

# MINUTES, BOARD OF SUPERVISORS' MEETING

SEPTEMBER 8, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 8, 2009. Upon roll call, those present and absent were as follows:

All Present:                 Richard Elías, Chairman  
                                      Ramón Valadez, Vice Chairman  
                                      Sharon Bronson, Member  
                                      Ray Carroll, Member  
                                      Ann Day, Member  
                                      Lori Godoshian, Clerk

1.     **INVOCATION**

The invocation was given by Pastor Gary Stokes, Vineyard City Church.

2.     **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.     **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

**BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

4.     **CONSENT CALENDAR**

A.     **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared

B.     **PULLED FOR SEPARATE ACTION**

**DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments.

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Turner, Diana K.	056	DEM
Applebaugh, Steven R.	279	DEM

Zerull, Lynn J.	381	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Zupi, Linda C.	006	REP
Busch, Janet C.	012	REP
Abbett, Renee S.K.	041	REP
Elías, Richard D.	073	DEM
Coleman, Maiola T.	145	DEM
Hudson, Howard	177	REP
Stephens, Diane E.	186	REP
Kaplan, Allan	211	REP
Kaplan, Cynthia P.	211	REP
Spann, Rebecca A.	220	REP
Proud, Terri L.	264	REP
Hurn, William R.	302	REP
Holland, Linda F.	310	REP
Charlton, William D.	340	REP
Dotson, Calvin L.	340	REP
Miller, Allyson	379	REP
Bohnke, Glen L.	390	REP
Maenpaa, Ron M.	393	REP
Maenpaa, Sun	393	REP
VanWormer, Mara L.	393	REP
VanWormer, Zachary	393	REP
Roudebush, Norma J.	397	REP
Paulin, Dianne M.	402	REP
Paulin, Thomas J.	402	REP

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4 to 0 vote, Chairman Elías recused himself due to a potential Conflict of Interest, to approve the resignations/appointments.

**C. APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5 to 0 vote, to approve the Consent Calendar.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Community Services, Employment and Training**

1. John Laswick, Amendment No. 3, to provide consulting and technical expertise in the development of grant applications for Pima Vocational High School and extend contract term to 9/30/10, State Equalization Grant Fund, no cost (07-69-L-138986-1006)

**B. Economic Development and Tourism**

2. Arizona-Sonora Desert Museum, Inc., to provide for the use of recycled water for irrigation and fire suppression, 2004 Bond Fund, contract amount not to exceed \$200,000.00 (03-71-A-142305-0909)

**C. Fleet Services**

3. RESOLUTION NO. 2009 - 226, approving an Intergovernmental Agreement with the Metropolitan Domestic Water Improvement District, to provide fuel and vehicle maintenance, revenue based on services (01-75-M-142297-0909)

**D. Pima Health System**

4. Arizona Oncology Associates, P.C., Amendment No. 6, to provide oncology services, PHCS Enterprise Fund, contract amount \$750,000.00 (18-15-A-135931-0405)
5. Alfredo Guevara, Jr., M.D., FACS, Amendment No. 4, to provide urology services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-G-136671-1005)
6. Park Waverly Healthcare, L.L.C., d.b.a. Park Avenue Health and Rehabilitation, Amendment No. 6, to provide nursing facility services, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-P-137077-1005)
7. Pulmonary Associates of Southern Arizona, P.C., Amendment No. 2, to provide pulmonary services, PHCS Enterprise Fund, contract amount \$150,000.00 (18-15-P-139304-0407)
8. Amendment No. 2, to provide assisted living center services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, for the following:

<u>VENDOR</u>	<u>CONTRACT NO.</u>	<u>AMOUNT</u>
Marshall Home for Men, Inc., d.b.a. Marshall Home for Men	18-15-M-140513- 1007	\$ 50,000.00
Handmaker Jewish Services for the Aging, d.b.a. The Rubin Community for Senior Living Elder Care Residence	18-15-H-140514- 1007	\$ 50,000.00

The Oasis Assisted Living Center, 18-15-O-140515- \$300,000.00  
 L.L.C., d.b.a. The Oasis at El 1007  
 Corral Assisted Living Center

9. Amendment No. 1, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost, for the following:

<u>VENDOR</u>	<u>CONTRACT NO.</u>
United Cerebral Palsy of Southern Arizona, Inc.	07-15-U-142061-0709
Dependable Home Health, Inc.	07-15-D-142063-0709
Dependable Nurses, Inc.	07-15-D-142064-0709
Arcadia Health Services, Inc., d.b.a. Arcadia Health Care	07-15-A-142069-0709
My House, L.L.C.	07-15-M-142070-0709
McLain Enterprises, Inc., d.b.a. Comfort Keepers	07-15-M-142110-0709
Jelodon Corp., d.b.a. Health Care Nursing	07-15-J-142112-0709
NurseCore Management Services, L.L.C., d.b.a. Nursecore	07-15-N-142113-0709
Sunrise Senior Living Management, Inc., d.b.a. Sunrise Home Care	07-15-S-142114-0709
Wisdom Access, Inc.	07-15-W-142115-0709
Caregiver Connection of Arizona, L.L.C., d.b.a. Aristocare Home Health Services	07-15-C-142116-0709
Soreo In Home Support Services, L.L.C.	07-15-S-142117-0709
Arizona Consumer Direct Personal Care, L.L.C.	07-15-A-142119-0709
Bayada Nurses, Inc.	07-15-B-142128-0709
Maxim Healthcare Services, Inc.	07-15-M-142130-0709

**E. Procurement**

10. HDR Engineering, Inc., Amendment No. 6, to provide project management and roadway design engineering services for the La Canada Dr.: River Road to Ina Road Project and amend contractual language, RTA Fund, contract amount \$31,661.00 (16-04-H-139002-1106) Transportation

## **Award**

11. Low Bid: Award of Contract, Requisition No. 1000025, in the amount of \$2,405,500.00 to the lowest responsive bidder, Norquay Construction, Inc., (Headquarters: Tempe, AZ), for the construction of the Pantano River Park. The contract term is thirty-six months with the ability to extend for project completion. Construction is to be complete within 308 working days from the Notice to Proceed. Funding Source: 2004 Bond Fund (73.5%); City of Tucson IGA (1.4%); and RTA Fund (25.2%). Administering Department: Natural Resources, Parks and Recreation.

## **F. Sheriff**

12. RESOLUTION NO. 2009 - 227, approving an Intergovernmental Agreement with the City of Tucson, to provide for the incarceration of municipal prisoners, General Fund, contract amount \$7,765,247.00 revenue (01-11-T-142303-0709)
13. RESOLUTION NO. 2009 - 228, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for overtime and employee related expenses to conduct Project "Click It or Ticket," Federal Grant Fund, contract amount \$30,000.00 revenue (01-11-G-142307-0709)

## **G. Transportation**

14. Regional Transportation Authority, Amendment No. 2, to provide for the design and construction of improvements to the Picture Rocks Safe Routes to School Project and amend contractual language, RTA Fund, no cost (01-04-R-141228-0908)

## **2. DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments.

Pulled for separate action.

## **3. FINANCE AND RISK MANAGEMENT**

### **Duplicate Warrants – For Ratification**

Guaranty Title Agency	\$	5.30
Kayjen Companies	\$	693.36
Kayjen Companies	\$	422.02
Lovecare, Co.	\$	7,052.35

4. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of July, 2009.

**REGULAR AGENDA/ADDENDUM ITEMS**

5. **COUNTY ADMINISTRATOR**

**Revisions to Merit System Rules and Personnel Policies**

Staff requests approval of the proposed revisions to the following Merit System Rules and Personnel Policies:

Merit System Rule 1 – Definitions

- 1.03 Changes appealable actions to conform to deletion of Job Retraining and Placement Program as a result of previous revision to Personnel Policy 8-113.
- 1.23 Removes definition of County Physician as a result of previous revision to Personnel Policy 8-114.
- 1.37 Removes definition of Job Retraining and Placement Program as a result of previous revision to Personnel Policy 8-113.
- 1.38(1.36) Removes “County Physician’s determination as medically disabled” in definition of layoff due to deletion of County Physician definition.

Renumbering of remaining definitions.

Merit System Rule 5 – Examinations

- 5.1 D.2 Removes reference to Job Retraining and Placement Program as a result of previous revision to Personnel Policy 8-113.
- 5.2 Deletes “Handicap” and inserts “Disability” to conform to State law.

Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range, Reappointment, Reassignment and Detail

- 8.6 A. Adds language that excludes detail assignments from being extended.

Merit System Rule 10 - Probation

- 10.2 F.4 Removes reference to Job Retraining and Placement Program as a result of previous revision to Personnel Policy 8-113.

Merit System Rule 11 - Terminations

- 11.4 A. Removes reference to County Physician as a result of previous revision to Personnel Policy 8-114 and deletion of County Physician definition in MSR 1.
- 11.4 E. Changes the Rule number of the definition of “seniority” to conform to changes to MSR 1.
- 11.5 F, G, & H Deletes references to Job Retraining and Placement Program due to previous revision to Personnel Policy 8-113.

Merit System Rule 13 – Grievance System

- 13.1 B Excludes charges of workplace harassment from the requirement for employees to mediate since an employee making such an allegation should not have to confront the alleged perpetrator.

- 13.2 F.2 Removes the comma before “and the department for filing.” for clarity.
- 13.3 B As stated in 13.1 B above.
- Merit System Rule 14 - Merit System Commission Appeals
- 14.1 A.5 Changes appealable actions to conform to deletion of Job Retraining and Placement Program as a result of previous revision to Personnel Policy 8-113.
- 14.4 A Replaces semi-colon with a comma.
- Personnel Policy 8-102 - Premium Pay
- A.2 Deletes inclusion of annual leave, compensatory time used and the holiday benefit in the computation of hours worked toward overtime. This is an oversight and has been determined to be unconstitutional and in violation of the State gift clause. We are correcting the problem via this revision.
- F.3 Deletes reference to 8-102.A.2, regarding annual leave and compensatory time used included in hours worked for the purpose of computing overtime, as stated in A.2 above.
- G.3 Deletes reference to Sheriff’s Department employees eligible for shift differential pay to conform to classifications based on the fact that the Sheriff’s Department no longer uses these classifications.
- Personnel Policy 8-103 - Civic Duty Leave And Uniformed Services Leave
- E.2 Deletes the periods between A.R.S. for consistency.
- Personnel Policy 8-106 – Sick Leave
- D.3.e Correctly references the paragraph citation for the 40-hour maximum.
- D.6 Deletes reference to special medical evaluation by County Physician due to previous revision to Personnel Policy 8-114 and deletion of County Physician definition in MSR 1.
- Personnel Policy 8-108 - Leaves Of Absence Without Pay
- C. Deletes reference to evaluation by County Physician due to previous revision to Personnel Policy 8-114 and deletion of County Physician definition in MSR 1.
- I.6 Deletes reference to determination by County Physician of inability of an employee to perform the essential functions of his/her position due to previous revision to Personnel Policy 8-114 and deletion of County Physician definition in MSR 1.
- I.10 Deletes “G.7” as a reference to intermittent FMLA leave due to previous revision to Personnel Policy 8-108.
- Personnel Policy 8-111 - Outside Employment
- E. Deletes reference to approval of County Physician due to previous revision to Personnel Policy 8-114 and deletion of County Physician definition in MSR 1.
- Personnel Policy 8-115 – Mediation Program
- C. Excludes charges of workplace harassment from the requirement for employees to mediate since an employee making such an allegation should not have to confront the alleged perpetrator.
- D.3 Changes periods to semi-colons and adds a period after “3. Mediation notes” for consistency in punctuation.
- Personnel Policy 8-117 – Pay Plan
- C., D., G., H., I, K, L, M., O. & P. Changes “per cent” to “percent” for consistency and to conform to common usage and spelling.
- Personnel Policy 8-118 – Personnel Records
- F.1.l & m Changes the period to a semi-colon to correct punctuation.
- Personnel Policy 8-119 – Rules Of Conduct
- R. Deletes “gender related” to clarify that slurs concerning other protected classes are violations of rules of conduct.
- Personnel Policy 8-122 - Group Insurance
- E.6 Clarifies provision for reinstatement of coverage following cancellation for non-payment of premium outside of the open enrollment period.
- Personnel Policy 8-123 - Termination
- A.3., 4. & 5. Changes “per cent” to “percent” to conform to common usage and spelling.

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Deletes "Job Retraining & Placement Program" as a result of previous revision to Personnel Policy 8-113.

Changes the Rule number of the definition of "seniority" to conform to changes to MSR 1.  
Deletes listings under "Workers' Compensation" as a result of previous revision to Personnel Policy 8-113.

Officer Christopher Rogers, Pima County Sheriff's Department, appeared before the Board regarding concerns over the adoption of Merit System Rules and Personnel Policy #8-102, Premium Pay. After discussion, Officer Rogers and Chris Straub, Chief Civil Deputy County Attorney, agreed that the item should be continued and brought back by staff pending further legal review.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5 to 0 vote, to approve the revisions to the Merit System Rules and Personnel Policies with the exception of Personnel Policy 8-102, which was continued.

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6. **BOARD OF SUPERVISORS**

**FRANCHISE/LICENSE/PERMIT**

**Fireworks Permit**

Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, September 26, 2009 at 7:30 p.m.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5 to 0 vote, to close the public hearing and approve the permit.

7. **DEVELOPMENT SERVICES**

**Street Name Change**

Present

Proposed

Unnamed easement/  
access roadway  
Co14-09-007  
(District 3)

Wild Bird Loop

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5 to 0 vote, to close the public hearing and approve the street name change.

## 8. TRANSPORTATION

### Environmental Assessment and Mitigation Report

Staff recommends approval of the Environmental Assessment and Mitigation Report for Cortaro Farms/Magee Road: Thornydale Road to Oracle Road. (District 1)

Bernie Wiegandt, member of the Cortaro Farms Road/Magee Road: Thornydale Road to Oracle Road Improvement Project Citizens Advisory Committee (CAC) addressed the Board. Mr. Wiegandt gave a brief summary of the CAC's involvement and concerns about the project. He thanked Supervisor Day for her support and requested that the Board utilize any means necessary to help ensure the CAC's formal existence. He also encouraged the County to move aggressively to concurrently improve the section of Cortaro Farms Road (between Thornydale and Starr Grass – the Town of Marana boundary) to create continuity of the entire corridor and allow the public to maximize the public's ability to fully and efficiently use the arterial.

Supervisor Day stated that Mr. Wiegandt and the other CAC members had done an outstanding job on this project and thanked them for their time and attention. The Chairman asked the Transportation Director about the status of this outstanding section of roadway.

Priscilla Cornelio, Transportation Director, responded that she too was very much in favor of keeping the CAC involved and echoed Supervisor Day's sentiments about their outstanding performance. With respect to the remaining section of Cortaro Farms, from Stargrass to Thornydale being constructed, she reported that although they would like to do the project, it has been shelved due to lack of funds. She stated that completion of the RTA funded projects remain the priority for the department at this time.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5 to 0 vote, to close the public hearing and approve the Environmental Assessment and Mitigation Report.

## 9. BOARD OF SUPERVISORS

**(Clerk's Note:** Action on this item will occur only if the repeal of the State Education Assistance primary property tax becomes law prior to September 8, 2009.)

RESOLUTION NO. 2009 - 229, of the Board of Supervisors of Pima County, amending Pima County Resolution No. 2009-212 for the levy of taxes for Fiscal Year 2009-2010 to conform to recently enacted legislation that repealed the State Education Assistance primary property tax.

Without objection, this item was removed from the agenda.

10. **CONTRACTS**

A. **Institutional Health**

1. University Physicians Healthcare, Amendment No. 3, to provide court ordered evaluation care coordination services, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$463,776.00 (07-65-U-139643-0707)

B. **Superintendent of Schools**

2. RESOLUTION NO. 2009 – 230, approving the agreement between the Pima County Division of Elections and the Pima County School Superintendent, to provide elections services for local school districts, various District Funds, contract amount \$120,820.00 (07-38-E-142302-0709)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5 to 0 vote, to approve the contract and adopt Resolution No. 2009-230.

11. **CALL TO THE PUBLIC**

The Chairman reported that he had one speaker who wished to address the Board. Kenneth Rinner spoke of a recent visit to the Pima County Fairgrounds where security staff refused to allow gathering signatures for candidates. He requested that the Fairground Commission be advised to inform security staff that the Fairground is not private and that this type of action is allowable.

12. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:36 a.m.