



CITY OF SURPRISE
Public Safety Personnel Retirement System - Police
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, December 11, 2019 @ 10:30 AM
COUNCIL OVERFLOW ROOM

- 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. | Citywide | Consideration and action pertaining to the approval of PSPRS Local Board minutes- Police November 13, 2019. | Human Resources |
|----|----------|---|-----------------|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|--|-----------------|
| 2. | Citywide | Consideration and action pertaining to the approval of Kirsten Riege as the Board Secretary. | Human Resources |
| 3. | Citywide | Discussion and review of records exempt from public view. | Human Resources |
| 4. | Citywide | Discussion and possible action on the accidental disability application for Richard Yost, Surprise Police Officer. | Human Resources |

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum of the Public Safety Personnel Retirement Commission ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2)); or discussion or consultation for legal advice with the Commission's attorneys (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: December 10, 2019 at 9 :05 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 Personnel Retirement System -
Police

Council Meeting Date: December 11, 2019
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to the approval of PSPRS Local Board minutes- Police November 13, 2019.

Motion:

I move to approve the PSPRS Local Board - Police November 13, 2019 meeting minutes.

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Draft PSPRS Police Minutes -2019.11.13
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**PUBLIC SAFETY RETIREMENT SYSTEM
CITY OF SURPRISE LOCAL BOARD – POLICE**
Minutes, Wednesday, November 13, 2019
16000 North Civic Center Plaza, Surprise, Arizona 85374

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

Call To Order:

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

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

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

B. Pledge of Allegiance: Completed

C. Current Events Reports: None

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

Call to the Public: Scott Gwaltney

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

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

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

Consent Agenda:

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

Motion: Murton
Second: Severin Hall
Opposed: None

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

Regular Agenda:

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

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

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

Motion: Murton
Second: Severin Hall
Opposed: None

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

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

Mr. Severin Hall opened discussion, confirming that Mr. Cannon's attorney had been notified that this was an agenda item for the meeting. Both Mrs. Riege and Ms. O'Brien confirmed that Mr. Cannon's attorney had been notified. Ms. O'Brien went on to explain to the Board that Mr. Cannon's attorney, Kathryn Baillie, had requested a continuance of the review of Mr. Cannon's application for accidental disability as Ms. Baillie had a

scheduling conflict. There was no confirmed medical information in the request from Ms. Baillie that supports the need for a continuance.

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

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

Severin Hall made a motion to adjourn to Executive Session

Adjourned to Executive Session at 10:42 am.

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

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

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

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

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

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

Skip Hall - voted no
Jim Connor - voted no
Chandler Brown - absent
Ian Murton - voted no



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Severin Hall- voted no

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

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

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

Motion: Connor
Second: Skip Hall
Opposed: None

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

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

Motion: Severin Hall
Second: Skip Hall
Opposed: None

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

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

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

Motion: Cannon
Second: Murton
Opposed: None

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

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

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

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

Motion: Murton
Second: Severin Hall
Opposed: None

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

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

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

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

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

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

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

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

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

Motion: Cannon
Second: Murton
Opposed: None

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

#8. Other Business -

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



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

Adjournment:

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

Motion: Cannon
Second: Skip Hall
Opposed: None

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

Skip Hall, Chairperson

Chandler Brown, Board Member - Citizen

Jim Conner, Board Member -Citizen

Severin Hall, Board Member - Police Dept.

Ian Murton, Board Member - Police Dept.

Kirsten Riege, Interim Board Secretary



CITY OF SURPRISE
Public Safety Personnel Retirement System -
Police

Council Meeting Date: December 11, 2019
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to the approval of Kirsten Riege as the Board Secretary.

Motion:

I move to approve Kirsten Riege as the PSPRS Police Board Secretary.

Background:

This item was tabled at the November 13, 2019 meeting.

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System -
Police

Council Meeting Date: December 11, 2019
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Discussion and review of records exempt from public view.

Motion:

I move to adjourn to Executive Session to review the confidential medical records of Richard Yost for determination of Accidental Disability benefits.

Background:

Mr. Yost applied for Accidental Disability pending IME results.

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. YOST IPE - PSPRS FORM

ACCIDENTAL DISABILITY QUESTIONNAIRE
Completed by Local and Medical Board (as applicable)

Surprise Police Dept.

Richard Yost

PRINT Name of Employer

PRINT Name of Employee

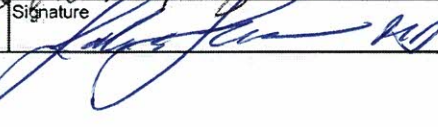
Pursuant to A.R.S. §§ 38-842(1), 38-844 and 38-845, an "Accidental Disability" means a physical or mental condition that the Local Board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's job classification and that was incurred in the performance of the employee's duty.	Local Board Response	
1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee?	YES	NO
2. Did (or will) the employee terminate by a reason of disability?	YES	NO
3. Did employment terminate based on a disciplinary issue?	YES	NO
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability?	YES	NO
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position?	YES	NO
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties?	YES	NO
7. Did the injury or condition occur prior to the current PSPRS membership date?	YES	NO
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?	YES	NO

LOCAL BOARD INSTRUCTIONS: If it is determined that the employee does not qualify, complete FORM P5-LB, provide copy of supporting documents and Local Board meeting minutes to the PSPRS. If the employee may qualify, an independent medical examination (IME) will need to be performed. Sign/date this questionnaire and forward the **ORIGINAL**, including copy of all medical evidence, job classification/description, current PSPRS membership date and any additional questions to the Medical Board.

MEDICAL BOARD (PHYSICIAN) INSTRUCTIONS: In addition to an independent medical examination (IME report), answer the following questions, sign/date and return the ORIGINAL to the Local Board. Provide additional comments in the IME report.	Physician Response	
1. Does the employee have the physical or mental condition that is the basis for the disability application?	YES	NO
2. Does the injury or condition totally prevent the employee from performing a reasonable range of duties within the employee's job classification? To the extent possible, explain in the IME report those duties the employee's injury or condition would totally prevent the employee from performing.	YES	NO
3. Does the injury or condition permanently prevent the employee from performing a reasonable range of duties within the employee's job classification? To the extent possible, explain in the IME report those duties the employee's injury or condition would permanently prevent the employee from performing.	YES	NO
4. Was the injury or condition the result of an event incurred during the performance of the employee's duty?	YES	NO
5. During your examination of all medical evidence, did you discover any pre-existing conditions or injuries that contributed to the claimed disability? If yes, please explain in the IME report. ("Pre-existing" is defined as occurring prior to the employee's current PSPRS membership date.)	YES	NO
6. Are there conflicts in the medical evidence? If yes, please explain in the IME report.	YES	NO

LOCAL BOARD: If conflicts in the medical evidence, address if and how they were resolved in the Local Board meeting minutes.

LOCAL BOARD AND PHYSICIAN: By the signature below, I/we attest that the medical records have been thoroughly reviewed, each section has been answered by the appropriate party indicated above, and the information contained herein is true, complete and correct to the best of my/our knowledge and belief.

PRINT Name of Local Board Secretary or Chairman Kirsten Riege	Signature 	Date 10/14/19
PRINT Physician Name and Title (e.g., M.D.) John A. Liebert, MD	Signature 	Date 11/23/19



CITY OF SURPRISE
Public Safety Personnel Retirement System -
Police

Council Meeting Date: December 11, 2019
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Discussion and possible action on the accidental disability application for Richard Yost, Surprise Police Officer.

Motion:

I move to approve/disapprove the Accidental Disability application for Richard Yost.

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Public Safety Personnel Retirement System -
Police

Council Meeting Date: December 11, 2019
Submitting Department: Agenda Creation
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Executive Disclaimer (PSPRS)

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
