

CITY OF SURPRISE
PSPRS - Joint Board Position Process Subcommittee Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, May 13, 2020 @ 9:00 AM
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/2Yflf6D>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. PSPRS Joint Board Position Process Subcommittee Agenda

CALL TO THE PUBLIC:

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-3542 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The Board Secretary will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Board Chair during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Board Chair for public comment or after an agenda item has otherwise concluded.

CONSENT AGENDA:

- | | | | |
|----|----------|---|-----------------|
| 1. | Internal | Considerations and Actions pertaining to the review and approval of the March 11, 2020 PSPRS Joint Board Position Process Meeting Minutes | Human Resources |
|----|----------|---|-----------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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|----|----------|---|-----------------|
| 2. | Internal | Considerations and Actions pertaining to the review of the Request for Quote (RFQ) for PSPRS legal counsel. | 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: May 5, 2020 at 9:55 AM

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
PSPRS - Joint Board Position Process
Subcommittee Meeting

Council Meeting Date: May 13, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and Actions pertaining to the review and approval of the March 11, 2020 PSPRS Joint Board Position Process Meeting Minutes

Motion:

Motion to approve the March 11, 2020 PSPRS Joint Board Position Process Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Meeting Minutes DRAFT 3-11-2020
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CITY OF SURPRISE
PSPRS Joint Board Position Process Subcommittee Meeting
Minutes, Wednesday, March 11, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the City of Surprise PSPRS Joint Board Position Process Subcommittee Meeting held at 11:00 a.m. Wednesday, March 11, 2020. The meeting was held in City Hall, Council Overflow Room.

A. Call To Order

Meeting was called to order at 11:02 a.m.

- B. Roll Call:** Chandler Brown, Citizen Board Member – Present
Ian Murton, Police Department – Present
Christopher Preest, Fire Department – Present

In attendance: Lisa Angelini, Human Resources Director
Eric Boyles, Procurement Manager
Vicki Moss, Human Resources Manager
Carrie O'Brien, Board Attorney
Ariana Reyna, Sr. Human Resources Analyst

- C. Pledge of Allegiance** – Completed

- D. Current Events and Reports** – None

- E. Staff Reports** – None

- F. Call to the Public** – None

Consent Agenda:

- 1. Considerations and Actions pertaining to the review and approval of the February 25, 2020 Meeting Minutes**
Motion to Approve: Ian Murton
Second: Christopher Preest
Opposed: None

Regular Agenda:

- 2. Discussion and Recommendation pertaining to the selection process of legal services currently being provided by Carrie O'Brien to the Local PSPRS Boards**

Christopher Preest addressed the Board in what he has learned regarding vetting process for legal counsel from last meeting. Municipalities, for the most part, rely on the City Attorney's office to receive their legal counsel. Doing a public contract is also an option for the Board to opt for but it would have to go through an RFP process. Eric Boyles addressed the Board in telling them that they have these options available to them as long as they follow the process set in place by the City. Eric explained the hybrid approach to RFP in soliciting bids/proposals from vendors. The Board would dictate the qualifications they are looking for

as far as years of experience working with PSPRS Boards and hours required based on meetings history, come up with criteria on who to reach out to, and grading criteria for selecting representation. Eric mentioned City of Tempe and City of Phoenix as models to follow since they have that information available to the public so it would be a good resource to use. The Board asked Eric questions related to tenure of the contract and addressed concerns about needing to cancel contract if the service is not favorable to them. Eric explained that it is customary for the City to enter into contracts that are one (1) year in length with the ability to renew. If at any point, the Board were not happy with legal counsel service, they would simply not use it, as it is a pay, as you need service. The Board can notify legal counsel that the contract will not be renewed based on issues with performance that were identified during an Executive Session.

Carrie also recommended for the Board to stipulate if they want legal counsel to be a sole practitioner or if they would prefer Attorney to be a part of a firm in case they need a backup in place. Eric agreed to gather more information for the Board and put together an advertisement pending gathering approximation of hours of service needed based of meeting history. Eric will try to get advertisement done by seven (7) business days (next week). The Subcommittee also agreed that before it solicits for legal counsel, this would have to be approved by the Joint Board first.

3. Discussion and Recommendation pertaining to the Board Secretary position

Lisa Angelini addressed the Board in relation to the support that its HR staff can offer. The intention would be for Ariana Reyna to be the Board Secretary and Vicki be available for support until Kirsten is able to return to PSPRS functions at which point the HR Department can better assess who will be present in meetings. Lisa continued to express that Human Resources would expect the Board to be committed to fostering communication in expressing any concerns and allow for a response within a reasonable timeframe. Ian Murton and Christopher Preest welcome Ariana Reyna to the Board and ask that this be presented in the next Joint meeting so that other members are able to interview Ariana and have a final say in the subcommittee's recommendation.

G. Other Business and Future Agenda Items

Follow up with Eric Boyles and start the vetting process of selecting legal representation. Joint meeting interview of Ariana Reyna as the new Board Secretary.

H. Executive Session – None

I. Adjournment

Motion to adjourn at 11:38 a.m. – Approved -

Motion: Ian Murton



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Second: Chandler Brown

Opposed: None

DRAFT



CITY OF SURPRISE
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Subcommittee Meeting

Council Meeting Date: May 13, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and Actions pertaining to the review of the Request for Quote (RFQ) for PSPRS legal counsel.

Motion:

Motion to approve RFQ for PSPRS legal counsel after review and feedback provided to Procurement Manager Eric Boyles.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. RFQ - PSPRS Legal Counsel

REQUEST FOR QUOTE (RFQ)

PSPRS LEGAL SERVICES

April 29, 2020

BACKGROUND:

The City of Surprise Public Safety Personnel Retirement System (PSPRS) Board is seeking outside legal counsel experienced in the representation of PSPRS for Local Boards. The City of Surprise PSPRS Board is seeking proposals from qualified law firms and attorneys to provide specific legal services as independent counsel under Arizona Revised Statutes, Title 38, Chapter 5, Article 4.

SCOPE OF WORK

MINIMUM REQUIREMENTS:

The Firm must be authorized and licensed to practice law and be in good standing in the State of Arizona by state law. While the Local Boards encourage Offers from attorneys admitted to jurisdictions outside of Arizona, the legal services sought involve matters located within Arizona. The Firm must demonstrate they have at least ten years in representing Arizona Public Safety Personnel Retirement System Local Boards, have extensive knowledge and experience in Arizona Revised Statutes Title 38, Chapter 5, and thorough knowledge and understanding of the Arizona Public Safety Personnel Retirement System rules, policies and procedures. The Firm should have extensive knowledge and an understanding of Internal Revenue Service qualified plans pertaining to Defined Benefit Plans and an understanding of actuarially assumed investment earnings and benefit income to plan participants. Finally, the Firm must have experience and demonstrate knowledge of Open Meeting Laws.

SERVICES TO BE PROVIDED:

- Advising the Boards on compliance with all applicable federal laws including all qualification issues affecting employee benefits plan design under the Internal Revenue Code.
- Advising the Board concerning drafting and compliance of plan documents, including rules, policies, and procedures.
- Advising the Boards on compliance of AZPSPRS state statutes.
- Advising the Boards when considering an application for one of the four types of AZPSPRS Disability Retirements.
- Advising the Boards regarding medical questions that may be posed by the Boards to a physician conducting an Independent Medical examination of a disability retirement applicant.

- Advising the Boards on return to work after retirement issues of members.
- Advising the Boards considering applications for Line of Duty and Non-Line of Duty Death benefits.
- Advising the Boards on issues pertaining to the Deferred Retirement Option Plan (DROP).
- Advising the Boards on taxation of AZSPRS Retirement Benefits.
- Advising the Boards on issues regarding Tier I, II, and III AZSPRS membership categories.
- Providing specific, written recommendations on amendments to policies and procedures.
- Providing advice, review and drafting services concerning necessary legal documents.
- Providing advice, review and drafting services relating to benefits administration.
- Providing sophisticated legal advice on federal tax matters.
- Presenting legal opinions concerning benefits or other legal issues as requested.
- Providing legal opinions on fiduciary duties.
- Assisting in the communication of concerns involving pension fund issues to trustees, staff, consultants, advisors and other parties.
- Attending board meetings at the request of the Boards and the Local Board Secretary, and monitor compliance with open meetings laws.
- Representing the Board in complex litigation regarding plan issues. Counsel shall, upon referral of a lawsuit or other legal matter by either of the Boards, provide any necessary legal representation to the Boards and any of its officers, employees or agents as directed by the Boards.
- Counsel agrees to perform all necessary legal services, including but not limited to investigation, legal research, preparation of legal memoranda, pleadings and briefs and making appearances before administrative tribunals and courts in representing the Boards.

INSTRUCTIONS

SUBMITTAL INSTRUCTIONS:

Each Firm must submit a Proposal that addresses the following evaluation Criteria. The Proposal shall not exceed 12 single-sided pages, and the font shall not be smaller than 11pt, or your proposal may be rejected. Here is the proposal format:

Overall Capabilities:

The Offeror shall provide a brief history of its company along with information demonstrating its ability to perform the work described in the Scope of Work.

Experience/Qualifications:

List the proposed key members of staff to be assigned to the Local Boards contract including their roles and estimated participation in delivering the services.

Attach resumes of the key personnel that will be assigned to these services. Include education, training and applicable certifications. Resumes shall state clearly any experience specifically related to the Statement of Work and list any similar work successfully completed. Limit of three (3) pages per resume.

Method of Approach:

Describe the firm's method of approach to satisfy the requirements of the solicitation. This should be accomplished by covering the Statement of Work requirements. Offeror may utilize a written narrative or other printed technique to demonstrate the ability to satisfy the Statement of Work. Please Provide a timeline for being able to provide services upon contract execution.

Price:

Provide proposed hourly rates for the proposed staff. Hourly rates shall be inclusive of all fees & taxes.

Past Performance:

Please provide 3 fully completed past performance verification forms from references. Past Performance Verification will be included in this evaluation criteria. The Offeror will be awarded points for evaluation of the PPVF forms.

EVALUATION SCORING:

Overall Capabilities – 30%

Experience & Qualifications – 30%

Method of Approach – 30%

Price – 10%

The City may elect to conduct interviews for this RFQ. All aspects of the interview will be at the discretion of the City.