

CITY OF SURPRISE
Public Safety Personnel Retirement System Meeting - Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, March 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 February 10, 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 February 10, 2021 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 3. | Internal | Review and possible discussion of FY 2020-2021 legal counsel fees | Human Resources |
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| 4. | Internal | Consideration and possible action pertaining to the acknowledgement of the end of the DROP period for Police Officer Guadalupe J. Garcia who will separate employment effective March 21, 2021 and who will start collecting retirement pension benefit | Human Resources |
| 5. | Internal | Consideration and possible action pertaining to the review of medical examinations and the acceptance of four (4) new Police Officer recruits: Anthony G. Anderson, Anton E. Merchant, Michael F. Perozzi, and Randall T. Timas into the PSPRS system pursuant to A.R.S. § 38-859 | Human Resources |
| 6. | Internal | Considerations and possible action to enter Executive Session and discuss potential changes to the Police Board's bylaws specifically section F. Disability Benefit Applications, subsection 1. Disability Applications and subsection 4. Mental Examinations | 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: March 3, 2021 at 9:20 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 Personnel Retirement System
Meeting - Police

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

Motion:

I make a motion to approve the the February 10, 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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Council Meeting Date: March 10, 2021
Submitting Department: Human Resources
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Contact Person:
District: Internal

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

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Considerations and action pertaining to the review and approval of the February 10, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the February 10, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police DRAFT Minutes 2.10.2021
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, February 10, 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 10:00 a.m. Wednesday, February 10, 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 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
Michelle Reardon, Sr. HR Specialist
Ariana Reyna, 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 action pertaining to the review and approval of the January 20, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes– APPROVED**

Motion to Approve: Ian Murton

Second: Severin Hall

Opposed: None

- 2. Considerations and action pertaining to the review and approval of the January 20, 2021 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**

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

No questions nor comments from Board Members.

4. 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) – APPROVED

Motion: Ian Murton

Second: Chandler Brown

Opposed: None

Ian Murton made a motion to approve Anna Anderson's request as the Board had reviewed the additional documentation presented by Mrs. Anderson and has determined that there was sufficient medical evidence presented to confirm her return to work eligibility. Ariana Reyna mentioned that since motion passed, the Board needed to answer the questions found in Form P5-LB-O.

Ariana Reyna read these aloud and documented the following responses from the Public Safety Retirement Commission – Police:

- Is the employee eligible for normal retirement? (If yes, the employee is not eligible for an Ordinary disability.)
Board's Response: YES
- 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: NO
- Did employment terminate based on a disciplinary issue?
Board's Response: NO
- In regard to the physical injury, is the employee still working a PSPRS covered position that the Local Board considers a reasonable range of duties position within the employee's department? In regard to the mental condition, is the employee still working a position that the Local Board considers

substantial gainful activity?

Board's Response: NO

- In regard to the physical injury, has the employee refused a PSPRS covered position that the Local Board considered a reasonable range of duties within the employee's department? In regard to the mental condition, has the employee refused a position that the Local Board determined will prevent the employee from engaging in any substantial gainful activity?

Board's Response: NO

- Did the injury or condition occur prior to the current PSPRS membership date?

Board's Response: NO

5. 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 – APPROVED FOR IME

Motion to ENTER Executive Session: Ian Murton

Second: James Conner

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:07 A.M. – 10:46 A.M.

Motion: Chandler Brown

Second: James Conner

Opposed: None

Kathryn Baillie, legal representation for Edyta Tabor–Dakowicz introduced herself to the Board Members and asked if there were any questions she could answer on behalf of her client. Kathryn asked if the Board had all the documents they needed. Chair asked a question about the means on how one of the evaluations by a particular doctor was conducted to which Kathryn confirmed that it was done telephonically due to COVID-19. Ian Murton addressed Kathryn and conveyed that additional documentation was requested specifically to testing conducted that led to diagnosis but the Board was only given a summary. Ian Murton also referenced that some of the test summaries that were provided were conducted after the date of filing of disability application. Kathryn talked about testing integrity and how one of her client's provider was unable to provide the full testing due to copyright. Additional discussion ensued on testing, dates performed, and use of test material in relation to copyright claim.

Chandler Brown made a motion to move forward with ordering an IME for Edyta Tabor-Dakowicz and Severin Hall provided a second.



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**

Minutes, Wednesday, February 10, 2021
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Motion passed 3-2. Voice Vote from Members as follows:

Chandler Brown – YES
Severin Hall – YES
Skip Hall – YES
Ian Murton – NO
James Conner – NO

Ariana Reyna confirmed that she would coordinate IME logistics for Edyta Tabor-Dakowicz and communicate these with her accordingly.

G. Other Business and Future Agenda Items – None

H. Executive Session – None

I. Adjournment

Motion to adjourn at 10:55 a.m. – **APPROVED**

Motion: James Conner
Second: Chandler Brown
Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair
Public Safety Retirement Commission - Police

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, February 10, 2021.**

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police



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Meeting - Police

Council Meeting Date: March 10, 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 possible discussion of FY 2020-2021 legal counsel fees

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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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 acknowledgement of the end of the DROP period for Police Officer Guadalupe J. Garcia who will separate employment effective March 21, 2021 and who will start collecting retirement pension benefit

Motion:

I make a motion for the Board to acknowledge the end of DROP period for Police Officer Guadalupe J. Garcia and approve PSPRS retirement with an effective date of March 21, 2021

Background:

The PSPRS Local Police Board met and approved Officer Garcia's DROP application on 07/18/2018 with the first DROP benefit credited date effective as 08/31/2018

Objective Analysis:

Policy Compliant:

Financial Impact:

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FTE Impact:

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Agenda Wording:

Consideration and possible action pertaining to the review of medical examinations and the acceptance of four (4) new Police Officer recruits: Anthony G. Anderson, Anton E. Merchant, Michael F. Perozzi, and Randall T. Timas 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:

- **Anthony G. Anderson** WITH ____ OR WITHOUT ____ preexisting condition(s)
- **Anton E. Merchant** WITH ____ OR WITHOUT ____ preexisting condition(s)
- **Michael F. Perozzi** WITH ____ OR WITHOUT ____ preexisting conditions(s)
- **Randall T. Timas** WITH ____ OR WITHOUT ____ preexisting conditions(s)

Background:

The four (4) aforementioned Police Officer recruits have been hired with the Surprise Police Department effective 02/22/2021. 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. The 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:



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Considerations and possible action to enter Executive Session and discuss potential changes to the Police Board's bylaws specifically section F. Disability Benefit Applications, subsection 1. Disability Applications and subsection 4. Mental Examinations

Motion:

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