



CITY OF SURPRISE
Public Safety Personnel Retirement System Meeting - Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, May 12, 2021 @ 9:45 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:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- | | | | |
|----|----------|--|-----------------|
| 1. | Internal | Considerations and action pertaining to the review and approval of the April 21, 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 April 21, 2021 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 3. | Internal | Review and possible discussion of FY 2020-2021 legal counsel fees | Human Resources |
| 4. | Internal | Consideration and possible action pertaining to the review of medical examination and the acceptance of one (1) new Police Officer (<i>Recruit</i>) Trevor M. Marty into the PSPRS system pursuant to A.R.S. § 38--859 | Human Resources |
| 5. | Internal | Considerations and possible action to approve change in Police Officer Edyta Tabor-Dakowicz membership date with PSPRS effective 03/10/2008 | Human Resources |
| 6. | Internal | Considerations for the reevaluation and possible action concerning disability benefits for Gary W. Hicks pursuant to A.R.S. § 38--844 (E) | Human Resources |
| 7. | Internal | Considerations for the reevaluation and possible action concerning disability benefits for Michael J. Kennedy pursuant to A.R.S. § 38--844 (E) | Human Resources |

- 8. Internal Discussion and possible action for review of the Independent Medical Exam reports and medical records exempt from public inspection regarding the accidental 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: May 6, 2021 at 10:00 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: May 12, 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 April 21, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I make a motion to approve the April 21, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 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 April 21, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the April 21, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police DRAFT Minutes 4.21.21
-



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, April 21, 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, April 21, 2021. The meeting was held in City Hall, Council Chambers.

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. Human Resources Specialist
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. Consideration and possible action pertaining to the review and approval of the March 10, 2021 Public Safety Retirement Commission-Police Executive Session Meeting Minutes-APPROVED**

Motion to Approve: James Conner

Second: Ian Murton

Opposed: None

- 2. Considerations and possible action pertaining to the review and approval of the March 10, 2021 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, April 21, 2021
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Motion to Approve: Ian Murton

Second: Chandler Brown

Opposed: None

Regular Agenda:

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

No questions nor comments from the Board Members

4. Consideration and discussion on Board Attorney's summary of Legislative update– INFORMATION ONLY

Cynthia Kelley, Attorney, informed the Board that she will provide a summary memo to the Local Board in the coming weeks. The statute changes will not go into effect until 2022. Summary of changes include, but are not limited to:

- Consolidation of local boards, designed for smaller jurisdiction.
- Transition of duties from local board to PSPRS. PSPRS will be more involved in member's benefit calculations. Employer responsibilities remain in providing PSPRS with member information/member eligibility; review disability applications; determining line of duty death; and re-employment issues.
- Local Boards are required to incorporate model uniform rules into their procedures.
- Local board training is required 180 days after being appointed to the Local Board. This applies to board secretaries, new members of the board, and board attorneys.
- Each local board needs to hire independent legal counsel.

5. Consideration and possible action pertaining to the approval of the application for normal retirement for Police Officer Michael D. Leszczynski– APPROVED

Ariana Reyna informed the Board that Police Officer Michael D. Leszczynski filled out an application for normal retirement and submitted all documentation as required by PSPRS. As of 03/29/2021, Officer Leszczynski will retire with an accumulated 20.000 years of service: 17.5 with the City of Surprise and 2.5 years of service purchased through the system.

Ian Murton asked Ariana Reyna if this information was reflective of the one day discrepancy for Officer Leszczynski to which Ariana replied that the information



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presented was final as the issue resulted from calculations being pre-ran prior to the posting of final payroll contributions prior to his separation date. Once the final contributions were posted, Ariana Reyna contacted the member and notified him of change in benefit amount to which Mr. Leszczynski conceded to.

Motion to Approve: Ian Murton

Second: Chandler Brown

Opposed: None

6. Consideration and possible action pertaining to the acknowledgement of the end of the DROP period for Police Commander James A. Rodriguez (James Jackson) who will separate employment effective 4/08/2021-APPROVED

Ariana Reyna informed the Board that the PSPRS Local Police Board met and approved Commander Rodriguez (James Jackson) DROP application on 02/14/2018. Commander Rodriguez submitted his resignation to the Surprise Police Department effective 04/08/2021

Motion to Approve: Ian Murton

Second: Chandler Brown

Opposed: None

7. Consideration and possible action pertaining to the enrollment of Police Officer Mike P. Baldwin into the Deferred Retirement Option Plan (DROP) effective 04/30/2021-APPROVED

Ariana Reyna informed the Board that Police Officer Mike P Baldwin filled out a DROP application and submitted all documentation as required by PSPRS. As of 04/30/2021, Officer Baldwin is eligible to enter the DROP with an accumulated 20.016 years of service; 19.619 years with the City of Surprise and .397 with the City of Chandler. Officer Baldwin has designated a 60 month period to participate in DROP which establishes his separation date from employment on or before 04/30/2026

Motion to Approve: Chandler Brown

Second: Ian Murton

Opposed: None

8. Discussion and possible action to potential approve the change drafted by Board Attorney to the Police Board's bylaws specifically section F.



**Disability Benefit Application, subsection 4. Mental Examinations-
APPROVED**

Motion to Approve: James Conner

Second: Chandler Brown

Opposed: None

9. **Consideration and possible action to vote on how to proceed following the PSPRS Police Disability Review Subcommittee's recommendation regarding the reexamination of disability recipients for the Surprise Police Department pursuant to A.R.S § 38-844 (E)- TABLED**

Motion to enter Executive Session: Ian Murton

Second: Chandler Brown

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:12 A.M. – 10:33 A.M.

G. Other Business and Future Agenda Items

H. Executive Session – None

I. Adjournment

Motion to adjourn at 10:34 a.m. – **APPROVED**

Motion: Chandler Brown

Second: Ian Murton

Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair
Public Safety Retirement Commission - Police



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, April 21, 2021
16000 N. Civic Center Plaza, Surprise, Arizona 85374

CERTIFICATION:

I, Ariana Reyna, Board Secretary and HR Business Partner 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, April 21, 2021**.

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police

DRAFT



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 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:



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 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 review of medical examination and the acceptance of one (1) new Police Officer (*Recruit*) Trevor M. Marty into the PSPRS system pursuant to A.R.S. § 38--859

Motion:

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

- Trevor M. Marty **WITH** ____ **OR WITHOUT** ____ preexisting conditions(s)

Background:

Police Officer Recruit has been hired with the Surprise Police Department effective 05/03/2021. Marty has been notified of the Board's review of his medical records today.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 2021
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 change in Police Officer Edyta Tabor-Dakowicz membership date with PSPRS effective 03/10/2008

Motion:

I make a motion to approve a change in Police Officer Edyta Tabor-Dakowicz membership date with PSPRS effective 03/10/2008

Background:

Human Resources conducted an internal audit on PSPRS Police members and compared their recorded service dates of when the employees switched from recruits to actual Police Officer status versus what PSPRS has on file for service credit purposes.

We found a discrepancy for Edyta. Employee and employer contributions to PSPRS started immediately after her date of hire which was 03/10/2008. Specifically, the first contribution made into PSPRS was made on 03/23/2008. However, her membership date currently reflects 08/29/2008. The request to change Edyta's membership date to 03/10/2008 is to give her credit for the contributions already made on her behalf and is consistent with the City's previous practice on fixing a similar issue for another Officer.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Meeting - Police

Council Meeting Date: May 12, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations for the reevaluation and possible action concerning disability benefits for Gary W. Hicks pursuant to A.R.S. § 38--844 (E)

Motion:

After a review of Gary W. Hicks records and in compliance with the Surprise Local Police Board Reevaluation Process, I make a motion to:

_____ Request for the Board Secretary to obtain updated medical records for the Board to determine member's current medical status pursuant to A.R.S. § 38--844 (E)

Or, No action Needed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Disability Reevaluation Process - Approved 10.14.2020
-

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.



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Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 2021
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations for the reevaluation and possible action concerning disability benefits for Michael J. Kennedy pursuant to A.R.S. § 38--844 (E)

Motion:

After a review of Michael J. Kennedy's records and in compliance with the Surprise Local Police Board Reevaluation Process, I make a motion to:

_____ Request for the Board Secretary to obtain updated medical records for the Board to determine member's current medical status pursuant to A.R.S. § 38--844 (E)

Or, No Action Needed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Disability Reevaluation Process - Approved 10.14.2020
-

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.



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: May 12, 2021
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:

Discussion and possible action for review of the Independent Medical Exam reports and medical records exempt from public inspection regarding the accidental disability application for Police Officer Edyta Tabor--Dakowicz

Motion:

IF APPROVED:

The Board has reviewed the Independent Medical Exams and based on findings, I make a motion to APPROVE the accidental disability application for Police Officer Edyta Tabor-Dakowicz and request for the Board Secretary to submit retirement paperwork to PSPRS for processing.

IF DENIED:

The Board has reviewed the Independent Medical Exams and based on findings, I make a motion to DENY the accidental disability application for Police Officer Edyta Tabor-Dakowicz . As required, the Board will send a letter to the member and the original application to PSPRS for their review.

Background:

During the February 10, 2021 meeting, the Board made a motion (vote passed 3-2) stating that there was sufficient medical evidence presented and moved forward with ordering a Independent Medical Exams for Mrs. Tabor-Dakowicz. IME findings are included in packet for the Board's review and consideration in regards to Mrs. Tabor-Dakowicz accidental disability application.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
