



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

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 May 12, 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 May 12, 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 two (2) new Police Officers (Recruits): Alexander V. Bryant and Michael A. Prado into the PSPRS system pursuant to A.R.S. § 38-859 | Human Resources |
| 5. | Internal | Considerations and possible action for the acceptance of the revised Public Comment Form as recommended by the Board Secretary | 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 |

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: June 3, 2021 at 9:15 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: June 9, 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 May 12, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I make a motion to approve the May 12, 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: June 9, 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 May 12, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the May 12, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police DRAFT Minutes 5.12.2021
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, May 12, 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 9:45 a.m. Wednesday, May 12, 2021. The meeting was held in City Hall, Council Chambers.

A. Call To Order

Chair Hall called the meeting to order at 9:46 a.m.

B. Roll Call: Skip Hall, Chair – 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: Cynthia Kelley, 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. Consideration and action pertaining to the review and approval of the April 21, 2021 Public Safety Retirement Commission-Police Executive Session Meeting Minutes-APPROVED**

Motion to Approve: Ian Murton

Second: Chandler Brown

Opposed: None

- 2. Considerations and action pertaining to the review and approval of the April 21, 2021 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, May 12, 2021
16000 N. Civic Center Plaza, Surprise, Arizona 85374

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 the Board Members

4. 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 – APPROVED

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

Motion to Approve WITHOUT Pre-existing conditions: Severin Hall

Second: Chandler Brown

Opposed: None

5. Considerations and possible action to approve a change in Police Officer Edyta Tabor-Dakowicz membership date with PSPRS effective 03/10/2008 – APPROVED

Ariana Reyna provided the following as background information: 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. HR 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.



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, May 12, 2021
16000 N. Civic Center Plaza, Surprise, Arizona 85374

Motion to Approve: Ian Murton

Second: Chandler Brown

Opposed: None

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

Motion to ENTER Executive Session: James Conner

Second: Chandler Brown

Opposed: None

Police Board Member Ian Murton informed the Board that he would be recusing himself from participating in Mr. Hicks' reevaluation process due to possible conflict with the matter. Ian Murton stayed in Council Chambers apart from the Executive Session Meeting Room.

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 9:51 A.M. – 10:15 A.M.

Chandler Brown stated that after review of Gary Hicks' records and in compliance with the Surprise Local Police Board Reevaluation Process, he makes a motion to provide Mr. Hicks with the information reviewed by the Board and give him 14 days to respond prior to moving forward with sending him for an IME.

Motion: Chandler Brown

Second: James Conner

Opposed: None

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

Motion to ENTER Executive Session: Chandler Brown

Second: James Conner

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:16 A.M. – 10:38 A.M.

Chandler Brown stated that after review of Michael Kennedy's records and in compliance with the Surprise Local Police Board Reevaluation Process, he made a motion for the Board Secretary to obtain updated medical records to be provided within

14 days for the Board to determine the member's current medical status pursuant to A.R.S. § 38-844 (E)

Motion: Chandler Brown
Second: James Conner
Opposed: None

8. 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 - APPROVED

Ariana Reyna summarized that 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 Independent Medical Exams for Mrs. Tabor-Dakowicz. IME findings are included in the packet for the Board's review and consideration in regards to Mrs. Tabor-Dakowicz accidental disability application.

Motion to ENTER Executive Session: James Conner
Second: Ian Murton
Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:39 A.M. – 10:57 A.M.

Motion to Approve: Severin Hall
Second: James Conner
Opposed: None

James Conner voiced concerns about the validity of the reports in relation to a long-term disability benefit for the applicant. Chandler Brown agreed and added that there is conflicting information between the psychologist and psychiatrist reports but ultimately they both concluded with the same diagnosis and feels like he doesn't have a choice but to approve. Ian Murton stated that there is also a concern for the way that the application was filed and how the records were presented alluded to dates of diagnosis after the application was filed.

Kathryn Baillie, legal counsel for Edyta Tabor-Dakowicz, stated that ultimately the Board's medical examiners concluded that her client meets the standards for disability under PSPRS as she's unable to function even in another position with the City of Surprise.



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
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Motion passed 4-1. Voice Vote from Members as follows:

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

G. Other Business and Future Agenda Items

H. Executive Session – None

I. Adjournment

Motion to adjourn at 11:03 a.m. – **APPROVED**

Motion: Chandler Brown

Second: James Conner

Opposed: None

Meeting Minutes Approval:

Skip Hall, Chair
Public Safety Retirement Commission - Police

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, May 12, 2021**.

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: June 9, 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 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: June 9, 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 two (2) new Police Officers (Recruits): Alexander V. Bryant and Michael A. Prado 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:

Alexander V. Bryant WITH ____ OR WITHOUT ____ preexisting condition(s)

Michael A. Prado WITH ____ OR WITHOUT ____ preexisting condition(s)

Background:

Police Officer Recruits have been hired with the Surprise Police Department effective 05/17/2021. Both Alexander and Michael have been notified of the Board's review of their medical records today.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: June 9, 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 for the acceptance of the revised Public Comment Form as recommended by the Board Secretary

Motion:

If approved:

I make a motion to approve the revised Public Comment Form WITH_____ (description of changes) or WITHOUT _____ changes and ask the Board Secretary to implement new form effective immediately.

If denied:

I make a motion to TABLE this item until the following Board Meeting pending evaluation of changes to the form as discussed by the Board and instructed to the Board Secretary.

Background:

Attached is a DRAFT version of the revised Public Comment Form for the Board's consideration and possible acceptance for immediate implementation.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: June 9, 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:

____ Send Gary W. Hicks to undergo an IME to determine whether the member may have sufficiently recovered. The decision for this recommendation is based on: _____

Or, No action Needed.

Background:

During the May 12, 2021 Police Meeting, the Board instructed for the Secretary to obtain updated records from Mr. Hicks and asked that a response be provided within 14 days for the Board to determine the member's current medical status. The response received by Mr. Hicks' legal counsel has been included in the Board's packet for review and consideration.

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

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: June 9, 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:

____ Send Michael J. Kennedy to undergo an IME to determine whether the member may have sufficiently recovered. The decision for this recommendation is based on: _____

Or, No action Needed.

Background:

During the May 12, 2021 Police Meeting, the Board instructed for the Secretary to obtain updated medical records to be provided within 14 days for the Board to determine the member's current medical status. The response received by Mr. Kennedy has been included in the Board's packet for review and consideration.

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

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

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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.

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