



CITY OF SURPRISE
Public Safety Retirement Commission- Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, October 14, 2020 @ 10:00 AM
COUNCIL CHAMBERS

- 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:

NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be partially open to the public with limited seating. 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/3k2NIV1>

CONSENT AGENDA:

- | | | | |
|----|----------|--|-----------------|
| 1. | Internal | Considerations and possible action pertaining to the review and approval of the September 9, 2020 PSPRS Local Police Board Meeting Minutes | Human Resources |
|----|----------|--|-----------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------|
| 2. | Internal | Review and discussion of FY 2020-2021 legal counsel fees | Human Resources |
| 3. | Internal | Considerations and possible action to approve amendments as recommended by legal counsel for the reevaluation process for accidental disability recipients pursuant to A.R.S. § 38-844 (E) | Human Resources |
| 4. | Internal | Considerations and possible action for the implementation of a pre-existing condition report for recruitment of Police Officers as to accurately evaluate any physical or mental condition(s) that exist prior to a member's participation in the PSPRS | Human Resources |
| 5. | Internal | Review and discussion of current IME providers | Human Resources |
| 6. | Internal | Discussion and possible action to enter Executive Session and review medical records exempt from public inspection regarding the disability application for Police Officer Robert D. Burtrum | 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: October 7, 2020 at 10:20 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
Public Safety Retirement Commission- Police

Council Meeting Date: October 14, 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 September 9, 2020 PSPRS Local Police Board Meeting Minutes

Motion:

I make a motion to approved the September 9, 2020 PSPRS Local Police Board Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Meeting Minutes 9.9.2020
-



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, September 9, 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 9:30 a.m. Wednesday, September 9, 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 9:30 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
Cynthia Kelley, Board Attorney
Lesli Sorensen, Board Attorney
Ariana Reyna, PSPRS Board Secretary

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – None

F. Call to the Public – None

Consent Agenda:

- 1. Considerations and possible action pertaining to the review and approval of the August 12, 2020 PSPRS Local Police Board Executive Session Meeting Minutes - APPROVED**

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

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



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, September 9, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

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

Regular Agenda:

- 3. 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 – APPROVED (correction: first name Sharmar and last name George)**

The Board Secretary provided the following background information: Police Officer recruits Sharmar George 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.

Motion to Approve: Ian Murton
- Sharmar George **WITH** pre-existing condition(s) as discussed and agreed by the Board.
Second: Chandler Brown
Opposed: None

Motion to Approve: Chandler Brown
- Ariel Tejada **WITHOUT** pre-existing condition(s) as discussed and agreed by the Board.
Second: Severin Hall
Opposed: None

- 4. 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 – APPROVED**

The Board Secretary provided the following background information: 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 with the 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.



Motion: Ian Murton
Second: Severin Hall
Opposed: None

5. 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) – APPROVED WITH AMENDMENT

Motion: James Conner
Second: Ian Murton
Opposed: None

The Board Secretary stated that 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. The Board contemplated going into Executive Session but decided to receive legal advice during public meeting to which Lesli Sorensen reminded the Board that by doing so, attorney-client privileges would be broken and waived.

Chandler Brown asked if there was any legal differential between “retirement” and “pension” as it relates to PSPRS. Lesli Sorensen stated that statutes refer to pension throughout Title 38. In her opinion, it seems appropriate to refer to it as pension instead of retirement even though colloquially we are used to referring to it as retirement but under statute, this is referred to as a disability pension.

G. Other Business and Future Agenda Items – Consideration of implementing a form similar to what the Fire Department is using for the Board to be able and clearly evaluate pre-existing condition(s) for Police Recruit(s). Severin Hall stated that there was a previous inquiry sent to the department a few months back asking to consider such form but the department did not like it. However, if it comes as a direct request from the Board, the department could implement this in the recruitment process.

H. Executive Session

I. Adjournment

Motion to adjourn at 9:40 a.m. – APPROVED

Motion: Severin Hall
Second: Ian Murton
Opposed: None



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, September 9, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

Meeting Minutes Approval:

Skip Hall, Chair

CERTIFICATION:

I, Ariana Reyna, Sr. Human Resources Analyst – ADA & Leaves and PSPRS Board Secretary 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, September 9, 2020.**

Ariana Reyna, PSPRS Board Secretary



CITY OF SURPRISE
Public Safety Retirement Commission- Police

Council Meeting Date: October 14, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Review and discussion of FY 2020-2021 legal counsel fees

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Retirement Commission- Police

Council Meeting Date: October 14, 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 to approve amendments as recommended by legal counsel for 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 (with amendments as recommended by legal counsel _____ or without any changes _____) for the review of accidental disability recipients pursuant to A.R.S. § 38-844(E)

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. A.R.S. § 38-844(E)
-

Surprise Local Police Board Reevaluation Process Proposal

The Surprise Local Boards may require a retired member receiving an accidental or ordinary disability pension to undergo periodic reevaluation of the continuation of disability benefits. Authority to conduct periodic reevaluations is prescribed at A.R.S. § 38-844(E). The process and criteria described below are guidelines and not binding on the Boards.

Process

1. The Local Board Secretary shall maintain a running spreadsheet of the disability 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).
2. The Local Board shall receive **an** update from the Local Board Secretary regarding the information maintained above **once per year.**
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 pension should be referred for an IME up to one time every two years to determine whether member remains eligible for disability pension.
2. The Local Board may consider whether members receiving accidental disability 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.
3. Members will not be required to undergo IME within one (1) year of initial approval for accidental disability pension.
4. Members who will reach normal retirement within five (5) years of being awarded accidental disability 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 if an appearance of impropriety may exist.**

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 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).
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 pension should be referred for an IME up to one time every two years to determine whether member remains eligible for disability pension.
2. The Local Board may consider whether members receiving accidental disability 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.
3. Members will not be required to undergo IME within one (1) year of initial approval for accidental disability pension.
4. Members who will reach normal retirement within five (5) years of being awarded accidental disability 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.



CITY OF SURPRISE
Public Safety Retirement Commission- Police

Council Meeting Date: October 14, 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 for the implementation of a pre-existing condition report for recruitment of Police Officers as to accurately evaluate any physical or mental condition(s) that exist prior to a member's participation in the PSPRS

Motion:

If YES:

I make a motion for the Board Secretary to move forward with the creation of a pre-existing condition form pertaining to new Police Officers as discussed and for this to be presented to the Board for approval consideration during the next meeting.

If NO:

I make a motion to continue reviewing medical records for Police Officers without the implementation of a new pre-existing condition report form

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
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Council Meeting Date: October 14, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Review and discussion of current IME providers

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Retirement Commission- Police

Council Meeting Date: October 14, 2020
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Discussion and possible action to enter Executive Session and review medical records exempt from public inspection regarding the disability application for Police Officer Robert D. Burtrum

Motion:

IF THERE IS SUFFICIENT MEDICAL EVIDENCE TO SUPPORT APPLICATION:

I make a motion to confirm that THERE IS sufficient medical evidence presented to the PSPRS Local Police Board to move forward with ordering an Independent Medical Exam with _____ (Name of IME provider).

IF THERE IS NOT SUFFICIENT MEDICAL EVIDENCE TO SUPPORT APPLICATION:

I make a motion to deny application at this time as THERE IS NOT sufficient medical evidence presented to the PSPRS Local Police Board (*but are willing to grant additional time of _____ days to Officer Burtrum to gather needed medical evidence*).

IF THE BOARD DETERMINES THAT OFFICER DOESN'T MEET REQUIREMENTS:

I make a motion to deny application as the PSPRS Local Police Board deems that circumstances do not meet the requirements for disability benefit for which the member applied.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
