



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, November 13, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Local Board – Police Meeting held at 10:00 a.m. Wednesday, November 13, 2019. The meeting was held in City Hall, Council Overflow Conference Room.

Call To Order:

Chair Hall called the meeting to order at 10:05 a.m.

A. Roll Call: Skip Hall, Chairperson & Citizen Board Member – Present
Chandler Brown, Citizen Board Member – Excused
Jim Conner, Citizen Board Member – Present
Ian Murton, Employee Board Member – Police Dept. – Present
Severin Hall, Employee Board Member- Police Dept. – Present

In attendance: Kirsten Riege, Interim Board Secretary
Carrie O'Brien, Board Attorney
Scott Gwaltney, Community Member

B. Pledge of Allegiance: Completed

C. Current Events Reports: None

D. Staff Reports: Mrs. Riege introduced Ms. Carrie O'Brien to the Board. Ms. O'Brien explained that she is with the law firm Gust Rosenfeld. Ms. O'Brien stated her firm represents many cities and towns in the Phoenix area on a variety of issues. She further stated that she is also represents the City of Glendale PSPRS boards and advises many political subdivisions on Open Meeting Law issues.

Call to the Public: Scott Gwaltney

Mr. Gwaltney made a call to the public. Mr. Gwaltney served as the Board Chair from April 17, 2018 to October 30, 2019. Mr. Gwaltney expresses his concerns regarding the assignment of the Board Attorney and Secretary. Mr. Gwaltney is concerned that the City Attorney may be out of compliance with PSPRS State Statutes by assigning the Board Secretary and Board attorney. Mr. Gwaltney also voiced his concerns that there have been multiple (6) Board Attorneys in the last year and a half.

Mr. Gwaltney stated that he has had meetings with Mr. Wingo regarding the assignments. Mr. Gwaltney further stated he has also been in contact with PSPRS to voice his concerns.

Mr. Gwaltney said the state board is making efforts to make sure that all local boards are compliant with the State laws. Mr. Gwaltney concluded by informing the board members that they, as well as Mayor Hall and Mr. Wingo, will be receiving communication from the State related to his concerns.



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Consent Agenda:

- #1.** Discussion and action pertaining to approval of PSPRS Local Board - Police
October 9, 2019 meeting Minutes. - **Approved**

Motion: Murton
Second: Severin Hall
Opposed: None

Skip Hall - voted yes
Jim Conner- abstained
Chandler Brown - absent
Ian Murton - voted yes
Severin Hall - voted yes

Regular Agenda:

- #2.** Consideration and action pertaining to a vote to appoint Kirsten Riege as Board
Secretary. – **Tabled**

Mr. Murton opened discussion about the motion to approve Mrs. Riege as the Board Secretary. Mr. Murton referenced the Call to Public information provided by Mr. Gwaltney pertaining to the vetting process for the Secretary position. Mr. Murton stated his concerns about the PSPRS Secretary position assignment with HR being tied to a position vs a person and would like to ensure there is timely PSPRS training for the Board Secretary position.

Mr. Murton made a motion to table the vote on nominating and confirming Kirsten Riege as the Local Board Secretary to the next board meeting on December 11, 2019.

Motion: Murton
Second: Severin Hall
Opposed: None

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

- #3.** Consideration and action pertaining to the Accidental Disability Retirement
application and IME summary for Glenn Cannon – **Denied**

Mr. Severin Hall opened discussion, confirming that Mr. Cannon's attorney had been notified that this was an agenda item for the meeting. Both Mrs. Riege and Ms. O'Brien confirmed that Mr. Cannon's attorney had been notified. Ms. O'Brien went on to explain



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to the Board that Mr. Cannon's attorney, Kathryn Baillie, had requested a continuance of the review of Mr. Cannon's application for accidental disability as Ms. Baillie had a scheduling conflict. There was no confirmed medical information in the request from Ms. Baillie that supports the need for a continuance.

Discussion ensued between Mr. Murton and Mr. Skip Hall, clarifying the difference between and independent medical examiner vs a personal physician. The Board discussed whether Mr. Cannon had supplied the Board or the IME physician with additional medical documentation. No additional medical information has been presented to the Board or the IME physician for further review or consideration.

Ms. O'Brien offered the Board the opportunity to adjourn to executive session for legal advice or to review Mr. Cannon's medical records that are exempt from public discussion.

Severin Hall made a motion to adjourn to Executive Session.

Adjourned to Executive Session at 10:42 am.

The board reconvened to open session at 11:15 a.m.

Mr. Murton addressed the Board regarding his position as Mr. Cannon's direct supervisor, currently and also in the past. Mr. Murton stated that while he is Mr. Cannon's direct supervisor, he would be able to participate in the vote for approval or denial, impartially. Mr. Murton stated that his vote would be a result of the factual information provided by the IME and not information he has heard due to being Mr. Cannon's supervisor.

The Board reviewed and answered the three PSRPS questions related to Accidental Disability approval.

Question 1 – Does Mr. Cannon have a medical condition that permanently and totally prevents him from performing a reasonable range of duties within his job classification?

Skip Hall - voted no
Chandler Brown - absent
Jim Conner - voted no
Ian Murton- voted no
Severin Hall- voted no

Question 2 – Does Mr. Cannon's disability result from a physical or mental condition or injury that existed or occurred prior to Mr. Cannon's date of membership of February 13, 2008 in PSRPS?

Skip Hall - voted no



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Jim Conner- voted no
Chandler Brown - absent
Ian Murton- voted no
Severin Hall- voted no

Question 3 – Was the disabling condition or injury incurred in the performance of Mr. Cannon's duty as a police officer?

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

Jim Conner made a motion to deny the Accidental Disability Retirement application for Glenn Cannon based upon the current medical information provided by the IME examiner.

Motion: Conner
Second: Skip Hall
Opposed: None

Skip Hall - voted yes
Jim Conner- voted yes
Chandler Brown - absent
Ian Murton- voted no
Severin Hall- voted yes

Mr. Severin Hall made a motion to deny the request for an extension submitted by Ms. Baillie.

Motion: Severin Hall
Second: Skip Hall
Opposed: None

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

#4. Discussion and action pertaining to review and update of current bylaws to ensure consistency with State statutes. - Approved



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Mr. Conner made a motion to designate review and comparison of state statutes and local board bylaws/rules to Board Attorney, Carrie O'Brien to ensure consistency with state statutes for review at the December 11, 2019 board meeting.

Motion: Conner
Second: Murton
Opposed: None

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

#5. Discussion and action pertaining to mandatory PSPRS training for all Board members. – Approved

Mr. Murton made a motion to require mandatory annual PSPRS training for all Board members, to include the PSPRS Annual Conference and semi-annual training on various subjects, open meeting law, etc. He further moved to add the language for required training to the board bylaws.

Mr. Murton opened discussion by stating that he would like to see mandatory training for all board members in a timely manner to ensure board members understand what is required of them.

Motion: Murton
Second: Severin Hall
Opposed: None

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

#6. Discussion and review pertaining to adding state statutes and board by laws to all Board packets. – No Action Required

Ms. Riege added copies of the state statutes as well as the Board bylaws to all Board member packets. Ms. Riege will ensure the statutes and bylaws are updated in the event there are changes to the statutes or bylaws.



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#7. Discussion and review pertaining to subgroup committee annual review of all previously accepted medically retired cases, to include original application and cause of injury. – **Tabled**

Mr. Murton explained the history of the sub-committee, that the sub-committee was created per the guidance of the state statutes to conduct an annual review to determine if the applicant should undergo an updated IME to establish continued disability. Mr. Severin Hall stated that the sub-committee has not yet reviewed any former cases. Mr. Murton confirmed that there were some cases that required applications to be sent from PSPRS. Mrs. Riege confirmed that all requested applications and supporting documentation have been received from PSPRS.

Ms. O'Brien reviewed the Board bylaws regarding the sub-committee review.

Mr. Severin Hall stated that he and Mr. Murton have been shown evidence of a previously approved applicant that is now participating in triathlons and appears to have recovered from their disability.

Ms. O'Brien reminded the Board that sub-committees fall under open meeting law. Mr. Murton and Mr. Severin Hall reiterated that there has been no action taken by the sub-committee. Ms. O'Brien will review the state statutes and provide guidance to the Board relative to the annual review process by the sub-committee.

Mr. Conner made a motion to table any action by the sub-committee until the December 11, 2019 meeting to allow Legal Counsel time to review and provide best practices for the subcommittee.

Motion: Conner
Second: Murton
Opposed: None

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

#8. Other Business -

Mrs. Riege confirmed attendance by Board members for the 2020 PSPRS Annual Conference. All Board members are able to attend.



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Adjournment:

Chair Hall made a motion to adjourn the meeting at 12:45 p.m. – **Approved**

Motion: ☒ Hall
Second: ☒ Connor *KR*
Opposed: ☐ None

Skip Hall - voted yes
Jim Connor- voted yes
Chandler Brown - absent
Ian Murton- voted yes
Severin Hall - voted yes

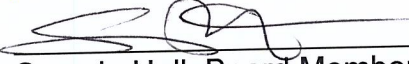


Skip Hall, Chairperson

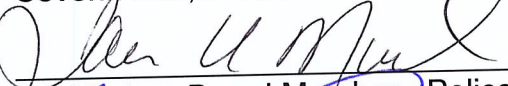
Chandler Brown, Board Member - Citizen



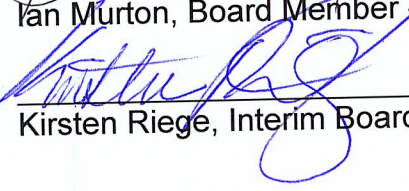
Jim Conner, Board Member -Citizen



Severin Hall, Board Member - Police Dept.



Ian Murton, Board Member - Police Dept.



Kirsten Riege, Interim Board Secretary