

The Corrections Officer Retirement Board of Pima County, Arizona met in session on October 3, 2018. The meeting was held in the 1<sup>st</sup> floor conference room at 130 W. Congress, Tucson, AZ.

VOTING MEMBERS PRESENT: Keith Bagwell  
Leo Duffner  
John Fink  
Michael Escobar  
Mary Scott

OTHERS PRESENT: David A. McEvoy, Board Attorney  
Jaime Carpenter, Board Secretary  
Renee Mattas, Disability Retiree  
Rafael Michel, Disability Retiree

ABSENT:

The meeting was called to order at 8:46 a.m. by Mr. Bagwell.

Item 1 on the agenda was a Roll Call. Attendance, as listed above.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was the approval of minutes from the board meeting held on 09/05/18. Mr. Escobar moved to approve the minutes as submitted. Ms. Scott seconded the motion and it carried unanimously.

Item 4 on the agenda was the discussion and possible action regarding the requested legal opinion from the Arizona Attorney General's Office, Pima County Attorney's Office and legal counsel from other CORP Boards regarding ARS §38-881(1). It was at this time that the board secretary called Mr. Michel, to attend, telephonically. Mr. McEvoy said that had nothing new to report as he was still waiting to hear from Mr. Andrew Flagg, Chief Civil Deputy for the Pima County Attorney's Office, who was waiting for approval to officially request that the Arizona Attorney General issue a legal opinion regarding A.R.S. §38-881(1). Mr. Fink inquired about the status of Mr. McEvoy talking with other local board's legal counsel regarding this issue. Mr. McEvoy stated that he spoke with Santa Cruz and Coconino County. Santa Cruz County did not have an independent legal counsel. They used the Santa Cruz County Attorney's Office, when needed. Mr. McEvoy stated that while that seemed inappropriate, because by statute the board legal counsel must be "independent" pursuant to A.R.S. §38-893(K); he still inquired about it and was waiting for an opinion. Mr. McEvoy also talked to Coconino County legal counsel who understood the issue and promised to follow-up with him after discussing it with his law partners, but failed to do so. Mr. Bagwell then inquired about how long this process could take and expressed concern about keeping the two disability retirees waiting for an outcome. Mr. McEvoy reminded him that while the legal opinion is pending, their disability benefits continue to be paid. Mr. Fink then asked what the CORP's position is on the statute. Mr. McEvoy reminded the board of his conversation with Ms. Bonnie Brown, CORP Benefits Manager, who requested a re-hearing with the opinion that "within the employees department" refers to "designated position", specifically, "county detention officer". Mr. McEvoy

advised the board that while that is CORP's interpretation, it is not how the CORP statute reads. Another discussion followed regarding previously approved disability retirements and disability re-evaluations. Mr. Rafael Michel then spoke to the board explaining that civilian jobs are not the same as the Corrections Officer (CO) job and do not require the same training and hold no less value than a commissioned deputy. Ms. Renee Mattas added that she agreed and that while she is a supervisor, she does not deal with inmates. She told the board that she has followed the re-hire process by not coming back as a CO, probation or parole officer. Board member and CO Sgt. Michael Escobar stated that clarification on the statute still be addressed, because there are several civilian positions within the department that supervise inmates. Mr. McEvoy reiterated that he does not know why the legislature wrote the laws differently, but the legal standard for accidental disability is different for CORP vs. PSPRS. In closing, Mr. Fink added that, if the interpretation ends up being "within an employee's department" and not "job classification", that he would recommend others, himself included, go to their legislators to get the language changed.

Item 5 on the agenda was the discussion and possible action regarding the disability benefits for Ms. Renee Mattas. After the discussion of agenda item 4, Mr. Fink moved to approve and continue payment of the disability retirement benefits for Ms. Mattas. He added that the board would still seek a legal opinion from the Arizona Attorney General's Office regarding ARS §38-881(1) for clarification and future cases. Mr. Escobar seconded the motion and it carried unanimously.

Item 6 on the agenda was the discussion and possible action regarding the disability benefits for Mr. Rafael Michel, Jr. After the discussion of agenda item 4, Mr. Fink moved to approve and continue payment of the disability retirement benefits for Mr. Michel. He added that the board would still seek a legal opinion from the Arizona Attorney General's Office regarding ARS §38-881(1) for clarification and future cases. Mr. Escobar seconded the motion and it carried unanimously.

Item 7 on the agenda was the Application for Separation – Refund for Benedict Acosta and Megan Huerta-Mendiola. Mr. Escobar moved to approve the applications. Ms. Scott seconded the motion and it carried unanimously.

Item 8 on the agenda was the Application for Normal Retirement for David Belisle, with 20.008 years of service and an effective date of 10/01/18. Mr. Escobar moved to approve the application. Ms. Scott seconded the motion and it carried unanimously.

Item 9 on the agenda was the Application for Normal Retirement for Felix Lopez, with 23.014 years of service and an effective date of 10/01/18. Mr. Escobar moved to approve the application. Ms. Scott seconded the motion and it carried unanimously.

Item 10 on the agenda was the Application for Normal Retirement for Darlene Gelibert, with 20.003 years of service and an effective date of 10/01/18. Mr. Escobar moved to approve the application. Ms. Scott seconded the motion and it carried unanimously.

Item 11 on the agenda was a review of pending legislation and discussion as needed. There was none.

Item 12 on the agenda was a review of correspondence with the Corrections Officer Retirement Plan. The secretary shared with the board the invitation to attend the PSPRS Local Board and Employer Seminar on December 4, 2018.

Item 13 on the agenda was other board business. It was at this time the secretary informed the board that two more disability retirees were due for their 5-year medical re-evaluation. After a brief discussion, the secretary was directed to schedule and send them to Dr. Schumacher for a disability re-evaluation, using

the existing letter templates provided by CORP.

Item 14 on the agenda was a call to the public. It was at this time that Mr. Duffner inquired about security at our board meetings. Mr. Duffner asked that it be added as an agenda item for possible action at the next meeting. Additionally, the secretary was directed to get information from the Sheriff's Department on security options available.

Thereafter, upon motion duly made, seconded and unanimously approved, the meeting adjourned at 9:38 a.m.

Jaime K. Carpenter, Secretary