



MEMORANDUM

Date: February 4, 2013

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

From: C.H. Huckelberry
County Administrator 

Re: **Southwestern Fair Commission Issues Related to Tucson Raceway Park**

Tucson Raceway Park has operated under a sublease from the Southwestern Fair Commission (SFC). The SFC re-leased the property to another operator who is now making claims regarding their lease with the SFC.

Attached is a recent letter from County staff directed to Mr. Jon Baker, Executive Director of the SFC, regarding this matter. The present concern and dispute is between the sub-lessee and the SFC. There have been, and continue to be, serious electrical code violations at this facility that need to be corrected at the sub-lessee's cost.

If you have any questions regarding this matter, please feel free to contact me.

CHH/dph

Attachment

c: Hank Atha, Deputy County Administrator for Community and Economic Development
Tom Moulton, Director, Economic Development and Tourism
Jon Baker, Executive Director, Southwestern Fair Commission



January 30, 2013

Via Email

Jon Baker
Executive Director
Southwestern Fair Commission

Dear Jon,

Thank you for your review of the meeting with Startup Tucson, the new TRP management team, which took place on January 30, 2013, on the grounds of TRP with the two TRP principals, members of the SWFC Board and staff.

I was glad to hear that the facility is looking well. However as I understand the conversation, between SWFC and TRP officials, that during your walk around the facility you noticed that the electrical "lock-out system" had been compromised and the locks placed by Pima County Facilities Department, after their review of the system in August 2012, had been removed. The function of these locks is to prevent energizing the TRP facility electrical system without proper authorization from Pima County. You asked the TRP officials if they removed the locks and they replied "they did not know how the locks were removed..." and thought Sturgeon Electric must have removed them sometime after they called Sturgeon in December, citing Pima County Development Services (DSD) approval authority through 2009 permit (P09CP01080) and a 2012 electrical system update permit (P12CP07174). The TRP officials indicated to SWFC officials the power to the facility was on and they had permits allowing them to energize the system.

Two primary issues with this: The 2009 permit involved an electrical compliance project in 2009 and was closed on March 3, 2009. The 2012 permit was an approval to update the electrical system and did not give permission to energize the electrical system. After consulting with PC Facilities and Development Services, a communication was sent out to all parties involved including Pima County, SWFC and TRP officials on December 13 and 14, 2012, that the lock out would remain until such time the project was completed and inspected by Pima County. Sturgeon Electric, working on behalf of Pima County, was directed by Pima County facilities not to remove the locks until further notification by Pima County.

The locks being removed and the power being turned on while the electrical system is still being repaired has created a serious life safety issue. Ignoring a directive from Pima County and SWFC officials is not acceptable. The fact that the power was turned on by TRP officials is a direct violation of IBC 105.6, which means they cannot energize the system without inspection approval on the valid Pima County Development Services (DSD) permit P12CP07174. No Pima County inspections have taken place on the DSD permit as of January 30, 2012.

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Furthermore on several occasions during the review of the system by Pima County Facilities and after TRP received permit P12CP07174, both SWFC and Pima County informed them not to energize the electrical until the work is completed and inspected. The last time they were informed was on January 25, 2013 where I specifically explained to them not to energize the system until a "satisfactory" inspection is conducted by Pima County. John Lashley, the primary TRP official, at no time indicated to me, either verbally or by email, that the locks have been removed and that the system was energized.

I have consulted with DSD and they believe Start Up (TRP) Tucson is in violation of IBC 105.4 (Validity of Permit) and IBC 105.6 (no inspection approval). IBC 111 allows the building inspector (Pima County) to disconnect the electric if the property is in violation of the building codes. Pima County Facilities has been notified and if upon their inspection discover the lock out system has been compromised and the system has been energized they will most likely recommend to the County Building Inspector to have Tucson Electric Power disconnect the electric and to remain off until such time the permitted work is completed and satisfactory inspected. At such time a reconnect permit would be issued by DSD. TEP may turn the power on or require their own site inspection before the power is turned back on to TRP.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tom Moulton". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Moulton
Director

c: Brian Shirk, Operations Manager – Pima County ED&T
Hank Atha, Deputy County Administrator – Pima County