

CITY OF SURPRISE
Public Safety Retirement Commission- Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, January 20, 2021 @ 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/3ofH7IX>

- 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 action pertaining to the review and approval of the December 9, 2020 Public Safety Retirement Commission – Police Executive Session Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the December 9, 2020 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 3. | Internal | Review and discussion of FY 2020-2021 legal counsel fees | Human Resources |
| 4. | Internal | Consideration and possible action pertaining to the acknowledgement of the end of the DROP period for Police Officer Jason M. Kulfan who separated employment effective January 3, 2021 and will start collecting retirement pension benefit | Human Resources |
| 5. | Internal | Considerations and possible action to enter executive session and make a determination on return to work eligibility for former Police Officer Anna Anderson in compliance with A.R.S. § 38-844 (E) | 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 Edyta Tabor-Dakowicz | 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: January 13, 2021 at 4 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 Retirement Commission- Police

Council Meeting Date: January 20, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and action pertaining to the review and approval of the December 9, 2020 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I make a motion to approve the Executive Session meeting minutes for the Public Safety Retirement Commission – Police meeting held on December 9, 2020

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Retirement Commission- Police

Council Meeting Date: January 20, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and action pertaining to the review and approval of the December 9, 2020 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the meeting minutes for the Public Safety Retirement Commission – Police meeting held on December 9, 2020

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Meeting Minutes - POLICE - 12.9.2020 - DRAFT
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, December 9, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the City of Surprise Public Safety Retirement Commission – Police Meeting held at 10:00 a.m. Wednesday, December 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 10:00 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: Paige Gearhart, Human Resources Manager
Cynthia Kelley, Board Attorney (*conference bridge*)
Ariana Reyna, PSPRS Board Secretary (*conference bridge*)
Connie Welsch, Human Resources Manager

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 October 14, 2020 Public Safety Retirement Commission – Police 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 October 14, 2020 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, December 9, 2020
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Motion to Approve: Chandler Brown

Second: Ian Murton

Opposed: None

Regular Agenda:

3. Review and discussion of FY 2020-2021 legal counsel fees – INFORMATION ONLY

The Board Secretary stated that this is the ongoing expenditure report that was requested by the Board. The Board Secretary mentioned that the cost illustrated for Police actually includes a recent IME cost incurred and that going forward she will make sure to keep legal counsel fees separate from any other costs incurred by the Board and depict these accordingly. Ian Murton asked the Board Secretary for the difference if the IME were to be subtracted from legal fees' cost. The Board Secretary stated that she could provide the Board with the cost for the IME and the Board conceded. The cost for the IME was \$4,475.00.

**4. Consideration and possible action pertaining to the review of medical examination and the acceptance of two (2) new police officers (recruits):
Tori R. Campbell and Katlyn Gaddis into the PSPRS system pursuant to
A.R.S. § 38- 859 – APPROVED**

The Board Secretary provided the following background information: Police Officer recruits Tori R. Campbell and Katlyn Gaddis have been hired with the Surprise Police Department effective 11/16/2020. 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: Severin Hall – Tori R. Campbell **WITH** pre-existing Condition(s).

Second: Chandler Brown

Opposed: None

Motion to Approve: Severin Hall – Katlyn Gaddis **WITHOUT** pre-existing condition(s).

Second: Chandler Brown

Opposed: None

**5. Considerations and possible action for the implementation of a preexisting condition report form presented by the Board Secretary as to accurately identify a physical or mental condition that existed prior to the member's date of membership in the system pursuant to A.R.S. § 38-859 –
APPROVED**

Chair Hall asked the Board Secretary if this was the form that Fire was using. The Board Secretary responded that this is a variation of what Fire currently uses as they have a two-page document in place and what is being currently presented is a combined version of the document in itself. The Board Secretary asked for suggestions or changes that she can implement at the direction of the Board. James Conner asked if both Fire and Police Boards were going to be using the same form or whether each Board would have its own individual form. Chair Hall stated that forms would differ for each Board. Discussion ensued amongst Board members on the purpose of this form, which is to document pre-existing condition(s) and whether they had a preference on having the same or different type of form being utilized by both Fire and Police Boards. Chandler Brown expressed that he did not mind if the form was different for Police because Fire already had their own form in place and this served its purpose whereas Police does not have a particular form but adding this one page would ease going through multiple pages of AZPOST application. It was agreed that the Board Secretary would include this as a cover page and still provide the entire AZPOST application and documents provided by the Police Department for review and consideration of new hires into the PSPRS system. Motion was made to approve the PSPRS Report for Preexisting Condition form presented by the Board Secretary and move forward with requesting the Police Department to incorporate this as part of the new hire recruitment packet going forward.

Motion to approve: James Conner

Second: Ian Murton

Opposed: None

6. Discussion and possible action to enter Executive Session and review the Independent Medical Exam report and medical records exempt from public inspection regarding the accidental disability application for Police Officer Robert D. Burtrum – ACCIDENTAL DISABILITY RETIREMENT APPROVED

The Board Secretary mentioned that during the October 14th meeting, the Board determined that there was sufficient medical evidence presented and moved forward with ordering an Independent Medical Exam for Mr. Burtrum, which he attended on November 10th. IME findings are included in packet for the Board's

review and consideration in regards to Mr. Burtrum's accidental disability application.

Motion to ENTER Executive Session: Severin Hall

Second: Chandler Brown

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:10 A.M. – 10:21 A.M.

After the Board reconvened from Executive Session, a motion was made confirming that the the Board reviewed the Independent Medical Exam and based on report findings and Board's discussion, the accidental disability application for Police Officer Robert D. Burtrum was approved it was requested for the Board Secretary to submit retirement paperwork to PSPRS for processing.

Motion: Chandler Brown

Second: Ian Murton

Opposed: None

Chair Hall stated that the Board needed to complete the questions found in Form P5-LB-A. Connie Welsch read these aloud and documented the following responses from the Public Safety Retirement Commission – Police:

- Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee?
Board's Response: YES
- Did (or will) the employee terminate by a reason of disability?
Board's Response: YES
- Did employment terminate based on a disciplinary issue?
Board's Response: NO
- If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability?
Board's Response: N/A
- Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position?
Board's Response: NO
- Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties?
Board's Response: NO
- Did the injury or condition occur prior to the current PSPRS membership date?
Board's Response: NO



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- Was the injury or condition the result of an event incurred during the performance of the employee's duty?

Board's Response: YES

G. Other Business and Future Agenda Items – None

H. Executive Session – None

I. Adjournment

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

Motion: Chandler Brown

Second: James Conner

Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair

CERTIFICATION:

I, Ariana Reyna, Board Secretary and 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 Public Safety Retirement Commission – Police Meeting of **Wednesday, December 9, 2020.**

Ariana Reyna, Board Secretary for Public Safety Retirement Commission - Police



CITY OF SURPRISE
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Council Meeting Date: January 20, 2021
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: January 20, 2021
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 acknowledgement of the end of the DROP period for Police Officer Jason M. Kulfan who separated employment effective January 3, 2021 and will start collecting retirement pension benefit

Motion:

I make a motion for the Board to acknowledge the end of DROP period for Police Officer Jason M. Kulfan and approve PSPRS retirement with an effective date of January 3, 2021.

Background:

The PSPRS Local Police Board met and approved Officer Kulfan's DROP application on 07/15/2020 with an effective date of 08/28/2020.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Council Meeting Date: January 20, 2021
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 to enter executive session and make a determination on return to work eligibility for former Police Officer Anna Anderson in compliance with A.R.S. § 38-844 (E)

Motion:

IF THERE IS SUFFICIENT MEDICAL EVIDENCE TO SUPPORT RETURN TO WORK ELIGIBILITY:

I make a motion to confirm that THERE IS sufficient medical evidence presented to the Public Safety Retirement Commission - Police to move forward with ordering an Independent Medical Exam

IF THERE IS NOT SUFFICIENT MEDICAL EVIDENCE TO SUPPORT RETURN TO WORK ELIGIBILITY:

I make a motion to deny petition at this time as THERE IS NOT sufficient medical evidence presented to the Public Safety Retirement Commission - Police (but are willing to grant additional time of _____ days to Anna Anderson to gather needed medical evidence).

IF THE BOARD DETERMINES THAT ANNA HAS NOT SUFFICIENTLY RECOVERED:

I make a motion to deny petition as the Public Safety Retirement Commission - Police determined that Anna Anderson is not eligible to return to work in a public safety enforcement capacity

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Council Meeting Date: January 20, 2021
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 Edyta Tabor-Dakowicz

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 for Edyta Tabor-Dakowicz

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 Edyta Tabor-Dakowicz 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 Edyta Tabor-Dakowicz applied.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
