



CITY OF SURPRISE
Public Safety Personnel Retirement Commission- Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, November 10, 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
Review FY 22 legal counsel fees
- 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 October 13, 2021 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the October 13, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 3. | Internal | Consideration and possible action pertaining to the enrollment of Police Officer Christopher E. Tovar into the Deferred Retirement Option Plan (DROP) effective 10/31/2021 | Human Resources |
| 4. | Internal | Discussion and possible action to enter Executive Session and review medical records exempt from public inspection regarding retirement application for temporary disability for Police Officer Jonathan W. Huston | 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: Friday, November 5, 2021 @ 2:40 p.m.

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 Commission-
Police

Council Meeting Date: November 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 FY 22 legal counsel fees

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement Commission-
Police

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

Contact Person:
District: Internal

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

Considerations and action pertaining to the review and approval of the October 13, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I make a motion to approve the October 13, 2021 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police DRAFT Minutes 10.13.21
-



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, October 13, 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, October 13, 2021. The meeting was held in City Hall, Council Chambers.

A. Call To Order

Chair Hall called the meeting to order at 10:00 a.m.

B. Roll Call: Skip Hall, Chair – Present
Chandler Brown, Citizen Board Member – Present *(telephonically)*
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
Michelle Reardon, Sr. Human Resources Specialist
Paige Gearhart, Human Resource Supervisor

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – FY 22 legal counsel fee reports.

F. Call to the Public – The Board Secretary notified the Board that there was a Call to the Public from Michael J. Kennedy who currently resides in Sandy OR and would like to ask questions on his reevaluation, agenda item #5.

Consent Agenda:

- 1. Considerations and action pertaining to the review and approval of the September 8, 2021 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**

Motion to Approve: James Conner

Second: Severin Hall

Opposed: None



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
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2. Considerations and action pertaining to the review and approval of the September 8, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes – APPROVED

Motion to Approve: Ian Murton

Second: James Conner

Opposed: None

Regular Agenda:

3. Consideration and possible action pertaining to the review of medical examinations and the acceptance of three (3) new Police Officer (Recruit): Hunter E. Reade, Trent M. Campbell and Juan A. Chavez into the PSPRS system pursuant to A.R.S. § 38-859 – APPROVED

The Board Secretary notified the Board that the three aforementioned Police Officer (Recruits) have been hired with SPD effective 9/7/2021. They were all notified of the Board's review of their medical records today.

Motion to Approve Hunter E. Reade WITH Pre-existing conditions:

Severin Hall

Second: Ian Murton

Opposed: None

Motion to Approve Trent M. Campbell WITH Pre-existing conditions:

Severin Hall

Second: Ian Murton

Opposed: None

Motion to Approve Juan A. Chavez WITHOUT Pre-existing conditions: Severin Hall

Second: Ian Murton

Opposed: None

4. Consideration and possible action pertaining to the approval for the application for normal retirement for Police Officer David P. Daniels effective 11/1/2021 – APPROVED

The Board Secretary notified the Board that Police Officer David P. Daniels filled out an application for normal retirement and submitted all documentation as required by



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PSPRS. As of 11/01/2021, Officer Daniels will retire with an accumulated 20.137 years of service: 14.185 years with the City of Surprise and 5.952 years worked at the State of AZ.

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

5. Discussion and possible action for review of the Independent Medical Evaluation and medical records exempt from public inspection regarding the reevaluation of disability status of former Police Officer Michael J. Kennedy- NO ACTION

Motion to ENTER Executive Session at 10:05 a.m.: Ian Murton
Second: James Conner
Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:05 AM – 10:39 AM

Michael J. Kennedy joined the public session meeting and addressed the Board. Mr. Kennedy asked for clarification on how often retirees (members receiving disability benefits) needed to provide updated medical records to the Board. Legal Counsel responded that they do not have to provide ongoing updates unless the members are asked for the records by the Board as part of an annual reevaluation process. Mr. Kennedy then asked why the letter that he provided from his medical provider did not suffice. The Board Secretary reiterated that this was a discretionary process and that communication had been ongoing since April 2021. Mr. Kennedy acknowledged the ongoing communication from the Secretary but was seeking understanding on how often the Board would be requiring medical updates. The Board Secretary stated that the Subcommittee would reevaluate, at their discretion, previous Police members receiving a disability benefit on January of every year.

Mr. Kennedy then summarized the Local Board's reevaluation process in relation to the bylaws, specifically the criteria for review under section #2. Legal Counsel stated that because there was a lack of notes received by the Board on his ongoing treatment, the Board went back to the original IME, which stated that he had the potential to recover from his condition. Legal Counsel further explained that based on that statement and the lack of records, the Board discretionarily voted to send him to undergo an IME. Mr. Kennedy wanted to state on record

that he was not required to be continually updating the Board of his ongoing treatment following the approval of his retirement.

Mr. Kennedy acknowledged that talking openly about his condition and path to improve is part of his treatment plan. Mr. Kennedy shared additional comments regarding his current condition and his aim to recover and get better. Mr. Kennedy thanked the Board for allowing him the opportunity to speak and ask questions.

Police Board Member Severin Hall directed the Board Secretary to provide Mr. Kennedy with a copy of the recent IME conducted as the doctor made recommendations for his improvement, which Mr. Kennedy would benefit from.

James Conner stated that no action be taken. Board consented.

6. Discussion and possible action to enter Executive Session and review medical records exempt from public inspection regarding the accidental disability retirement application for Police Officer Jonathan W. Huston – TABLED

Motion to ENTER Executive Session at 10:54 a.m.: Ian Murton

Second: James Conner

Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE
FROM 10:54 AM – 11:10 AM

Motion to TABLE: James Conner

Second: Ian Murton

Opposed: None

Police Board Member Ian Murton commented that the reason to table the decision was to see if Mr. Huston would consider refiling for a temporary benefit as the report does not support basis for a permanent condition.

G. Other Business and Future Agenda Items- Legal Counsel to discuss and do presentation on PSPRS pending changes for compliance of requirements for new law effective in 2022.

H. Executive Session – None



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I. Adjournment

Motion to adjourn at 11:12 a.m. – **APPROVED**

Motion: Ian Murton

Second: Chandler Brown

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 meeting minutes of the Public Safety Retirement Commission – Police Meeting of **Wednesday, October 13, 2021.**

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police



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Public Safety Personnel Retirement Commission-
Police

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

Contact Person:
District: Internal

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

Considerations and action pertaining to the review and approval of the October 13, 2021 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I make a motion to approve the October 13, 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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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 enrollment of Police Officer Christopher E. Tovar into the Deferred Retirement Option Plan (DROP) effective 10/31/2021

Motion:

I make a motion to approve the enrollment of Police Officer Christopher E. Tovar into the DROP effective 10/31/2021

Background:

Police Officer Tovar filled out a DROP application and submitted all documentation as required by PSPRS. As of 10/31/2021, Officer Tovar is eligible to enter the DROP with an accumulated 26.421 years of service: 20.082 years with the City of Surprise and 6.339 years with MCSO. He has designated a 60-month period to participate in DROP, which establishes his separation date from employment on or before 10/31/2026.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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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 retirement application for temporary disability for Police Officer Jonathan W. Huston

Motion:

IF THERE IS SUFFICIENT MEDICAL EVIDENCE TO SUPPORT APPLICATION:

I make a motion to move forward with ordering an Independent Medical Exam for Jonathan W. Huston as THERE IS sufficient medical evidence presented to the Local Board to consider his application for temporary disability.

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 the application for temporary disability retirement because _____

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
