



**PIMA COUNTY
MERIT SYSTEM COMMISSION/LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

An Open Meeting of the Pima County Merit System Commission/Law Enforcement Merit System Council will be held on **Thursday, August 25, 2022, convening at 9:00 a.m.** in the Human Resources Training Room, located on the **5th floor, 150 West Congress**, Tucson, Arizona to discuss the business of the Pima County Merit System Commission/Law Enforcement Merit System Council. **The call in number for this meeting is 520-222-1111, participant code 110-8840.**

AGENDA

Participation During COVID-19

Access will be limited and compliance to the following conditions are required:

- Anyone exhibiting COVID-19 or influenza-like symptoms will not be admitted to the hearing.
- It is recommended that all persons entering a County facility wear a mask as follows:
 1. In common areas, lobbies and elevators
 2. In areas where proper physical distancing is not possible (less than 6 feet)
 3. In areas where there is not a protective barrier.

A. Roll Call

B. Pledge of Allegiance

C. Policy Updates

- Review/discussion/approval of proposed amendment of Law Enforcement Merit System Rule I, *Definitions*, Section I-41, and Rule VII, *Appointments*, Section VII-7 *Lateral Appointment*, to permit lateral appointments to Deputy Sheriff position by qualified individuals from other states. (Proposed changes attached.)

D. Minutes

- Open Meeting Minutes of 05/25/2022
- Executive Session Minutes of 05/25/2022

E. Hearing Officer Report

Discussion and Action: Benjamin Rothacker v. Pima County Sheriff's Department (Appealing Termination)

F. Appeal Hearing

Discussion and Action on Appeals of Termination of Employment of: Ruth Acedo, Carlos Delgado, Luis Fletes, Steven Laughlin, Jose Mejia, Joseph Moreno, Paul Ramos, Jorge Flores, Duardo Ruiz v. Pima County Sheriff's Department. Note: These Appeals are consolidated upon the joint request of the parties.

G. Possible Executive Session for Legal Advice Regarding Appeal Hearing for Ruth Acedo, Carlos Delgado, Luis Fletes, Steven Laughlin, Jose Mejia, Joseph Moreno, Paul Ramos, Jorge Flores, Duardo Ruiz v. Pima County Sheriff's Department.

- The Commission may vote to go into executive session for discussion or consultation for legal advice with the attorney for the Commission pursuant to ARS § 38-431.03(A)(3).

NOTE: Executive Sessions are confidential pursuant to ARS § 38-431.03(C).

H. Update On Superior Court Appeals.

- The Commission will receive an update on the status of administrative appeals to the Pima County Superior Court of the Commission’s decisions in the matters of the Pima County Sheriff’s Department v. Paul Fimbres, Daniela Garcia, Leland Mason, Nathan Schlueter, and Nathaniel Ray.

I. Possible Executive Session for Legal Advice regarding administrative appeals to the Pima County Superior Court of the Commission’s decisions in the matters of the Pima County Sheriff’s Department v. Paul Fimbres, Daniela Garcia, Leland Mason, Nathan Schlueter, and Nathaniel Ray.

- The Commission may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys for the Commission pursuant to ARS § 38-431.03(A)(3).

NOTE: Executive Sessions are confidential pursuant to ARS § 38-431.03(C).

J. Possible Executive Session on listed agenda items.

- The Pima County Merit System Commission/Law Enforcement Merit System Council may conduct one or more Executive Sessions concerning any matter on the Open Meeting Agenda for any or all of the following purposes:
 - (a) discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of the County of Pima, pursuant to ARS § 38-431.03(A)(1); and/or
 - (b) discussion or consideration of records exempt from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law, pursuant to ARS § 38-431.03(A)(2); and/or
 - (c) discussion or consultation for legal advice with the attorney or attorneys for the Commission/Council, pursuant to ARS § 38-431.03(A)(3); and/or
 - (d) discussion or consultation with the attorneys for the public body in order to consider its position and instruct its attorneys regarding the Commission/Council’s position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS § 38-431.03(A)(4).

A. Lunch Break

This meeting may include a lunch break at which two or more members of this panel may dine together at a public location within walking distance of this meeting. No time during the pendency for this appeal out of the hearing room will any of these panel members discuss any aspects of the matter currently under consideration, and any and all persons who may wish to come to the lunch location are welcome to do so. The intended location of the lunch will be announced at the time of any lunch break.

B. Adjournment

Pursuant to A.R.S. § 38-431.02, notice is hereby given that a meeting will be conducted at the time and date set forth above, and on any subsequent date or dates to which this meeting or any hearing which is a party thereof may be continued.

Questions regarding this meeting can be directed to Pima County Human Resources Director, by calling (520) 724-2732. Copies of the agenda may be obtained by contacting Trina Bergen at (520) 724-2719 or at www.pima.gov/hr/commissions.html.

Should you require ADA accommodations, please contact Employment Rights five days prior to the meeting at (520) 724-8028.