



CITY OF SURPRISE
Public Safety Personnel Retirement System Meeting - Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
 Wednesday, March 8, 2023 @ 10:30 AM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- Review of FY23 legal counsel and IME 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 February 15, 2023 Public Safety Retirement Commission – Police Executive Session Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the February 15, 2023 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 3. | Internal | Considerations and possible action for the Local Board to consider extending Police Member Severin Hall’s term to expire effective June 30, 2024 | Human Resources |
| 4. | Internal | Discussion and possible action to enter Executive Session and review the Independent Medical Exam (IME) findings and other medical records exempt from public inspection regarding the accidental disability retirement application for Police Officer Richard G. Malone | Human Resources |
| 5. | Internal | 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 Glenn D. Cannon | 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: Thursday, March 2, 2023 @ 2:00 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK’S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: March 8, 2023
Submitting Department: Human Resources
Staff Recommendations: None

Contact Person:
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Review of FY23 legal counsel and IME fees

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

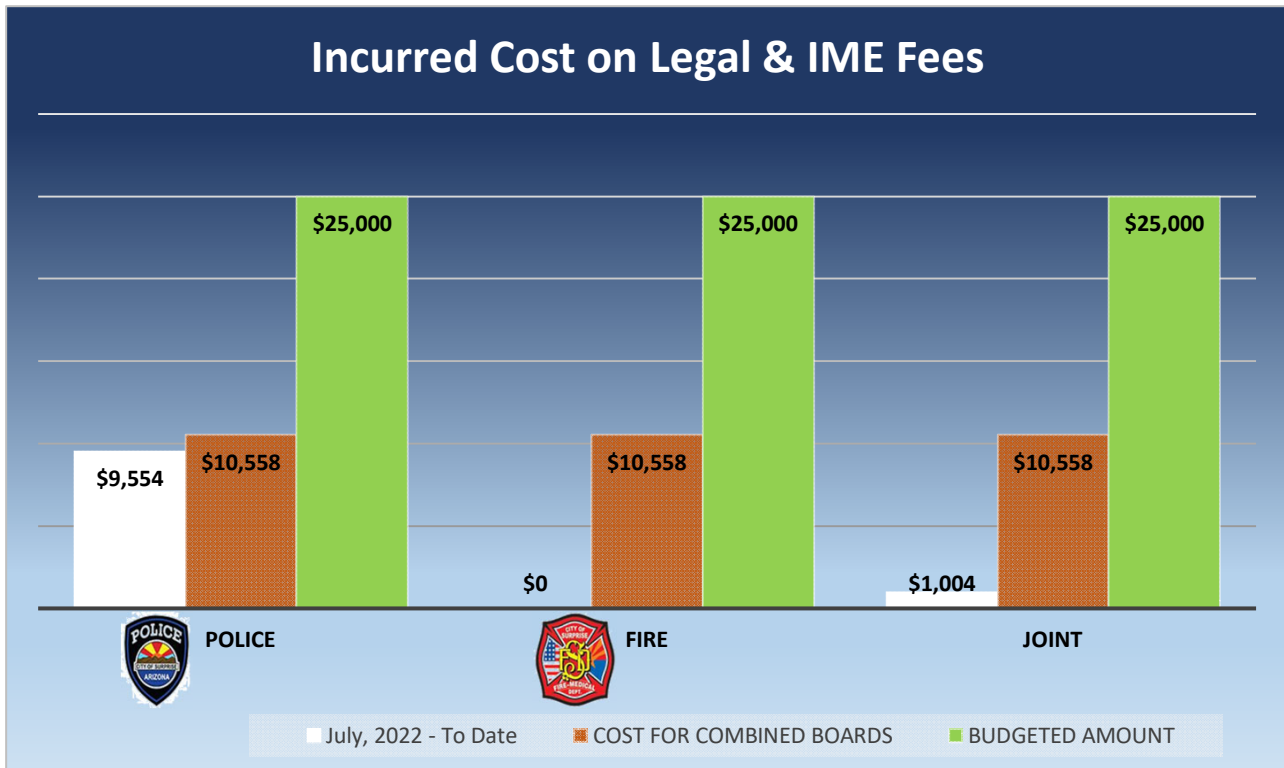
1. Legal Counsel Fees
-

Public Safety Retirement Commission

Legal and IME Fees

FY 2022 - 2023

BUDGETED AMOUNT	\$25,000.00
PAID INVOICES FOR LEGAL COUNSEL	
FIRE	\$0.00
POLICE	\$3,203.75
JOINT	\$1,003.75
*IME #1 COST (POLICE)	\$3,975.00
*IME #2 COST (POLICE)	\$2,375.00
TOTAL IME COST	\$6,350.00
COMBINED COST	\$10,557.50



**Other costs incurred - (2) Independent Medical Evaluations*



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: March 8, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and action pertaining to the review and approval of the February 15, 2023 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Motion:

I motion to approve the February 15, 2023 Public Safety Retirement Commission – Police Executive Session Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: March 8, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and action pertaining to the review and approval of the February 15, 2023 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I motion to approve the February 15, 2023 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Police DRAFT Minutes 2.15.23
-



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, February 15, 2023
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 10:30 a.m. Wednesday, February 15, 2023. The meeting was held in City Hall, Council Chambers.

A. Call To Order

Chair Hall called the meeting to order at 10:30 a.m.

B. Roll Call: Skip Hall, Chair – Present
James Conner, Appointed Member – Present
Kim Drayden, Appointed Member – Present (*tardy*)
Severin Hall, Police Department – Present
Christopher Thomas, Police Department – Present

In attendance: Cynthia “Cindy” Kelley, Legal Counsel
Ariana Reyna, PSPRS Board Secretary

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – None.

F. Call to the Public – None

Consent Agenda:

- 1. Considerations and action pertaining to the review and approval of the January 18, 2023 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**

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

Regular Agenda:

- 2. 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 Glenn D. Cannon –
TABLED**

Motion to ENTER Executive Session: James Conner
Second: Christopher Thomas
Opposed: None

DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 10:32 A.M. – 11:08 A.M.

Severin Hall made a motion to TABLE Glenn D. Cannon’s application since after reviewing his application, the Local Police Board still had questions that needed to be answered, pending the receipt of his VA medical records.

Motion to TABLE: Severin Hall
Second: Christopher Thomas
Opposed: None

Kathryn Baillie, legal representative for Glenn D. Cannon addressed the Local Police Board and stated that if the Local Board sends her office the medical records first, she can assist through sorting them out in advance and discuss with her client accordingly. The request is made through the order of appearance issued to the Local Board to ensure that she has the exact same records as the Local Board at the time of review. Cindy Kelley addressed Kathryn Baillie and reiterated that she can always contact her if she has questions to which Kathryn Baillie acknowledged.

G. Other Business and Future Agenda Items- None

H. Executive Session – None

I. Adjournment

Motion to adjourn at 11:13 a.m. – **APPROVED**

Motion: James Conner
Second: Kim Drayden
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, February 15, 2023.**

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: March 8, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Considerations and possible action for the Local Board to consider extending Police Member Severin Hall's term to expire effective June 30, 2024

Motion:

I Motion to allow Sgt. Hall to extend his term for one year and update his record with the City Clerk's office to reflect a term date of June 30, 2024

OR

I Motion to hold a special, competitive secret ballot election at the end of Sgt. Hall's current term date of June 30, 2023

Background:

During the April 8, 2020 meeting, the PSPRS Police Board was notified of a discrepancy in Sgt. Hall's term as was reflected, then, in the City Clerk's webpage. On April 24, 2019, the Local Board voted on how to manage staggered term expirations based on a recommendation from Legal Counsel. Currently Sgt. Hall's term expires effective June 30, 2023. Per Legal Counsel's recommendation, at the discretion of the Local Board, the Board could vote to allow Sgt. Hall to extend his term for one year, and then go through the normal secret ballot election process at term expiration of June 30, 2024 or hold a special, competitive election process with fellow Police members.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. PD Member Severin Hall's Term
-

Public Safety Retirement Commission

The Public Safety Retirement Commission serves as a separate local board to the Arizona Public Safety Personnel Retirement System and exists for Surprise Fire-Medical- and Police-related matters.

Check the city calendar for upcoming meetings titled as:

- Public Safety Retirement Commission Joint Meeting
- Public Safety Retirement Commission Meeting - Police
- Public Safety Retirement Commission Meeting - Fire

The Public Safety Retirement Commission meetings are televised on Surprise TV and [streamed online](#).

Individuals wishing to address the Board/Commission will need to fill out a Call to the Public Form and turn it in to the Board Secretary prior to the calling of the agenda item by the Chairperson or prior to the meeting by [email to Ariana Reyna](#).

- [Public Comment Form - Police \(PDF\)](#)
- [Public Comment Form - Fire \(PDF\)](#)
- [Public Safety Retirement Commission Joint Fire & Police Bylaws \(PDF\)](#)

Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval.

[View commission agendas and minutes](#)

Members

Members	Term Expiration
Skip Hall - Chair	
Kim Drayden, Appointed Community Member	June 30, 2026
James Conner, Appointed Community Member	June 30, 2024
Christopher Preest, Fire-Medical Staff	June 30, 2026
Ricardo Valdez, Fire-Medical Staff	June 30, 2024
Severin Hall, Police Staff	June 30, 2023
Christopher Thomas, Police Staff	June 30, 2026



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE
Minutes, Wednesday, April 8, 2020
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS City of Surprise Police Board Meeting held at 9:41 a.m. Wednesday, April 8, 2020. The meeting was held in City Hall, Council Chambers. Due to COVID-19, the public was able to stream meeting live.

A. Call To Order

Chair Hall called meeting to order at 9:41 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 (*absent during roll call*)
Ian Murton, Police Department – Present

In attendance: Vicki Moss, Human Resources Manager
Carrie O'Brien, Board Attorney (*conference bridge*)
Ariana Reyna, Sr. Human Resources Analyst

C. Pledge of Allegiance – Completed

D. Current events and reports – Ariana Reyna addressed the Police Board to provide an update on Police Member Severin Hall's term. She stated that during the March 11, 2020 meeting Severin Hall brought to her attention that there was a discrepancy with his term as reflected in the City Clerk's website showing June 2020 expiration date. She informed the Board that in their packets, she included an attachment of a notification from the previous Board Secretary acknowledging that Police Board Member Severin Hall would serve a full four year term from July 1, 2019 - June 30, 2023. As background information, on April 24, 2019, the Board was presented with recommendations from Ryan Rapp & Underwood, PLC in addressing Board Member Terms of Office. The Police Board voted for Option #2 presented, which stipulates that the Board would be able to hold a future special election to adjust terms to conform to a 2 year staggered expiration date. With this option, at the discretion of the Board, Severin Hall would be able to extend his term for one year then go through a normal secret ballot election process at term expiration in June, 2024. Ariana Reyna will request for records to be updated with both City Clerk's Office and PSPRS.

E. Staff Reports – None

F. Call to the Public – None



Consent Agenda:

- 1. Considerations and Actions pertaining to the review and approval of the March 11, 2020 PSPRS Local Police Board Meeting Minutes**

Motion to Approve: Chandler Brown
Second: Ian Murton
Opposed: None

Regular Agenda:

- 2. Considerations and Actions pertaining to the enrollment into the Deferred Retirement Option Plan (DROP) for Michael J. Donovan Jr. -**
Vicki Moss addressed the Board and stated that Michael Donovan submitted his paperwork to enter DROP effective 04/18/2020. Mr. Donovan has been employed with the Surprise Police Department since 04/17/1995. As of his date of DROP, Mr. Donovan will have 25.008 years of credited service.

Motion to Approve: Ian Murton
Second: Chandler Brown
Opposed: None

- 3. Discussion and possible action on Board Secretary providing the Board with additional information for review of disabilities as discussed in previous meeting –** Ariana Reyna addressed the Board and mentioned that as stated in the Board's bylaws, specifically section G) 2) a) regarding the reexamination of disability recipients, it is stated that at the direction of the Chair, a Subcommittee of the two elected Members of the Local Police Board shall review the list of Members prepared and report the Subcommittee's recommendations regarding medical reevaluation of such Members to the Local Police Board. She explains that this was listed as an agenda item to acknowledge that this is a pending matter. Even though the Joint Board hasn't reconvened to vote on its Board Secretary, in preparation for this, she has been doing research on what was gathered in the past, been in contact with PSPRS and again, like the bylaws mention, at the direction of the Chair, can move forward with presenting the Subcommittee a list for review for a future meeting.

Vicki Moss states that this list has been in place since last June but there was missing information provided to the Board. There were some changes in staff so at this point we are having to start from scratch in gathering the information needed as we're unsure what was presented to the Board and what exactly

was missing. The Chair then gave directive to move forward with presenting this information to Subcommittee in future meeting.

G. Other Business and Future Agenda Items

Discussion on upcoming term expiration for Citizen Board Member Jim Connor whose term is set to expire on June 30, 2020

Ariana Reyna mentioned that she has been in contact with City Clerk regarding the reappointment process for citizen members per the City Code. Since as a City, there are many term expirations for other boards and commissions coming up for June 2020, the City Clerk has started this process during this month of April. City Clerk stated that she needs to be informed about members who wish to seek reappointment so that she can timely distribute and collect reappointment applications. Ariana Reyna then asked Citizen Board Member Jim Conner if he will be seeking reappointment with the PSPRS Board to which Jim Conner answered that he already received an application from the City Clerk's Office secretary. He already filled it out and sent it back to her.

Discussion pertaining to establishing a process to review and approve Executive Session Meeting Minutes

Ariana Reyna explained that during the March 11, 2020 Fire Board meeting, this process was inquired on. It was discussed that the Board could enter E-session to discuss previous meeting E-session minutes then exit E-session and approve minutes during public session. However, it's unclear on how the distribution of meeting minutes would take place. She questioned if Board members would get to see minutes prior to meeting or would this be reviewed for the first time and discussed during the following PSPRS Board meeting. Carrie O'Brien addressed the Board and explained that the Board has options which all comply to Open Meeting Law: one would be not to do anything with Executive Session meeting minutes just have the Board Secretary prepare meeting minutes. Second option would be to have the Board review those Executive Session meeting minutes in Executive Session then exit and approve those minutes during public meeting. A third option is what Chair Hall shared about Council's current procedure of councilmembers receiving an actual copy of the minutes and any corrections are sent back in writing. Chair Hall stated that they receive only a summary of what was discussed. Minutes are given to them in public meeting; they sign off on them and give back to clerk. Carrie O'Brien continues to clarify that there are two circumstances where the Board would have to disclose audio recording or provide Executive Session Meeting Minutes: in the event that Attorney General is

investigating Open Meeting Law complaint or a new Board Member wanted to review the work of the Board. The Board entered into discussion about retaining audio vs. maintaining meeting minutes. They also discussed options on distributing and approval of meeting minutes. The Board moved forward to provide a summary of the Executive Session Meeting Minutes but retaining the audio. It was decided that E-session Meeting Minutes would be distributed via (secure) email. Any corrections would have to be communicated to Board Secretary. At the public meeting, the only agenda item would be to approve Executive Session Meeting Minutes, no discussion.

H. Executive Session – None.

I. Adjournment

Motion to adjourn at 10:00 a.m. – APPROVED -

Motion: James Conner

Second: Chandler Brown

Opposed: None

Meeting Minutes Approval:



Skip Hall, Chair

CERTIFICATION:

I, Ariana Reyna, Sr. Human Resources Analyst – ADA & Leaves for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the PSPRS Local Police Board Meeting of **Wednesday, April 8, 2020.**



Ariana Reyna, Human Resources

Ariana Reyna

From: Chanda Washington
Sent: Thursday, June 27, 2019 5:07 PM
To: Chanda Washington
Cc: Terry Young; Donna Meuse; Lindsey Steinhoff
Subject: PSPRS Police Employee Board Member Election Results

Importance: High

Good afternoon all:

Thank you to all of you who submitted your votes for the PSPRS Police Employee Board Member Elections. Based upon the votes of the PSPRS police employee membership, Severin Hall has been elected to serve a full four year term as a PSPRS Board Member. Please help me congratulate Severin as he serves in his new role as a PSPRS Police Employee Board Member.

If you have any questions, please let me know.
Thank you,
Chanda

Chanda Washington

Senior Human Resources Analyst
City of Surprise Human Resources
16000 N. Civic Center Plaza
Surprise, AZ 85374
Direct Line (623) 222-3542
Confidential Medical Fax (623) 222-3504
chanda.washington@surpriseaz.gov



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, April 24, 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, April 24, 2019. The meeting was held in City Hall, Council Overflow Conference Room.

Call To Order:

Chairperson Scott Gwaltney called the meeting to order at 10:07 a.m.

A. Roll Call: Scott Gwaltney, Chairperson & Citizen Board Member - Present
Don Jeffrey, Citizen Board Member – Present
Jim Conner, Citizen Board Member – Present
Ian Murton, Employee Board Member – Police Dept. – Present
Courtney Hicks, Employee Board Member- Police Dept. – Absent
excused

In attendance: Chanda Washington, Board Administrator
Lindsey Steinhoff, Human Resources
Cynthia Kelley, Board Attorney
Rachael Tidd, Applicant
Edyta Tabor-Dakowicz, Applicant Support

B. Pledge of Allegiance: Completed

C. Current Events Reports: None

D. Staff Reports: Ms. Washington let the board know we need a meeting on 5/8/19 for an upcoming retirement she will have. Mr. Gwaltney let Ms. Washington know he will not be able to attend the May 8th meeting. Other board members were asked if they were able to attend to ensure there would be a quorum. If the 8th doesn't work for the board they will need to do a different date in May.

Mr. Conner can do any Wednesday in May except the 22nd. Mr. Jeffrey is good to do either May 8th or 15th. Mr. Murton would not be able to attend on May 8th, but will be able to attend the 15th. Ms. Washington will talk with Ms. Hicks to determine if she is able to the May 8th or 15th and will send out a meeting notification to the board members letting them know if we will have a meeting on May 8th or May 15th.

Call to the Public: None

Consent Agenda:

#1. Discussion and action pertaining to approval of PSPRS Local Board - Police February 6, 2019 Meeting Minutes. **-Approved**

Motion: Mr. Gwaltney
Second: Mr. Jeffrey
Opposed: None



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, April 24, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

Regular Agenda:

#2. Discussion pertaining to Jeremy G. Templeton's failure to satisfy the 90-day election period for enrollment in PSPRS membership and acknowledgement that there will be no effective date for PSPRS membership and no retirement plan election submitted with the City of Surprise. – **No Action Needed**

Ms. Washington explained this is the 2nd time the board has had the situation occur where the employee ended employment with the City of Surprise prior to reaching their 90-day election period for choosing a retirement plan with PSPRS and there will be no effective membership date with the City of Surprise. This is just a notification for the board and no action is needed.

#3. Consideration and action pertaining to further review of the Accidental Disability application of Rachael Tidd. The commission may further consider and take action to appoint an independent medical examination (IME) for Rachael Tidd to be conducted by the following IME professionals: MMRO as primary, MCN as secondary and Integrated Medical Evaluation Services Inc. as tertiary (third) choice. – **Approved**

Ms. Washington explained Ms. Tidd was present for the meeting and she did not sign a release for the board to discuss her medical information in an open meeting, so any discussions pertaining to her Ms. Tidd's medical information would need to be discussed in executive session with her present.

Mr. Gwaltney made a motion at 10:11am to go into modified executive session with Ms. Tidd and Ms. Tabor-Dakowicz.

Motion: Gwaltney
Second: Conner
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent

Mr. Gwaltney made a motion at 10:18am to end executive session and reconvene to regular session.

Motion: Gwaltney



PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE
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Second: Conner
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

Mr. Gwaltney made a motion at 10:19am to go into executive session for legal advice.

Motion: Gwaltney
Second: Jeffrey
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

Mr. Gwaltney made a motion at 10:23am to end executive session and reconvene to regular session.

Motion: Gwaltney
Second: Murton
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

Regular session reconvened at 10:24am. Mr. Murton made a motion to accept for further review the Accidental Disability application for Rachael Tidd due the injury identified in executive session with Ms. Tidd present.

Motion: Murton
Second: Conner
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes



Ian Murton- voted yes
Courtney Hicks- absent excused

Mr. Murton made a subsequent motion, I move to appoint an independent medical exam (IME) for the Accidental Disability Retirement application for Rachael Tidd to be conducted by the following IME professionals: MMRO as primary, MCN as secondary and Integrated Medical Evaluations Inc. as tertiary (third) choice.

Motion: Murton
Second: Conner
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

#4. Discussion and action pertaining to PSPRS board members' term of office. – Second option approved

Mr. Murton expressed he felt option #2 was the best since that is what the Police board has done in the past and what happened with his election.

Mr. Gwaltney explained the Fire board had a meeting today and looked at the same options for the board terms and chose option #1.

Ms. Washington explained Ian was elected to finish a term for a board member who left employment with the city and then when that term ended there was another election and Mr. Murton was re-elected.

Mr. Conner stated that option #2 makes more sense for Police and it's the least risk. He stated although the attorneys have indicated there is nothing wrong with either options but there is a chance under option #1 that someone could get upset with it and challenge it and you cannot challenge option #2.

Ms. Washington let the board know that although Ms. Hick's could not attend the meeting today she did discuss with Ms. Washington her preference was to choose option #1.

Mr. Murton expressed he would like for things to stay consistent with how the board has elected members in the past and he would like for option #2.

A motion was made to approve the PSPRS Board Attorney's recommendation under Option #2 for staggered schedule as presented for the two board members' term of office.



Motion: Conner
Second: Murton
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

#5. Consideration and action pertaining to placing items on future agenda.

Ms. Washington will obtain a list for disability retirement cases for the board to review, but this will likely not be for the May meeting.

Mr. Murton would like an agenda item to discuss in executive session legal guidance on information regarding the boards scope of view and what can and can't be introduced for review of an accidental disability or disability retirement cases.

#6. Executive Session: Consideration and action to enter into Executive Session pursuant to A.R.S. 38-431.03 (A) (2) and (3) for consideration or discussion of material deemed confidential by law and/or discussion or consultation for legal advice with the board attorney regarding the local board procedures.

The board went into modified executive session to discuss the Disability Retirement Application with Applicant Rachel Tidd and Ms. Tabor-Dakowicz at 10:11am. This executive session ended at 10:18am. The board then went into executive session for legal advice without the applicant or Ms. Tabor-Dakowicz in the room at 10:19am and this session ended at 10:23am.

Adjournment:

Chair Scott Gwaltney made a motion to adjourn the meeting at 10:34 a.m. – **Approved**

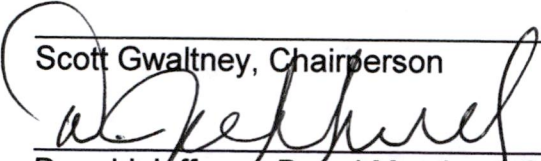
Motion: Gwaltney
Second: Murton
Opposed: None

Scott Gwaltney- voted yes
Don Jeffrey- voted yes
Jim Conner- voted yes
Ian Murton- voted yes
Courtney Hicks- absent excused

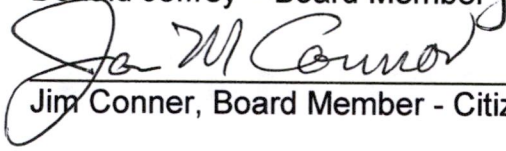


PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE
Minutes, Wednesday, April 24, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

Scott Gwaltney, Chairperson



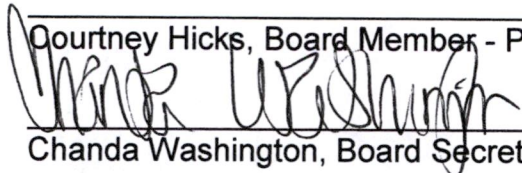
Donald Jeffrey – Board Member - Citizen



Jim Conner, Board Member - Citizen

Ian Murton, Board Member – Police Dept.

Courtney Hicks, Board Member - Police Dept.



Chanda Washington, Board Secretary

MEMORANDUM

TO: City of Surprise PSPRS Police and Fire Local Board Members

FROM: David L. Niederdeppe, Esq. and Cynthia K. Kelley, Esq.

RE: Board Member Terms of Office

DATE: April 8, 2019

We were asked by staff to look at current elected and appointed Board members' terms of office for the Police and Fire Boards. Arizona statutes contemplate that each elected and appointed board member (with the exception of the board chair) will serve 4 year terms, and such terms are staggered so that every two years the term of one elected board member (from each Board) and one appointed board member will expire. Because the board chair is either the mayor or appointed by the mayor, that term expires when a new mayor is elected, or when the mayor chooses a different designee.

A.R.S. §38-847(B) provides as follows:

B. On the taking effect of this system for an employer, the appointments and elections of local board members shall take place with one elective and appointive local board member serving a term ending two years after the effective date of participation for the employer and other local board members serving a term ending four years after the effective date. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four years in the same manner as previously provided.

We believe there is a purpose to staggered term expirations. That is, generally, to ensure that one elected member and one citizen member from each Board has at least 2 years of experience when new members are elected or appointed. While that's not exactly how the terms have been staggered, we believe the legal risk (someone challenging a result because of how the board was constituted) is relatively small. To the extent there is any such risk, it would come from a board with four members who have little or no experience.

We were provided the following schedule for your current Board members' terms of office:

Scott Gwaltney- term ends 12/31/2020, on the same date as your Mayor. His term will expire when a new Mayor is elected so no adjustments are necessary for his term.

Donald Jeffrey- term ends 6/30/2022

Jim Conner- term ends 4/18/2021
Ian Murton –term ends 6/30/2022
Courtney Hicks- term ends 4/30/2019
Rick Valdez- term ends 4/30/2019
Chris Preest- term ends 6/30/2022

We think it appropriate to adjust the term expiration dates so that they line up more closely with what we believe is the intent of the statute. We think it is prudent to leave as many term expiration dates as they are currently set, if possible, and adjust only the terms necessary to accomplish the goal of evenly staggered term expirations. We suggest 2 possible options:

Option #1:

- Citizen members: We suggest moving Jim Conner’s term expiration to 6/30/2020 and leaving Donald Jeffrey’s term expiration at 6/30/2022. By doing this the citizen members’ terms will be adjusted to conform to 2 year staggered expirations. The Board will need City Council approval in order to change Jim Conner’s term.
- Police elected members: Ian Murton’s term ends 6/30/2022 and Courtney Hicks’ term ends 4/30/2019. To keep in line with the 6/30/2020 and 6/30/2022 term expirations, we suggest extending Courtney Hicks’ term by 14 months or until 6/30/2020. We believe pursuant to the statute below it is permissible to extend her term until the next election.
- Fire elected members: Rick Valdez’s term ends 4/30/2019 and Chris Preest’s term ends 6/30/2022. This is the same schedule as Police elected members above. We suggest this be handled in the same manner as you decide to handle the Police Board, by extending Rick’s term to 6/30/2020.

Option #2:

- Citizen members: This would be the same as Option #1 above for the citizen members, moving Jim Conner’s term expiration to 6/30/2020 and leaving Donald Jeffrey’s term expiration at 6/30/2022. By doing this the citizen members’ terms will be adjusted to conform to 2 year staggered expirations. The Board will need City Council approval in order to change Jim Conner’s term.
- Police elected members: Option #2 would require a special election to be held at the end of Courtney Hicks’ term. The special election would only be for a term of just over one year, covering the period of 4/30/2019 through 6/30/2020, and then a new election would be held for the next 4 year period.
- Fire elected members: Option #2 would require a special election to be held at the end of Rick Valdez’s term. The special election would only be for a term of just over one year one year, covering the period of 4/30/2019 through 6/30/2020, and then a new election would be held for the next 4 year period.

The pertinent statute is as follows:

A.R.S. §38-295. Term of office; discharge of official duties after expiration of term; appointment to fill unexpired term.

B. Every officer shall continue to discharge the duties of the office, although the term has expired, until a successor has qualified.

The statutes are attached for your reference.

DLN/CKK



CITY OF SURPRISE
Public Safety Personnel Retirement System
Meeting - Police

Council Meeting Date: March 8, 2023
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 the Independent Medical Exam (IME) findings and other medical records exempt from public inspection regarding the accidental disability retirement application for Police Officer Richard G. Malone

Motion:

IF APPROVED:

The Board has reviewed the Independent Medical Exam and based on report findings and Board's discussion, I motion to APPROVE the accidental disability retirement application for Police Officer Richard G. Malone and request for the Board Secretary to submit retirement paperwork to PSPRS for processing.

IF DENIED:

The Board has reviewed the Independent Medical Exam and based on report findings and Board's discussion, I motion to DENY the accidental disability retirement application for Police Officer Richard G. Malone. As required, the Board will send a letter to the member and the original application to PSPRS for their review.

IF TABLED:

The Board has reviewed the Independent Medical Exam and based on report findings and Board's discussion, I motion to TABLE the accidental disability retirement application for Police Officer Richard G. Malone because _____.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



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Agenda Wording:

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 Glenn D. Cannon

Motion:

IF THERE IS SUFFICIENT MEDICAL EVIDENCE TO SUPPORT APPLICATION:

I make a motion to move forward with ordering an Independent Medical Exam for Glenn D. Cannon as THERE IS sufficient medical evidence presented to the Local Board.

IFTHERE 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 accidental disability retirement as the circumstances do not meet the requirements for the disability benefit for which Glenn D. Cannon applied for.

Background:

The Local Board TABLED Glenn Cannon's application during the February 15 meeting pending receipt of his VA medical records.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
