



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – JOINT BOARD MEETING**
Minutes, Thursday, December 19, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Local Board – Joint Board Meeting held at 9:00 a.m. Thursday, December 19, 2019. The meeting was held in City Hall, Council Overflow Conference Room.

A. Call To Order:

Chair Hall called the meeting to order at 9:01 a.m.

B. Roll Call: Skip Hall, Chairperson & Citizen Board Member – Present
Chandler Brown, Citizen Board Member – Present
Jim Conner, Citizen Board Member – Present
Ian Murton, Employee Board Member – Police Dept. – Present
Severin Hall, Employee Board Member- Police Dept. – Present
Rick Valdez, Vice Chair, Employee Member – Fire Dept. – Present
Chris Preest, Employee Board Member- Fire Dept. – Present

In attendance: Kirsten Riege, Interim Board Secretary
Carrie O'Brien, Board Attorney

C. Pledge of Allegiance: Completed

D. Current Events Reports: None

E. Staff Reports: None

F. Call to the Public: None

Consent Agenda: None

Regular Agenda:

#1 Discussion regarding a conflict of interest as it pertains to Mayor Skip Hall.

Mr. Murton opened discussion stating that due to perceived legal issues, he feels that Mayor Hall should recuse himself from any Board discussion related to a letter sent to the City from Senator Boyer and a letter sent from PSPRS in November, 2019.

The Board convened to Executive session to receive legal advice.

Motion: Murton
Second: Conner
Opposed: None

Skip Hall - voted yes
Chandler Brown - voted yes
Jim Conner - voted yes
Ian Murton- voted yes



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Severin Hall- voted yes
Rick Valdez- voted yes
Chris Preest- voted yes

The Board reconvened to open session at 9:13 am.

In response to Mr. Murton's concerns about a conflict of interest, Chair Hall stated he does not think there is any conflict of interest.

Ms. O'Brien questioned if the Board was asked to submit a response or take any action related to either letter. The Board confirmed they were not asked to respond. Ms. O'Brien stated that if the Board felt compelled to respond, she could assist with the response.

#2. Discussion regarding letter from Senator Paul Boyer regarding violations by the City in regards to the boards.

Mr. Murton asked for clarification as to if Ms. O'Brien represented Chair Hall in his capacity as the Mayor in regards to the letter from Senator Boyer. Ms. O'Brien confirmed that she was not involved in the response to Senator Boyer, nor had she seen the response. Ms. O'Brien further clarified that she has not had conversation with either Mayor Hall or the City's legal counsel, Robert Wingo.

Ms. O'Brien stated that if the Board felt there were questions about competencies or independent representation, the Board could ask that her firm be dismissed.

Ms. O'Brien informed the Board that after review of Senator Boyer's letter, she reached out to Brett Park at PSPRS to speak with him about any concerns. Mr. Park appreciated Ms. O'Brien reaching out and told her that no previous counsel had reached out to PSPRS. Ms. O'Brien relayed that Mr. Park was concerned about the City Attorney's attendance at the February 2019 Local Board Police meeting.

#3. Discussion regarding the PSPRS State Board's letter regarding violations by the City in regards to the boards.

Chair Hall and Ms. O'Brien confirmed that both the letter from Senator Boyer and PSPRS were notices of concerns but that no violations were cited and no legal action has been taken against the Board.

#4. Discussion related to the removal of former board member Don Jeffrey.

Item #4 and #5 were a combined discussion. Chair Hall stated that he was concerned about the Board after PSPRS brought up the high approval rate for disability retirements from the Police board compared to similar sized entities. Chair Hall also confirmed that Don Jeffrey had been appointed by the previous Mayor.



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Mr. Valdez voiced his concerns that Mr. Jeffrey wasn't notified prior to the November 2019 meeting that he was being replaced. Chair Hall reiterated that a letter had been sent and phone call had placed to Mr. Jeffrey; the letter, sent to the address that Mr. Jeffrey provided, was returned.

Both Mr. Valdez and Mr. Preest stated that the way Mr. Jeffrey was asked to leave was quite disruptive to the Board. Mr. Preest further stated he felt as though Chair Hall joined the Board and made board changes to "get control of the votes" in favor of the City and possibly deny disability applications.

Chair Hall stated this was not true and that he is complying with State Statute.

#5. Discussion regarding the removal of former board Chair Scott Gwaltney.

Chair Hall confirmed that through research of other cities and municipalities that the City of Surprise was one of the few boards that did not have either the Mayor or a City Council member as their Board chair.

Mr. Brown confirmed that there were issues and mistakes made previously and the Board should be focused on moving forward and doing their best work to support the employees that rely on the Board. He stated his concern is moving forward and making the Board better.

#6. Discussion regarding conflict of interest as it pertains to board member Jim Conner.

Mr. Murton voiced his concerns related to a possible conflict of interest related to Jim Conner. Mr. Conner had made a \$200.00 donation to Mayor Hall's re-election campaign.

Mr. Conner asked if any of the elected members had ever contributed to an election campaign for any City or Council positions. There were no responses.

Ms. O'Brien offered legal advice to the Board. Mr. Brown made a motion to adjourn to Executive Session to receive legal advice.

Motion: Brown
Second: Conner
Opposed: four

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - voted yes
Ian Murton- voted no
Severin Hall - voted no
Rick Valdez- voted no
Christ Preest- voted no



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The Board remained in open session. Ms. O'Brien referred to the Board training provided on December 11, 2019, citing the section on conflicts of interest. To create a conflict of interest there is a determination whether someone has a substantial interest i.e. property interest or financial interest in a matter listed on the agenda. Ms. O'Brien further stated a potential conflict of interest or appearance of impropriety might come up if someone participated in an underlying investigation or made public comments about an applicant that was coming before the Board for disability, DROP (Deferred Retirement Option Plan) or other retirement benefits. Additionally, the Board member decides if they need to recuse themselves.

Mr. Conner stated that he does not have a conflict of interest.

#7. Discussion and action related to establishing a vetting process for the selection of the Local Board Secretary and Legal Counsel positions.

Mr. Murton opened discussion stating that in comparison to the Phoenix board, he does not believe the Surprise boards need a full time secretary position, but he does like the process that Phoenix has in place to select their secretary. He stated he understands that an HR designated Secretary would have access and knowledge of the systems and computer programs. Mr. Murton also mentioned a previous secretary, stating that the secretary may come from a different department within the City. While he agrees an individual needs to have the proper skills, he would prefer to be given a list of individuals to choose from.

Mr. Valdez agreed with Mr. Murton and suggested that the Board create a subcommittee to vet the secretary and legal counsel positions, be a part of the process and maintain compliance with State statute.

Ms. O'Brien read through the statutes and stated that she does have some recommendations for changes to the current bylaws.

Mr. Murton stated concerns that the Board needs to make sure they have the best employee to serve the position and ensure paperwork is completed and filed properly.

Mr. Valdez confirmed the Board should have a process to select a secretary, as well as create a job description.

The board voted to create a subcommittee to create a process to present to the Board for the selection of a Board Secretary.

Motion: Severin Hall
Second: Chandler Brown
Opposed: Two

Skip Hall - voted no



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Jim Conner- voted no
Chandler Brown - voted yes
Ian Murton- voted yes
Severin Hall - voted yes
Rick Valdez- voted yes
Chris Preest- Voted Yes

The subcommittee is comprised of Chandler Brown, Ian Murton and Chris Preest. The subcommittee will receive support and guidance from Ms. O'Brien as well as Lisa Angelini, HR Director for the City.

Chair Hall stated the City Council was going to have a special meeting the evening of December 19 to consider revising City ordinance related to the PSPRS Board being exempted from the City Attorney and able to choose their own legal counsel without input from the City Attorney.

#8. Discussion and action regarding review and comparison of State statute and local board bylaws.

Ms. O'Brien confirmed that she had done a side by side comparison of the Fire and Police bylaws in relation to the State statutes. Ms. O'Brien will present a side by side comparison and include her recommendations for updating the bylaws at the January 8 Local Joint Board meeting.

#9. Chairman's statement to the Board.

Chair Hall made a statement to the Board, saying that this is a very important board that can affect people's lives. Chair Hall would like the Board to get back to their core mission, supporting the three areas that the Board serves: the pension, the employee and the City. Chair Hall stated he takes accountability for the disruption related to the change of board members. He reminded the Board their responsibility is to make decisions based on facts. Chair Hall said he thinks the Board has some really good things to tackle and change, he appreciates the Board's patience and concerns for making things better and that he is with them (the Board).

#10. Acknowledgement of Code of Conduct.

Mr. Valdez opened stating he had an issue with the Code of Conduct because he hadn't been a part of the process, it simply appeared as an agenda item. He stated he would have preferred to be a part of the process and discussion.

Mr. Murton asked if the Board had already signed something similar.

Chair Hall stated that both HR and the Clerk's office were not able to find any codes of conduct previously signed, only Oath's of Office were located.



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The Board asked Ms. O'Brien if she saw any issues with the code of conduct and if they were legally required to sign it. Ms. O'Brien stated it appeared to outline some of the statutory obligations and practicalities.

Chair Hall and board members, Mr. Severin Hall, Mr. Connor and Mr. Brown signed and returned their code of conduct forms.

Mr. Valdez, Mr. Preest and Mr. Murton did not sign or return their code of conduct forms.

G. Other Business –

The Board will review the PSPRS disability comparisons and bylaws at the January 8, 2020 Joint Board meeting.

The subcommittee will meet to begin the process of creating a job description and vetting process for the board secretary on January 8, 2020.

The board will also vote on a Vice Chair for the joint board meetings.

Ms. O'Brien will reach out to PSPRS to see what types of educational meetings PSPRS might be able to conduct for the Board.

H. Adjournment:

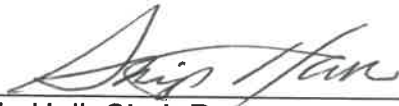
Mr. Conner made a motion to adjourn the meeting at 10:46 a.m. – **Approved**

Motion: Conner
Second: Brown
Opposed: None

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - voted yes
Ian Murton- voted yes
Severin Hall - voted yes
Chris Preest- Voted yes



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Skip Hall, Chair Person

ATTEST:



Vicki L Moss, Human Resources

CERTIFICATION:

I, Vicki L Moss, Human Resources Manager for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the PSPRS Joint Board Position Process Subcommittee Meeting of **Thursday, December 19, 2019**



Vicki Moss, Human Resources