

**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 Tuesday, August 6, 2013, 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, Chair; Phil Hanley; Mark Smalley; Rob Lubitz

Board Members Present via Conference Call:

Jason Hathcock

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Michael Anthony, Board Attorney

Call to Order

Approval of the Minutes:

- a. July 9, 2013, Public Meeting Minutes
- b. July 9, 2013, Executive Session Minutes
- c. July 9, 2013, Transcript of Proceedings – Open Session
- d. July 9, 2013, Transcript of Proceedings – Executive Session

The Chair called for any changes or corrections. Rob Lubitz asked to clarify that he had suggested the Board consider waiving an annual medical records review for Disability Applicant #11-01, rather than an annual IME.

MOTION: A motion to approve the July 9, 2013 Public Meeting and Executive Session minutes and transcripts was made by M. Smalley. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2013-37**

Retirement Benefits:

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

- a. Terence A. Cash
- b. Peniamina F. Fasavalu
- c. Cornie R. Goemaat
- d. Brenda K. Musgrove (R-DROP)
- e. Richard P. Swistek (R-DROP)
- f. Susan L. Zannotto

The Board Secretary noted for the record that the effective retirement date for all applicants with the exception of Peniamina F. Fasavalu was August 1, 2013. Mr. Fasavalu's effective date of retirement was July 1, 2013, so he will be paid retroactively for his July benefit if the Board approves the motion.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2013-38**

Terence A. Cash:	\$1,777.75
Peniamina F. Fasavalu:	\$2,510.59
Cornie R. Goemaat:	\$2,633.91
Brenda K. Musgrove:	\$2,542.35 (R-DROP Estimate: \$127,520.74)
Richard P. Swistek:	\$3,374.18 (R-DROP Estimate: \$74,808.16)
Susan L. Zanotto:	\$2,393.61

CORP Physical Exam Final Letters:

The Board noted, for the record, that physical examination reports for Gerald LeVaunt Jones, Patrick Mahaney, and Ryan Sand 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 July 18, 2013.

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:

a.	Kyle Beranek	Maricopa	7/8/2013
b.	Mary Bingham	Pima	4/15/2013
c.	Kari Celaya	Maricopa	7/8/2013
d.	Heidi Cichon	Maricopa	7/8/2013
e.	Susan Crysler	Yavapai	4/1/2013
f.	Bill Dougherty	Yavapai	3/31/2013
g.	Terrell Grandberry	Maricopa	7/8/2013
h.	Gerald LeVaunt Jones	Maricopa	3/11/2013
i.	Patrick Mahaney	Maricopa	4/22/2013
j.	Dustin Mastrocola	Yavapai	9/4/2012
k.	Mark Ott	Yavapai	11/5/2012
l.	Ryan Sand	Maricopa	5/6/2013
m.	John Springer, Jr.	Maricopa	7/22/2013
n.	Mark Williams	Apache	4/24/2013
o.	Krista Yunck	Pima	4/29/2013

The Board Secretary advised the Board that two members from Yavapai County whose membership began in 2012 are on the approval list for this meeting because the Board office did not receive their membership forms until June 19, 2013. A proposal to audit membership in every county will be addressed at Agenda Item VI.

The Board noted, for the record, that the physical examinations for applicants Mary Bingham, Kari Celaya, Heidi Cichon, Susan Crysler, Dustin Mastrocola, Mark Williams, and Krista Yunck identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan.

MOTION: A motion to approve the 15 named employees requesting membership into CORP was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2013-39**

Proposed Audit of Membership Records:

The Board Secretary advised the Board that in working with Yavapai County to recover a missing membership form, it was discovered that the Local Board office was missing several membership forms for members in Yavapai County. The Board Secretary confirmed that the problem of missing membership forms was limited to the Local Board office. The Fund Manager's office received the original membership applications for all officers and their contributions have been recorded to their account from hiring to date. The Board Secretary was concerned that missing membership records in the Board office may not be limited to Yavapai County and recommended that the Board authorize an audit of each county's membership records to ensure that the Local Board office membership records are complete.

The Board agreed to authorize an audit; however, Board member Phil Hanley felt it would be most efficient to first contact the Fund Manager's office to obtain a list of active CORP members for the Superior Court rather than initially contacting each county. The Chair agreed staff should first request a complete membership list from the Fund Manager; he also added that staff should send each county a verified list to confirm the Local Board office findings.

MOTION: A motion to conduct an audit to ensure the Local Board office membership records are complete, by requesting that each county provide a list of all employees in that county contributing to CORP and under the jurisdiction of the CORP Local Board for the Superior Court, pursuant to the Board's authority under A.R.S. §38-893 A. and §38-893.D.3 was made by P. Hanley.

Discussion: Board member Rob Lubitz stated the motion should include the Board's decision to first contact the Fund Manager's office for a complete list of active membership.

Board member Phil Hanley modified his previous motion:

MOTION: A motion to conduct an audit to ensure the Local Board office membership records are complete, by first requesting a complete membership list from the Fund Manager's office of all employees contributing to CORP under the jurisdiction of the CORP Local Board for the Superior Court, and/or then working with each county as needed to ensure complete records, pursuant to the Board's authority under A.R.S. §38-893 A. and §38-893.D.3, was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2013-40**

The Chair requested that the Board Secretary update the Board on the progress of the audit at each scheduled meeting.

Position Eligibility Review:

The Board Secretary advised the Board of a request from the Benefits Coordinator for Cochise County Human Resources, Wendy De La Cruz. Ms. De La Cruz requested the Board review the position of Detention Services Division Director to determine if the position is eligible for CORP membership pursuant to A.R.S. §38-891 and the Joinder Agreement. The position description Ms. De La Cruz provided indicated the position is full-time, has very limited access to the juveniles in detention, does not require the employee be or become a certified officer, and was previously held by a certified officer who was promoted into the position in 2010 or 2011 (and continued to contribute to CORP until her retirement). Ms. De La Cruz also indicated she does not know if the retired employee was the first employee to hold this position or whether the position existed at the time of the Joinder. The Board noted that the position description indicates the position participates in CORP, but Ms. De La Cruz confirmed that the employee hired for this position is contributing to ASRS.

The Board Attorney referred to A.R.S. §38-891 (G), which states the Local Board for the judiciary may specify positions within the Administrative Office of the Courts that require direct contact with and primarily provide training or technical expertise to county probation, surveillance or juvenile detention officers as CORP positions. The Board Attorney also referred to the Joinder Agreement, Item 2, which states that juvenile court directors are probation officer members of the designated class due to their appointment pursuant to A.R.S. §8-203 and that full-time managers and supervisors of detention *facilities* responsible for direct custodial supervision of juveniles are members of the designated class.

After review of the job description, the Joinder Agreement, and relevant statutes, the Board felt the position of Detention Services Division Director qualifies as a CORP designated position.

MOTION: A motion to designate the position of Detention Services Division Director (Cochise County) as a CORP eligible position was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2013-41

Call to Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:00 a.m.

Transcribed August 6, 2013