

CITY OF SURPRISE
Public Safety Personnel Retirement System – Police Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, September 9, 2020 @ 9:30 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- Police 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 August 12, 2020 PSPRS Local Police Board Executive Session Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and possible action pertaining to the review and approval of the August 12, 2020 PSPRS Local Police Board Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------|
| 3. | Internal | Consideration and possible action pertaining to the review of medical examination and the acceptance of two (2) new police officers (recruits): George Sharmar and Ariel Tejada into the PSPRS system pursuant to A.R.S. § 38-859 | Human Resources |
| 4. | Internal | Consideration and possible action pertaining to the enrollment of Police Lieutenant Norman E. Owens into the Deferred Retirement Option Plan (DROP) effective 09/20/2020 | Human Resources |
| 5. | Internal | Possible action to enter Executive Session to receive legal advice regarding the reevaluation process for accidental disability recipients pursuant to A.R.S. § 38-844(E) | 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: September 2, 2020 at 4:15 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 –
Police Meeting

Council Meeting Date: September 9, 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 possible action pertaining to the review and approval of the August 12, 2020 PSPRS Local Police Board Executive Session Meeting Minutes

Motion:

I make a motion to approve the Executive Session meeting minutes for the PSPRS Local Police Board session held on August 12, 2020

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System –
Police Meeting

Council Meeting Date: September 9, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Considerations and possible action pertaining to the review and approval of the August 12, 2020 PSPRS Local Police Board Meeting Minutes

Motion:

I make a motion to approve the meeting minutes for the PSPRS Local Police Board session held on August 12, 2020

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. PSPRS - Police Board Meeting Minutes (DRAFT)8.12.20
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, August 12, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Police Board Meeting held at 9:45 a.m. Wednesday, August 12, 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 9:45 a.m.

B. Roll Call:

Skip Hall, Chairperson – Present
Chandler Brown, Citizen Board Member – Present
James Conner, Citizen Board Member - Present
Severin Hall, Police Department – Present
Ian Murton, Police 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 – None.

F. Call to the Public – Ariana Reyna informed the Board that she received a public inquiry for regular agenda item #4. Chair Hall asked to wait until the Board is ready to review that particular agenda item.

Consent Agenda:

- 1. Considerations and action pertaining to the review and approval of the July 15, 2020 PSPRS Local Police Board Executive Session Meeting Minutes - APPROVED**

Motion to Approve: Chandler Brown
Second: Ian Murton
Opposed: None

2. Considerations and action pertaining to the review and approval of the July 15, 2020 PSPRS Local Police Board Meeting Minutes - APPROVED

Motion to Approve: Chandler Brown
Second: Ian Murton
Opposed: None

Regular Agenda:

3. Possible action to enter Executive Session to receive legal advice regarding the adoption of a reevaluation process and criteria pertaining to accidental disability recipients pursuant to A.R.S. § 38-844 (E)

Motion to ENTER Executive Session: James Conner
Second: Chandler Brown
Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 9:48 A.M. – 10:11 A.M.

Motion to EXIT Executive Session: Ian Murton
Second: Severin Hall
Opposed: None

4. Further review, consideration and possible action to adopt a reevaluation process and criteria pertaining to accidental disability recipients pursuant to A.R.S. § 38-844 (E). – TABLED

Motion to TABLE: James Conner
Second: Ian Murton
Opposed: None

Ariana Reyna stated that she received a call to the public from Mr. Douglas Lynch who is a former City of Surprise employee and a current recipient of accidental disability pension. He respectfully requested to have the Board consider the following: From how the DRAFT disability review process and criteria is written, he asks to change the verbiage found therein from “accidental disability retirement” to show “accidental disability pension” instead. The way it is written now, alludes to only people who retire on Accidental Disability within 5 years of their 20-year date are exempt from re-evaluation. Change in verbiage would clearly indicate that all Accidental Disability recipients within 5 years of the 20-year mark are exempt. He believes this was originally

the intention but does not wish to leave it open for future boards and members to interpret things differently.

Severin Hall asked Legal Counsel for her input on making this change. Chandler Brown asked if there would be any ramification with moving forward with a change in verbiage. Carrie O'Brien stated that this would not be a substantive change in her opinion. Further discussion ensued. Chandler Brown asked if there was a legal distinction in statute between "retirement" and "pension," to which Carrie O'Brien stated she would need to go back and look at statute and confirm either way. Board moved forward to table agenda item until the September meeting.

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

Carrie O'Brien provided an update with a case from the City of Phoenix that was brought forward to the Arizona Supreme Court. The City of Phoenix had a practice where they would pay out accrued unused leave up to 2.5 years for an employee and they would include payout of these leave accruals in the calculation of pension retirement benefits. AZ Supreme Court affirmed lower courts' decisions stating that those leave payouts are not pensionable and do not constitute salary or wages. Carrie O'Brien confirmed with the City of Surprise that this would be a non-issue for the City of Surprise as this is not a current practice.

6. Consideration and possible action pertaining to the review of medical examination and the acceptance of three (3) new police officer (recruits): Andrew Harding, Taylor Knight, and Heather Lynn into the PSPRS system pursuant to A.R.S. § 38-859

Ariana Reyna stated that Police Officer recruits Andrew Harding, Taylor Knight, and Heather Lynn have been extended an offer of employment with the Surprise Police Department. They are scheduled to start employment on August 24, 2020. They will go through new hire orientation with Human Resources and be informed of their Tier 3 status and 90-day waiting period before contributing into the PSPRS system. Police Officer recruits were notified of the Board's review of medical records during current meeting.

Severin Hall made a motion to approve Tier 3, Police Officer recruits as follows: Andrew Harding with pre-existing condition(s), Taylor Knight without a pre-existing condition, and Heather Lynn with pre-existing condition(s).

Motion to Approve: Severin Hall
Second: James Conner
Opposed: None

7. Consideration and possible action pertaining to the acknowledgement of end of DROP period for Police Officer Craig Scartozzi who will separate from employment effective September 1, 2020 and start collecting retirement pension benefit

The PSPRS Local Police Board met and approved Officer Scartozzi's DROP application on 9/21/2016 with an effective date of 9/15/2016. Officer Scartozzi elected a 60-month designation period. He acknowledged and agreed to separate employment from the City of Surprise prior to 9/30/2021.

Motion to Approve: Ian Murton
Second: Severin Hall
Opposed: None

8. Consideration and possible action regarding the application for Accidental Disability Retirement of Glenn Cannon

Mr. Glenn Cannon addressed the Board to thank them for their patience and support during this process. He recognized that it was a lengthy and complex process but thankfully, he is able to resume his job duty as a Police Officer.

Carrie O'Brien notified the Board of the Notice of Withdrawal of accidental disability application presented by Mr. Glenn Cannon's attorney. Chandler Brown made a motion to accept Glenn Cannon's withdrawal of accidental disability application for retirement.

Motion to Approve: Chandler Brown
Second: James Conner
Opposed: None

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

Chair Hall explained that this was a Subcommittee composed of Ian Murton and Jim Conner and asked Ian to provide recommendation. Ian Murton stated that the Board received three applications from law firms for consideration. The selection panel worked with Eric Boyles, Procurement Manager and ranked each law firm on a point-based system. Both Jim Conner and Ian Murton had a consensus on rating for the selected firm. Ian Murton mentioned that this selection was consistent with the Fire Board's decision. He acknowledged that even though their decision would not affect the Police Board per se, it does make it easier for the City to have the same legal counsel



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CITY OF SURPRISE LOCAL BOARD – POLICE**
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representing both PSPRS Local Boards. Chandler Brown made a motion to select Ryan Rapp Underwood & Pacheco as the PSPRS Local Police Board legal counsel as a result of the RFQ process.

Motion to Approve: Chandler Brown

Second: Ian Murton

Opposed: None

G. Other Business and Future Agenda Items – None.

H. Executive Session

I. Adjournment

Motion to adjourn at 10:24 a.m. – APPROVED -

Motion: Ian Murton

Second: Chandler Brown

Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair

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 Police Board Meeting of **Wednesday, August 12, 2020.**

Ariana Reyna, Human Resources



CITY OF SURPRISE
Public Safety Personnel Retirement System –
Police Meeting

Council Meeting Date: September 9, 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 two (2) new police officers (recruits): George Sharmar and Ariel Tejada into the PSPRS system pursuant to A.R.S. § 38-859

Motion:

I make a motion to approve Tier 3 Police Officer Recruits into the PSPRS system as follows:

- George Sharmar **WITH** _____ **OR WITHOUT** _____
pre-existing condition(s) as discussed and agreed by the Board.
 - Ariel Tejada **WITH** _____ **OR WITHOUT** _____
pre-existing condition(s) as discussed and agreed by the Board.
-

Background:

Police Officer recruits George Sharmar and Ariel Tejada have been hired with the Surprise Police Department effective 08/24/2020. During new hire orientation with Human Resources, they were informed of their Tier 3 status and 90-day waiting period before contributing into the PSPRS system. Police Officer recruits have been notified of the Board's review of medical records today.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System –
Police Meeting

Council Meeting Date: September 9, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Consideration and possible action pertaining to the enrollment of Police Lieutenant Norman E. Owens into the Deferred Retirement Option Plan (DROP) effective 09/20/2020

Motion:

I make a motion to approve the enrollment of Police Lieutenant Norman E. Owens into the Deferred Retirement Option Plan (DROP) effective 09/20/2020

Background:

Police Lieutenant Norman E. Owens filled out a DROP application and submitted all documentation as required by PSPRS. As of 09/20/2020, Lt. Owens is eligible to enter the DROP with an accumulated 25.179 years of service; 19.253 years with the City of Surprise, 2 years with the US Army, and 3.926 Maricopa County Sheriff's Office. Lt. Owens 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:



CITY OF SURPRISE
Public Safety Personnel Retirement System –
Police Meeting

Council Meeting Date: September 9, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Possible action to enter Executive Session to receive legal advice regarding the reevaluation process for accidental disability recipients pursuant to A.R.S. § 38-844(E)

Motion:

I make a motion to approve the adoption of the reevaluation process and criteria **(with amendment(s) _____ or without any changes)** for the review of accidental disability recipients pursuant to A.R.S. § 38-844(E)

Background:

The Board received a call to the public inquiry during the 8/12/2020 meeting to change verbiage from “accidental disability retirement” to show “accidental disability pension” instead. The Board tabled the decision to approve process and criteria.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Disability Process & Criteria_Redacted
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Surprise Local Police Board Reevaluation Process Proposal

For Consideration by the Reevaluation Process Subcommittee and in compliance with Local Police Board Rules

Process

1. The Local Board Secretary shall maintain a running spreadsheet of the disability retirements awarded – including the Date of Membership, Date of Retirement, Last Exam, Type, Date when 20 years of service is met, whether there is a possibility of recovery based on independent medical evaluation (“IME”) report (Yes or No).
2. The Local Board shall receive updates periodically from the Local Board Secretary regarding the information maintained above.
3. The Local Board shall consider the input of the Human Resources Department, which includes conference with Police Department management, when making a determination of whether to refer a member for an IME.
4. If a member is referred to an IME for reevaluation, the Local Board will receive the IME and determine whether any further action is necessary in a public meeting with appropriate notice to the member.

Criteria for Review

1. The Local Board may consider whether members receiving accidental disability retirement should be referred for an IME up to one time every two years to determine whether member remains eligible for disability retirement.
2. The Local Board may consider whether members receiving accidental disability retirement should be referred for an IME upon receipt of information by the Board that the member may have sufficiently recovered. The Local Board shall provide the information to the member so that the member has an opportunity to respond to the information prior to the Local Board taking action on a recommendation for an IME.
3. Members will not be required to undergo IME within one (1) year of initial approval for accidental disability retirement.
4. Members who will reach normal retirement within five (5) years of being awarded accidental disability retirement shall not be considered for reevaluation.

The Local Board shall apply these criteria when deciding who to recommend for an IME to determine whether the member has sufficiently recovered. The Local Board shall clearly and in detail explain this process and the decision regarding recommendation for IME during a public meeting.

This process shall be uniformly and consistently applied to all members in similar circumstances. Local Board members will recuse themselves from any matter in which they have a conflict of interest, as defined under Arizona law or an appearance of impropriety.

Ariana Reyna

From: [REDACTED]
Sent: Tuesday, August 11, 2020 11:28 AM
To: Public Comments; Ariana Reyna
Subject: For the Fire and Police Pension Board

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Hello,

Good morning.

Respectfully request to have the question below considered by the board:

From how DRAFT disability review process and criteria is written, I respectfully would like to ask to change verbiage found therein from “accidental disability retirement” to show “accidental disability pension” instead. The way it is written now, alludes to only people who retire on Accidental Disability within 5 years of their 20-year date are exempt from re-evaluation. Change in verbiage would clearly indicate that all Accidental Disability recipients within 5 years of the 20-year mark are exempt

Thank you much. I am pretty sure the board meant it that way but do not wish to leave it open for future boards and members to interpret things differently.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Surprise Local Police Board
Reevaluation Process Proposal
REVISED - PER CALL TO THE PUBLIC REQUEST

**For Consideration by the Reevaluation Process Subcommittee and in compliance with
Local Police Board Rules**

Process

5. The Local Board Secretary shall maintain a running spreadsheet of the disability ~~retirements~~ **pensions** awarded – including the Date of Membership, Date of Retirement, Last Exam, Type, Date when 20 years of service is met, whether there is a possibility of recovery based on independent medical evaluation (“IME”) report (Yes or No).
6. The Local Board shall receive updates periodically from the Local Board Secretary regarding the information maintained above.
7. The Local Board shall consider the input of the Human Resources Department, which includes conference with Police Department management, when making a determination of whether to refer a member for an IME.
8. If a member is referred to an IME for reevaluation, the Local Board will receive the IME and determine whether any further action is necessary in a public meeting with appropriate notice to the member.

Criteria for Review

5. The Local Board may consider whether members receiving accidental disability ~~retirement~~ **pension** should be referred for an IME up to one time every two years to determine whether member remains eligible for disability ~~retirement~~ **pension**.
6. The Local Board may consider whether members receiving accidental disability ~~retirement~~ **pension** should be referred for an IME upon receipt of information by the Board that the member may have sufficiently recovered. The Local Board shall provide the information to the member so that the member has an opportunity to respond to the information prior to the Local Board taking action on a recommendation for an IME.
7. Members will not be required to undergo IME within one (1) year of initial approval for accidental disability ~~retirement~~ **pension**.
8. Members who will reach normal retirement within five (5) years of being awarded accidental disability ~~retirement~~ **pension** shall not be considered for reevaluation.

The Local Board shall apply these criteria when deciding who to recommend for an IME to determine whether the member has sufficiently recovered. The Local Board shall clearly and in detail explain this process and the decision regarding recommendation for IME during a public meeting.

This process shall be uniformly and consistently applied to all members in similar circumstances. Local Board members will recuse themselves from any matter in which they have a conflict of interest, as defined under Arizona law or an appearance of impropriety.