



MEMORANDUM

Date: December 8, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Pima County Merit Commission/Law Enforcement Merit System Council – Response to Submission of Bar Complaint by Chair**

On November 10, 2022, Chair to the Pima County Merit Commission (Commission)/Law Enforcement Merit System Council (Council) provided the Board of Supervisors with a bar complaint he submitted to the Arizona Bar concerning the Commission/Council's legal counsel. In that communication, the Chair acknowledges that the selection of its legal counsel is an "administrative process, managed by the County's Procurement Department, with assistance from the Human Resources Department." The Chair's complaint to an outside agency seems to allege that the procurement selection process was flawed, stating that the selection of legal counsel was made "by a retired deputy county attorney and the deputy director of the Human Resources Department; over the objections of the Chairman of the Merit Commission." The Chair additionally provided that Human Resources is an "adverse party" in hearings before the Commission/Council and therefore Human Resources' participation on the procurement selection panel, "constitutes a clear conflict of interest," for the selected legal counsel.

On [February 10, 2022](#), I submitted a memorandum to the Board of Supervisors outlining the procurement process for the selection of the Merit System Commission legal counsel. It was determined at that time that the Notice for Recommendation for Award issued on February 2, 2022, followed County procedure and was a valid and final award. That opinion remains the same to date. Additionally, Human Resources involvement on the procurement selection panel does not constitute a conflict of interest for the selected legal counsel, as it is not an adverse party to Commission/Council proceedings.

JKL/anc

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator
Terri Spencer, Director, Procurement Department
Cathy Bohland, Director, Human Resources
Michael T. Hellon, Chair, Pima County Merit System Commission