



CITY OF SURPRISE
Public Safety Personnel Retirement System Joint Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, February 23, 2022 @ 9:30 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

Members' Terms Expiration

- F. Public Safety Retirement Commission Joint Meeting

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 December 15, 2021 Joint Public Safety Retirement Commissions – Fire & Police | Human Resources |
|----|----------|---|-----------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 2. | Internal | Discussion of 2022 Annual PSPRS Conference and review of other PSPRS related topics following the PSPRS Board Secretaries Luncheon | Human Resources |
| 3. | Internal | Discussion and possible action to incorporate House Bill 238's statutory changes and establish Model Uniform Rules as adopted by PSPRS Board of Trustees | 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: <<DATE>>

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 Joint
Meeting

Council Meeting Date: February 23, 2022
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:

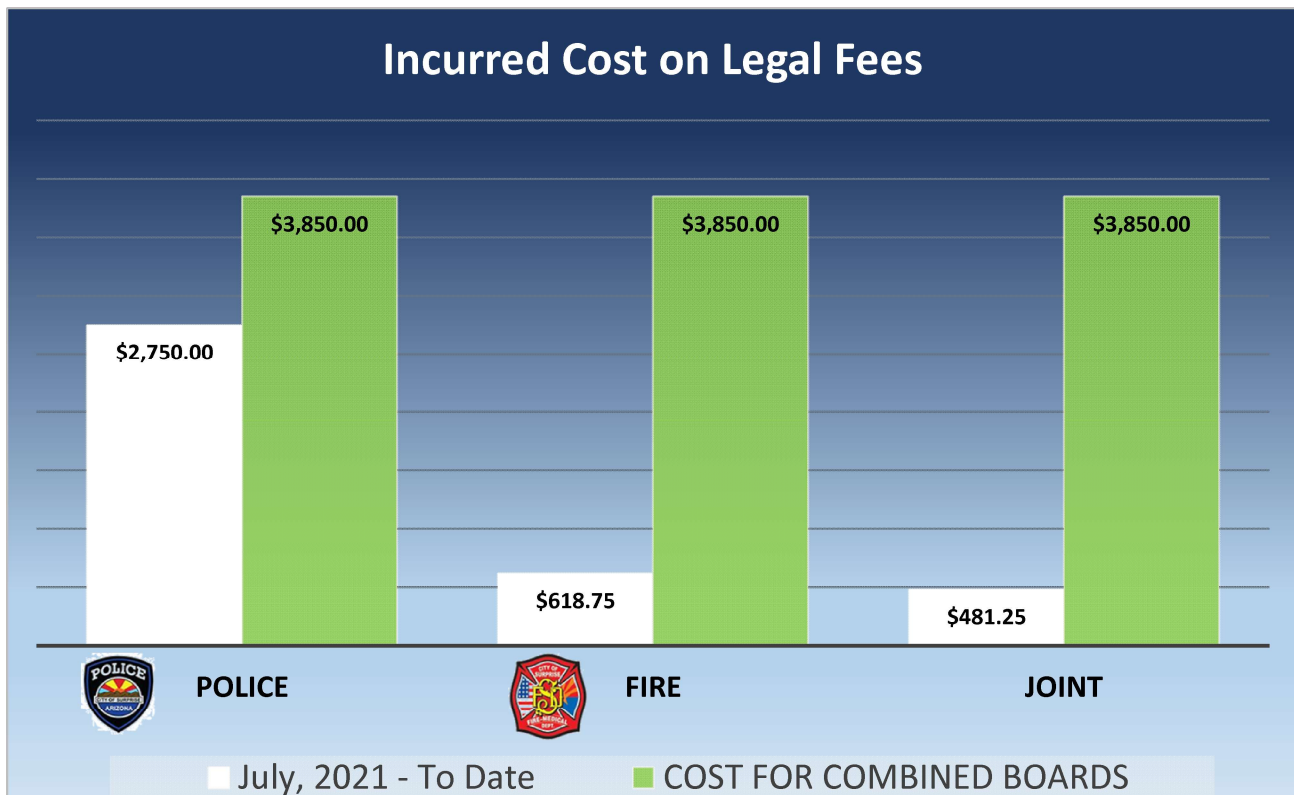
1. Legal fees

Public Safety Retirement Commission

BUDGET - Legal Counsel Fees

FY 2021 - 2022

BUDGETED AMOUNT	\$25,000.00
PAID INVOICES	
FIRE	\$618.75
POLICE	\$2,750.00
JOINT	\$481.25
COMBINED COST	\$3,850.00



***OTHER COSTS INCURRED

POLICE: \$10,775

FIRE: N/A



CITY OF SURPRISE
Public Safety Personnel Retirement System Joint
Meeting

Council Meeting Date: February 23, 2022
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:

Members' Terms Expiration

Motion:

Background:

Review of the upcoming expiration of Board Members' terms and feedback from members wishing to continue serving on the Public Safety Retirement Commission.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Board Terms
-

Public Safety Retirement Commission Members



FIRE

Members	Term Expiration
Skip Hall - Chair	
Chandler Brown, Appointed Community Member	June 30, 2022
James Conner, Appointed Community Member	June 30, 2024
Christopher Preest, Fire-Medical Staff	June 30, 2022
Ricardo Valdez, Fire-Medical Staff	June 30, 2024



POLICE

Members	Term Expiration
Skip Hall - Chair	
Chandler Brown, Appointed Community Member	June 30, 2022
James Conner, Appointed Community Member	June 30, 2024
Ian Murton, Police Staff	June 30, 2022
Severin Hall, Police Staff	June 30, 2023



CITY OF SURPRISE
Public Safety Personnel Retirement System Joint
Meeting

Council Meeting Date: February 23, 2022
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 action pertaining to the review and approval of the December 15, 2021 Joint Public Safety Retirement Commissions – Fire & Police

Motion:

I motion to approve the December 15, 2021 Joint Public Safety Retirement Commissions – Fire & Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Joint DRAFT Minutes 12.15.21
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL FIRE & POLICE BOARDS – JOINT**

Minutes, Wednesday, December 15, 2021
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Fire & Police Joint Board Meeting held at 8:30 a.m. Wednesday, December 15, 2021. The meeting was held in City Hall, Council Chambers.

A. Call To Order

Chair Hall called meeting to order at 8:30 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
Christopher Preest, Fire Department – Present
Ricardo Valdez, Fire Department - Absent

In attendance:

Paige Gearhart, HR Manager
Cynthia Kelley, Board Attorney
Ariana Reyna, PSPRS Board Secretary

C. Pledge of Allegiance – Completed

D. Current Events Reports – None

E. Staff Reports

Review of FY 22 legal counsel fees. Chandler Brown inquired if the other cost incurred reflected the cost of the most recent Independent Medical Exam (IME) conducted to which the Board Secretary responded that it was not reflected and that the amount would be updated and depicted during the January's meeting.

Update on PSPRS Board Secretaries Luncheon

The Board Secretary informed the Board that the City of Surprise hosted the first PSPRS Board secretaries' luncheon. It was a great opportunity for Local Board Secretaries to gather, network, and discuss some of the upcoming changes. Attendees included: City of Avondale, City of Buckeye, City of Chandler, City of El Mirage, Town of Gilbert, City of Glendale, City of Goodyear, City of Maricopa, City of Mesa, City of Peoria, City of Phoenix, Town of Queen Creek, City of Scottsdale, City of Surprise, City of Tempe, City of Tolleson, Town of Wickenburg, Town of Youngtown, and the Dept. of Corrections. Two representative from PSPRS were onsite and answered many questions that secretaries had and it was realized that many different cities/towns are dealing with similar matters which the City of Surprise is also addressing. The Board Secretary wanted to remind the members of the upcoming PSPRS annual conference

which is scheduled for February 17, 2022. In addition, the Board Secretary mentioned that some of the changes coming in 2022 is that the Boards will no longer have to process retirements including entering into DROP. What the Board will be responsible to continue processing will be acceptance of new members into the system by reviewing their medical records, disability applications and line of duty deaths. Chair Hall made reference to the itinerary discussed during the luncheon and acknowledged that there were great questions for discussion during the January meeting. Christopher Preest asked if during the luncheon, receiving medical records from a former employer was addressed. The Board Secretary stated that in the event that these records were needed and the City was unsuccessful in retrieving these from a former employer, that the Board could certainly request these from PSPRS. Generally, obtaining these records are not really an issue as one can simply request from another municipality just as long as the record is still available pursuant to the AZ records retention schedule. James Conner inquired on disability applications to which the Board Secretary stated that it was usual for other Boards to send an employee with both a psychologist and a psychiatrist when reviewing disability applications for PTSD. Chair Hall inquired if the Board would still be notified of retirements and DROPS even though they would not be taking action. The Board Secretary responded that she had the responsibility to provide the member with a form, direct them to contact PSPRS, then she had 10 days from the date of notification to let PSPRS know that the particular member would be retiring so the notification would serve as a trigger on PSPRS' end knowing that the members has the intent to retire or DROP. Christopher Preest asked if the Board Secretary would still be available to assist members in calculating the benefit amounts, etc. to which the Board Secretary stated that she would still be able to assist members in gathering the information and walking them through the process, yet, the actual application itself would be solely processed by PSPRS. Ian Murton requested for the questions included in the PSPRS Board Secretaries Luncheon to be answered and put as an agenda item for discussion during the January 2022 meeting. Chair Hall thanked the Board Secretary for taking the initiative to host the first PSPRS Board Secretaries' luncheon.

F. Call to the Public – None

Consent Agenda:

- 1. Considerations and possible action pertaining to the review and approval of the September 9, 2020 Joint Public Safety Retirement Commissions - Fire & Police Meeting Minutes - APPROVED**

Motion to Approve: James Conner
Second: Chandler Brown

Opposed: None

2. Discussion and consideration following Legal Counsel's update on PSPRS statutory changes for compliance of requirements for new law effective in 2022 – INFORMATION ONLY

The Board Attorney advised the Joint Board that she drafted a Memo detailing information on the approval of the final draft for statutory changes effective January 1, 2022. The final draft of the new procedures is still pending. The Board Attorney provided suggestions to PSPRS which she hopes they will take into consideration mainly because the procedures pertain to the Local Board and the Attorneys to follow. Per her opinion, some of the information included in the procedures did not pertain therein as it created confusion. The Board Attorney acknowledged that the "10 day notification" was unclear but what PSPRS is referring to is being notified within 10 days of an actionable item as opposed to starting/ending an application or process within the 10-day window. The Board Attorney discussed other issues with the current procedures and explained basis for needed change. PSPRS will be more involved and will be reviewing Board processes and actions more closely going forward. The Board Attorney stated that this stemmed from issues encountered with smaller jurisdictions who may not be as experienced with processing PSPRS related matters per se. The Board Attorney referenced Board consolidation and confirmed that the City of Surprise would not be interested in pursuing consolidation. Also, consent agendas were discussed which is not applicable to Surprise.

James Conner asked if the Board Attorney's law firm was part of the process in modifying the model procedures to which the Board Attorney confirmed that the law firm provided feedback for PSPRS' consideration. The Board Attorney then confirmed that the Boards need to adopt the model rules and if there are internal procedures that the Board wishes to retain, the Board should be ok to do so as long as these don't conflict with statute. The Board Attorney stated that each Board needed to take action to adopt the model procedures in January. Chandler Brown stated that the Boards should review the bylaws to assess any potential conflict in advance as well as add anything new that the final draft includes which ours are potentially missing. Ian Murton requested for the Board Attorney to review the Boards' bylaws to assess any potential conflict. Chair Hall confirmed that in January the Boards will adopt the final version to which the Board Attorney stated that this would be done as soon as the final version is available.

3. Discussion and possible action to enter Executive Session to discuss performance evaluation of the Boards' Legal Counsel and the Boards' Secretary – NO ACTION

Ian Murton acknowledged that the Board previously modified its bylaws in line with statute to address any issues with both the Secretary and the Board Attorney. He

expressed uncertainty as to what spurred this particular agenda item but he proposed for the Board not to take action as he feels that the City is overstepping its boundaries when requesting the Board members to conduct an evaluation within. If any issues arise, the Board would address those internally, not thru Human Resources (HR). Chair Hall stated that the intent of this request was for the Board to discuss if there were any issues and allow HR to serve as a means and facilitate to rectify issues, if any. Discussion ensued and the Board Members acknowledged that there are no concerns with the service provided and that both the Board Secretary and the Board Attorney are doing a great job. James Conner stated that the Board should have a periodic evaluation but it should be independent from the City. Severin Hall added that as a Board, they have demonstrated that if an issue arises, the Board has previously taken the initiative to address and rectify any issue with the service provided with previous services.

HR Manager Paige Gearhart addressed the Board and explained the basis for the evaluation request. Paige mentioned that as the Board Secretary's supervisor, it was her job to ensure that Ariana was providing adequate service and support that met the Boards' needs. As part of her job, benefit vendors are evaluated on an annual basis; there was no intention to interfere with the Board's procedure. If the Board needs any assistance rectifying any issue, HR is able to assist. Chair Hall stated that in the future, a Board Member should add agenda items. Ian Murton stated that he feels a responsibility to defend both the Board Secretary and the Board Attorney as they are doing a great job for the Board and in the past there were issues with the City removing employees from post and bringing in new ones to which the Board had no control over. Paige acknowledged that paying for legal counsel fees was part of her budget line item, so she just wanted to reiterate that the intent of the evaluation was solely to assist the Board if needed. No action taken. Board Members expressed no dissatisfaction with either the Board Secretary or the Board Attorney.

G. Other Business and Future Agenda Items – Review of questions/answers as discussed during the PSPRS Board Secretaries' luncheon. Review of bylaws and adoption of model procedures in January.

H. Executive Session

I. Adjournment

Motion to adjourn at 9:10 a.m. – APPROVED

Motion: James Conner

Second: Chandler Brown

Opposed: None



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL FIRE & POLICE BOARDS – JOINT**

Minutes, Wednesday, December 15, 2021
16000 N. Civic Center Plaza, Surprise, Arizona 85374

Meeting Minutes Approval:

Skip Hall, Chair

CERTIFICATION:

I, Ariana Reyna, Human Resources Business Partner and PSPRS Board Secretary for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the PSPRS Local Fire & Police Boards - Joint Meeting of **Wednesday, December 15, 2021.**

Ariana Reyna, PSPRS Board Secretary



CITY OF SURPRISE
Public Safety Personnel Retirement System Joint
Meeting

Council Meeting Date: February 23, 2022
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:

Discussion of 2022 Annual PSPRS Conference and review of other PSPRS related topics following the PSPRS Board Secretaries Luncheon

Motion:

Background:

During the Joint Board Meeting of 12/15/21, Police Board Member Ian Murton requested for the questions included in the PSPRS Board Secretaries Luncheon to be answered and put as an agenda item for discussion during the first meeting held in 2022.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. PSPRS Board Secretaries Luncheon - Topics for Discussion
-

PSPRS Board Secretaries Luncheon – 12/9/2021

Topic Discussion and Responses



ATTENDEES

City of Avondale
City of Buckeye
City of Chandler*
City of El Mirage
Town of Gilbert*
City of Glendale
City of Goodyear

City of Maricopa
City of Mesa
City of Peoria
City of Phoenix
Town of Queen Creek*
City of Scottsdale
City of Surprise

City of Tempe*
City of Tolleson*
Town of Wickenburg
Town of Youngtown
Dept. of Corrections
PSPRS

**At least one representative will participate virtually*

1. **New Board Responsibilities** - Effective January 1, 2022 the Local Board will only be responsible to determine the membership eligibility of new hires, disability applications, and line of duty death applications. Members wishing to enter DROP or retire will need to contact PSPRS directly.
 - PSPRS expects the Local Board Secretary to notify PSPRS of any retirements, resignations, end of DROP etc. within 10 days from when the member notified Human Resources of plan to separate service for timely processing.
 - New forms to provide to members wishing to retire are still pending.
2. **Updated Model Uniform Rules** - PSPRS updated its public safety and corrections Model Uniform Rules to incorporate House Bill 2381's statutory changes and feedback from stakeholders. The new law requires that local boards establish and adopt updated rules for adjudicating claims and disputes. At a minimum, boards must incorporate the Model Uniform Rules as these have been adopted by the Board of Trustees. Local Boards should review their bylaws to ensure these are in compliance with PSPRS.
3. **Voluntary Local Board Consolidation** - HB2381 allows for local boards to consolidate through intergovernmental agreements (IGAs). Consolidation is entirely voluntary and the law does not alter the makeup and requirements for members and secretaries to serve on local boards. This topic discussed during the 12/15/21 meeting. The Joint Board expressed no interest in Board Consolidation.
4. **Disability Retirements and Early Retirement trends** - Other municipalities shared that there is a significant increase in disability applications coming through for consideration, specifically for PTSD and mostly for Police members.
 - Different municipalities shared that they are in the habit of using both a psychologist and a psychiatrist for them to conduct separate evaluations for a thorough review of the Local Board. Discussion ensued on how to process PTSD

claims for veterans. It was concluded that these are managed on a case by case basis and review of pre-existing conditions should be considered.

- Question: Are there opportunities to include more PTSD guidance/criteria for disability cases? This topic was addressed during the 2022 Annual Conference on Feb. 17, 2022. Recording available for viewing.

5. **Remaining employed beyond DROP final date:** - As soon as contributions stop and PSPRS has the approved documents, DROP decision cannot be rescinded. If the member stays beyond the DROP period, no monies are paid as the member has not terminated employment. ACR is payable while the member remains employed. The member does not acquire any further credited service in the system. When the member terminates employment, the monthly pension and DROP monies minus the DROP Interest will be paid. (The member is not entitled to the interest accumulation on the deferred retirement option plan participation account). The payment will begin based upon the member's date of termination.
6. **Local Board Training** - PSPRS currently provides training and information to local board members and secretaries. However, under HB2381, PSPRS is obligated to give and local boards are obligated to undergo training for open meeting law laws, ethics, legal reviews, and fiduciary responsibilities and duties. PSPRS is in the process of designing its local board training curriculum. Local board secretaries and members elected or appointed after Dec. 31, 2021, must complete training within 180 days. Board members and secretaries elected or appointed prior to Dec. 31, 2021, will be encouraged to attend training sessions. Starting Jan. 1, 2022, local boards will be able to transmit meeting minutes to PSPRS via email and will not be required to use certified mail.



CITY OF SURPRISE
Public Safety Personnel Retirement System Joint
Meeting

Council Meeting Date: February 23, 2022
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 to incorporate House Bill 238's statutory changes and establish Model Uniform Rules as adopted by PSPRS Board of Trustees

Motion:

I motion to establish and adopt the updated Model Uniform Rules as approved and adopted by the PSPRS Board of Trustees

Background:

PSPRS updated its public safety and corrections Model Uniform Rules to incorporate [House Bill 2381](#)'s statutory changes and feedback from stakeholders. The new law requires that local boards establish and adopt updated rules for adjudicating claims and disputes. At a minimum, boards must incorporate the Model Uniform Rules as these have been adopted by the Board of Trustees.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. PSPRS Model Rules of Local Board Procedure 12-22-2021
-

**Public Safety Personnel Retirement System
Revised Model Uniform Rules of Local Board Procedure
Created Pursuant to A.R.S. § 38-847(F)**

**Adopted by the Public Safety Personnel Retirement System Board of Trustees on
December 22, 2021**

A. Definitions

1. "A.R.S." means Arizona Revised Statutes.
2. "Administrator" means the Administrator of the Plan (including any persons authorized by the Administrator to act for the Administrator) acting for the benefit of the Board of Trustees as more particularly described in A.R.S. § 38-848
3. "Board of Trustees" has the meaning ascribed to that term in A.R.S. § 38-842(8).
4. "Claim" means any request for relief under the Plan involving all questions of eligibility for Membership, Disability and Killed In the Line of Duty Death Benefits, which is properly before a Local Board for Decision, pursuant to A.R.S. § 38-847(D). Will include questions of whether benefits are consistent with and allowable under the System, as contemplated by that section. Any opinions rendered by the Local Board on such questions will be considered Decisions as defined in Subsection 6.
5. "Claimant" has the meaning ascribed to that term in A.R.S. § 38-842(11).
6. "Decision" means Any orders issued by a Local Board relating to a Claim, including orders denying a request for Rehearing or further relief, submitted not later than 20 days to PSPRS. As required by A.R.S. § 38-847(G), a Decision shall contain, at a minimum, (a) the name of the member affected by the Local Board's action; (b) a description of the action taken; and (c) an explanation of the reasons supporting the Local Board's action.
7. "Decision on Rehearing" means a Decision issued by the Local Board after a Rehearing.
8. "Employee" has the meaning ascribed to that term in A.R.S. § 38-842 (27).
9. "Employer" has the meaning ascribed to that term in A.R.S. § 38-842(28).
10. "Hearing" means the Local Board's initial public Meeting concerning a Claim, which is conducted in accordance with the Open Meeting Law and these Rules.
11. "Independent Legal Counsel" means legal counsel who is not an employee of or contracted with the employer or any employee organization, nor is contracted with any member in violation of A.R.S. § 38-847 (N)
12. "Initial Decision" means the first Decision on a Claim issued by the Local Board.

13. "Killed in the line of duty" means the decedent's death was the direct and proximate result of the performance of the decedent's public safety duties and does not include suicide in A.R.S. § 38-846 (D).
14. "Local Board" means that public body described in A.R.S. § 38-847.
15. "Meeting" is a gathering of a quorum of the Local Board to conduct business and to hold Hearings and/or Rehearings, which is conducted in accordance with the Open Meeting Law and these Rules.
16. "Member" has the meaning ascribed to that term in A.R.S. § 38-842(31).
17. "Minutes" means the written official record of the proceedings, including the testimony of witnesses.
18. "Notice" means a written Notice of Hearing or Rehearing, as applicable, which includes, at minimum: (i) a statement of the time, place and nature of the Hearing or Rehearing; (ii) a statement of the legal authority and jurisdiction under which the Local Board will be conducting the Hearing or Rehearing; (iii) a reference to the particular section(s) of the Arizona Revised Statutes (and/or any other applicable rules) involved in the particular matter presented for Decision; and (iv) a short and plain statement of the matters asserted by the Claimant or issues to be considered at the Hearing or Rehearing.
19. "Open Meeting Law" is that body of laws described in Title 38, Ch. 3, Article 3.1 of the Arizona Revised Statutes, which requires public bodies, such as the Local Board, to hold its meetings and conduct its activities in public, except in those limited circumstances described in A.R.S. § 38-431.03.
20. "Party or Parties" means the Claimant, Local Board and Board of Trustees.
21. "Plan" means the Public Safety Personnel Retirement System, as described in A.R.S. § 38-841 *et seq.*
22. "Political Subdivision Local Board" means any Local Board that is not a State Agency Local Board. Examples of Political Subdivision Local Boards are Local Boards where the sponsoring Employer is a municipality, county, tribal nation or fire district.
23. "Pre-Membership Physical" means a medical examination of an Employee before the Employee joins the Plan, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to the Employee's date of membership in the Plan, pursuant to A.R.S. § 38-859(A)(1).
24. "Presiding Officer" means the Chair or Acting Chair of the Local Board, who presides over any Meeting, Hearing or Rehearing.
25. "Rehearing" means a public Meeting before the Local Board that is conducted in accordance with the Open Meeting Law and these Rules, to consider a Claimant's or the Board of Trustees' request that the Local Board reconsider its Initial Decision, as provided by A.R.S. § 38-847(H).

26. “Rules” means these Model Uniform Rules of Local Board Procedure authorized by A.R.S. § 38-847(F).
27. “Secretary” means the person so designated and elected pursuant to A.R.S. § 38-847(M), who is charged with keeping a record and preparing agendas, Minutes and Decisions of all Hearings and Rehearings of the Local Board.
28. “State Agency Local Board” means any Local Board where the sponsoring Employer is an agency, board, commission, department or other administrative unit of the State of Arizona. An example of a State Agency Local Board is the Department of Public Safety PSPRS Local Board.
29. “Subcommittee” means a group of no more than two Local Board members appointed by the Board Chair to undertake Local Board business.

B. Purpose and Scope of Procedures

1. Board Responsibility. Pursuant to A.R.S. § 38-847(D), the Local Board is responsible for deciding all questions of eligibility for membership, disability and Killed in the line of duty death benefits under the Plan. The Board of Trustees cannot pay these benefits under the Plan without the direction and approval of the Local Board.
2. Scope. These Rules govern all Claims before the Local Board for Decision, effective for any Claims brought, and any Hearing and Rehearing held, after the effective date of adoption of these Rules by the Local Board.
3. Conflict. These Rules are authorized by A.R.S. § 38-847(F) and supplement all authority of the Local Board specified in that statute. Should any of these Rules conflict with any provision of A.R.S. § 38-847 or any other Arizona law, the provisions of Arizona law shall control. These procedures govern State Agency Local Boards as well as Political Subdivision Local Boards. However, State Agency Local Boards may be subject to additional laws as provided by Title 41, Ch. 4, Article 6.
4. No Legal Advice. These Rules do not constitute legal advice. Local Boards are encouraged to consult with their independent attorney to resolve questions of law.

C. Composition of the Board and Conduct of Meetings

1. Composition. The membership of each Local Board is determined by whether the participating employer is a political subdivision, Indian tribal nation, state agency, non-profit corporation, joint powers authorities or fire district, as set forth in A.R.S. § 38-847(A).
2. Chair. The provisions for electing a Chair are found in A.R.S. § 38-847(A). For political subdivisions and Indian tribal nations, the Mayor or Chief Elected Official or a designee shall serve as Chair of their respective Local Boards. For state agencies and nonprofit corporations, the Local Board shall elect a Chair. For fire districts, the chairperson of the fire district governing board or the chairperson's designee shall serve as Chair.

3. Secretary. Pursuant to A.R.S. § 38-847(M), the Local Board shall elect a Secretary who may, but need not, be a member of the Local Board.
4. Quorum. A quorum consists of a majority of the statutory membership of the Local Board. A.R.S. § 1-216(B). For a Local Board comprised of five (5) members, a quorum for the purpose of doing any business is generally three (3) members.
5. Meetings, Minutes and Decisions. Meetings are generally held at [**Local Board should designate a regularly scheduled date/time**], but can be held at any time upon the call of the Chair, any two members of the Local Board, or the Secretary of the Local Board, with appropriate notice to the members of the Local Board and the public. Each Local Board shall meet at least twice a year.
 - a. Meetings are held at [**Local Board should designate a location**].
 - b. The Secretary shall provide an agenda to the Local Board members in advance of any Meeting, describing the business to be addressed at such Meeting. The content of the agenda shall comply with the Open Meeting Law.
 - c. Notice of all Meetings of the Local Board shall be given, and all Meetings and any executive sessions shall be conducted, in conformance with the Open Meeting Law.
 - d. Provided the quorum is met, a majority vote of Local Board members present and eligible to vote shall govern any action taken.
 - i. Local Board members not present in person may attend by telephone or other electronic means permitting meaningful participation in accordance with the Open Meeting Law.
 - e. The Secretary shall cause appropriate Minutes to be taken of Local Board Meetings, and an electronic recording may be made of Meetings to facilitate preparation of such Minutes.
 - i. Such electronic recording will be maintained at least until Minutes have been transcribed and approved by the Local Board.
 - ii. So long as such action is in accordance with a Local Board's records retention, storage and destruction policy, the Secretary may destroy the electronic recording of a Local Board Meeting after the Minutes of such Meeting have been approved. The Secretary will prepare and retain a certificate of destruction when any electronic recordings are destroyed.
 - f. The Secretary shall forward to the Board of Trustees (in care of the Administrator) a copy of each Local Board meeting minutes which include the Decision(s) on a Claim no later than twenty (20) business days after the Local Board takes action on such Claim, pursuant to A.R.S. § 38-847(G). Decisions shall be sent by email or certified mail to the Administrator as required by A.R.S. § 38-847(H)(2). Should Decisions be sent by email, if personal identifiable information is contained, Decision shall be sent via secure electronic protocols. As required by A.R.S. § 38-847(G), a Decision shall contain, at minimum: (i) the name of the member affected by the Local Board's action; (ii) a description of the action taken; and (iii) an explanation of the reasons supporting the Local Board's action, and (iv) all documents submitted to the Local Board for the action taken including the reports of a medical board.

- g. Unless the Claimant is present at a Meeting at which the Local Board announces its Decision on a Claim, at the same time that the Secretary forwards the Decision to the Administrator, the Secretary shall forward the Local Board's Decision to the Claimant via certified mail, pursuant to A.R.S. § 38-847(H)(1).
 - h. The Secretary shall forward all Minutes to the Board of Trustees, in care of the Administrator, within twenty (20) days after each Local Board Meeting, and forward all necessary communications to the Board of Trustees, in care of the Administrator, pursuant to A.R.S. § 38-847(M).
- 6. Documentation. In a location separate from any Personnel or Department files, the Local Board Secretary shall maintain files for each Claimant, containing public and confidential documents presented to the Local Board.
- 7. Audit/Compliance Pursuant to A.R.S. § 38-847(R), the Board of Trustees or its designee may conduct an audit to ensure the Local Board is in compliance with statute or the Model Uniform Rules for Local Board Procedure. If the Local Board is not in compliance with statute or the Model Uniform Rules of Local Board Procedure, the Board of Trustees shall notify the Local Board. The Local Board shall have sixty (60) days to take corrective action.
- 8. Changes/Updates – Within 10 days after the change, the Local Board shall submit the names of the Local Board members and terms, the Local Board secretary and independent legal counsel to PSPRS.
- 9. Education/Training – Within 180 days after appointment or election, each Local Board member and Local Board secretary A.R.S. § 38-847(M) shall complete Local Board training as prescribed by the Board of Trustees.

D. Pre-Membership Physical

- 1. Examination. Pursuant to A.R.S. § 38-859(A)(1), the Local Board shall contract with a physician or clinic to conduct a Pre-Membership Physical of Employees, for the purpose of identifying physical or mental conditions or injuries, which existed or occurred prior to an Employee's date of membership in the Plan. The physician or clinic conducting a Pre-Membership Physical may be the regular employee or contractee of the Employer.
- 2. Appointment. The Employer (or the Employee's department, whether Fire or Police) or the Secretary shall coordinate appointments for the Employee's Pre-Membership Physical.
- 3. Report. Statute, A.R.S. § 38-859, does not authorize Local Board or Employers to request personal medical records of individuals gathered, collected or accumulated from Pre-Membership Physical, nor request, obtain or possess medical records separate from the Pre-Membership Physical. Statute directs the examining physician to report any existence of a pre-existing medical condition or injury to the Local Board, and for the Local Board secretary to preserve the report documents as a permanent record of the Local Board. The physician or clinic retained to conduct an Employee's Pre-Membership Physical shall provide a written report of the results of the Pre-Membership Physical to the Secretary within

10 days after the examination. The Secretary shall file the report as a permanent record, as required by A.R.S. § 38-859(E).

4. No Pre-Existing Condition. If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has no pre-existing condition, the Secretary shall file the report as a permanent record, as required by A.R.S. § 38-859(E).
5. Finding of Pre-Existing Condition. If the physician or clinic's report on an Employee with respect to his pre-membership condition concludes that the Employee has a pre-existing condition:
 - a. The Secretary shall notify the Employee that the physician or clinic has reported that the Employee has a pre-existing condition. The Employee shall have 30 days to submit additional documentation or comments to the Secretary before the physician or clinic's report is placed on an agenda for the Local Board's consideration.
 - b. Reports concerning an Employee's pre-existing condition shall be placed on the Meeting agenda for recognition by the Local Board.
 - c. The Secretary shall provide the Local Board with any additional documentation or comments submitted by an Employee regarding a physician or clinic's conclusion that an Employee has a pre-existing condition.
 - d. The Local Board shall review the physician or clinic's report and any additional documentation submitted by the Employee at a Meeting. After review of the relevant documents, the Local Board will take any action the Local Board deems necessary and appropriate.
 - e. The Secretary shall file all reports concerning an Employee's pre-existing condition(s) as a permanent record, as required by A.R.S. § 38-859(E), along with any additional documentation and comments provided by the Employee, and appropriate records of any actions or determinations by the Local Board with respect to the same. In the event a Member whose Pre-Membership Physical revealed a pre-existing condition applies for an accidental, catastrophic, ordinary, or temporary disability pension, all such documentation related to the Member's pre-existing condition will be presented to the Local Board. If the Local Board determines that a Member's disability resulted from a physical or mental condition or injury, which existed or occurred prior to the Member's date of membership in the Plan, the Member shall not qualify for an accidental, catastrophic, ordinary, or temporary disability pension.

E. Initial Decision

1. Submitting Claims. A Claimant may request that the Local Board issue an Initial Decision by presenting an application to the Secretary, using the prescribed Plan forms. Per A.R.S. § 38-847.03, the Secretary shall submit within 10 days a copy of the application being presented for Decision. All Claims are subject to this Section concerning an Initial Decision. However, more detailed procedures for certain Claims, specifically disability benefit applications and reexamination of disability recipients, are set forth in Sections F and H of these Rules. All claims shall be placed on the agenda for consideration by the Local Board, after

appropriate Notice to the Claimant, unless considered a claim under rule 3 of this section.

2. Content of Claims. If desired, a Claimant may supplement the application for benefits by submitting a letter to the Secretary. In order for any supplemental letter to be considered by the Local Board, such letter shall set forth: (i) the name and address of the Claimant; (ii) the name and address of the Claimant's attorney, if applicable; (iii) a brief statement of the facts forming the basis of the Claim, including any evidence relevant to the Local Board's Decision on the Claim; and (iv) the precise relief sought by the Claimant from the Local Board.
3. Consent Agenda. A Local Board may authorize its Secretary to determine whether a Claim is to be treated by the Local Board as a "Consent Agenda" item. Ordinarily, the Secretary does not provide Notice of a Hearing to Claimants for Claims on the Consent Agenda, because the Local Board generally approves Consent Agenda items summarily. If a Claim on the Consent Agenda warrants discussion by the Local Board, the Claim may be deferred to a future Hearing in order to provide Notice to the Claimant.
4. Deadline for Scheduling a Hearing on Claims.
 - a. Hearings are held at Meetings as provided by Section C(5) of these Rules.
 - b. Unless the Claimant and all other parties to the Claim otherwise agree, the Local Board shall commence a Hearing on a Claim within ninety (90) days of its receipt of a Claim, pursuant to A.R.S. § 38-847(D)(3).
 - c. If the Local Board does not commence a Hearing on a Claim within ninety (90) days of its receipt of the Claim:
 - i. The Claimant shall notify the Administrator and Secretary by letter sent by certified mail that the Local Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim.
 - ii. As provided by A.R.S. § 38-847(D)(3), the relief demanded by the Claimant is deemed granted and approved by the Local Board.
 - iii. As provided in A.R.S. § 38-847(H), the Board of Trustees may require a Rehearing within sixty (60) days after receiving notice from the Claimant by letter sent by certified mail that the Local Board has failed to convene a Hearing within ninety (90) days of the filing of a Claim. However, if the relief deemed granted and approved by the Local Board violates the Internal Revenue Code or threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, no limitation period for the Board of Trustees to seek a Rehearing applies.
5. Issuance of Decision. When a Hearing is held within the deadlines set forth in Section E(4) of these Rules, the Secretary shall forward the Decision, Minutes and other necessary communications, as provided in Section C(5)(f)-(h) of these Rules.
6. Finality of Decision. Pursuant to A.R.S. § 38-847, any Decision that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely application for a rehearing is filed as provided in Section H of these Rules, or an appeal is filed. However, the Board of Trustees may not implement and comply with any Decision that does not comply with the Internal Revenue Code or that

threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code, and under such circumstances, no limitation period for the Board of Trustees to seek a rehearing of a Decision applies. A final decision may be appealed to the _____ County Superior Court for the State of Arizona within the periods specified in, and the manner provided by, the Arizona Revised Statutes (see A.R.S. § 12-901 *et seq.*) and the rules adopted by the _____ County Superior and Appellate Courts of the State of Arizona.

F. Disability Benefit Applications

1. Disability Application. Upon presentation of a properly completed application for any of the disability pensions authorized by law, the Secretary will determine whether the Claimant has provided complete documentation supporting the Claim referenced in the application. If the information is incomplete, the Secretary shall request that the Claimant provide additional documentation and may assist the Claimant in identifying deficiencies or incomplete items in the application. The Secretary shall also obtain from the Employer any documentation contained in workers' compensation records. A confidential packet of medical information on the Claimant shall be prepared for distribution to Local Board members. When the Claimant's application is complete, the Claim shall be placed, as a separate item, on the agenda for a Meeting, pursuant to Section E of these Rules.
2. Initial Hearing. At the initial Hearing on a Claim for disability benefits, the Local Board will determine whether the medical and other documentation submitted is sufficient for the Local Board to conclude that the statutory prerequisites are satisfied by the Claimant. If the statutory prerequisites are satisfied, pursuant to A.R.S. § 38-859(A), the Local Board shall direct that a medical board be appointed to conduct an examination of the Claimant and to report to the Local Board the results of that examination. If the statutory prerequisites are not satisfied, the Local Board may deny the Claim based on a lack of evidence, either medical or otherwise, such as the Claimant's continued work status or the Claimant's performance of a reasonable range of duties. In the alternative, the Local Board may continue the Hearing on the matter to a date and time when any additional documentation requested by the Board is available.
3. Independent Medical Board. Pursuant to A.R.S. § 38-859(B), medical boards appointed pursuant to A.R.S. § 38-859(A)(2)-(5) shall be composed of a designated physician or a clinic other than a regular employee or contractee of the employer.
4. Mental Examinations. In the event of a psychological disability application, the medical board will consist of a doctor of medicine who is a psychiatrist or has a specialty in psychiatry. The psychiatrist shall issue a report containing his/her conclusions to the Local Board.
5. Prompt Hearing. If a medical board is appointed, the Secretary shall reconvene the Hearing at the first feasible Meeting after the Local Board members' receipt of the medical board's report, unless the Claimant requests in writing otherwise.
6. Disability Findings. Pursuant to A.R.S. § 38-859(C), a finding of disability shall be based on medical evidence provided by the medical board appointed by the Local

Board. The Local Board shall resolve material conflicts in the medical evidence. If required, the Local Board may employ other physicians or clinics to report on special cases. With the approval of the Local Board, a physician or clinic employed by the Local Board may employ occupational specialists to assist the physician or clinic in rendering an opinion.

7. Approval of Disability Claim. If a Claim for disability benefits is approved by the Local Board, the Secretary will obtain Employer certification of the Claimant's employment termination date and indicate the determination of the Board on the disability pension on proscribed Plan forms. If the Board Secretary cannot obtain certification of the termination of the Claimant's employment within forty-five (45) days after the Local Board's approval, the Claimant's application for disability benefits will be considered withdrawn. Until such time as the Claimant has terminated employment with his Employer, the Local Board shall not consider any further Claim by the Claimant for disability benefits.
8. Denial of Disability Claim. If a Claim for disability benefits is denied by the Local Board, and the Claimant is not present at the Meeting, the Secretary will notify the Claimant in writing by certified mail of the Decision of the Board, the reasons for the Decision, and the Claimant's rights to a Rehearing.

G. Killed in the Line of Duty Death Survivor Benefit Applications

1. Application. Upon presentation of a properly completed Claim for Killed in the Line of Duty survivor benefit authorized by law, the Secretary will determine whether the Claimant has provided complete documentation supporting the Claim. If the information is incomplete, the Secretary shall request that the Claimant provide additional documentation and may assist the Claimant in identifying deficiencies or incomplete items in the application. The Secretary shall also obtain from the Employer any documentation associated with the Claim. A confidential packet of medical information on the Claimant shall be prepared for distribution to Local Board members, if warranted. When the Claimant's application is complete, the Claim shall be placed, as a separate item, on the agenda for a Meeting, pursuant to Section E of these Rules.
2. Initial Hearing. At the initial Hearing, the Local Board will determine whether the underlying facts, medical and other documentation submitted is sufficient for the Local Board to conclude that the statutory provisions outlined in A.R.S. § 38-846(D) are satisfied by the Claimant. If the statutory provisions are not satisfied, the Local Board may deny the Claim based on a lack of evidence, either medical or otherwise. In the alternative, the Local Board may continue the Hearing on the matter to a date and time when any additional documentation requested by the Board is available.
3. Decision of Claim. Once Decision has been rendered by the Local Board, the Secretary will submit Decision pursuant to Section C. If a Claim is denied by the Local Board, and the Claimant is not present at the Meeting, the Secretary will notify the Claimant in writing by certified mail of the Decision of the Board, the reasons for the Decision, and the Claimant's rights to a Rehearing.

H. Reexamination of Disability Recipients

1. Catastrophic Disability Benefits Pursuant to A.R.S. § 38-844(F)
 - a. Sixty (60) months after approval of a Catastrophic Disability, the Local Board must undertake a re-evaluation of a Member receiving catastrophic disability benefits to determine whether the Member remains qualified for such benefits, as specified in A.R.S. § 38-844(F).
 - b. After the initial sixty (60) month review, the Local Board is empowered to undertake an annual reevaluation of Members receiving catastrophic disability benefits, who, had they remained in employment, would not have attained 25 years of service.
 - c. On an on-going basis, the Secretary will prepare a list of Members receiving catastrophic disability benefits who may be required to undergo an annual reevaluation pursuant to Section H(1)(b) of these Rules.
 - d. At the direction of the Chair, a Subcommittee of the two elected members of the Local Board shall review the list of Members prepared pursuant to Section H(1)(c), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local Board.
 - e. The Secretary shall place the issue of re-examination of a Member receiving catastrophic disability benefits on an appropriate Meeting agenda as a separate item.
2. Accidental and Ordinary Disability Benefits Pursuant to A.R.S. § 38-844(E)
 - a. In its discretion, the Local Board may require Members receiving accidental or ordinary disability benefits to undergo an annual medical examination to determine whether they are still disabled and therefore, qualified for continued disability benefits.
 - b. On an on-going basis, the Secretary will prepare a list of Members receiving accidental and ordinary disability benefits who may be required to undergo an annual medical reevaluation pursuant to Section H(2)(a) of these Rules.
 - c. At the direction of the Chair, a Subcommittee of the two elected Members of the Local Board shall review the list of Members prepared pursuant to Section H(2)(b), and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local Board.
3. Medical Boards Appointed Pursuant to A.R.S. § 38-859
 - a. The Local Board shall appoint a medical board to examine any Member required to obtain, or selected for, reevaluation pursuant to Sections H(1), (2) of these Rules. If the Member refuses to submit to the medical board reevaluation, the Member's disability shall be considered to have ceased and the Member's disability pension terminated.
 - b. A formal report of the medical board on the results of the reevaluations referenced in Section H(3)(a) above shall be submitted to the Local Board. The Local Board shall review any such report at the first scheduled Meeting after receipt of the report, and shall take any action warranted, as permitted by the relevant statutes.

I. Rehearings

1. Application for Rehearing.
 - a. A Claimant's application for Rehearing must be filed within sixty (60) days after the Claimant receives notification of the Initial Decision by certified mail, by attending the Meeting at which the Initial Decision is rendered, or by receiving benefits from the Plan pursuant to the Initial Decision, whichever occurs first.
 - b. The Board of Trustees's application for Rehearing must be filed within sixty (60) days after the Board of Trustees receives a copy of the Initial Decision by certified mail.
2. Rehearings Granted. The Local Board will conduct a Rehearing of any matter upon proper and timely application by a Claimant or the Board of Trustees, pursuant to A.R.S. § 38-847(H).
3. Preparation of Preliminary Record. Upon receipt of a proper and timely application for Rehearing, the Secretary shall prepare a packet consisting of all documents and other tangible items of evidence made available to the Local Board with respect to the underlying issues. The Secretary may obtain a written transcript of any previous proceedings of the Local Board in connection with the matter, for inclusion in such packet. The Rehearing packet shall be made available to Local Board members and shall be provided to all Parties to the Rehearing. This packet of materials shall constitute the preliminary record for the Rehearing.
4. Scheduling of Rehearing. When the preliminary record is complete, the Secretary will schedule the Rehearing for the next scheduled Meeting or for such other date and time as may be determined but no later than 90 (ninety) days after receipt of either the Claimant's or the Board of Trustees' application/request for Rehearing. Rehearings are not subject to the time limitations set forth in Section E(4) of these Rules.
5. Local Board Action on Rehearing. At or after the conclusion of the Rehearing, the Local Board may vote to uphold, rescind or modify its Initial Decision.
6. Issuance of Decision on Rehearing. When a Rehearing is held, the Secretary shall forward the Decision on Rehearing, Minutes of Rehearing and other necessary communications, as provided in Section C(5)(f)-(h) of these Rules.
7. Finality. Pursuant to A.R.S. § 38-847, any Decision on Rehearing that is not inconsistent with the provisions of the Plan and the Internal Revenue Code shall be final, conclusive and binding on the Claimant and the Plan, unless a timely appeal is filed. However, the Board of Trustees may not implement and comply with any Decision on Rehearing that does not comply with the Internal Revenue Code or that threatens to jeopardize the Plan's status as a qualified plan under the Internal Revenue Code. A final Decision on Rehearing may be appealed to the _____ County Superior Court for the State of Arizona within the periods specified in, and the manner provided by, the Arizona Revised Statutes (see A.R.S. § 12-901 *et seq.*) and the rules adopted by the _____ County Superior and Appellate Courts of the State of Arizona.

J. General Provisions Applicable to All Hearings and Rehearings

1. Review of Medical Records. The Local Board shall review and discuss any confidential medical records in executive session only, unless the Claimant or Member waives the confidentiality requirement with respect to any confidential medical records by completing a confidentiality waiver.
2. Exclusion of Evidence. The Presiding Officer may preclude the presentation of argumentative, repetitious or irrelevant facts or questioning in any proceeding on a Claim.
3. Argument and Evidence. The Presiding Officer shall rule on all evidentiary or procedural objections. Each Party is entitled to make an opening statement. The Party with the burden of proof shall begin the presentation of evidence, unless the Parties otherwise agree or the Presiding Officer determines that another order would be more expeditious or appropriate and would result in no material prejudice. The Presiding Officer shall determine the order of witness examinations, which shall be such as will expedite the Hearing or Rehearing and insure the proceeding is fair. The Presiding Officer may, but is not required to, administer oaths to witnesses and each Party. Each Party is entitled to present a closing argument in the order determined by the Presiding Officer. Each Party is entitled to be represented by counsel, submit evidence, offer arguments, and cross examine witnesses.
4. Informal Proceedings. All Hearings and Rehearings shall be conducted in an informal manner and without adherence to the rules of procedure or evidence required in judicial proceedings. The manner of conducting the Hearing or Rehearing, rulings on evidentiary or procedural objections, and the failure to adhere to rules of procedure or evidence required in judicial proceedings shall not be grounds for reversing a Decision of the Local Board, provided substantial evidence supports such order or Decision.
5. Notice of the Truth of Widely-Known and Accepted Facts. The Presiding Officer may take notice of the truth of certain widely known and accepted facts, including generally recognized technical, statistical, actuarial or scientific facts within the Local Board's specialized knowledge. Parties shall be notified, either before or during the Hearing or Rehearing, of any widely known and generally accepted facts noticed as true, including any staff memoranda or data. Parties shall be afforded an opportunity to contest any material so noticed. The Local Board's experience, technical competence and specialized knowledge may be utilized in its evaluation of all evidence. The Local Board shall be entitled to consider and rely on as true information furnished by the Employer, Administrator, the Local Board's independent legal counsel or the Plan's actuary.
6. Failure to Appear at Hearing. In the event a Claimant (and the Claimant's counsel, if any) fails to appear at a duly noticed Hearing or Rehearing, in its discretion, the Local Board may enter a Decision by default or vacate the Hearing or Rehearing. If a witness fails to appear at a duly noticed Hearing or Rehearing, in his discretion, the Presiding Officer may exclude the witness' testimony or reschedule the Hearing or Rehearing.

7. Limitation of Issues. All Hearings and Rehearings shall be limited to matters referenced in the Claim and any request for Rehearing filed by any Party.
8. Record of Proceedings. All Hearings and Rehearings shall be recorded by electronic means and at the Local Board's expense. A copy of the recorded Hearing or Rehearing will be provided to the Claimant and all other interested Parties upon request. Parties are responsible for obtaining their own transcription of a recorded Hearing or Rehearing, although a Local Board may provide such a transcription in its discretion. In addition to any electronic recording of the proceedings, the Local Board shall include all relevant written records as part of the official record of the Hearing or Rehearing.
9. Evidence on Claims. The Claimant and Administrator shall be afforded equal time to state their positions.
10. Subpoenas; Depositions. To facilitate the collection and presentation of evidence with respect to any matter before the Local Board, the Presiding Officer may authorize subpoenas and depositions of witnesses.
11. Consultation among Members. The Presiding Officer may consult on the record with the other members of the Local Board. The Local Board may consult in executive session with the Local Board's legal counsel so long as all requirements of the Open Meeting Law are satisfied. The Local Board may also go into executive session for any lawful reason, including the need to preserve the confidentiality of medical information. However, all Decisions of the Local Board shall be made in open, public session of the Local Board.
12. Bifurcation of Issues/Hearing. In connection with any Claim, the Presiding Officer is empowered to bifurcate (*i.e.*, separate into two or more) issues presented to the Local Board for resolution, or set multiple Hearings or Rehearings in a single case.
13. Submission of Evidence. The Claimant must submit to the Secretary within ten (10) working days of the Hearing or Rehearing any documents the Claimant wishes to introduce into the record, including doctor reports and other written evidence. Documents received by the Secretary less than ten (10) working days before a Hearing or Rehearing may cause a delay in the Hearing or Rehearing. Information and documents presented on the date of the Hearing or Rehearing will be reason for the Presiding Officer to call for a motion to continue the Hearing or Rehearing to a later date.
14. Public Participation. The Open Meeting Law governs public participation in Hearings and Rehearings.
15. No Rehearing on Remand. A Hearing before the Local Board on a matter remanded from the _____ County Superior Court is not subject to a Rehearing before the Local Board. However, the Local Board may consider new evidence or review items remanded by the _____ County Superior Court.

The undersigned Chair and Secretary of the _____ Pension Board certify that the foregoing Procedures were duly adopted by the Board at a meeting duly called and held on the date specified below.

Chair

Secretary

Dated

Dated