

**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 Monday, July 10, 2017 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chairman; Mark Smalley; Rob Lubitz

Board Members Present by Conference Call: Jason Hathcock

Board Members Absent: Danna Quinn

Also Present: Hannah Auckland, Board Attorney; Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Court Reporter, Ottmar & Associates; Shelly Beck

Call to Order:

Approval of the Minutes:

June 6, 2017 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the June 6, 2017 meeting was made by Mark Smalley. Motion was seconded and passed unanimously; minutes stand approved.
CORP 2017-32

Review of Request to Remain in ASRS – Shelly Beck, Pinal County

The Board received a request dated May 23, 2017, from Sheley Beck to remain in the Arizona State Retirement System (A.S.R.S.) pursuant to A.R.S. §38-891(F).

Ms. Beck began employment as a Pinal County Juvenile Probation Supervisor on May 22, 2017. Her request form indicates that she has approximately 5 years, 5 months of credited service with the A.S.R.S. Pinal County staff was advised Ms. Beck should contribute to CORP pending the Board's decision on whether or not she may remain in A.S.R.S.

The Board Secretary advised the Board of the relevant statute, A.R.S. §38-891.F. as it pertains to Ms. Beck's request.

The local board of the state department of corrections, the local board of the department of juvenile corrections or the local board of a county, city or town that operates detention facilities may specify a designated position within the department or facility as a nondesignated position if the position is filled by an employee who has at least five years of credited service under the Arizona state retirement system and who makes a written request to the local board to specify the position as a nondesignated position within ninety days of accepting the position. On the employee leaving the position, the position reverts to a designated position.

The Board considered another member's request to remain in A.S.R.S. under A.R.S. §38-891(F) at its meeting on September 9, 2014. The Board was provided with the minutes from said meeting for review.

The Board Attorney advised there has not been any change to the language of A.R.S. §38-891(F) since the Board last considered this issue on September 9, 2014.

The Chair confirmed with Ms. Beck that she received all information pertaining to her request.

The Chair stated that this request was identical to the September 9, 2014 request and that the Board's decision at that time was to deny the request as A.R.S. §38-891(F) does not give the Local Board of the Judiciary authority to make the determination of a nondesignated position.

Board Member Jason Hathcock asked if the reason A.R.S. §38-891(F) does not grant this board the authority to make the determination is due to the statute not specifically naming the Local Board of the Judiciary in its language. The Board Attorney stated that she has not been made aware as to why the Local Board of the Judiciary is not included in A.R.S. §38-891(F) but as a result, the Board does not have the authority to designate a position within a department or facility as a nondesignated position.

The Chair advised that this local board is a state board, and all Superior Court probation, detention and surveillance staff are considered State of Arizona employees.

Ms. Beck asked if anyone had the authority to make the determination. The Chair stated that due to the language in the current statute, there is no entity that holds the authority and the statute must be revised to grant this Board the authority.

Ms. Beck left the meeting at 10:06 a.m.

MOTION: A motion to deny the request by Sheley Beck to remain in the Arizona State Retirement System, as this Board does not have authority to specify a nondesignated position under A.R.S. §38-891(F) was made by Rob Lubitz. Motion was seconded and passed unanimously. CORP 2017-33

Discussion:

Board Member Rob Lubitz stated that this is the second time the Board has heard a request to remain in A.S.R.S. Mr. Lubitz added that he feels the Local Board of the Judiciary being excluded from A.R.S. §38-891(F) is an oversight. He asked if it would be appropriate for this Board to submit a request to have A.R.S. §38-891(F) revised to include the Local Board of the Judiciary. The Chair stated that he did not know who the appropriate party would be, but that if this Board wants to revise the statute it would have to go through the Arizona Judicial Council (AJC) and have staff work with the Administrative Office of the Courts Legislative Team to draft the language to be considered.

The Chair added that after the Board reviewed the first request in September 2014 the Board had language drafted to revise A.R.S. §38-891(F) but he recalls that the amendment did not pass.

The Board Attorney advised that since this was not a current agenda item, the Board should have the Board Secretary research the process and place the item on a later agenda for the Board to consider and vote on. The Board agreed to have the Board Secretary research and gather information regarding the legislative change and update the Board at its August 8, 2017 meeting.

The Chair advised that if the Board chooses to submit a request to amend A.R.S. §38-891(F) the Board must review the request at its August 8, 2017 meeting so the Board can meet the deadline for AJC approval. The Chair asked the Board Secretary to work with the AOC Legislative representative, Jerry Landau, on drafting the proposed amendment to A.R.S. §38-891(F).

Review of Notice of Retiree Return to Work – Steven R. Lessard

The Board received a Notice of Retiree Return to Work from Gila County for Steven R. Lessard. The form indicates that Mr. Lessard retired from the Maricopa County Superior Court under CORP on August 15, 2014, and returned to work for the Gila County Superior Court on August 8, 2016, as a Chief Probation Officer.

The Board Secretary advised that Mr. Lessard holds a CORP designated position so his employer is responsible for paying the CORP alternate contribution rate on his behalf.

MOTION: A motion that the Board received a Notice of Return to Work for Steven R. Lessard and finds: (1) Mr. Lessard is eligible to continue to receive a CORP pension and (2) Mr. Lessard’s employer (Gila County) is responsible for paying the CORP alternate contribution rate on his behalf was made by Jason Hathcock. Motion was seconded and passed unanimously. CORP 2017-34

Approval of Normal Retirement Benefits:

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective July 1, 2017, was made by Mark Smalley. Motion was seconded and passed unanimously. CORP 2017-35

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|----------------------------|---|
| Holly K. Burdine: | \$4,043.72; Reverse DROP Estimate \$98,681.36 |
| Marcia K. Glasnapp Dinovo: | \$3,232.68 |
| Michael Garcia: | \$3,684.75; Reverse DROP Estimate \$59,663.70 |
| Linda J. Helvik: | \$2,209.53 |
| Jenifer Hess Kohler: | \$2,379.83 |
| Mercy M. Perez: | \$2,377.03 |
| Mathugh Vance: | \$1,722.97 |

Acknowledgement of CORP Physical Pre-Existing Conditions:

The Chair noted, for the record, that the physical examination report for member Amanda Heinbaugh identified one or more pre-existing conditions.

Acknowledgement of CORP Physical Exam Final Letters:

The Chair noted, for the record, that physical examination reports for Rodrigo D. Arce, Danielle Ferger, Windy Harris, Ryan S. Hutchison and Julian Velasquez were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on June 28, 2017.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

| | | |
|----------------------|----------|-----------|
| Arce, Rodrigo | Maricopa | 2/13/2017 |
| Beekman Jr., William | Maricopa | 5/22/2017 |
| Cruce, Sierra | Pinal | 5/8/2017 |
| Eubank, Naomi | Maricopa | 6/19/2017 |
| Ferger, Danielle | Coconino | 2/27/2017 |
| Gadsden, Dominique | Maricopa | 5/22/2017 |
| Givens, Matthew | Yavapai | 3/12/2017 |
| Harris, Windy | Coconino | 2/27/2017 |
| Hooper, Diamond | Yuma | 6/5/2017 |
| Howze, Travis | Mohave | 4/3/2017 |
| Hutchison, Ryan | Maricopa | 2/13/2017 |
| Jenkins, Makayla | Mohave | 4/3/2017 |
| Juvera, Ivan | Yuma | 5/22/2017 |
| Lipscomb, William | Navajo | 2/19/2017 |
| Moreno, Diana | Yuma | 6/5/2017 |
| Pacini, John | Maricopa | 5/22/2017 |
| Powell, Crystal | Maricopa | 4/10/2017 |
| Ramirez, Alexandra | Maricopa | 6/5/2017 |
| Ramirez, Luis | Maricopa | 6/5/2017 |
| Reeb, Douglas | Pima | 6/5/2017 |
| Steen, Justen | Pinal | 5/8/2017 |
| Tapia, Christopher | Pinal | 5/22/2017 |
| Velasquez, Julian | Maricopa | 1/16/2017 |
| Wilson, Enedina | Maricopa | 6/5/2017 |

MOTION: A motion to approve the 24 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. § 38-893.D and to note for the record that the physical examinations for Matthew Givens, Diamond Hooper, Travis Howze, Diana Moreno, John Pacini, Crystal Powell, Douglas Reeb and Enedina Wilson identified a physical or mental condition or injury that existed or occurred before the member’s date of membership in the plan was made by Rob Lubitz. Motion was seconded and passed unanimously. CORP 2017-36

Future Agenda Items:

The Chair asked the Board Secretary to follow up on the possible proposed legation regarding A.R.S. §38-891(F).

The Board Secretary stated that at the Board’s August 8, 2017 meeting, the Board is scheduled to review the Independent Medical Evaluation for disability applicant Bradley Martin.

The Chair asked if the Board Secretary had made arrangements to have a Public Safety Personnel Retirement System (PSPRS) representative update the Board on the new legislation impacting the CORP plan. The Board Secretary stated that the Board had discussed the possibility of a PSPRS representative updating the Board in the fall so no contact has been made. The Board Secretary also added that PSPRS is currently focused on the current changes affecting the PSPRS.

The Chair asked if the Board Secretary submitted an Administrative Order to the Chief Justice extending his term on the Board. The Board Secretary confirmed the order was sent and signed by the Chief Justice.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:19 a.m.

Transcribed July 10, 2017