

MINUTES, FLOOD CONTROL DISTRICT BOARD

FEBRUARY 8, 2011

The Pima County Flood Control District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 8, 2011. Upon roll call, those present and absent were as follows:

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

1. **CONTRACT**

Saddle Tree Ranch, to provide the Empirita Ranch Property Stewardship Agreement with Pima County and the Pima County Flood Control District, contract amount \$31,800.00 revenue/5 year term (11-59-S-143715-0211)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the contract.

2. **CONDEMNATION**

RESOLUTION NO. 2011 - FC 2, of the Pima County Regional Flood Control District Board, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Rillito River Park Access Project, in Section 19 of T13S, R14E, G&SRM. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - FC 2.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:17 p.m.

ATTEST:


CLERK



CHAIRMAN

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

FEBRUARY 8, 2011

The Pima County Zoning Enforcement Board of Appeals met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 8, 2011. Upon roll call, those present and absent were as follows:

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

1. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case Nos. P10CV00391-1, 2, 3 and 4, David J. and Lori S. Ruboyianes. The Board may also, during the course of the hearing and upon motion, enter into executive session.

The Board took no action on this item.

2. APPEAL OF HEARING OFFICER'S DECISION

P10CV00391-1, 2, 3 and 4, David J. and Lori S. Ruboyianes

In accordance with the Pima County Zoning Code, Section 18.95.030C, David J. and Lori S. Ruboyianes, appeal the decision of the Hearing Officer in Case Nos. P10CV00391-1, 2, 3, and 4. The citations were for violations of the Zoning Code Sections 18.07.030C, 18.09.020P and 18.09.020Q, open storage of inoperable vehicles; Sections 18.25.010 and 18.25.020, junkyard not a permitted or conditional use in CR3; Section 18.25.010, auto storage not a permitted use in CR3; and Sections 18.03.020(A)(3) and 18.101.040(c)(3), excessive number of automobiles, on property located at 3414 W. Green Ridge Drive. (District 1)

Chris Straub, Chief Civil Deputy County Attorney, stated a request for a trial de novo had been made. The Board would have to take action on the request and decide if they would grant a trial de novo or if the record was sufficient to proceed with the normal appeal process.

The Chairman asked for arguments from both the appellant and staff relating to the request for a trial de novo.

Christopher Wencker, Attorney for the appellants, indicated the reason for the trial de novo request was outlined in the *appellant memorandum* which had been

submitted because his clients had been denied the opportunity to present all of the evidence that should have been considered by the Hearing Officer concerning the alleged violations.

Andrew Flagg, Deputy County Attorney, stated they had not received the *appellant memorandum* indicated by Mr. Wencker and, if the Board granted the trial de novo request, staff would ask for a continuance to give them adequate time to review any memorandum or new evidence. Mr. Flagg explained that the letter presented from the Hearing Officer for this appeal stated the defendants had been given the opportunity to provide their evidence.

Supervisor Bronson asked if the issue would be resolved if the defendants were given the opportunity to present evidence regarding the licensing of the vehicles on their property.

Mr. Flagg responded that the matter would not be resolved. He stated there were two issues. The first issue being the excessive number of operable vehicles, and the second issue was the number of inoperable vehicles on the property which resulted in violations of several sections of the Code.

Supervisor Day inquired about the number of vehicles legally allowed on a residence according to the County Ordinance.

Mr. Flagg explained that the Chief Zoning Inspector's interpretation allowed two motor vehicles per licensed driver. It was his understanding that there were three licensed drivers at the residence which would allow six operable motor vehicles. In addition, they could have up to two screened inoperable motor vehicles permanently on the property and an additional two unscreened inoperable motor vehicles for a period of 60 days. He stated that when the appellants were cited, they had seventeen vehicles on their property.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to deny the request for a trial de novo.

Chairman Valadez stated the appeal hearing would go forward and asked the appellants to provide their presentation.

Mr. Wencker explained his clients were appealing the Hearing Officer's decision because all of the vehicles on their property were operable, registered, parked in an orderly fashion and did not create a nuisance to their neighbors in the sense of omitting nauseous odors or other harmful substances, or creating unnecessary noise. He stated that the Pima County Zoning Code did not clearly specify the number of operable motor vehicles that were allowed on a residential property and it was not the Chief Zoning Inspector's decision to make. He indicated that his clients were entitled to be notified, in advance, that they were not allowed to have any more than two operable vehicles per licensed residential driver on their property. That notice would have provided an opportunity for them to come into compliance. He felt it was a violation of his client's right of due process of law and recommended

that the County formally amend the Zoning Code to establish a requirement for the number of operable motor vehicles allowed on a residential property. He asked that the Board not apply the Chief Zoning Inspector's interpretation to his clients.

Mr. Flagg stated that while the Pima County Zoning Code does not specifically state the number of operable vehicles that are allowed to be on a residential property, the Chief Zoning Inspector is allowed to make an interpretation of the Code. He noted the proper method to challenge the Chief Zoning Inspector's interpretation of the Code would be to appeal to the Board of Adjustment. He requested that the Board uphold the Hearing Officer's decision.

Supervisor Bronson inquired how the Chief Zoning Inspector came to the decision that two vehicles would be allowed on the property per licensed operator.

Rick Bruster, Zoning Inspector Supervisor, explained that the Inspector based her interpretation on a June 2008 court case in which the same interpretation was accepted by Superior Court and that the interpretation had been used as the standard. Mr. Bruster then provided the staff report regarding the citations.

Mr. Wencker responded since the Superior Court Case was not an *appellant decision*, it was not binding.

Supervisor Bronson asked if Proposition 207, The Private Property Rights Protection Act, related to this case if the Board moved to deny the appeal.

Mr. Straub replied that he did not believe so, but stated it was appropriate to ask both parties if they felt Proposition 207 applied since there would probably be a difference of legal opinion.

Chairman Valadez asked the parties to respond.

Mr. Wencker stated he felt Proposition 207 was arguably an issue because if the Hearing Officer's decision was upheld, it would take away a use of his client's property.

Mr. Flagg stated that Proposition 207 only applied to land use laws and did not believe the decision by the Board constituted a land use law under Proposition 207. He also indicated that Proposition 207 did not apply to land use laws that predated its enactment.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll, to close the hearing, to deny the appeal and uphold the Hearing Officer's decision, and to suspend the fines for each of the four citations for 60 days to give the property owners time to bring the property into compliance. If upon inspection the property is found to be in compliance, the fines would be waived. If after the 60 days the property owners are not in compliance to the satisfaction of the Inspector, the full balance of the fines would be due. No vote was taken at the time.

Supervisor Bronson asked for clarification by the maker of the motion. She questioned that should the property owners appeal the interpretation of the Chief Zoning Inspector to the Board of Adjustment, would the intention of the motion be to hold the payment of fines in abeyance until after the Board of Adjustment has made a decision.

Supervisor Day replied that was correct.

Upon the vote being taken, the motion carried 4-1, with Supervisor Bronson voting "Nay."

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:17 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 8, 2011

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, February 8, 2011. Upon roll call, those present and absent were as follows:

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

1. **INVOCATION**

The invocation was given by Reverend Steve Keplinger, Grace St. Paul's Episcopal 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.

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. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as presented.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Town of Sahuarita, Amendment No. 2, to provide for implementation of the Sahuarita Workforce Housing Program and extend contract term to 12/31/11, no cost (01-70-S-141446-0109)
2. New Beginnings for Women and Children, to provide facility improvements for the term 10/1/10 to 9/30/11, Community Block Grant Fund, contract amount \$15,000.00 (11-70-N-143722-1010)

B. County Attorney

3. Slosser, Hudgins, Struse and Freund, P.L.C., Amendment No. 2, to provide legal representation services regarding obligations of the Board of Supervisors with respect to retention or destruction of ballots from the May 16, 2006 Special Election and amend contractual language, Board of Supervisors Contingency Fund, contract amount \$25,000.00 (17-02-S-142787-0210)

C. Environmental Quality

4. Arizona Department of Environmental Quality, Amendment No. 13, to provide for the investigation and monitoring of private wells in the vicinity of Tucson International Airport and extend contract term to 6/30/12, ADEQ Fund, contract amount \$2,000.00 revenue (01-51-A-123566-1097)

D. Information Technology

5. Arizona Department of Public Safety, Amendment No. 5, to provide reciprocal co-location of radio communication systems at the AZDPS Mt. Lemmon facility per site-specific agreement and amend scope of work, no cost (01-14-A-139470-0507)
6. Arizona Department of Public Safety, Amendment No. 6, to provide reciprocal co-location of radio communication systems at the AZDPS Keystone Peak facility per site-specific agreement and amend scope of work, no cost (01-14-A-139470-0507)

E. Institutional Health

7. Health Information Network of Arizona, to provide a subscription agreement, no cost (11-65-H-143729-0211)
8. Health Information Network of Arizona, to provide a participation agreement for the sharing of health information at the Pima County Adult Detention Complex, General Fund, contract amount \$8,775.00/5 year term (11-65-H-143730-0211)

F. Procurement

Award

9. Low Bid: Award of Contract, Requisition No. 1100959, in the amount of \$520,000.00 for sewer maintenance parts to Arizona Wastewater Industries, Inc. (Headquarters: Prescott, AZ). Contract is for a one year term and includes four one year renewal periods. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.

G. Real Property

10. Saddle Tree Ranch, to provide the Empirita Ranch Property Stewardship Agreement with Pima County and the Pima County Flood Control District, contract amount \$31,800.00 revenue/5 year term (11-59-S-143715-0211)

H. Superintendent of Schools

11. Arizona Supreme Court and Pima County Superior Court, Amendment No. 1, to provide supplemental educational services, extend contract term to 9/30/11 and amend contractual language, Federal Fund, contract amount \$125,995.70 revenue (01-38-A-142845-0410)

I. Transportation

12. City of Tucson, Amendment No. 1, to provide for the design and construction of improvements to Tanque Verde Road: Catalina Highway to Houghton Road and amend contractual language, no cost (01-04-T-142634-0110)

2. 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>
Rose, Juliana	090	DEM
Kinsey, Adam D.	145	DEM
Cohen, Cameron L.	220	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Clifton, Karen E.	068	DEM
Rabago, Vincent L.	081	DEM
Uribe, Diana J.	101	DEM
Malmberg, Marilee	142	DEM
Howard, T. Lorena	160	DEM
Brady, Caitlin E.	164	DEM
Klever, Anita M.	241	DEM
Kinsey, Adam D.	296	DEM
Vann, Glen R.	317	DEM
Crowe, David K.	364	DEM
Price, Leondra J.	391	DEM
March, Jim	053	LBT
Phelps, Mark R.	324	LBT
Nolan, Elizabeth	354	LBT
Rackauskas, Saul	388	LBT
Kryder, Patricia A.	010	REP
Kryder, Richard D.	010	REP
Nastase, Ryan C.	013	REP
Kroll, Terry L.	015	REP
McClusky, Shaun E.	053	REP
Herder, Peter D.	056	REP
DeMarino, Lawrence A.	125	REP
Bilbo, C. Spence	128	REP
Dunmire, Annika R.	129	REP
Humphries, Trent R.	162	REP
George, Tabitha M.	171	REP
Miller, Janet S.	171	REP
Preble, Mary T.	171	REP
Kershner, Michelle	179	REP
Hicks, Charles M.	182	REP
Koval, Dwayne J.	187	REP
Ekrom, Evalyn L.	191	REP
Martin, Edward J.	202	REP
Oberry, Patricia A.	206	REP
Lebrecht, Dianna N.	214	REP
Henderson, Jill	219	REP
Jenkins, Michael T.	252	REP
Jackson, Jerry C.	326	REP
Lewis, Stuart C.	328	REP
Cinotto, Jack J.	336	REP
Junggren, Priscilla J.	357	REP
Alkire, Judith A.	358	REP
Alkire, Larry D.	358	REP
Cunnington, George R.	360	REP
Leska, Scott A.	361	REP
Brethower, Dale M.	363	REP
Cary, Jean E.	388	REP
Hecksel, Harley G.	388	REP
Moyes, Dorothy C.	390	REP
Passarella, John I.	390	REP
Cashion, Victoria C.	392	REP

Junke, Robert E.	392	REP
Woolley, Patricia K.	392	REP
Farmer, William L.	393	REP
Sobeck, William	393	REP
Walbert, Kaitlin A.	394	REP
Bernier, Terry L.	395	REP

3. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Animal Care Advisory Committee

Appointment of Kerri Burns, Humane Society of Southern Arizona, to fill unexpired term of Pat Hubbard. Term expiration: 3/31/11. (Organizational recommendation)

B. Board of Adjustment, District 3

Reappointment of Robert Bethel. Term expiration: 10/5/14. (District 3)

4. SUPERIOR COURT

Judges Pro Tempore

Appointments of Susan Kettlewell (start date 2/14/11) and Geoffrey Ferlan (start date 5/2/11) as Judges Pro Tempore of Pima County Superior Court effective on their respective start dates through June 30, 2011.

5. SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273

A. Ann M. Torrez, Boys and Girls Clubs of Tucson, La Encantada, 2905 E. Skyline Drive, Tucson, April 17, 2011.

B. Kord M. Klinefelter, American Legion Riders, The Ajo Plaza at Plaza Street and Highway 85, Ajo, February 19, 2011.

6. REAL PROPERTY

Condemnation

RESOLUTION NO. 2011 - 25, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Urban Loop: Roger Road to Ina Road Project, in Sections 6, 7, 8, 17 and 18 of T13S, R13E and Section 12 of T13S, R12E, G&SRM. (District 3)

7. RATIFY AND/OR APPROVE

Minutes: December 14, 2010

REGULAR AGENDA/ADDENDUM ITEMS

5. FLEET SERVICES: ANNUAL VEHICLE EXEMPTIONS

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2011.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the annual vehicle exemptions for 2011.

6. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES

P1208-096, Swan - Skyline Plaza Condominiums, Building 1, Units 101-104 and 201-204; Building 2, Units 101-103 and 201-206; Building 3, Units 101-107; and Common Elements A and B, and Limited Common Elements. (District 1)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the final plat with assurances.

7. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Kalil Bottling Co., an Arizona Corporation, No. C2010-06. Proposed settlement amount is \$4,057.04.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Pretreatment Settlement Agreement.

8. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE

11-01-9062, Amy S. Nations, Fleming's Prime Steakhouse, 6360 N. Campbell Avenue, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona State Liquor Licenses and Control.

9. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT

The Board of Supervisors on 12/7/10, continued the following:

P21-10-014, PIMA COUNTY – S. WESTOVER AVENUE

Request of AT&T Mobility represented by FM Group, on property located at 5200 S. Westover Avenue, in the SH Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H2e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SH zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Matter and Smith were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Without objection, this item was withdrawn by the applicant's agent.

10. **COUNTY ADMINISTRATOR: REVISIONS TO MERIT SYSTEM RULES AND PERSONNEL POLICIES**

The Board of Supervisors on 2/1/11, continued the following:

Staff requests approval of the following Personnel Policy revisions effective February 1, 2011, with the exception of Personnel Policy 8-102 to be effective May 1, 2011:

Rule 1- Definitions: Rule 1.09 adds the definition of Assignment Pay which previously was undefined but is a practice that has been used in special circumstances for the duration of the assignment. Rules 1.10 through 1.71 have been renumbered due to the creation of Rule 1.09.

Rule 11- Terminations: Rule 11.4.E deletes reference to the specific rule number of the definition of "Seniority" due to the renumbering of Rules 1.10 through 1.71.

Rule 12- Disciplinary Actions, Administrative Suspension and Special Observation: The word "Period" was added to the Header and text in order to correct the title of action. Rule 12.1.B adds the requirement that a notice of pre-action is required to be in writing. Rule 12.1.B.3 changes the spelling of workplace to the preferred version. Rule 12.1.C.13 adds computer and other related misuses as cause for discipline. Rule 12.1.C.14 adds "any other" and "and/or systems" to County property that shall not be misused. Rules 12.1.C.14 through 18 have been renumbered to Rules 12.1.C.15 through 19 due to the creation of Rule 12.1.C.13. Rule 12.2.A.1 clarifies the procedure for issuing notices of documented verbal counseling. Rule 12.2.B.1 corrects grammar usage. Rule 12.4 adds "period" to correctly describe the action and also corrects grammar usage by changing "copy" to "copies."

Rule 14- Merit System Commission Appeals: Rule 14.4.A has been amended to delete the word "disciplinary" at the request of the Merit System Commission and consistent with other related areas where the removal of "disciplinary" had already been adopted by the Board of Supervisors.

Personnel Policy 8-102- Premium Pay: Any reference to a specific Merit System Rule to define "intermittent employee" has been removed in Personnel Policies 8-102.D, E and F.2. This policy is also being amended to conform to industry standards and best practices required by the PimaCore system. The system is unable to accept our unique procedures for shift differentials without extreme customizations. The current procedures were put into place to accommodate a manual calculation for shift differential pay and clearly are not the best practice for automated processing. Therefore, Personnel Policy 8-102.G.1.a, b and c deletes "in which more than half of the scheduled hours fall" from the definition of shifts. Personnel Policy 8-102.G.2 clarifies that only non-exempt employees are eligible for shift differential pay. It also establishes that shift differential pay will be applied to

each hour worked in the respective shift eligible for such premium pay. Personnel Policy 8-102.G.3 clarifies that only non-exempt employees are eligible for shift differential pay since exempt employees are salaried and are not to be tracked or paid by the hour. It also establishes that shift differential pay will be applied to each hour worked in the respective shift eligible for such pay for classifications listed on Attachment 1. Attachment 1 is amended based on the recommendation supported by the Commission that only hourly (non-exempt) employees are eligible for shift differential. As a result any classification on Attachment 1 that is exempt is removed. Based on the recent transition of Pima Health System, one of these classifications Patient Care Services V has no incumbents. Patient Care Services IV already had no incumbents. Patient Care Services III has one incumbent remaining in Posada del Sol. In essence, this change has very minimal, if any, impact.

Personnel Policy 8-105- Annual Leave: Personnel Policy 8-105.A.1 deletes reference to specific rule number of definition of "Intermittent Employee" for ease of future numbering changes. Personnel Policy 8-105.C.1 deletes the statement "30 work days" due to the varied daily work schedules of County employees that do not equate to 30 workdays, though the time still equates to 240 hours. Personnel Policy 8-105.C.2 deletes "retirement" and adds specific policy references governing the conversion of sick leave hours to annual leave for payout purposes which include layoffs and unclassified employees whose positions are eliminated due to a transition to another non-County entity. The revision of Personnel Policy 8-105.D.1 was requested by the Finance and Risk Management Department to reflect current payroll practice for granting the use of annual leave. This practice has been in place for some time and a clear policy needs to be established for consistency in application.

Personnel Policy 8-106- Sick Leave: Personnel Policy 8-106.A.1 deletes reference to a specific rule number for the definition of "Intermittent Employee" for ease of future numbering changes. Personnel Policy 8-106.A.7 is being changed to reflect the current practice and to align it to 8-106.F.2. Personnel Policy 8-106.C.1 deletes the statement "240 work days" due to the daily work schedule variations of Pima County employees. Personnel Policy 8-106.C.2 is deleted due to the fact that it is already stated in 8-106.A.7. Based on this, the numbers 1 and 2 are removed. Personnel Policy 8-106.D.6 clarifies when an employee may convert accrued sick leave to annual leave. As written, this policy has been confusing to employees and management. This is for language clarification only and does not change the manner that has been in place for years for sick leave conversion. With the implementation of the e-TAF payroll system in Finance and Risk Management, Personnel Policy 8-106.D.6.a reflects the change for the submission of sick leave conversion requests from the department to Payroll. Personnel Policy 8-106.J establishes the conversion of sick leave to annual leave for an unclassified employee whose County position is eliminated due to a transition to a non-county entity.

Personnel Policy 8-107- Special Leaves of Absence with Pay: Personnel Policy 8-107.D.2 establishes the effective date, i.e. hired prior to the fourth Monday of March, when an employee is eligible to receive administrative leave with pay for the Cesar Chavez Remembrance Day. Personnel Policy 8-107.D.5 and E.3 deletes reference to specific rule number for the definition of "Intermittent Employee" for ease of future numbering changes.

Personnel Policy 8-115- Mediation Program: Personnel Policy 8-115.C deletes the term "the Mediation Unit" as no such unit exists and replaces it with "Human Resources."

Personnel Policy 8-116- Payroll Deductions: At the request of the Finance and Risk Management Department, Personnel Policy 8-116.B.3 is deleted since the Payroll Division of the Finance and Risk Management Department does not assess a fee for employee organizations in order to cover the cost for employees' payroll deductions. To set up a system to do so would be more costly to the County than dollars collected.

Personnel Policy 8-117- Pay Plan: Personnel Policy 8-117.Q.1 is numbered. Personnel Policy 8-117.Q.2 is added to establish that the effective date for compensation actions defined in 8-117.H "Promotion" and 8-117.I "Demotion," which do require County Administrator approval, shall be the first day of a pay period. This change is necessary to accommodate the PimaCore system.

Personnel Policy 8-118- Personnel Records: Personnel Policy 8-118.D replaces the letters with the correct numbering format. Based on the consolidation of services, Personnel Policy 8-118.E adds "Form I-9 Employment Eligibility Verification Archive Files" as a personnel record maintained by Human Resources. Personnel Policy 8-118.E, F and G are subsequently re-lettered to F, G and H respectively. Former Personnel Policy 8-118.E.1.d is deleted because Form I-9 is no longer maintained in payroll files with subsequent re-lettering.

Personnel Policy 8-119- Rules of Conduct: Personnel Policy 8-119.W adds do not engage in practical jokes or other activities commonly referred to as 'Horseplay' as a new rule of conduct. Incidents of horseplay are steadily increasing leaving the County exposed and employees potentially injured. Personnel Policy 8-119.W and X are re-lettered to X and Y.

Personnel Policy 8-123- Termination: Personnel Policy 8-123.A.2.c(2) is deleted since the Payroll Division of the Finance and Risk Management Department no longer offers this option and all final checks are mailed. Personnel Policy 8-123.B.2.a corrects the omission of section d and adds section e. Personnel Policy 8-123.B.2.e establishes the conversion of sick leave to annual leave for unclassified employees if their County position is eliminated due to a transition of services by the County to a non-county entity.

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

11. **COUNTY ADMINISTRATOR: AMENDMENTS TO BOARD OF SUPERVISORS POLICY**

The Board of Supervisors on 2/1/11, continued the following:

Staff requests approval of the amendments to Board of Supervisors Policy No. D 23-11, Preventing Workplace Violence.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the policy amendments.

12. **COUNTY ADMINISTRATOR: SUPPLEMENTAL FUNDING FOR TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC.**

Staff requests approval of an allocation of \$83,002.00 from the Board of Supervisors' Contingency Fund to complete funding of the Fiscal Year 2010-11 contract in the amount of \$350,000.00 with Tucson Regional Economic Opportunities, Inc.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the request.

13. **CONTRACTS AND AWARDS**

A. **Procurement**

1. Sun Edison Government Solutions, Amendment No. 3, to provide an amendment to the Renewable Energy Credit Purchase Agreement

and a Termination of Renewable Energy Credit Purchase Agreement with Tucson Electric Power Company which will reduce and consolidate solar facilities and locations, no cost (11-13-S-142732-0609)

Awards

2. Low Bid: Award of Contract, Requisition No. 1101350, in the amount of \$4,164,364.00 to the lowest responsive bidder, SunWestern Contractors, Inc. (Headquarters: Tucson, AZ) for construction of the Central Laboratory Complex Site Civil Project. Funding Source: RWRD Obligations Fund. Administering Department: Regional Wastewater Reclamation Department.
3. Award of Job Order Contracts for Requisition No. 1101118, to Continental Flooring Company (Headquarters: Scottsdale, AZ) and Tucson Commercial Carpet, Inc. (Headquarters: Tucson, AZ) in the amount of \$500,000.00 each for as-needed flooring services. These two firms were the highest ranked respondents in the qualifications based competition for these services. The term of the contracts is one year with the option to extend for up to four additional one year periods. Funding Source: Various Funds. Administering Department: Facilities Management.

B. Regional Wastewater Reclamation

4. RESOLUTION NO. 2011 - 26, approving an Intergovernmental Agreement with the City of Tucson Water Department, to provide for the Southeast Houghton Area Recharge Project, RWRD Enterprise Fund, contract amount \$4,000,000.00/50 year term (01-03-T-143751-0211)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 26 and approve the contracts and awards.

14. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Walter Richter, representing Southwest Gas Corporation, apologized to the Board and residents without natural gas during last week's freezing temperatures.

15. RECESS

The meeting recessed at 10:03 a.m.

16. **RECONVENE**

The meeting reconvened at 2:15 p.m. Supervisors Bronson and Day were absent.

17. **ASSESSOR**

The Arizona Department of Revenue has informed the Assessor's Office that approximately \$500,000,000.00 Full Cash Value (FCV) was incorrectly allocated into Tax Area 3009 not Tax Area 3000. If requested, the Assessor's Office will reconvey the 2011 Centrally Valued Property (C.V.P.) file to correctly allocate the FCV into Tax Area 3000. Discussion/Direction/Action.

Bill Staples, Pima County Assessor, acknowledged this issue was placed on the agenda at the request of the Arizona Department of Revenue and concerned the reallocation of approximately \$500,000,000.00 of Full Cash Value from one tax area to another. He stated his office sought direction from the Board to reconvey the Centrally Valued Property Roll to reflect this change.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 3-0 vote, Supervisors Bronson and Day were absent, to direct the Assessor to reconvey the Centrally Valued Property Roll.

18. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:17 p.m.



CHAIRMAN

ATTEST:



CLERK