



**PIMA COUNTY**  
**MERIT SYSTEM COMMISSION/LAW ENFORCEMENT SYSTEM COUNCIL**  
**OPEN MEETING MINUTES OF JANUARY 20, 2022**

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Commission Members Present:

Mike Hellon, Chair  
David Freund, Vice, Chair  
Sami Hamed  
Paul Rubin  
Joseph Shelley

All persons in attendance were asked to state their names for the record.

Paul Loucks	Counsel for the Commission/Council
Cathy Bohland	Human Resources Director
Rick Madison	IT Technician
Trina Bergen	Recording Secretary

The Open Meeting of the Annual Pima County Merit System Commission/Law Enforcement System Council was called to order by Mr. Hellon, Chair, at 9:00 a.m. All persons in attendance were asked to state their names for the record.

**C. Other Business**

- a. Elections of Chair and Vice Chair for the 2022 calendar year.
  - **ACTION:** David Freund made a motion that Mike Hellon be elected as the Commission/Council Chair. Paul Rubin second the motion. The motion passed unanimously.
  - **ACTION:** Mike Hellon made a motion that David Freund be elected as the Commission/Council Vice-Chair. Paul Rubin second the motion. The motion passed unanimously.
- b. Update on pending appeals.
  - 19 appeals received. 18 are from the Sheriff's Department and 1 from the Health Department
- c. Alternatives available to hear appeals
  - Commissioners discussed various options and decided on a 5-member panel.
  - Hearings will be virtual using MS Teams with a moderator.
  - Consolidated hearings of 4 -5 appellants was agreed by all commissioners and final decisions will be made for each appellant.
  - If appellant does not wish to consolidate with other appellants the moderator will give access when his/her case is presented.
  - Discussed possible media interest and they could attend by phone or in-person.

- d. Setting procedures for hearing pending appeals.
  - Calendar invites with MS Teams to be emailed the attorney or the individual.
  - IT will do testing with the attorneys and appellants prior to their hearing dates.
  - Hearing dates established and begin the last week of March.
  - The commissioners will meet in the Training Room located at 150 W. Congress, 4th floor.
  - Space is limited for in-person attendance, however, the phone conference line is available.
- e. Limitation on unvaccinated individuals in appearing in person for the merit hearing due to County directive prohibiting unvaccinated persons from participating in in-person meetings and possible options.
  - Discussed and agreed to hold the appeal hearings virtually using MS Teams and the Merit Commission conference line.
- f. Amending Merit System Rule 12(C)(7) by removing the blood alcohol content of .04 or greater. Discussed ensued.
  - **ACTION:** David Freund moved to accept the change to Merit System Rule 12(C)(7) to delete the of .04 or greater from that last sentence and it would now read as: "Under the influence of alcohol means either obvious impairment due to alcohol, or a test result reflecting a blood alcohol content." Joseph Shelley second the motion. Upon roll call vote being taken the motion passed 3-2, Mr. Hamed and Mr. Rubin voting "Nay".
- g. Update on Procurement of Merit Commission Legal Counsel.
  - Discussed the process and previous occurrences to retain an attorney for the Commission/Council.

**ACTION:** Mr. Freund made a motion to go into Executive Session for the purpose of legal consultation with Mr. Loucks, Counsel to the Commission. Mr. Rubin seconded the motion. The motion passed unanimously.

The Commission recessed for Executive Session on 10:39 a.m. and reconvened at 11:11 a.m.

**ACTION:** Mr. Freund made a motion to adjourn the Open Meeting. Mr. Shelley second the motion. Motion passed unanimously. The Commission adjourned at 11:13 a.m.

The minutes were prepared by the Recording Secretary. Minutes approved on May 25, 2022.

/s/ Mike Hellon, Chair