



PUBLIC SAFETY RETIREMENT SYSTEM
PSPRS Joint Board Fire & Police Board
Minutes, Wednesday, February 12, 2020
16000 North Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the PSPRS Joint Board Fire and Police Board Meeting held at 9:00 am. Wednesday, February 12, 2020. The meeting was held in City Hall, Council Overflow Room.

Call to Order:

Meeting was called to order at 9:00 am.

A. Roll Call: Skip Hall, Chairperson - Present
Chandler Brown, Citizen Board Member - Present
Ian Murton, Police Dept.- Present
Severin Hall, Police Dept. - Present
Christopher Preest, Fire Dept. - Present
Rick Valdez, Fire Dept. - Present

Jim Conner, Board Member - Absent

B. In attendance: Vicki Moss, Human Resources
Carrie O'Brien, Board Attorney

C. Pledge of Allegiance: Completed

D. Current Events Reports: None

E. Staff Reports: None

Mr. Murton stated to the Chairman that he had a point of parliamentary procedure in regards to the ethical and legal concerns he had with the Board. He stated that attorney Carrie O'Brien had been appointed by City Attorney Robert Wingo and he believed that it was done in violation of ARS 38.847. Because of this, several entities were involved, including the State PSPRS Board who subsequently sent a letter to the Local Board back on November 12, 2019 advising the local board of their ambiguous statutory rights to independent legal counsel. This led to a letter from the AG's office which was presented to the City that resulted in a change to the City Ordinance as it relates to selection of legal representation of the Local PSPRS Board. Mr. Murton stated that because the current legal counsel was appointed by the City Attorney, he is longer going to recognize Carrie O'Brien as the Boards Legal counsel, because she is now in violation of City's Ordinance. He also advised that the board not take into consideration that Carrie O'Brien stand as the Boards Legal Counsel as she was never appointed by the board.

Chair Hall indicated that he would take that under advisement.

Mr. Murton also stated that he had a point of order in regards to the unethical and unfair treatment to him as it relates the agenda items that were going to be discussed in the meeting. Items were submitted on Jan. 8, 2020, and on February

12, 2020 items met the requirement, advance notice and having second signing. Items in question were Discussion and Action pertaining to the retention of legal services of Carrie O'Brien as well as an item pertaining to Kirsten Riege. Mr. Murton continued by stating that in the Joint December 11, 2019 meeting, there was a discussion and a non-vote of action to have a second signing for future agenda items. In the December 19, 2019 Joint meeting, a discussion and action took place establishing a vetting process to select a local board secretary and legal counsel. A vote took place establishing subcommittee a review and there was a discussion and action regarding a review and comparison of state statute and local bylaws which were placed on the agenda by attorney Carrie O'Brien. Mr. Murton also stated that on January 22, 2020, secretary Kirsten Riege approached Mr. Murton at the PSPRS conference asking for clarification of his agenda item regarding the retention of legal services provided by Carrie O'Brien. Mr. Murton stated that they would be making a motion to separate services. Mr. Murton stated that Ms. O'Brien reached out to him on January 28, 2020 via e-mail about his agenda item. Mr. Murton advised Ms. O'Brien that he would prefer to keep his agenda item as part of the joint meeting. On February 7, Mr. Murton stated that Kirsten called early in the morning and advised him that the "action" part of his agenda item would be removed, based on a suggestion from counsel. Mr. Murton believes this is a conflict of interest and Ms. O'Brien should not have rendered a decision to remove this agenda item. He also stated that he had shown that the Board had also had discussion and action points in joint meetings on at least three (3) separate occasions. Mr. Murton stated that he was advised that if he wanted to actionable portion of his item placed back on the agenda, he would need to get approval from one of three people. Carrie O'Brien, whom he had advised Kirsten that he was not going to call. Vicki Moss, who Mr. Murton was unaware of who she was, but was told, that she would be interim in lieu of Kirsten resignation from the board. Mr. Murton stated that he would not call Vicki Moss because she was not knowledgably about the history of this board and lastly, Mr. Murton was told to call Chairman Hall. Which he stated he did and followed up with an e-mail at 12:57 advising him of the issue and asking that it be rectified immediately. Mr. Murton indicated that he did not receive a reply until 9:24pm advising his that the board does not take any action in the joint and it is only for review, discussion and for information sharing, which Mr. Murton believes is in conflict with what has been done.

Chairman Hall moved to the consent agenda and asked if there was a motion to approve the consent agenda.

Mr. Murton stated that per Robert's Rule, a point of order required clarification.

Chairman Hall informed Mr. Murton that clarification was given to him in writing and it was clarified with PSPRS what you cannot take action in a joint board meeting. Actionable items need to be separate. The Police Board is separate from the Fire Board.

Mr. Murton stated that the board has violated that and have muddied the waters.

Chairman Hall stated that that was Mr. Murton opinion and it was clarified in writing

Chairman Hall asked for a motion to approve the minutes.

Mr. Murton stated that he would be filing a complaint against this board.

Chairman Hall stated to Mr. Murton to do what he needed to do. Mr. Murton said he would.

Chairman Hall asked for a motion to approve the minutes from the December 11, 2019 meeting.

Mr. Murton stated that they were not accurate and indicated that on page 3 a vote took place and Chris Preest not accurately depicted.

F. Call to the Public: None

Consent Agenda:

1. Approval of the December 11, 2019 and December 19, 2019 PSPRS Joint Fire & Police Board Minutes as amended.

Action:

Motion to approve the December 11, 2019 and December 19, 2019 PSPRS Joint Fire & Police Board Minutes as amended. **-APPROVED-**

Motion: Chandler Brown

Second: Ian Murton

Opposed: None

Regular Agenda:

2. Presentation from the City Clerk, Sherry Aguilar, regarding operational process of creating an agenda.

Sherry Aguilar provided the committee a copy of a presentation. She was familiar with an issue regarding items not being placed on the agenda and the necessary cancellation of a previous meeting. Sherry explained the workflow process and the timeline being set by city code. In order for agendas to be posted at least 24 hours in advance, everything has to be in the Civic Clerk system five (5) business days prior to the meeting. This allows time for any amendments to be made and required approvals. Sherry indicated that although the Clerk's office received notifications when items are ready to post, they also require a heads up because of all the other boards that they are working with.

3. Discussion pertaining to the comparisons of PSPRS Local Board Fire and Police Bylaws against state statute

Mr. Murton opened the discussion by stating this item should not be on the agenda because there was not a second signer.

Chair Hall indicated that the comparison of the by-laws had been a discussion in the last meeting and this was a carryover from that meeting.

Ms. O'Brien stated that in the December meeting, there was a discussion regarding agenda setting. The Board was referred to section C.5 of the by-laws that indicated that agenda items may be placed on the agenda with consent of two members of the local board. She also stated that certain items must be placed on the agenda as part of the Boards Legal responsibility under the law.

Board indicated they needed more time to review the by-laws.

4. Review of the 2018 PSPRS Annual Summary Report comparing the city of Surprise to Glendale - Peoria - Phoenix Disability Retirement

Board discussion regarding whose agenda item this belonged to and who was going to review this information. The question was asked about the purpose of this report.

Chair Hall indicated that the topic came up in the last meeting about the number of disabilities retirements in Surprise being high and the board asked for a report to review because the board was unaware. Chair Hall suggested that after the board reviews the information, the finance director could come in and provide some clarification.

The board asked if Vicki could obtain some details on the number of disabilities in other comparable cities and if 2019 data was available. She said she would look to see what information was out on the PSPRS website.

5. Discussion regarding city council changes made and policy concerning pension board's hiring process.

Board previously discussed this item. City council action exempted the PSPRS board from City attorney being involved. The Ordinance was passed by City Council.

6. Discussion pertaining to the retention of legal services of Carrie O'Brien.

Chair Hall asked if Ms. O'Brien wanted to speak a little about this topic before being asked to leave the room.

Ms. O'Brien stated that she wanted to board to be able to speak candidly. She

offered to provide any information about her law firm and her background.

Chair Hall asked what other PSPRS Local Boards was she legal counsel for. Mr. O'Brien stated, "The City of Glendale". She also stated that her law firm has been in Arizona for 99 years and that she doesn't work in isolation. When issues arise that she may be uncertain about, she works with PSPRS legal and other senior attorneys to provide the board with legal advice.

Ms. O'Brien left the room as the board discussed her continued services.

Upon her return, the board indicated that this item would be referred to the Joint subcommittee for recommendations on how to proceed.

Adjournment:

Motion to adjourn the PSPRS Joint Board Position Process Subcommittee at 10:00 am. – **Approved-**

Motion: Skip Hall
Second: Chandler Brown
Opposed: None



Skip Hall, Chair

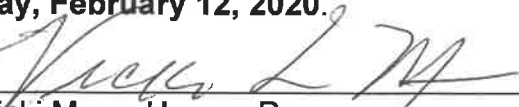
ATTEST:



Vicki L Moss, Human Resources

CERTIFICATION:

I, Vicki L Moss, Human Resources Manager for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the PSPRS Joint Fire and Police Board Meeting of **Wednesday, February 12, 2020.**



Vicki Moss, Human Resources