

CITY OF SURPRISE
Public Safety Personnel Retirement System – Fire Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, August 12, 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. Public Safety Retirement Commission- Fire Agenda

CALL TO THE PUBLIC:

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Board Chair during the meeting or before the agenda item has otherwise concluded.

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 possible action pertaining to the review and approval of the July 15, 2020 PSPRS Human Resources Local Fire Board Meeting Minutes

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------|
| 2. | Internal | Summary and discussion of Arizona Supreme Court case as it relates to accrued leave vacation payouts for pension benefits | Human Resources |
| 3. | Internal | Considerations and possible action pertaining to the enrollment of Fire Captain Nick A. Colombo into the Deferred Retirement Option Plan (DROP) effective 9/20/2020 | Human Resources |
| 4. | Internal | Consideration and possible action pertaining to the review of medical examination and the acceptance of one (1) new firefighter (recruit): Eduardo Vera into the PSPRS system pursuant to A.R.S. § 38-859 | Human Resources |
| 5. | Internal | Considerations and possible action for the Fire Board to finalize RFQ process for Independent Legal Counsel after receiving recommendation from selection panel review | 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: August 6, 2020 at 12:45 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
Public Safety Personnel Retirement System – Fire
Meeting

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

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and possible action pertaining to the review and approval of the July 15, 2020 PSPRS Local Fire Board Meeting Minutes

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. PSPRS - Fire Board Meeting Minutes (DRAFT)7.15.2020
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – FIRE**
Minutes, Wednesday, July 15, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Fire Board Meeting held at 9:00 a.m. Wednesday, July 15, 2020. The meeting was held in City Hall, Council Chambers. Due to COVID-19, the public was able to stream meeting live.

A. Call To Order

Chair Hall called meeting to order at 9:04 a.m.

B. Roll Call:

Skip Hall, Chairperson – Present
Chandler Brown, Citizen Board Member – Present
James Conner, Citizen Board Member - Present
Christopher Preest, Fire Department – Present
Rick Valdez, Fire Department – Present

In attendance:

Connie Welsch, Human Resources Manager
Carrie O'Brien, Board Attorney (*conference bridge*)
Eric Boyles, Procurement Manager (*conference bridge*)
Ariana Reyna, Sr. Human Resources Analyst

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – PSPRS Board Secretary stated that there are two reappointments for the PSPRS Fire Local Board: Rick Valdez and James Conner.

Pursuant to A.R.S. § 38-847, a secret ballot election took place to fill the Fire vacancy for the local board. Linda Stevens, City of Surprise Deputy City Clerk, assisted with the tabulation of ballots for vacancy. She certified that the count produced by PSPRS Board Secretary was true and correct. Rick Valdez was re-elected for a 4-year term effective 07/01/2020 - 06/30/2024.

James Conner went through the reappointment process as set forth by the City of Surprise City Clerk's office. He was presented by the Nominations Committee to City Council during the June 16, 2020 meeting and he was approved to be reappointed with the PSPRS Fire Board with a term of 07/01/2020 – 06/30/2024

F. Call to the Public – None

Regular Agenda:

- 1. Considerations and Actions pertaining to the review and approval of the April 8, 2020 PSPRS Local Fire Board Meeting Minutes - APPROVED**

Motion to Approve: Jim Conner

Second: Chandler Brown

Opposed: None

- 2. Consideration and possible action on previously approved DROP application for Fire Engineer George Reitz to adjust credited years of service to reflect 25.001 – APPROVED**

PSPRS Board Secretary provided background information as follows: PSPRS notified the City of Surprise of a missed pay period in the contribution history for Fire Engineer George Reitz. Human Resources corroborated this information by pulling historical payroll records. This resulted in a reduction in his previously approved credited years of service of 25.039, which had been approved during the PSPRS Local Fire Board meeting in 03/11/2020.

With the correction made including one (1) pay period of leave without pay, his credited years of service accurately reflect at 25.001. George Reitz was notified of the correction and new forms were signed and sent to PSPRS for processing.

Motion to Approve: Chandler Brown

Second: Christopher Preest

Opposed: None

- 3. Considerations and possible action pertaining to the enrollment of Fire Battalion Chief Wade L. Rodgers into the Deferred Retirement Option Plan (DROP) effective 9/20/2020 – APPROVED**

The PSPRS Board Secretary provided background information as follows: Battalion Chief Wade L. Rodgers filled out a DROP application and submitted all documentation as required by PSPRS. As of 09/20/2020, BC Rodgers is eligible to enter the DROP with an accumulated 25.153 years of service, all with the City of Surprise. BC Rodgers has designated a 60-month period to participate in DROP, which establishes his separation date from employment on or before 09/30/2025.

Motion to Approve: Christopher Preest

Second: Chandler Brown

Opposed: None

4. Consideration and possible action to approve the selection panel to review responses of RFQ for Independent Legal Counsel – APPROVED

Chair Skip Hall addressed the Board asking if Chandler Brown and Rick Valdez would agree to be the selection panel to review responses for the RFQ; both members agreed.

Motion to Approve: James Conner

Second: Christopher Preest

Opposed: None

The PSPRS Board Secretary asked Eric Boyles to provide an update on the RFQ process for the Board. Eric Boyles stated that he sent out the request for solicitations and these were due the week prior to this meeting. Out of the six solicitations that were sent out, three were received. Two of the firms advised that they had a conflict of interest and one of the firms was based out of Tucson and didn't have an office locally.

Other Business and Future Agenda Items – Carrie O'Brien asked if the Board wanted a summary on the Arizona Supreme Court upholding lower court rulings that prohibit accrued leave vacation payouts to be counted as salary and wages for pension benefits (pension spiking). It was confirmed that the City of Surprise does exclude all Paid Time Off (PTO) Payouts from PSPRS calculations. Christopher Preest requested for this to be presented in the August meeting.

G. Executive Session – None.

H. Adjournment

Motion to adjourn at 9:15 a.m. – APPROVED

Motion: Chandler Brown

Second: Rick Valdez

Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – FIRE**
Minutes, Wednesday, July 15, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

CERTIFICATION:

I, Ariana Reyna, Sr. Human Resources Analyst – ADA & Leaves for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the PSPRS Local Fire Board Meeting of **Wednesday, July 15, 2020**.

Ariana Reyna, Human Resources

DRAFT



CITY OF SURPRISE
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Meeting

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

Contact Person:
District: Internal

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

Agenda Wording:

Summary and discussion of Arizona Supreme Court case as it relates to accrued leave vacation payouts for pension benefits

Motion:

Background:

Memo from Legal Counsel attached.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Council Meeting Date: August 12, 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 possible action pertaining to the enrollment of Fire Captain Nick A. Colombo into the Deferred Retirement Option Plan (DROP) effective 9/20/2020

Motion:

I make a motion to approve the enrollment of Fire Captain Nick A. Colombo into the Deferred Retirement Option Plan (DROP) effective 9/20/2020

Background:

Fire Cpt. Nick A. Colombo filled out a DROP application and submitted all documentation as required by PSPRS. As of 09/20/2020, Cpt. Colombo is eligible to enter the DROP with an accumulated 26.141 years of service, all with the City of Surprise. Cpt. Colombo has designated a 60 month period to participate in DROP which establishes his separation date from employment on or before 09/30/2025.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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

Contact Person:
District: Internal

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

Agenda Wording:

Consideration and possible action pertaining to the review of medical examination and the acceptance of one (1) new firefighter (recruit): Eduardo Vera into the PSPRS system pursuant to A.R.S. § 38-859

Motion:

I make a motion to approve Tier 3 Firefighter recruit Eduardo Vera into the PSPRS system **WITH** _____ **OR WITHOUT** _____ pre-existing condition(s) as discussed and agreed by the Board.

Background:

Firefighter Recruit Eduardo Nava was hired with the Surprise Fire Department effective July 13, 2020. Mr. Nava has been notified of his Tier 3 status and 90 day waiting period before contributing into the PSPRS system. Firefighter recruit has been notified of the Board's review of medical records today.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and possible action for the Fire Board to finalize RFQ process for Independent Legal Counsel after receiving recommendation from selection panel review

Motion:

I make a motion to move forward and select _____ (name of firm) as Legal Counsel for PSPRS Local Fire Board as a result of the RFQ process with the City of Surprise.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
