



**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint Meeting**  
**16000 N. Civic Center Plaza**  
**Surprise, AZ 85374**  
 Wednesday, August 14, 2024 @ 9:00 AM  
**COUNCIL CHAMBERS**

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports

Historical review of Legal Counsel and IME fees for FY17 – FY24

Review of FY24 & FY25 Legal Counsel and IME fees.

Introduction of Michele D. Fite, HR Business Partner - Benefits

- 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 August 16, 2023, Public Safety Retirement Commission – Joint Meeting Minutes                   | Human Resources |
| 2. | Internal | Considerations and action pertaining to the review and approval of the August 16, 2023, Public Safety Retirement Commission – Joint Executive Session Meeting Minutes | Human Resources |

**REGULAR AGENDA ITEM - NON-PUBLIC HEARING:**

- |    |          |   |                 |
|----|----------|---|-----------------|
| 3. | Internal | Considerations and possible action to review and change language in the Local Fire and Police Board Rules of Procedure (Bylaws) | Human Resources |
| 4. | Internal | Discussion regarding option to combine Local PSPRS Fire and Police Board meetings, per Legal Counsel's recommendation.          | Human Resources |

- G. Other Business and Future Agenda Items
- H. Adjournment

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KRISTI PASSARELLI, CITY CLERK

**POSTED: Thursday, August 8, 2024 @ 11:00 Am**

**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 Retirement Commission - Joint**  
**Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Internal

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

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**Agenda Wording:**

Historical review of Legal Counsel and IME fees for FY17 – FY24

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**Motion:**

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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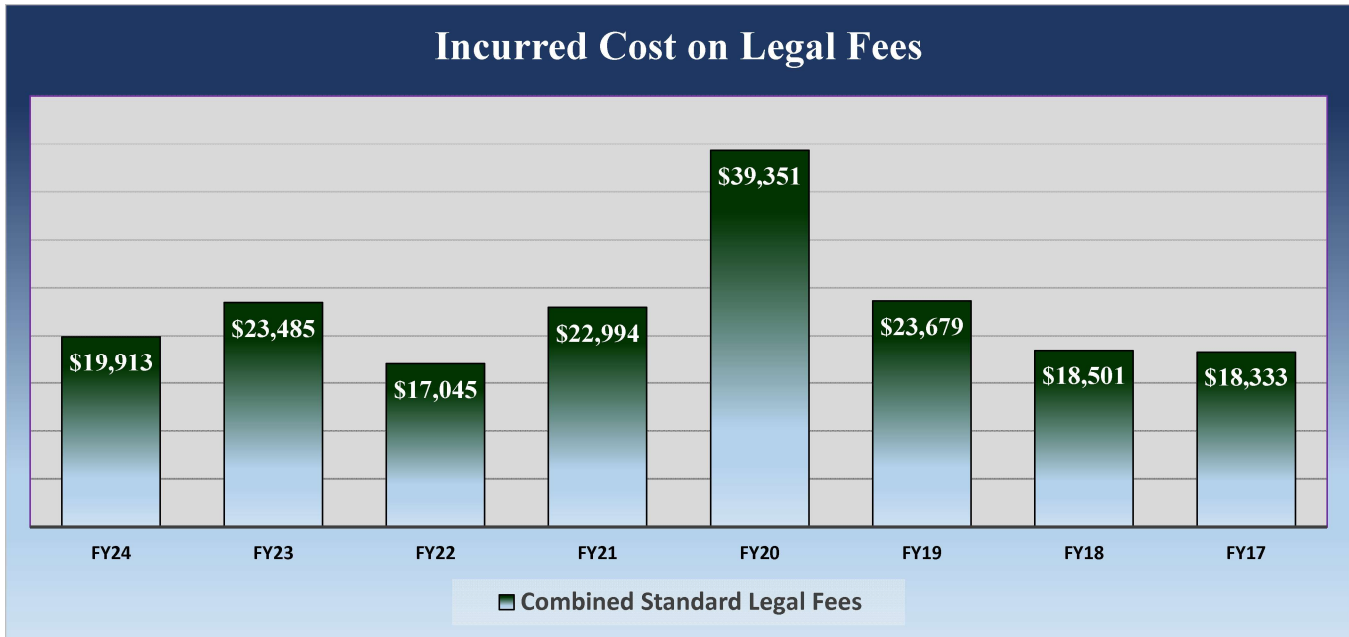
**ATTACHMENTS:**

1. Historical Legal Counsel and IME Fees
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## Public Safety Retirement Commission Legal Counsel and IME Fees



~ PAID INVOICES TO COMBINED LEGAL COUNSEL & COSTS ASSOCIATED WITH INDEPENDENT MEDICAL EXAMS (IME'S) - FIRE & POLICE	
2023 - 2024 (FY24)	\$19,913
2022 - 2023 (FY23)	\$23,485
2021 - 2022 (FY22)	\$17,045
2020 - 2021 (FY21)	\$22,994
2019 - 2020 (FY20)	\$39,351
2018 - 2019 (FY19)	\$23,679
2017 - 2018 (FY18)	\$18,501
2016 - 2017 (FY17)	\$18,333





**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint**  
**Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Internal

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

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**Agenda Wording:**

Review of FY24 & FY25 Legal Counsel and IME fees.

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**Motion:**

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

1. Legal Counsel and IME Fees FY24
  2. Legal Counsel and IME Fees FY25
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# Public Safety Retirement Commission

## Legal and IME Fees

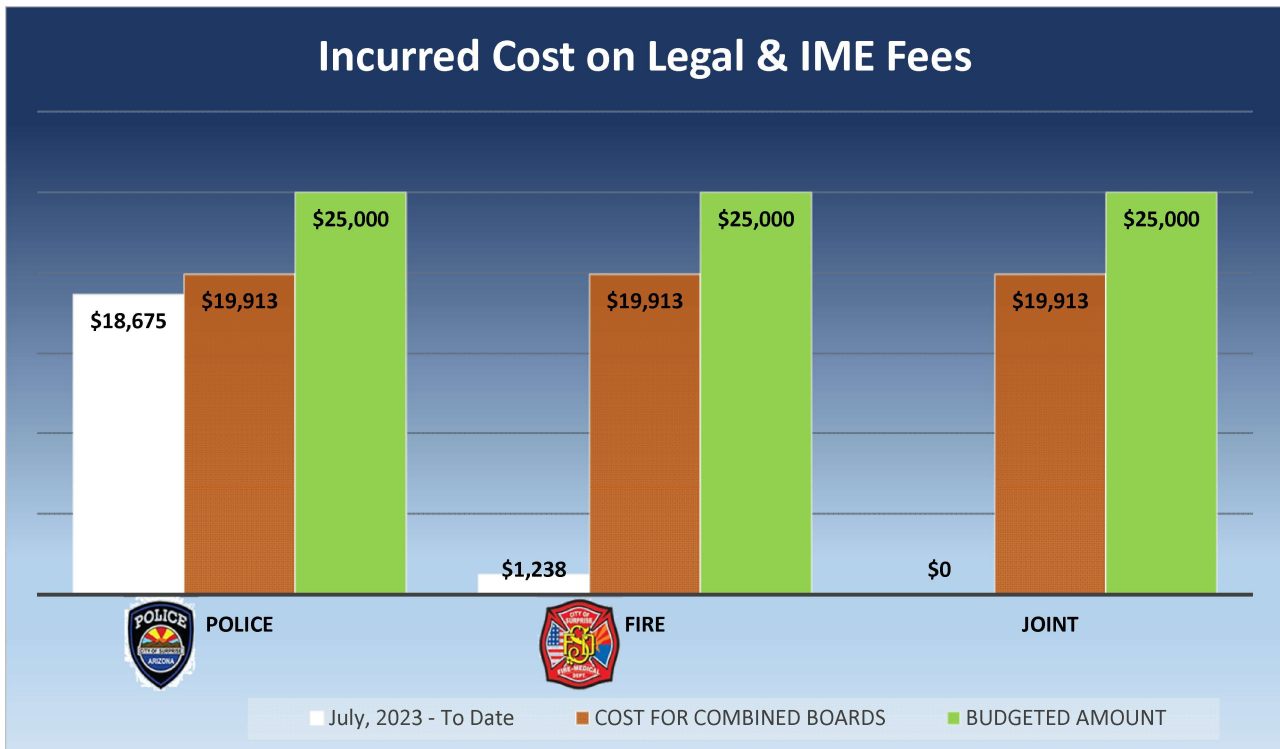
### FY 2023 - 2024

<b>BUDGETED AMOUNT</b>	<b>\$25,000.00</b>
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<b>PAID INVOICES FOR LEGAL COUNSEL</b>	
FIRE	\$1,237.50
POLICE	\$4,265.00
JOINT	\$0.00

<b>PAID INVOICES FOR IME's</b>	
* IME COST (POLICE)	\$4,475.00
*IME COST (POLICE)	\$6,420.00
*IME COST (POLICE)	\$3,515.00
<b>TOTAL IME COST</b>	<b>\$14,410.00</b>

<b>COMBINED COST</b>	<b>\$19,912.50</b>
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\*Other costs incurred - Independent Medical Evaluation

# Public Safety Retirement Commission

## Legal and IME Fees

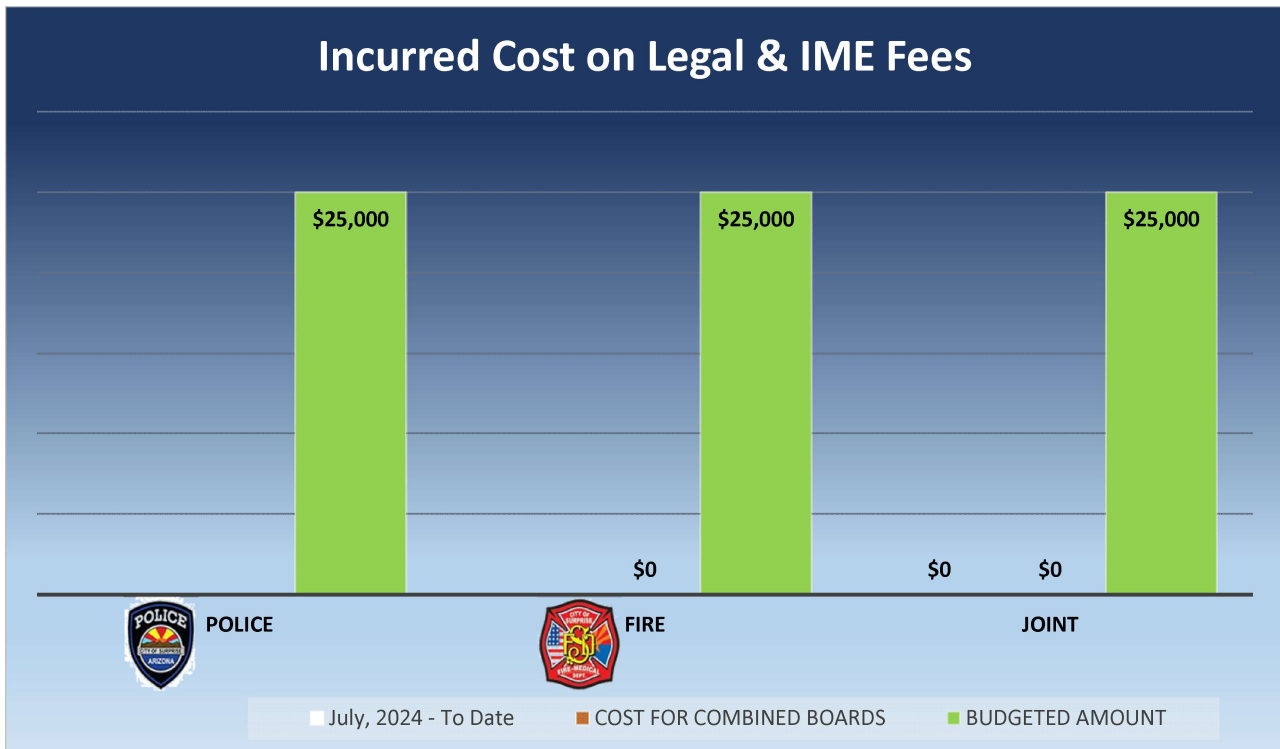
### FY 2024 - 2025

<b>BUDGETED AMOUNT</b>	<b>\$25,000.00</b>
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<b>PAID INVOICES FOR LEGAL COUNSEL</b>	
FIRE	\$0.00
POLICE	\$0.00
JOINT	\$0.00

<b>PAID INVOICES FOR IME's</b>	
* IME COST (POLICE)	
*IME COST (POLICE)	
*IME COST (POLICE)	
<b>TOTAL IME COST</b>	<b>\$0.00</b>

<b>COMBINED COST</b>	<b>\$0.00</b>
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*\*Other costs incurred - Independent Medical Evaluation*



**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint**  
**Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Internal

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

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**Agenda Wording:**

Introduction of Michele D. Fite, HR Business Partner - Benefits

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**Motion:**

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

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**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations:

Contact Person:  
District: Internal

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Consent: Yes      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 August 16, 2023, Public Safety Retirement Commission – Joint Meeting Minutes

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**Motion:**

I motion to approve the August 16, 2023, Public Safety Retirement Commission – Joint Meeting Minutes

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

1. Joint DRAFT Minutes 8.16.23
-



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

Minutes, Wednesday, August 16, 2023  
16000 N. Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the Public Safety Retirement Commission – Joint (Fire & Police) Board Meeting held at 9:15 a.m. Wednesday, August 16, 2023. The meeting was held in City Hall, Council Chambers.

**A. Call To Order**

Chair Hall called meeting to order at 9:15 a.m.

**B. Roll Call:** Skip Hall, Chair – Present  
Kim Drayden, Citizen Board Member – Present  
James Conner, Citizen Board Member – Present  
Ricardo “Rick” Valdez, Fire Member – Present  
Severin Hall, Police Member – Present  
Christopher Thomas, Police Member – Present  
VACANT Fire Member

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

**C. Pledge of Allegiance** –Completed

**D. Current Events Reports** – None.

**E. Staff Reports** – Ariana Reyna informed the Local Joint Board that Fire Board Member Christopher Preest stepped down from his position as a Local Fire Board Member effective August 10, 2023. A secret ballot election process has officially started and thus far, we have received two nominations for the same Firefighter to replace Cpt. Preest and finish his term of office which is scheduled to end on June 30, 2026.

Historical review of Legal Counsel and IME fees for FY17 – FY23

Review of FY24 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 February 15, 2023 Public Safety Retirement Commission – Joint Board Meeting Minutes – APPROVED.**

**Motion to Approve:** Kim Drayden

**Second:** Rick Valdez

**Opposed:** None

**Regular Agenda:**

- 2. Discussion and possible action to enter Executive Session regarding a notice to the Local Board of current Legal Counsel's transition to a new firm – APPROVED TO CONTINUE SERVICES WITH KELLEY LAW GROUP**

**Motion to ENTER Executive Session at 9:18 AM:** Jim Conner

**Second:** Rick Valdez

**Opposed:** None

**DISCUSSION ENSUED DURING EXECUTIVE SESSION, WHICH TOOK PLACE FROM 9:18 AM – 9:24 AM**

**Motion to Approve:** Kim Drayden

**Second:** Rick Valdez

**Opposed:** None

**G. Other Business and Future Agenda Items – None**

**H. Executive Session – None**

**I. Adjournment**

Motion to adjourn at 9:25 AM – APPROVED

**Motion:** Jim Conner

**Second:** Severin Hall

**Opposed:** None



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

Minutes, Wednesday, August 16, 2023  
16000 N. Civic Center Plaza, Surprise, Arizona 85374

**Meeting Minutes Approval:**

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Skip Hall, Chair  
Public Safety Retirement Commission - Joint

**CERTIFICATION:**

I, Ariana Reyna, Board Secretary and Human Resources Business Partner for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the Public Safety Retirement Commission – Joint (Fire & Police) Meeting of **Wednesday, August 16, 2023.**

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Ariana Reyna, Board Secretary  
Public Safety Retirement Commission – Joint



**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint**  
**Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations:

Contact Person:  
District: Internal

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Consent: Yes      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 August 16, 2023, Public Safety Retirement Commission – Joint Executive Session Meeting Minutes

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**Motion:**

I motion to approve the August 16, 2023, Public Safety Retirement Commission – Joint Executive Session Meeting Minutes

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

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CITY OF SURPRISE
Public Safety Retirement Commission - Joint Meeting

Council Meeting Date: August 14, 2024
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 to review and change language in the Local Fire and Police Board Rules of Procedure (Bylaws)

Motion:

Background:

With recent changes made to the composition of the Local PSPRS Police Board, there were questions posed related to the Local Boards' compliance with Municipal Code regarding Members' term expiration and reappointment of a current, sitting, Board Member. I have attached an email from Cynthia Kelley, Legal Counsel indicating that the Board has the authority to operate independently of the City if state statute is not violated. I have also provided you with a copy of the Municipal Code Chapter 2, Article 8, Section 2-295 which corresponds to City Boards & Committees. Item #6, specifies that Board Member terms of appointment shall end in odd years, however, current term expirations for PSPRS Board Members currently end in even numbered years (attachment) with the exception of Rick Valdez whose participation in DROP ends in July 2025. In addition, Municipal Code Chapter 2, Article 8, Section 2-296, Item#3, specifies that Board Members seeking reappointment must submit an application to the City Clerk's Office and participate in a competitive selection process. Currently, there is no mention of the reappointment process in our combined Local PSPRS Fire and Police Boards' Bylaws.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Fire-Police Bylaws Signed 5.2022
  2. Legal Counsel Opinion
  3. Municipal Codes
  4. Commision - Webpage
-

City of Surprise  
Public Safety Personnel Retirement System  
Local Fire and Police Board Rules of Procedure  
Adopted Pursuant to A.R.S. § 38-847(F)

**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(L).
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 and, 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 the 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) and means the City of Surprise, Arizona.
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 the 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. “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).
23. “Presiding Officer” means the Chair, Vice-Chair, in the absence of the Chair, or Acting Chair of the Local Board, who presides over any Meeting, Hearing or Rehearing.

24. “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 Trustee’s request that the Local Board reconsider its Initial Decision, as provided by A.R.S. §38-847(H).
25. “Rules” means these Model Uniform Rules of Local Board Procedure authorized by A.R.S. §38-847(F).
26. “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. The Board Secretary has the authority to accept service of process for the Local Board.
27. “Subcommittee” or “Working 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 benefits under the Plan. The Board of Trustees cannot pay any 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. If PSPRS promulgates revised Model Rules for Local Boards and a conflict exists with these Rules, the revised Model Rules shall prevail.
4. Amendment. These Rules may be amended by a majority vote of the Boards at a public meeting
5. No Legal Advice. These Rules do not constitute legal advice. Local Boards are encouraged to consult with their independent legal counsel to resolve questions of law.

**C. Composition of the Boards and Conduct of Meetings**

1. Composition. The membership of the Local Board is set forth in A.R.S. § 38-847(A). Pursuant to statute, the Local Board is composed of the Mayor of the City

of Surprise or his/her designee, two members elected by secret ballot by members of the Department, and two citizens who are appointed by the Mayor of Surprise with approval of the City Council. In the event of a tied election during the secret ballot election process, there will be subsequent elections until there is a winner.

2. Chair. The provisions for electing a Chair are found in A.R.S. §38-847(A). The Mayor or Mayor's designee shall serve as Chair of the Board. The Board may elect a Vice Chairperson to serve in the absence of the Chairperson. In the absence of the Chairperson or Vice Chairperson, an acting Chairperson will be elected by a majority vote of the Local Board.
3. Secretary. Pursuant to A.R.S. § 38-847(M), the Local Board shall designate a Secretary who may, but need not, be a member of the Local Board. If a vacancy occurs for the Secretary, the Local Board shall designate a new Secretary at the next Local Board meeting after the vacancy occurs. The Secretary shall regularly participate in training provided by the Arizona Public Safety Personnel Retirement System.
4. Quorum. A quorum for the purpose of doing any business by the Local Board will be three (3) members. The Board requires at least one (1) of the employee members of the Department to be present to have a quorum.
5. Agendas. Any item may be placed on the agenda with the consent of two members of the Local Board. Any agenda items must be received by the Board Secretary no later than five (5) business days prior to the meeting in order to be placed on the agenda so in order to meet administrative deadlines for the City Clerk's Office.
6. Meetings, Minutes and Decisions. Meetings are generally held at 9:30 a.m. for the Fire Board, 10:00 a.m. for the Joint Board and 10:30 for Police Board Meetings on the second Wednesday of the month, 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. The Local Board shall meet at least twice a year.
  - a. Meetings are generally held at 16000 N. Civic Center Plaza, Surprise Arizona 85374, in the Council Chambers.
  - 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 present, a majority vote of Local Board members present and eligible to vote shall govern any action taken.
  - e. 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.
  - f. 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.
  - g. The electronic recording shall be maintained in accordance with the City of Surprise's record retention schedule.
  - h. 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 certified mail to the Administrator as required by A.R.S. § 38-847(H)(2). 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.
  - i. The Secretary shall forward all other 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).
  - j. 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).
7. 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.
8. 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 Rules of Procedure. If the Local Board is not in compliance with statute of Model Uniform Rules of Local Board Procedure, the Board of Trustees shall notify the Local Board. The Local Board shall have 60 days to take corrective action.

9. 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.
10. Education/Training. Within 180 days after appointment of election, each Local Board member and Local Board Secretary 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 City of Surprise.
2. Appointment. The City of Surprise or the Secretary shall coordinate appointments for the Employee's Pre-Membership Physical.
3. Report. A.R.S. §38-859 does not authorize the Local Board or Employers to request personal medical records of individuals gathered, collected or accumulated from Pre-Membership Physical, not 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) and the employee will receive a copy of his or her pre-employment physical.
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 by certified mail 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 for membership in the Plan, disability and in the line of duty death benefits to the Secretary, using the prescribed Plan forms. On 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 7 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 meeting 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(5) of these Rules, the Secretary shall forward the Decision, Minutes and other necessary communications, as provided in Section C(5)(f)-(j) 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 Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by A.R.S. §12-901 *et seq.* and the rules adopted by the Maricopa 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 City of Surprise 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(5) of these Rules. Pursuant to A.R.S. §38-847.03, within 10 days after the local board receives an application for disability or in the line of duty death benefits, the local board shall submit a copy of the application to PSPRS.
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 City of Surprise.

4. Mental Examinations. In the event of a disability application for a mental condition, the medical board will consist of a doctor of medicine who is a psychiatrist or has a specialty in psychiatry. If the psychiatrist is unable to perform psychological testing required by the Board as part of his/her examination, the Board shall appoint a psychologist to conduct those tests which will be provided to the psychiatrist for review prior to issuing a report containing his/her conclusions to the Local Board.

When a member submits a disability application for a mental health condition, if the applicant has not been undergoing treatment for at least 12 months the Board will presume, subject to rebuttal, that the condition is temporary.

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 the City of Surprise, 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 G(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 email or 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 Trustee'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 by the requirement of 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/requirement for Rehearing. Rehearings are not subject to the time limitations set forth in Section E(5) 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)-(j) 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 Maricopa County Superior Court for the State of Arizona within the periods specified in, and the manner provided by Arizona Revised Statutes A.R.S. §12-901 *et seq.* and the rules adopted by the Maricopa 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. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Evidence on Claims. The Claimant and Administrator shall be afforded equal time

to state their positions.

9. Subpoenas and 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.
10. 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.
11. 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.
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. Public Participation. The Open Meeting Law governs public participation in Hearings and Rehearings.
14. No Rehearing on Remand. A Hearing before the Local Board on a matter remanded from the Maricopa 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 Maricopa County Superior Court.

The undersigned Chair and Secretary of the City of Surprise Local Board certify that the foregoing Rules were duly adopted by the Board at a meeting duly called and held on the date specified below.

  
\_\_\_\_\_  
Chair  
  
5/12/22  
\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Secretary  
  
05/12/2022  
\_\_\_\_\_  
Dated

## Ariana Reyna

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**From:** Cynthia Kelley <cindy@kelleylawaz.com>  
**Sent:** Tuesday, June 4, 2024 10:40 AM  
**To:** Ariana Reyna  
**Subject:** QUESTION REGARDING TERMS OF OFFICE FOR BOARD MEMBERS

**\*\*\*The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.\*\*\***

Ariana,

In regard to your question related to Board terms of office, I offer the following.

The Boards were created by state statute and are given their authority pursuant to Title 38 of the Arizona Revised Statutes. Under A.R.S. 38-847 local boards act as an arm of the Arizona PSPRS, assisting in the administration of the system for the stated purpose of providing a uniform, consistent, and equitable statewide retirement benefits for public safety personnel. A.R.S. §38-847 (A) states:

**“To the extent outlined in this section, the administration of the system and responsibility for making the provisions of the system effective for each employer is vested in a local board.”**

In the State of Arizona, “a State agency delegated by law the responsibility of performing a governmental function is not subject to the general police powers of a municipal corporation” *Bd. of Regents of Universities & State Coll. v. City of Tempe*, 88 Ariz. 299, 356 P.2d 399 at 310 (1960).

I believe the Board has the authority under Arizona statute to operate independently of the city as long as state statute is no violated.

Let me know if you have any other questions.

***Cindy***

Cynthia K. Kelley, Esq.  
Partner



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Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in Arizona law, this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
  - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
  - b. Persons may serve on no more than two public bodies concurrently, and neither body may review, consider, or make recommendations to the other body. For example, a member may serve on both the arts commission and the planning commission, because neither commission "reviews, considers or makes recommendations to the other" commission.
  - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
  - d. Full-time employees may not serve as members of any public body. A part-time employee may serve on a board or commission so long as no conflict of interest or incompatibility of public offices is created.
  - e. No city council member may serve as a member of any city public body other than city council.
- (4) *Selection.* Selection and appointment for all vacancies will be in accordance with section 2-296. In the event of the death, resignation, or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in section 2-296. For purposes of this section, resignations must be in writing and are effective upon delivery to the city clerk.
- (5) *Volunteer service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.
- (6) *Term of appointment.* Voting members will be appointed to staggered terms of four years, which will expire on June 30 of odd numbered years, with no term limits. The initial term of the majority of members will be a four-year term, and the minority of members a two-year term. Each subsequent term will be four years. The initial terms will be effective immediately, but end on June 30. Each subsequent term will commence on July 1.
- (7)

*Political activity.* No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Violation of this section will be promptly referred to city council, and the member may be removed from the public body. No member of a public body may offer him or herself for nomination or election to any salaried local, state, or federal office. A member shall be deemed to have offered him or herself for nomination or election on the filing of a nomination paper pursuant to A.R.S. tit. 16, ch. 3, art. 2.

- (8) *Attendance.* Attendance shall be taken at every meeting of a public body and the staff liaison shall report attendance to the city clerk, identifying whether an absence is excused or unexcused. If any member of a public body accrues two consecutive, or three unexcused absences in any six-month period, the matter will be promptly referred to the boards and commissions nomination committee by the city clerk. Upon referral, the committee will reach resolution of the attendance issues in coordination with the presiding officer of the board or commission and the member in question. In the event a satisfactory resolution is not achieved, the committee shall forward a report including findings and conclusions and a recommendation to city council for consideration and action. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted. For purposes of this section, excused absence shall have the same meaning as defined by section 2-60 of this Code. The presiding officer of each board or commission shall determine whether an absence is excused and state that determination on the record.
- (9) *Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.
- (10) *Powers, duties, and responsibilities.*
  - a. Each public body has the powers, duties and responsibilities described in the resolution or ordinance creating the body.
  - b. Each public body may consider, and make recommendations regarding, any item specifically referred to the body by city council.
  - c. Public bodies may not create, appoint, or authorize any subcommittees or working groups unless specifically authorized in the resolution or ordinance creating the public body.
  - d. Actions formulated or submitted by any commission or committee are advisory and are not binding on the city, city council, or city staff. Recommendations made to city council by any public body are advisory only and are not binding on city council.
- (11) *Chair/vice-chair; elections.*

- a. Each body must elect a chair and vice-chair each July from among its members.
- b. The vice-chair will act as chair in the chair's absence. In the absence of the chair and vice-chair, the body members in attendance must select a member to act as the chair for that meeting.
- c. Any vacancy for chair or vice-chair, as may occur for any reason, must be filled from the body membership at the next meeting where a quorum of the body is present.
- d. The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the membership.
- e. The chair will preside at all meetings of the body, decide all points of order and procedure, and perform any duties required by law, ordinance, or resolution.
- f. The chair has the right to vote on all matters before the body and the right to make or second motions in the absence of a motion or a second made by another member.
- g. Service in the capacity as either chair and/or vice-chair shall be limited to two consecutive terms after which an abeyance of two years shall be required for eligibility of election to either position.

(12) *Meetings.*

- a. Regular meetings will be held as needed, but no less than once a year.
- b. Special meetings may be called by or at the request of the city manager or chair.
- c. Each body must establish an annual schedule for regular meetings designating the time, date and location for such regular meetings.
- d. Meetings must be held at a time and place designed to maximize public engagement in the business before the body. Regular meetings must be held in City Hall at 6:00 p.m. unless otherwise designated in the annual schedule.

(13) *Notice of Meetings.* Meetings must be conducted in full compliance with Arizona Open Meeting Law, and material for the agenda delivered to the city clerk no later than five business days prior to the meeting date. Items on the agenda must be limited to items in furtherance of the body's purpose and mission.

(14) *Quorum.* No action may be taken at any meeting in the absence of a quorum, except the taking of attendance and action to adjourn the meeting to a subsequent date.

(15) *Order of business.*

- a. Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by city council.
- b. When a specific agenda item is open for public comment by the chair, members of the public may speak to an item under consideration upon being recognized by the chair and stating their name and address and the names of the persons on whose behalf they are

appearing. Generally, matters of a personal nature such as employee discipline, disability, or retirement, should not be open for public comment.

(16) *Voting.*

- a. Each member attending a meeting is entitled to one vote. The minutes of the proceedings will indicate the vote of every member on every matter acted upon and will indicate any absence or failure to vote.
- b. Each member must disqualify themselves and abstain from participating in the deliberation and voting whenever the member has a conflict of interest on the item under consideration, as described and provided for in Arizona Revised Statutes.

(17) *Retention of files.* The official records of every public body will include the agendas and minutes of meetings, must be deposited with the city clerk's office, and will be available for public inspection during regular office hours in accordance with state law.

(18) *Staff liaison; minutes.* The city manager will appoint a staff liaison and ensure staff attendance at meetings of every public body, as necessary, for the purpose of taking minutes and/or audio recordation of the meeting. Minutes will comply with the Arizona Open Meeting Law.

(19) *Legal counsel.* The city attorney will act as legal counsel to every public body and will attend meetings as necessary.

(20) *Duration.* Each public body will remain in place until such time as city council elects to dissolve the body.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2015-23, § 1, 12-1-15; Ord. No. 2016-27, § 1(Exh. A), 10-4-16; Ord. No. 2018-11, § 1, 8-7-18; Ord. No. 2020-17, § 1, 5-5-20; Ord. No. 2023-08, § 1, 4-4-23)

Sec. 2-296. - Member selection and replacement process.

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a) *Application process.*

- (1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.
- (2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.
- (3) All persons, including current members seeking reappointment, interested in becoming a member of a public body must submit an application to the city clerk's office and participate in a competitive selection process. Only applications received by the city clerk's

office may be considered for body vacancies. In its sole discretion, the nomination committee may forego the competitive process for particular board or commission vacancies when:

- a. One or more applications received are for reappointment, and
  - b. The number of applications received is less than, or equal to, the number of vacancies.
- (4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.
- (b) *Boards and commissions nominations committee.*
- (1) The mayor will designate one city council member to serve as the chair of the nominations committee, who will serve on an ongoing basis until such time as the mayor makes a new designation.
  - (2) The chair will select two additional city council members to serve on the nominations committee. At the discretion of the chair, the chair or designee of the respective public body may also serve on the nominations committee.
  - (3) The nominations committee will interview all qualified applicants. All applicants will be asked the same questions in order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked.
  - (4) The committee will submit the names of qualified applicants selected for nomination to a public body to the city clerk on an agenda action form. The committee, in its sole discretion, may submit the name of a qualified applicant who has completed the application process through interview, for any subsequent vacancy occurring within ninety days of the applicant's interview. In the event the committee exercises this discretion, the application process set forth in this section is waived.
  - (5) The committee shall investigate and resolve, short of removal, any allegation of nonfeasance or malfeasance against a public body member. In the event the committee is unable to satisfactorily resolve the matter, or because of the severity of the substantiated conduct, the committee concludes removal is appropriate, the committee shall submit a report including findings and conclusions and a recommendation to city council for consideration and action. In administering this provision, the committee's actions should be progressive, from least punitive to the most punitive measure.
- (c) *Appointment.*
- (1) The city clerk will place the nomination for appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at

which their possible appointment will be discussed.

- (2) Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.
- (3) The city clerk will swear in all newly appointed members prior to acting in the capacity as a body member.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2018-11, § 1, 8-7-18; Ord. No. 2023-08, § 1, 4-4-23)

# Public Safety Retirement Commission

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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, 2028
Daniel Anderson, Fire-Medical Staff	June 30, 2026
Ricardo Valdez, Fire-Medical Staff	June 30, 2025
Richard Hernandez, Police Staff	June 30, 2028
Michael Robbins, Police Staff	June 30, 2026



**CITY OF SURPRISE**  
**Public Safety Retirement Commission - Joint**  
**Meeting**

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Council Meeting Date: August 14, 2024  
Submitting Department: Human Resources  
Staff Recommendations:

Contact Person:  
District: Internal

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

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**Agenda Wording:**

Discussion regarding option to combine Local PSPRS Fire and Police Board meetings, per Legal Counsel's recommendation.

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**Motion:**

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**Background:**

Follow-up discussion regarding option to combine Local PSPRS Fire and Police Board meetings, per Legal Counsel's recommendation, as originally discussed at the June 27, 2024 PSPRS Local Board Meeting for Police.

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

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