	13	725,221	1	54,062	14	779,283
55-59	21	1,199,980	4	194,416	25	1,394,396
60-64	14	773,515	1	59,680	15	833,195
65-69	10	496,432	1	40,709	11	537,141
70-74	3	164,648	1	37,627	4	202,275
75-79	0	0	0	0	0	0
80-84	0	0	0	0	0	0
85-89	0	0	1	45,005	1	45,005
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	79	\$ 4,192,847	14	\$ 630,842	93	\$ 4,823,689

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	72	\$ 3,967,259	\$55,101
	Disability Pensions	14	588,551	42,039
Totals		86	4,555,810	52,975
Survivors of Members	Spouses	7	267,879	38,268
	Children with Guardians	0	0	0
Total		7	267,879	38,268
Total Pension being Paid		93	\$4,823,689	\$51,868
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		57.2	21.7	49.5
Disability Retired Members		50.8	10.3	38.1
Spouse Beneficiaries		60.0	13.5	44.8

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	3	\$ 88,188	3	\$ 25,580	6	\$ 113,768
25-29	0	0	0	0	0	0
30-34	1	39,594	6	324,815	7	364,409
35-39	6	275,036	4	293,731	10	568,767
40-44	15	740,087	19	988,476	34	1,728,563
45-49	99	5,546,696	45	2,399,984	144	7,946,680
50-54	177	11,795,976	55	3,184,295	232	14,980,271
55-59	247	17,140,930	63	3,434,788	310	20,575,718
60-64	298	20,603,165	70	3,784,715	368	24,387,880
65-69	390	25,802,736	68	3,474,908	458	29,277,644
70-74	352	22,020,413	73	3,945,683	425	25,966,096
75-79	150	9,604,555	63	2,990,177	213	12,594,732
80-84	63	3,340,358	37	1,724,004	100	5,064,362
85-89	25	1,261,399	24	1,027,450	49	2,288,849
90-94	7	291,142	10	391,407	17	682,549
95-99	0	0	1	40,166	1	40,166
100 and Over	0	0	0	0	0	0
Totals	1,833	\$ 118,550,275	541	\$ 28,030,179	2,374	\$ 146,580,454

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	1,871	\$ 121,896,333	\$65,150
	Disability Pensions	169	8,592,494	50,843
Totals		2,040	130,488,827	63,965
Survivors of Members	Spouses	323	15,731,839	48,705
	Children with Guardians	11	359,788	32,708
Total		334	16,091,627	48,179
Total Pension being Paid		2,374	\$146,580,454	\$61,744
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		64.7	24.1	51.4
Disability Retired Members		59.8	15.5	42.9
Spouse Beneficiaries		71.4	20.3	43.5

Retirees and Beneficiaries Tier 1 & 2

**All Retirants and Beneficiaries June 30, 2018
by Attained Ages**

Attained Ages	Males		Females		Total	
	No.	Annual Benefits	No.	Annual Benefits	No.	Annual Benefits
Under 25	0	\$ 0	0	\$ 0	0	\$ 0
25-29	0	0	0	0	0	0
30-34	2	60,543	0	0	2	60,543
35-39	1	37,127	1	8,476	2	45,603
40-44	3	134,247	1	24,670	4	158,917
45-49	8	360,203	1	39,141	9	399,344
50-54	7	314,622	3	130,859	10	445,481
55-59	5	251,313	0	0	5	251,313
60-64	4	266,410	1	37,055	5	303,465
65-69	3	175,306	1	34,695	4	210,001
70-74	0	0	1	37,970	1	37,970
75-79	1	12,565	0	0	1	12,565
80-84	0	0	0	0	0	0
85-89	0	0	0	0	0	0
90-94	0	0	0	0	0	0
95-99	0	0	0	0	0	0
100 and Over	0	0	0	0	0	0
Totals	34	\$ 1,612,336	9	\$ 312,866	43	\$ 1,925,202

Pension Being Paid		Number	Annual Pensions	Average Pensions
Retired Members	Service Pensions	19	\$ 1,032,330	\$54,333
	Disability Pensions	20	758,482	37,924
Totals		39	1,790,812	45,918
Survivors of Members	Spouses	4	134,390	33,598
	Children with Guardians	0	0	0
Total		4	134,390	33,598
Total Pension being Paid		43	\$1,925,202	\$44,772
		Average Age	Average Service	Average Age at Retirement
Normal Retired Members		57.3	21.7	52.0
Disability Retired Members		46.9	10.6	42.1
Spouse Beneficiaries		60.5	19.4	45.0



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Discussion regarding City Council changes made in policy concerning pension board's hiring process.

Motion:

N/A

Background:

Agenda item added by Fire Board member Rick Valdez and second signed by Fire Board member Chris Preest.

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Local Fire and Police Boards Joint Meeting

Council Meeting Date: February 12, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Discussion pertaining to the retention of legal services of Carrie L. O'Brien.

Motion:

N/A

Background:

Agenda item added by Ian Murton

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:
