

CITY OF SCOTTSDALE
Public Safety Personnel Retirement System Board
BY-LAWS

I. AUTHORITY

- A. Pursuant to A.R.S. 38-847, the administration of the Scottsdale Public Safety Personnel Retirement System and responsibility for making effective the provisions thereof are hereby vested in the City of Scottsdale Public Safety Personnel Retirement System Board, hereafter referred to as the Board.
- B. All actions of the Board and all matters relating to Public Safety Personnel Retirement System shall be consistent with these by-laws and with the provisions of Title 38, Chapter 5, Article 4, Arizona Revised Statutes.

II. SCOTTSDALE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARD

- A. The Board is composed of five members as follows:

The Mayor of the City of Scottsdale or the Mayor's designee as approved by the City Council. The Mayor or designee shall serve as Chairman. Two Public Safety Retirement System members, elected by secret ballot by Scottsdale Police Department Public Safety Retirement System members; Two citizens, one of whom shall be the head of the merit system, and the other appointed by the Mayor of the City of Scottsdale with the approval of the Scottsdale City Council.

- B. Board members shall each serve for a term of four years.

- C. Within ten days after appointment or election each Board member shall take an oath of office, administered by the Scottsdale Deputy City Clerk.
- D. Meetings of the Board shall be held as necessary upon the call of the Chairman or any two members of the Board. Meetings shall be held in facilities furnished by the City of Scottsdale.
- E. A quorum for the purpose of doing any business by the Board shall be three Board members.
- F. Each member of the Board is entitled to one vote. Decisions of the Board require a majority of those present and voting.
- G. The Chairman shall preside at all meetings and shall have authority to sign contracts, certificates, and other documents required by the operation of the system. In the absence of the Chairman at any meeting, an acting Chairman shall be elected by the members there present.
- H. No member of the Board shall vote in any action affecting solely his or her own benefit.
- I. The Board shall comply with the requirements of the open meetings law. The Board is authorized to hold executive sessions, in compliance with provisions of the open meetings law.
- J. These by-laws may be amended by agreement of four members of the Board.

III. DUTIES OF THE SECRETARY

- A. The secretary shall be elected by the Board. The secretary may be, but need not be, a member of the Board.
- B. The secretary shall, under the direction of the Chairman, prepare the agenda for each meeting.
- C. The secretary shall notify each member of the meeting at least three days prior to the date of the meeting.
- D. The secretary shall arrange for proper public notice of all meetings.
- E. The secretary shall prepare and keep minutes of each meeting.
- F. The secretary shall have authority to prepare, execute and file with the fund manager such certificates or other documents as may be necessary for the operation of the system.
- G. Adequate records necessary for the proper operation of the system shall be maintained by the secretary in such form and manner as the Board prescribes.
- H. The secretary shall distribute minutes of all meetings to each of the Board members.
- I. The secretary shall provide applicants with necessary benefit application forms and information.
- J. The secretary shall revise all forms as necessary to be consistent with state laws and local regulations.

- K. The secretary shall furnish the city, fund manager, or State Legislature with reports and records as directed by the Board, and shall distribute to the Board information received from the fund manager, the city, or the State Legislature.

IV. BOARD POWERS AND DUTIES

- A. The Board shall decide all questions of eligibility and service credits, and determine the amount, manner and time of payment of any benefits under the Public Safety Personnel Retirement System.
- B. The Board shall make a determination as to the right of any claimant to a benefit.
- C. The Board shall appoint a medical board composed of a designated physician or clinic other than the city's regular employee or contractee.
- D. The Board may appoint an attorney of its choosing, to provide legal advice on matters coming before the Board.
- E. The Board shall issue directions to the fund manager concerning all benefits which are to be paid from the employer's account pursuant to the provisions of the fund.
- F. The Board shall have the power to hold hearings and establish procedures for the hearings.
- G. The Board shall establish requirements for pension applications, and continuation of benefits.

V. APPLICATION AND BENEFIT PROCEDURES

- A. Applications for normal pensions shall be submitted to the secretary of the Board with supporting documentation including certificates of birth, death, and marriage, as appropriate. The secretary shall obtain appropriate certificates of service and rates of pay in writing from the appropriate city departments in time for presentation to the appropriate Board at the next meeting following the filing of any application for any type of pension.
- B. Any application for "accidental disability" or for disability arising out of the performance of assigned duties and incurred in the performance of a member's duty shall include, in addition to documentation required of normal pension applications, written medical evidence of the nature of the disability, whether it is temporary or permanent, the cause of such disability, and evidence that the applicant has diligently pursued in good faith any remedies available to the applicant with the Industrial Commission of the State or the State Compensation Fund.
- C. Any application for "ordinary disability" shall include, in addition to documentation required of normal pension applications, written medical evidence establishing a physical or mental condition which totally and presumably permanently prevents the employee from engaging in any substantial gainful employment.

- D. Any type of disability applicant shall submit to an examination by a physician appointed by the Board, and such physician shall submit to the Board a written opinion regarding the nature, type, and cause of disability, if any.

- E. The secretary shall, prior to the normal retirement date of any disability pensioner, notify such pensioner to report for examination by the Board's physician no more frequently than once a year. The Board, upon receipt of the physician's report, shall review the appropriateness of any such disability award.

- F. Each permanent disability pensioner shall, in the period prior to normal retirement date, furnish to the Board by April 30th of each year, appropriate evidence of source and amount of any employment income for the preceding calendar year. If such employment income is for the primary purpose of rehabilitation, then evidence of such purpose must also be submitted at such time.

VI. HEARING PROCEDURES

- A. After the Board's original action on an application, the applicant or fund manager may request a re-hearing, subject to the provisions of this section.

- B. An application for re-hearing must be filed in writing with the secretary within 60 days after the action is taken, or after the applicant or fund manager receives notification by certified mail, or after benefits are first received, whichever occurs first.

- C. Either a claimant or the fund manager may request a re-hearing before the Board.
- D. An applicant may be represented by legal counsel during a hearing before the Board. However, hearings are not of a judicial nature, and judicial rules of evidence and burdens of proof shall not apply.
- E. When making a ruling, determination or calculation, the local Board shall be entitled to rely upon information furnished by the city, the fund manager, independent legal counsel, or the actuary for the system.
- F. Any action by majority vote of the members of the Board which is not inconsistent with the provisions of the system shall be final, conclusive, and binding upon all persons affected by it, unless timely application for re-hearing or appeal is filed.

VII. COMPLIANCE

- A. Any member of the Public Safety Personnel Retirement System who fails to comply with the provisions of these rules and regulations shall be deemed to be ineligible for the award of any benefits or the continuation of any benefits already awarded.