

**Monroe County Employees Retirement  
System Board of Trustees  
MINUTES**

A special meeting of the Monroe County Employees Retirement System Board of Trustees was held on March 19, 2012 in the Board of Commissioners Chambers at 125 East Second Street, Monroe, Michigan. The meeting was called to order by Chairman Jondro at 5:00 P.M.

PRESENT: Nancy Bellaire, James Davies, Michael Grodi, Joseph Hudson, George Jondro, Henry Lievens, Anne McCarthy and James Morgan

ABSENT: William Sisk (excused)

ALSO PRESENT: Sandy Calkins, Retirement Specialist, Royce Maniko, Secretary and Thomas Michaud, Legal Counsel

Motion by James Davies, supported by Henry Lievens to suspend recording of the meeting due to technical difficulties. Motion carried.

Motion by James Morgan, supported by James Davies to approve the agenda as submitted. Motion carried.

**Citizens Time** – None

Joseph Hudson, James Davies, Henry Lievens and Anne McCarthy all disclosed their relationships with Judge Costello. Mr. Michaud stated it was not a conflict because they had all disclosed their relationships.

David Landry appeared on behalf of Joseph Costello. He stated according to the ordinance Joseph Costello will continue to stay in the same benefit group, Benefit Group Management. There will be no break in service, therefore he should not be considered retired. He also stated that because he is transferring from one position to another he should not have to coordinate his County retirement benefits with the Michigan Judges Retirement System.

Mr. Michaud stated the Retirement Board asked his office to put a written opinion together regarding Joseph Costello. It is an eleven page memo addressing provisions. This is not a clear issue. The ordinance needs to be followed, the County Pension Plan Act, and the Judges Retirement Act also need to be followed.

In summary Mr. Michaud stated the Retirement Board needs to decide is Judge Costello's pension subject to coordination requirements with the MJRS in the event he becomes employed in the prosecutor's position, does Judge Costello meet the definition of "retirant" in the event he

**Monroe County Employees  
Retirement System Board of  
Trustees Minutes**

March 19, 2012 – Page 2

becomes employed in the prosecutor's position and is receiving a pension from the MJRS, and what benefit group is applicable to Judge Costello as a Judge of the Circuit Court.

James Davies stated according to the ordinance Judge Costello will not be retired.

Anne McCarthy stated that for issues on clarity an opinion should be requested from the Attorney General's Office.

Mr. Michaud stated that the Retirement Board could request an opinion from the Attorney General's Office, but it takes a long time and it would be just an opinion, not precedent or law.

Mr. Michaud stated collective bargaining supersedes county ordinance and state statute supersedes county ordinance. The Retirement Board has the authority to decide on all three questions.

Motion by James Davies, supported by Henry Lievens to recognize Judge Costello belongs to the Benefit Group Management. Motion carried.

Anne McCarthy feels the Board of Commissioners need to clarify the definition of "retirant". James Davies feels the ordinance is clear on the definition.

Motion by Michael Grodi, supported by Joseph Hudson to not consider Judge Costello a retirant. Motion carried. Anne McCarthy voted no.

Motion by Michael Grodi, supported by Anne McCarthy to send coordination of benefits to County Board of Commissioners to determine whether Judge Costello's retirement benefit is coordinated or not. Motion carried. James Davies voted no.

Motion by Michael Grodi, supported by Henry Lievens to accept communication from Tom Michaud and David Landry and place on file. Motion carried.

**Trustee Comments**

Michael Grodi would like to the pledge of allegiance to be recited at Retirement Board meetings going forward. Henry Lievens agreed.

James Davies and James Morgan recognized Clayton Charron in the audience and thanked him for his many years of service to the Retirement Board.

Chairman Jondro and Anne McCarthy thanked all members of the Retirement Board and all parties involved for their time and efforts.

**Monroe County Employees  
Retirement System Board of  
Trustees Minutes**

March 19, 2012 – Page 3

Motion by Anne McCarthy, supported by Michael Grodi to adjourn. Motion carried. Meeting adjourned at 6:35 P.M.

Respectfully Submitted,

George Jondro, Chairman  
Monroe County Employees Retirement System  
Board of Trustees