

CITY OF SURPRISE
Public Safety Personnel Retirement System Meeting - Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, February 10, 2021 @ 10:00 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/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 January 20, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the January 20, 2021 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 |
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| 4. | 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 |
| 5. | 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:February 4, 2021 @ 4:50 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
Meeting - Police

Council Meeting Date: February 10, 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 January 20, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I make a motion to approve the January 20, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Meeting - Police

Council Meeting Date: February 10, 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 January 20, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the January 20, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police Meeting Minutes (DRAFT) 1.20.2021
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, January 20, 2021
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 9:30 a.m. Wednesday, January 20, 2021. The meeting was held in City Hall, Council Chambers. Due to COVID-19, the public was able to stream the 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 – *(conference bridge)*
James Conner, Citizen Board Member - Present
Severin Hall, Police Department – Excused absence
Ian Murton, Police Department – Present

In attendance: Paige Gearhart, Human Resources Manager
Cynthia Kelley, Board Attorney
Michelle Reardon, Sr. HR Specialist
Ariana Reyna, Board Secretary

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – Chair introduced Michelle Reardon, Sr. HR Specialist, hired by the City of Surprise effective January 11, 2021 who will be assisting with matters of the Public Safety Retirement Commissions.

F. Call to the Public – None

Consent Agenda:

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

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



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, January 20, 2021
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2. Considerations and action pertaining to the review and approval of the December 9, 2020 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED

Motion to Approve: Ian Murton

Second: James Conner

Opposed: None

Regular Agenda:

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

Ariana Reyna mentioned that total cost in legal fees for FY21 is \$7,014.35 and that the Police Board had incurred \$4,890.50 of that total cost. No questions or comments from Members.

4. 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 – APPROVED

Ariana Reyna provided the following background information: 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.

Motion to Approve: Ian Murton

Second: James Conner

Opposed: None

5. 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) – TABLED

Motion to ENTER Executive Session: Ian Murton

Second: James Conner

Opposed: None



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DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 9:36 A.M. – 10:03 A.M.

Motion: Ian Murton

Second: James Conner

Opposed: None

Ian Murton made a motion stating that there was sufficient medical evidence presented to the Public Safety Retirement Commission – Police to move forward with Mrs. Anderson's request to return to work, pending additional medical evidence.

Chair confirmed that Ariana Reyna would follow up with Mrs. Anderson to inform her of the additional medical evidence requested by the Board.

6. 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 – TABLED

Motion to ENTER Executive Session: Ian Murton

Second: James Conner

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:05 A.M. – 10:36 A.M.

Motion: Ian Murton

Second: James Conner

Opposed: None

Ian Murton made a motion to continue the request as The Board determined there was not sufficient medical evidence presented but were willing to grant additional time for applicant to gather requested information. Chair asked if Members wanted to have discussion regarding this. Ian Murton acknowledged Officer Edyta Tabor-Dakowicz in the audience and stated that the Board requested legible (preferably typed) notes, specifically for Dr. Beth Sikora for her evaluation. Ian Murton also mentioned tests performed and results as records indicate that there was testing performed but The Board was not privy to any of those tests and results to support applicant's request. James Conner requested for specifics on recommended treatment as there was conflicting information alluding to Officer Tabor-Dakowicz being treated for separate conditions.

G. Other Business and Future Agenda Items – None

H. Executive Session – None



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I. Adjournment

Motion to adjourn at 10:39 a.m. – **APPROVED**

Motion: Ian Murton

Second: Chandler Brown

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, January 20, 2021**.

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



CITY OF SURPRISE
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Meeting - Police

Council Meeting Date: February 10, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: No 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
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Council Meeting Date: February 10, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

I make a motion to APPROVE Anna Anderson's request as the Board has reviewed the additional documentation presented by Mrs. Anderson and has determined that THERE IS sufficient medical evidence presented to confirm her return to work eligibility.

The Board needs to complete the questions found in Form P5-LB-O.

IF DENIED:

I make a motion to DENY Anna Anderson's request as the Board has reviewed the additional documentation presented by Mrs. Anderson and has determined that THERE IS NOT sufficient medical evidence presented to confirm her return to work eligibility. As required, the Board will send a letter to the member on decision and the original application to PSPRS for their review.

Background:

During the January 20, 2021 meeting, the Public Safety Retirement Commission - Police made a motion stating that there was sufficient medical evidence presented to move forward with Mrs. Anderson's request to return to work, pending additional medical evidence.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: No 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 Public Safety Retirement Commission 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 because _____

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

I make a motion to deny application as the Public Safety Retirement Commission deems that circumstances do not meet the requirements for disability benefit for which Edyta Tabor-Dakowicz applied

Background:

During the January 20, 2021 meeting, the Public Safety Retirement Commission - Police made a motion to continue the request as the Board determined there was not sufficient medical evidence presented but granted additional time for applicant to gather requested information

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
