

**SUMMARY OF PUBLIC MEETING  
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD  
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened, Thursday, January 28, 2010, at 10:00 a.m., in Conference Room 228, Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

**Present at the meeting were the following individuals:**

|                              |                           |
|------------------------------|---------------------------|
| Jim Bruner, Chair            | Michael Anthony, Attorney |
| Phil Hanley, Board Member    | Hannah Auckland, Attorney |
| Kevin Kluge, Board Member    | Lu McLendon, Secretary    |
| Jason Hathcock, Board Member | Leticia Chavez, Recorder  |
| Mark Smalley, Board Member   | Court Reporter (AVTranz)  |

**Call to Order**

Local Board Chair, Jim Bruner, called the meeting to order at 10:00 a.m. Thursday, January 28, 2010 at the Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

**Approval of Minutes**

- a. November 19, 2009 Public Meeting Minutes (AV Tranz)
- b. November 19, 2009 Public Meeting Summary

The Chair called for any corrections or additions to the minutes. Board Member Jason Hathcock noted the misspelling of a Board members name in the verbatim transcript and the exclusion of a present Board Members name in the meeting summary.

**MOTION: A motion for approval of the November 19, 2009 Public Meeting Minutes and Public Meeting Summary with noted corrections was made by J. Hathcock.** Motion was seconded and passed unanimously minutes stand approved. **CORP 2010-01**

**Disability Benefits** -The Local Board may vote to go into Executive Session for discussion of medical documentation and to receive legal advice for the following Disability applications pursuant to A.R.S. 38-431 (A) (2 &3). Chair called for motion to go into executive session for discussion of medical documentation pursuant to A.R.S. 38-431 (A) (2 & 3).

**PUBLIC SESSION RESUMED 10:17a.m.**

- a. #09-02 Approval/Denial

The Board reviewed the Independent Medical Evaluation (IME) submitted by Dr. Joel Parker, the Board's designated physician. After review of all documentation and medical evidence, the Board determined, according to Dr. Parker's evaluation, that the condition in question would not totally and permanently prevent the applicant from engaging in any substantial gainful activity. As a result, the Board determined the applicant does not meet the criteria for an Ordinary Disability retirement pursuant to A.R.S. 38-886.01.

**MOTION: A motion was made by K. Kluge to deny applicant #09-02 an Ordinary Disability based on the fact that the applicant is not totally and permanently disabled pursuant to CORP Statutes 38-886.01. Motion was seconded and passed unanimously. CORP 2010-02**

b. #09-03 Review request for rehearing

On January 21, 2010 the Board received a letter from Attorney Thomas Griffin of Robaina & Kresin, P.L.L.C who is currently representing applicant #09-03. On behalf of the applicant, Mr. Thomas requests that the Board defer its decision to conduct a rehearing until the next scheduled Board meeting. Additionally, Mr. Griffin's letter stated that applicant has agreed to waive any applicable statutory time limitations in order to accommodate the request.

**MOTION: A motion to defer the Board's decision of a rehearing for applicant #09-03 was made by M. Smalley. Motion was seconded and passed unanimously CORP 2010-03**

c. #09-04 - Independent Medical Evaluation (IME) determination

After review of the application and medical evidence submitted by the applicant requesting an Ordinary Disability, the Board determined that an IME would be necessary. The Board secretary was advised to select a designated doctor and notify applicant of the board's request for an IME.

**MOTION: A motion was made by K. Kluge to refer applicant #09-04 for an IME. Motion was seconded and passed unanimously CORP 2010-04**

**Approval of Normal Retirement** – The Local Board may consider and vote on the approval for Normal Retirement benefits for the following (8) applications or defer decision to a later date.

- a. Grace Arriaga
- b. Maryanne Boyden
- c. Roscoe Butterfield
- d. Stephen Crnkovich
- e. Meir Dembowski
- f. Lois Jones
- g. Andrew Lembo
- h. Susan Milligan

Board Member Jason Hathcock brought to the Board's attention that there may be a question pertaining to the placement on the Form C11 of the benefit amount. Jason stated that there is a possibility of the calculation of benefits being incorrect for some members with more than 20 years of service but less than 25 years, but still meeting the 80 point criteria. Specifically, relating to the benefit calculation for Normal Retirement applicant, Maryanne Boyden. It was brought out that currently, benefits for these members are being calculated under letter F of the PSPRS Benefit Calculation Spreadsheet which states "**For retirement with less than 20 years of credited service or members that meet the 80 point rule**" which calculates any years of service

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over 20 at 2.5%. as long as the member meets the 80 point criteria. Board Member Jason Hathcock felt that members with more than 20 years of service benefits should be calculated under E which states: **“For Retirement with 20 or more years of credited service”**. Under this section, any years over 20 up to 25 would be calculated at 2.0%. The Board’s attorney, Mike Anthony reviewed the Statutes and found that the current CORP statues do not state that CORP members qualify for the 80 point rule. Mike will do a further study of the Statutes and report back to the board. The Chair requested that the Board Secretary confirm with Public Safety that the spreadsheets are in fact calculating benefits correctly for retirees.

**MOTION: A motion was made by P. Hanley to approve payment of benefits for applications (a-h) for Normal Retirement.** Motion was seconded and passed unanimously. **CORP 2010-05**

**Approval of Membership** - The Local Board may consider and vote on the approval of the following **(9)** requests for membership or defer decision to a later date.

- a. Martin Espinoza – 11/16/2009 (Pinal)
- b. Christopher Hand – 11/16/2009 (Pinal) Re-hire
- c. Carrie Hodap – 01/10/2010 (Yavapai) Re-hire
- d. Amy Krist – 11/16/2009 (Pinal)
- f. Linda Kurtz – 11/16/2009 (Pinal)
- g. Emily Nueman-Bauerle – 10/5/2009 (Coconino)
- h. Nicholas Osborne – 11/16/2009 (Pinal)
- i. Stacy Williams – 01/04/2010 (Mohave)
- j. Verna Yazzie – 09/24/2009 (Navajo)

**MOTION: A motion was made by J. Hathcock to approve the (9) employees requesting membership into CORP.** Motion was seconded and passed unanimously. **CORP 2010-06**

**A.R.S 38-884 Membership of Retirement Plan (Physical Exam)** The Local Board may vote to have the following discussion in Executive Session for the purpose of receiving legal advice pursuant to A.R.S. 38-431 (A) (2 3).

- a. Pima County Human Resources requested clarification on physical exam requirements for employees who previously participated in CORP, terminated employment and re-hired at a later date. The Board Secretary spoke with Public Safety’s legal department and received the following clarification pursuant to statues: *“The purpose of the medical examination is to identify a member's physical or mental condition or injury that existed or occurred before the member's date of membership in the plan.”* Based on the fact that all re-hires are given a new membership date, a new physical exam must be completed.

**MOTION: A Motion was made by J. Hathcock, to comply with statues that all new hires and rehires be required to complete a physical exam.** Motion was seconded and passed unanimously. **CORP 2010-07**

a. **New CORP Contribution Rates**

Board Member Kevin Kluge spoke with regards to the new CORP Employer Contribution rate for employers who fall under the AOC CORP Local Board; this rate would soon increase to over 5%. Board Member Jason Hathcock had a question regarding the employer rates for the counties/employers that fall under the AOC CORP Local Board, and if the rates are the same for each County. Board Member Kevin Kluge stated that the rates are different for all employers who fall under AOC CORP but all would experience an increase despite their current rate of contribution.

b. **Selection of Board vice Chair**

Regarding the selection of a member of the Local Board as Vice Chair, Mike Anthony informed the board, although it is not a title by Statute the Board would not be prohibited from selecting a Vice Chair. After consideration the Board agreed, in the absence of the Chair, one of the members present would be appointed to serve as acting chair.

c. **Scheduling upcoming board meetings**

The Board scheduled the following meeting dates and times.

Thursday February 25, 2010 at 1000 a.m.

Wednesday March 31, 2010 at 10:00 a.m.

Thursday May 27, 2010 at 10:00 a.m.

Board Member Jason Hathcock added that per the minutes from the Board's meeting on November 19, 2010 the Board was to have a confirming vote of David Lopez's request to be included in the settlement agreement on the agenda. The Chair requested that the Board Secretary add this item to the next scheduled meetings agenda.

**Call to the Public-** No public present

Summary prepared by: Lu McLendon, CORP Board Secretary