



**MERIT SYSTEM COMMISSION  
LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

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MINUTES  
Open Meeting  
Monday, August 19, 2019

*Members Present:*  
John Fink, Chair  
David P. Freund  
Mike Hellon  
Dan Eckstrom  
Paul Rubin-telephonically

*Also Present Were:*

Barry Corey	Commission Attorney
Daniel Jurkowitz	Deputy County Attorney representing PCSD
Jennifer Blum	Deputy County Attorney
Lenora Anderson	Paralegal, Pima County Attorney's Office
Mike Storie	Appellant Attorney
Joe Cameron	Appellant
Cathy Bohland	Director, Human Resources
Aurora Hernandez	Recording Secretary, Human Resources

The Open Meeting of the Pima County Merit System Commission was called to order by Mr. Fink, Chair, at 1:00 p.m. Roll call, everyone in attendance Mr. Rubin, telephonically. The Pledge was led by Mr. Fink. All persons in attendance were asked to state their names for the record.

**Item D. Other Business**

***Discussion and Action:***

- 1. Status conference in pending Joseph Cameron Appeal.**
- 2. Discuss whether the Commission has a preference as to the lawyer who will provide advice and legal representation to the Commission and, if so, possibly request the Commission's preference be part of the RFP evaluation process.**

**DISCUSSION AND ACTION: ITEM #1- Status conference in pending Joseph Cameron Appeal**

Mr. Storie began the discussion by stating he would like to have all the witnesses available. He is requesting to have Bureau Chief Woolridge available since he was the first one subpoenaed, and is the sole person wanted for the hearing.

Mr. Fink stated this hearing is set for October 14, 15, and 16, and the quorum for that is Mr. Fink, Mr. Hellon and Mr. Freund. Mr. Corey is available as well as Mr. Storie.

Mr. Jurkowitz advised that the October dates worked for the County and offered to commence the hearing on those dates and requested flexibility. Mr. Jurkowitz also advised that neither the Sheriff nor Chief Woolridge were available on the three listed October dates, but requested that they be taken out of order on a different date. He proposed October 22, 2019, or a date in November.

Mr. Storie expressed concern with bringing in the witnesses and discussed a possible Order to Show Cause Hearing for Bureau Chief Woolridge who had been subpoenaed three times and was unavailable all three times. Mr. Storie requested to know the reason for the Sheriff and Chief's unavailability, noting the delay in the hearing for discipline issued in May.

Discussion of the availability of the witnesses for November ensued.

Mr. Fink asked Mr. Storie if he needed both Sheriff Napier and Chief Woolridge, Mr. Storie stated yes.

Mr. Jurkowitz reminded the Council that the County was prepared to go forward with the hearing at the last session and that the matter could have proceeded with the County's case in chief and a later date could have been set for Mr. Storie to present his defense. He reiterated that the County has acted in good faith when attempting to schedule the hearing.

Mr. Freund asked Mr. Jurkowitz if he intended to call Sheriff Napier and Chief Woolridge.

Mr. Jurkowitz stated he was going to call Sheriff Napier but not Chief Woolridge. Discussion of the availability of the witnesses for November ensued.

Mr. Fink asked Mr. Hellon for his availability in November, Mr. Hellon stated he could be available November 14-15 and 21.

Mr. Fink went on to ask if Mr. Jurkowitz and Mr. Storie's witnesses were available for those dates.

Ms. Lenora Anderson, County Attorney Paralegal, stated the witnesses were available on the 23<sup>rd</sup> of October.

Mr. Hellon stated he could probably be available the 19, and 22 of November.

Mr. Fink stated there are five days in November when there is a quorum, but didn't really want to drag it out that far.

Mr. Cameron was questioned as to the disposition of his discipline. He has served his three day suspension and has completed six months of his year-long Special Observation Period. Mr. Cameron stated he is good with a November hearing date.

Mr. Jurkowitz stated both witnesses, Sheriff Napier and Chief Woolridge, are available on November 14 and 15, 2019.

Discussion ensued as to the three dates in October.

Mr. Fink reviewed the dates agreed upon. The hearing was set for October 14, 15, and 16. If all three days are not needed, the meeting time will be canceled and then the hearing will resume on November 14, and 15 with the Sheriff and Chief. Everyone agreed.

Mr. Storie requested that it be made clear to all witnesses that further motions to continue or ongoing unavailability could result in the witnesses being brought in under oath.

Mr. Fink stated he was not going to make that statement but the continuances come to him as the Chair and he will make a decision should he get another request.

Mr. Hellon asked how formal the procedures are and if this continues he would be happy to consider an Affidavit from the witness(es).

Mr. Storie explained he thought about that too, but Chief Woolridge is a hostile witness for the defense and he is sure the Commission would have questions for him.

The Commission recessed for break at 1:18 p.m. and re-convened at 1:29 p.m. Ms. Bohland, Director, Human Resources was now present along with the previous attendees.

**ITEM # 2: Discuss whether the Commission has a preference as to the lawyer who will provide advice and legal representation to the Commission and, if so, possibly request the Commission's preference be part of the RFP evaluation process.**

Mr. Corey recused himself from the hearing. Mr. Corey was excused by the Commission.

Mr. Freund, Vice Chair, asked as a point of personal privilege for the floor at this time. Mr. Freund stated he was sorry Mr. Tom Burke was not in attendance and apologized to Ms. Bohland since she was the County representative at this time.

Mr. Freund discussed the August 5, 2019 e-mail from Mr. Burke, Deputy County Administrator to County Administrator Mr. Huckelberry and expressed his objection to it, in regards to the notion that Mr. Corey and the Commission may have inappropriately interfered with the normal procurement process. Mr. Freund then requested to know whether the County had made a decision to immediately terminate Mr. Corey's contract.

Ms. Bohland responded that she had no information about an immediate termination of the contract but that since the termination of the contract was in December and the County had previously engaged in a competitive process in which another candidate was selected who was found to be competent and at a lower rate, the County was inclined to go out for an RFP again.

Mr. Freund inquired from Ms. Bohland about whether Mr. Burke's memo was referred to the County Attorney's Office for review.

Ms. Bohland stated she would not know since it was between Mr. Burke and the County Attorney's Office.

Mr. Fink asked Deputy County Attorney, Mr. Jurkowitz whether he knew if the memo was being reviewed and Mr. Jurkowitz stated it was attorney-client privilege and he could not comment either way.

Mr. Fink pointed to the line in the memo that requested direction from the County Attorney's Office regarding whether there was a conflict of interest in having a vendor become so engaged in the process of securing a contract.

Mr. Freund clarified what he meant by "immediately" terminating the contract and stated that he did not mean that the County would terminate the contract today, but whether the County had made a decision to not renew the contract after December 31, 2019. Mr. Freund stated that the reason Mr. Fink wrote a memo for presentation at the last meeting was to put on the record that it was not true that Mr. Corey was doing "bad things." Mr. Freund further stated that Mr. Corey did not do things alleged by Mr. Burke in the memo such as giving self-serving legal advice and that no one would know what was stated at an executive sessions, with the exception of those who were present. He stated that Mr. Corey did not make the Commission file anything or interfere with the prior selection process.

Mr. Freund stated that the Commission is not part of Pima County government, they are an independent body without purse strings and that is why the County has to hire outside counsel for them. He stated even if Mr. Corey came to the Commission and stated that if they liked his services and could do anything for him, that this is not interfering in a County process because the Commission is not the County and Mr. Corey is not the Commission's employee, but he has a contract with the County. Mr. Freund discussed the County's procurement appeal process which Mr. Corey initiated and that the Board of Supervisors granted his appeal, stating Mr. Corey had a right to engage in this process. Mr. Freund discussed the statute and what you would have to do to violate it, referring to A.R.S. § 38-511. He discussed each required element and stated it did not "hang together." Mr. Freund stated he thought Mr. Burke got things wrong in the email and that it interfered with the Commission having Mr. Corey as their attorney.

Mr. Hellon made statements concerning Mr. Burke's e-mail.

**ACTION:** Mr. Hellon move to affirm the preference of the Pima County Merit System Commission and Law Enforcement Council that Barry Corey be retained as our legal counsel, and further that we communicate our preference to the Pima County Board of Supervisors, and further that we request that Human Resources give significant weight to this preference in its evaluation of proposals submitted by parties interested in serving as legal counsel to this Commission and Council."

**ACTION:** Mr. Freund seconded for discussion.

(At this time it was noted Mr. Rubin was no longer on the telephone.  
Reconnection was made, session continued).

Discussion ensued.

Mr. Rubin mentioned that even if Mr. Corey was granted the contract the Commission should ensure that it establish a precedence for the future and requested this be incorporated into the proposal/motion.

Mr. Fink requested that the motion be amended to add that the letter/motion be sent to the HR Director, County Administrator, and the Procurement Department.

**ACTION:** Mr. Hellon accepted both proposals and amended his motion.

Discussion ensued.

Mr. Fink provided that he took the letter that Mr. Hellon read at the last meeting and changed it so that it came from the Commission and read it to the record and requested that it be attached to the motion. (Merit Commission/Law Enforcement Council Statement attached.)

**ACTION:** Mr. Hellon agreed and Mr. Freund seconded.

Discussion ensued.

Mr. Eckstrom clarified the procurement process and the Commission's lack of authority to enter into contracts, restating that there is a five year agreement, renewable every year, and the County can do almost whatever they want. He further clarified that the Commission does not make the decision and that this is a procurement matter.

Discussion ensued.

Mr. Freund further discussed his disagreement with Mr. Burke's memo.

Mr. Eckstrom reminded the Commission that the decision would not be made by the Commission but ultimately by the Board of Supervisors.

Mr. Rubin clarified that the Commission understands the procurement process and that it wants to make the message that the Commission wants a say in it.

**ACTION:** Roll Call:

- Mr. Fink, aye;
- Mr. Freund, aye;
- Mr. Rubin, aye;
- Mr. Hellon, aye;
- Mr. Eckstrom, no.

**ACTION:** Motion passes 4:1.

**ACTION:** Mr. Fink motioned to adjourn, Mr. Freund seconded. Meeting adjourned at 2:36 p.m.

Minutes approved October 10, 2019