



**CITY OF SURPRISE
PSPRS Police
16000 N. Civic Center Plaza
Surprise, AZ 85374**

Wednesday, August 16, 2023 @ 9:45 AM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- 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 May 17, 2023 Public Safety Retirement Commission – Executive Session Police Meeting Minutes | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the May 17, 2023 Public Safety Retirement Commission – Police Meeting Minutes | Human Resources |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|-----------------|
| 3. | Internal | Consideration and possible action pertaining to the review and approval of PSPRS retiree Howard D. Karner alternate contribution rate (ACR) to the system pursuant to A.R.S. § 38-843.05 | Human Resources |
| 4. | Internal | Consideration and possible action pertaining to the review and approval of PSPRS retiree James R. McPheeters alternate contribution rate (ACR) to the system pursuant to A.R.S. § 38-843.05 | Human Resources |
| 5. | Internal | Consideration and possible action pertaining to the review of medical examinations and the acceptance of Lateral Police Officers: Yoser Bojorquez-Sauceda and Tina R. DeSanti as well as Police Officer Recruit Shaylee A. Diamond into the PSPRS system pursuant to A.R.S. § 38-859. | Human Resources |
| 6. | 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 Lieutenant Robert Mark Filler | 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

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday August 10, 2023 @ 3:00 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
PSPRS Police**

Council Meeting Date: August 16, 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 May 17, 2023 Public Safety Retirement Commission – Executive Session Police Meeting Minutes

Motion:

I motion to approve the May 17, 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
PSPRS Police**

Council Meeting Date: August 16, 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 May 17, 2023 Public Safety Retirement Commission – Police Meeting Minutes

Motion:

I motion to approve the May 17, 2023 Public Safety Retirement Commission – Police Meeting Minutes

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. DRAFT Police Minutes 5.17.23
-



**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, May 17, 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 10:00 a.m. Wednesday, May 17, 2023. The meeting was held in City Hall, Council Chambers.

A. Call To Order

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

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

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

C. Pledge of Allegiance – Completed

D. Current Events Reports - None

E. Staff Reports – Review of FY23 Legal Counsel and IME fees.

F. Call to the Public – None

Consent Agenda:

- 1. Considerations and action pertaining to the review and approval of the April 12, 2023 Public Safety Retirement Commission – Police Meeting Minutes – APPROVED**

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

Regular Agenda:

- 2. Consideration and possible action pertaining to the review of medical examinations and the acceptance of two (2) Firefighter Recruits: Cody J.**



**Lackhan and Pedro E. Mazon into the PSPRS system pursuant to A.R.S. §
38-859 - APPROVED**

A motion was made to approve Cody J. Lackhan without preexisting conditions & Pedro E. Mazon without preexisting conditions.

Motion to Approve: James Conner

Second: Severin Hall

Opposed: None

3. 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 Glenn D. Cannon – **APPROVED.**

Ariana Reyna mentioned that for the record, Mr. Glenn D. Cannon separated employment from the City of Surprise effective 5/16/2023. *(As part of a job reassignment under the ADA, please note that Glenn D. Cannon transitioned from Police Officer to the non-sworn, position of Police Community Services Officer – Front Desk vacancy effective Monday, May 1, 2023. No ACR is payable to PSPRS as a result of this job reassignment.)*

Motion to ENTER Executive Session: James Conner

Second: Christopher Thomas

Opposed: None

**DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE
FROM 10:03 A.M. – 10:19 A.M.**

James Conner stated that the Board had reviewed the Independent Medical Exam and based on report findings and Board's discussion, he made a motion to APPROVE the accidental disability retirement application for Glenn D. Cannon and requested for the Board Secretary to submit retirement paperwork to PSPRS for processing. Chair Hall asked if there was any discussion to which Severin Hall indicated that based on the Form P5-LB-A (*Accidental Disability Questionnaire*), Dr. Kirkorsky stated two issues that the Local Board needs to address regarding questions #5 and #6, specifically pre-existing conditions and conflicts in the medical evidence. After the Board thoroughly reviewed Dr. Kirkorsky's IME, the Board determined that pages 22-23 satisfied any conflicts to pre-existing conditions and conflicts with the medical evidence to the Board's satisfaction. Chair Hall indicated that this was part of the doctor's narrative.



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

G. Other Business and Future Agenda Items- None

H. Executive Session – None

I. Adjournment

Motion to adjourn at 10:21 a.m. – **APPROVED**

Motion to Adjourn: James Conner
Second: Severin Hall
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, May 17, 2023.**

Ariana Reyna, Board Secretary
Public Safety Retirement Commission - Police



CITY OF SURPRISE
PSPRS Police

Council Meeting Date: August 16, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Consideration and possible action pertaining to the review and approval of PSPRS retiree Howard D. Karner alternate contribution rate (ACR) to the system pursuant to A.R.S. § 38-843.05

Motion:

IF APPROVED:

I motion to approve the ACR payment from the City of Surprise to PSPRS for Howard D. Karner as his position of Police Officer is a Public Safety eligible position, effective his hire date with the Surprise Police Department of July 24, 2023.

IF DENIED:

I motion to deny the ACR payment from the City of Surprise to PSPRS for Howard D. Karner, Police Officer because _____.

Background:

Howard D. Karner was hired as a Police Officer with the Surprise Police Department effective July 24, 2023. He retired from El Mirage Police Department.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Retiree ARS and ACR-PO

VIEW DOCUMENT

The Arizona Revised Statutes have been updated to include the revised sections from the 55th Legislature, 2nd Regular Session. Please note that the next update of this compilation will not take place until after the conclusion of the 56th Legislature, 1st Regular Session, which convenes in January 2023.

DISCLAIMER

This online version of the Arizona Revised Statutes is primarily maintained for legislative drafting purposes and reflects the version of law that is effective on January 1st of the year following the most recent legislative session. The official version of the Arizona Revised Statutes is published by Thomson Reuters.

38-843.05. Retired members; return to work; employer contributions

A. An employer shall pay contributions at an alternate contribution rate on behalf of a retired member who returns to work in any capacity in a position ordinarily filled by an employee of the employer of an eligible group, unless the retired member is required to participate in another state retirement system and the retired member returned to work before July 20, 2011. For the purposes of this subsection, "returns to work in any capacity" includes a retired member who returns to work and is ineligible for benefits pursuant to section 38-849, subsection E.

B. The alternate contribution rate shall be equal to that portion of the individual employer's total required contribution that is applied to the amortization of the unfunded actuarial accrued liability for the fiscal year beginning July 1, based on the system's actuary's calculation of the total required contribution for the preceding fiscal year ended on June 30. The alternate contribution rate shall be applied to the compensation, gross salary or contract fee of a retired member who meets the requirements of this section.

C. The alternate contribution rate shall not be less than eight percent in any fiscal year.

D. All contributions made by the employer and allocated to the fund are irrevocable and shall be used as benefits under this article or to pay the expenses of the system. Payments made pursuant to this section by employers become delinquent after the due date prescribed in section 38-843, subsection D, and thereafter shall be increased by interest from and after that date until payment is received by the system.

E. An employer of a retired member shall immediately notify the local board after the employment of a retired member and shall submit any reports, data, paperwork or materials that are requested by the board or the local board that are necessary to determine the compensation, gross salary or contract fee associated with a retired member who returns to work or to determine the function, use, efficacy or operation of the return to work program.



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Contribution Rates & Reporting



Alternate Contribution Rate (ACR)

Legislation passed in 2011 which requires employers to pay an Alternate Contribution Rate (ACR) when they employ a PSPRS, CORP or EORP retiree. This rate is strictly charged to the employer as a way to lessen any potential actuarial impact caused by hiring a retiree in a position that would normally be filled with a contributing employee.

The ACR is individually set for each participating employer group and determined each year during the system's annual actuarial valuation. The ACR is meant to help pay the unfunded liability amortization payment, and is calculated by combining the amortized unfunded liability contribution rates for both the cost of pension and health, with a minimum amount of 8% in PSPRS and 6% in CORP. Employers can access this information from the Contribution Requirement section in their annual [Individual Actuarial Valuation Report](#). For the EORP ACR and Retirement Path information, see [EODCRS](#).

Employers must report ACR data and payments using their normal payroll reporting processes to the system. This would include uploading data through the [Employer Payroll Portal](#). Employers who submit late ACR payments are subject to interest being charged against those payments.

For more information on contribution reporting and payment remittance, please contact our [Active Members Department](#).

* <https://www.psprs.com/employers--local-boards/contribution-rates-reporting>



POLICE OFFICER

Class Code:
P

CITY OF SURPRISE
Established Date: Jan 27, 2019
Revision Date: Jun 14, 2021

SALARY RANGE

\$31.68 - \$44.58 Hourly

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Job Title: POLICE OFFICER
Department: Police
Reports To: Police Sergeant
FLSA Status: Non-exempt
Job Status: Full-time; Classified; Safety Sensitive
Pay Grade: P

SUMMARY

Performs law enforcement, crime prevention work; patrols an assigned area for the prevention of crime, the maintenance of law and order; performs investigative work including special assignments. Also performs a variety of technical law enforcement tasks.

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ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as general illustrations of the various types of work that may be performed. Specific statements of duties not included does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Job descriptions are subject to change by the City as the needs of the City and requirements of the job change.

- Patrols City in radio-equipped car; answers calls for the protection of life and property and the enforcement of City, County and State Laws; conducts preliminary and follow-up investigations of disturbances, prowlers, burglaries, thefts, robberies, death and other criminal incidents as assigned
- Coordinates and conducts complete detailed investigations of all crime activity
- Patrols the City and responds to calls related to traffic incidents and any other required emergencies; observes, monitors and controls routine unusual traffic conditions; assists and advises motorists and enforces traffic safety laws
- Collects and preserves evidence at accident scenes; lifts fingerprints; draws sketches; takes photographs
- Makes arrests as necessary; interviews victims, complainants, witnesses, interrogates suspects; searches and transports prisoners; testifies and presents evidence in court

- Serves warrants, subpoenas; keeps up to date on laws, procedures required for processing warrants; retrieves and requests information involving arrests, subpoenas; files complaints and performs other work related to processing for misdemeanor and felony complaints
- Contacts and cooperates with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses
- Prepares reports of arrests made; activities performed, crimes investigated; and unusual incidents
- Stops drivers who are operating vehicles in violation of laws; warns drivers against unlawful practices; issues citations and makes arrests as necessary
- Maintains contact with citizens regarding potential law enforcement problems and preserves good relationships with the general public
- Work any post, assignment, or shift to support the 24-hour per day, 7-day a week operation. This includes nights, weekends, and holidays; and when the need arises, adjust their schedule to accomplish a mission or operational need
- Works mandatory overtime as required
- Cultivate inclusive and respectful working relationships that support a sense of belonging for all employees and community members.
- Performs the essential duties of the job in the conditions described in the physical demands and work environment sections below
- Maintains regular attendance and punctuality
- Performs other duties as required

SUPERVISORY RESPONSIBILITIES

None

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QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

Knowledge of:

- Offensive and defensive weapons nomenclature and theory
- Self-defense tactics
- Interview and interrogation techniques
- Community policing methods and techniques
- Constitutional law, Arizona State criminal and traffic laws

Skill in:

- Using computers and related software applications
- Using modern office equipment

Ability to:

- Apply police methods and procedures, including patrol, crime prevention, traffic control, investigation and identification techniques equipment, police records and reports and first aid techniques
- Comprehend criminal law and procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors, felonies, including rules of evidence pertaining to the search and seizure and the preservation of evidence in traffic and criminal cases
- Observe accurately and remember faces, number, incidents and places

- Use and care for firearms
- Think and act quickly in emergencies, judge situations and people accurately
- Render credible testimony in a court of law
- Understand and interpret laws and regulations
- Prepare accurate grammatically correct written reports
- Communicate clearly and concisely, both orally and written
- Use standard broadcasting procedures of a police radio system
- Understand and carry out oral and written directions in an independent manner
- Meet the physical requirements necessary to safely and effectively perform the assigned duties
- Act quickly under pressure and make appropriate judgment
- Keep privileged information confidential
- Work effectively under stress
- Maintain moral standards and integrity
- Work safely without presenting a direct threat to self or others
- Enter data into a computer
- Communicate and use interpersonal skills to interact with coworkers, supervisor, the general public, etc. to sufficiently exchange or convey information and to receive work direction

EDUCATION and/or EXPERIENCE

High School Diploma or GED required.

CERTIFICATIONS, LICENSES, REGISTRATIONS

Must have at the time of hire and be able to maintain a valid Arizona driver license.

Must be a Certified Police Officer at the time of application.

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PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Very Heavy Work: Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus. The employee is required to maintain a level of physical fitness to meet department standards. Correct visual acuity to 20/20.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The work will occur in an office and field environment. While performing the duties and responsibilities the employee may be exposed to loud noise, noxious odors, unsanitary conditions, chemicals, electricity, moving mechanical parts, varying weather conditions, and other related conditions and situations. Position is subject to atmospheric conditions: Fumes, odors, dust, mists, gases or poor ventilation.



This is a safety-sensitive position that requires candidates to successfully pass a pre-employment drug screen prior to start date. Candidates must successfully pass an Arizona Peace Officer Standards and Training (AZPOST) Medical Exam prior to start date.



CITY OF SURPRISE
PSPRS Police

Council Meeting Date: August 16, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Consideration and possible action pertaining to the review and approval of PSPRS retiree James R. McPheeters alternate contribution rate (ACR) to the system pursuant to A.R.S. § 38-843.05

Motion:

IF APPROVED:

I motion to approve the ACR payment from the City of Surprise to PSPRS for James R. McPheeters as his position of Police Officer is a Public Safety eligible position, effective his hire date with the Surprise Police Department of July 24, 2023.

IF DENIED:

I motion to deny the ACR payment from the City of Surprise to PSPRS for James R. McPheeters, Police Officer because _____.

Background:

James R. McPheeters was hired as a Police Officer with the Surprise Police Department effective July 24, 2023. He retired from the Phoenix Police Department.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Retiree ARS and ACR-PO

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Contribution Rates & Reporting



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FLSA Status: Non-exempt
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SUMMARY

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- Meet the physical requirements necessary to safely and effectively perform the assigned duties
- Act quickly under pressure and make appropriate judgment
- Keep privileged information confidential
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- Maintain moral standards and integrity
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CITY OF SURPRISE
PSPRS Police

Council Meeting Date: August 16, 2023
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

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Consideration and possible action pertaining to the review of medical examinations and the acceptance of Lateral Police Officers: Yoser Bojorquez-Sauceda and Tina R. DeSanti as well as Police Officer Recruit Shaylee A. Diamond into the PSPRS system pursuant to A.R.S. § 38-859.

Motion:

I motion to approve Tier 3 Members into the PSPRS system as follows:

- Yoser Bojorquez-Sauceda WITH ____ OR WITHOUT ____ preexisting condition(s)
- Tina R. Desanti WITH ____ OR WITHOUT ____ preexisting condition(s)
- Shaylee A. Diamond WITH ____ OR WITHOUT ____ preexisting condition(s)

Background:

Police Officer Yoser Bojorquez-Sauceda was hired effective 6/26/23, while Officer DeSanti and Recruit Diamond were hired on 5/30/23 with the Surprise Police Department. The employees were officially notified of the Board’s review of their medical records today.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
PSPRS Police

Council Meeting Date: August 16, 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 medical records exempt from public inspection regarding the accidental disability retirement application for Police Lieutenant Robert Mark Filler

Motion:

IF THERE IS SUFFICIENT MEDICAL EVIDENCE TO SUPPORT APPLICATION:

I make a motion to move forward with ordering an Independent Medical Exam for Robert Mark Filler 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 DOES NOT 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 Robert Mark Filler applied for.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
