

**MINUTES 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, Wednesday, March 11, 2009, at 9:00 a.m., in Conference Room 331, Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

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

*Board member Paul Cunningham attended meeting via conference call in accordance with Open Meeting Law 7.10.2 - Telephone Conferences*

Jim Bruner, Chair	Michael Anthony, Board Attorney
Phil Hanley, Board Member	Lu McLendon, Secretary
Kevin Kluge, Board Member	Leticia Chavez, Recorder
Jason Hathcock, Board Member	AV Tronics, Court Reporter

**Guests Present:**

Andrea Romano	Hanna Auckland
Jennifer Crothers	Jennifer Kraham, Attorney
Roberta Stumper	Paige Martin, Attorney
Martin Bihn, Attorney	

**Call to Order**

Local Board Chair, Jim Bruner, called the meeting to order at 9:00 a.m. Wednesday, March 11, 2009, at the Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

**Approval of Minutes**

- a. January 29, 2009 Public Meeting Minutes.
- b. January 29, 2009 Executive Meeting Minutes.

The Chair called for any corrections or additions to the minutes. There were no corrections to the contents of the minutes.

**MOTION: A motion for approval of the December 18, 2008 Public and Executive Meeting Minutes was made by P. Hanley.** Motion was seconded and passed unanimously minutes stand approved. **CORP 2008-65**

**Approval of Normal Retirements** – The Local Board may consider and vote on the approval of applications (a-d) for Normal Retirement benefits in public meeting or defer decision to a later date.

- a. Marsha K. Price (February)
- b. William K. Edel (February) – recalculation
- c. Michael Dolan (March)
- d. Brian Gray (March)

## Public Meeting Minutes, March 11, 2009

### Page two

**MOTION: A motion was made by J. Hathcock to approve payment of benefits for applications (a-d) for Normal Retirement.** Motion was seconded and passed unanimously. **CORP 2008-66**

**Approval of Reverse DROP Retirement** – The Local Board may consider and vote on the approval of benefits for Reverse DROP Retirement benefits for the following application in public meeting or defer decision to a later date.

- a. Terry Pray (March)

**MOTION: A motion was made by P. Hanley to approve payment of benefits for application (a) for Reverse DROP Retirement.** Motion was seconded and passed unanimously. **CORP 2008-67**

### Death Application

- a. Ramon M. Villa – Ramon Villa Jr. beneficiary (noted for record)

### General Discussion

- a. **Election and Appointment for upcoming board member vacancies** – The Board Secretary explained that the Local Board will conduct the election and appointment for vacant board positions according to the procedures that were developed by the Local Board in 2007. Those procedures are as follows; for the elected member, a nomination letter will be sent to all CORP members via US Mail, the top ten nominees will then be placed on a voting ballot, which will then be sent to all CORP members via US Mail. Once votes are counted, the new Board Member will be announced. The swearing in of the new members will take place at the Board meeting scheduled for July 2009. For the appointed member, the Board Secretary will draft a letter to the Chief Justice. After receipt of the appointment by the Chief Justice, the newly appointed member will also be seated at the July 2009 Local Board meeting. **(Taken out of order)**

**Request for a Rehearing** – The CORP Local Board for the Superior Court may vote to go into Executive Session for Legal advice on laws applicable to rehearing's pursuant to A.R.S. 38-431 (A) (3).

- a. Final Vote on Fund Manager's request to rescind decision rendered September 25, 2008, to approve the following AOC employees for membership in CORP. This action is necessary to break a tie of vote taken January 29, 2009, which resulted in two members for and two members against.

Jennifer Crothers  
Karla Pacheco-Tena  
Andrea Romano

**Public Meeting Minutes, March 11, 2009**  
**Page three**

Jessica Shoffner  
Roberta Stumper  
Achi Yapo  
David Lopez

Due to the absence of member, Kevin Kluge, at the January 29, 2009 meeting, and before a final vote could be taken, the Board Attorney requested that Kevin stipulate for the record that he had reviewed the January 29, 2009 meeting transcripts and was prepared to render his vote. Kevin stated that he reviewed the transcripts from the January 29, 2009 rehearing as well as the transcripts from the September 25, 2008 rehearing and was prepared to enter his vote.

**MOTION: A motion was made by P. Hanley to rescind the decision rendered September 25, 2009 by the Local Board to approve membership in CORP for the seven claimants and uphold the previous decision rendered April 16, 2008, to deny these seven claimants membership in CORP.** Motion was seconded and passed three to two to reverse the September 25, 2008 decision.  
**CORP 2008-68**

**General Discussion**

- b. **Contract expiration of Local Board Attorney** – The contract for the Board’s attorney will expire June 30, 2009. As a result, the Board Secretary is required to bring a minimum of three bids (Attorney’s) to the Local Board for review. After a review of bids, the Board will select an attorney of their choice to act a legal counsel to the Board pursuant to A.R.S. 38-893.
  
- c. **Discussion of Local Board procedures regarding process for consideration and approval of benefits for applications for an “Ordinary Disability”** – The Board Secretary presented a PowerPoint presentation to the Board regarding Local Board responsibilities regarding processing and “Ordinary Disability.” First and foremost it is the Board responsibility to determine if the member meets the criteria and determine the benefit amount. The Board’s Attorney cautioned the Board with regards to the processing of an “Ordinary Disability” on two items. One is on how to treat the evidence. The statutes state that the decision must be based on the medical examination provided by the doctor, not the evidence the member submits. Second, the board should be aware an employer will sometimes try to “help” an employee and work with their disability by moving them into another position. This can interfere with the timeframe an employee has to apply for disability.

The Local Board also discussed and set the following meeting schedule for the coming months: Wednesday, May 20, 2009 at 10:00 a.m., and Thursday, July 9, 2009 at 10:00 a.m.

CORP Board Secretary – March 16, 2009.