



PIMA COUNTY BOARD OF SUPERVISORS, DISTRICT 1
130 WEST CONGRESS STREET, 11TH FLOOR
TUCSON, AZ 85701-1317
(520) 724-2738
district1@pima.gov
www.district1.pima.gov

ALLY MILLER
SUPERVISOR

September 23, 2013

The Honorable Ramon Valadez
Pima County Board of Supervisors, District 2
130 West Congress Street, 11th Floor
Tucson, AZ 85701

Dear Chairman Valadez:

I am writing to provide the background regarding my request that the Jose Gabriel Loyola contract from the Consent Calendar of the August 19, 2013, Board of Supervisors' meeting, be placed on the next Agenda. This contract was never acted upon by the Pima County Board of Supervisors.

Board of Supervisors Rules and Regulations adopted April 16, 2013, Page 7, N.1. Parliamentary Procedure states, ***The Board will follow Robert's Rules of Order where applicable and not in conflict with these or other superior rules. The order of precedence in determining parliamentary procedure is: a. Constitution of Arizona, b. Arizona Revised Statutes, c. Pima County Ordinances, and d. Rules of the Board.***

Roughly 58 minutes into the August 19, 2013, Board of Supervisors' meeting, Supervisor Elias moved the approval of the Consent Calendar as written. Sharon Bronson seconded that motion. I then requested Consent Calendar Item 1 be pulled and voted on separately. This is the process myself and all Supervisors have used all year for pulling items from the Consent Calendar. It has **not** been the practice of the Board to make a motion, obtain a second, and hold a vote as to whether an item can be pulled from the Consent Calendar. I followed the procedure we have used all year.

Board of Supervisors Rules and Regulations adopted April 16, 2013, page 8, O.1. Suspension of Rules states,....***Procedure that is inconsistent with a rule of procedure, without objection, implies suspension.***

There was no objection to me not specifically using the word 'motion' when I asked Item 1 be voted on separately. Supervisor Carroll even provided a second. This method of pulling items from the agenda has been used all year long by all members, including myself, without objection by the board; therefore, in accordance with the above stated rule, this method has become the procedure.

You asked if the maker and the seconder withdraw their original motion. Supervisor Elias and Supervisor Bronson withdrew their motion. Supervisor Carroll stated, "I second the motion to separate Item 1." You did not verbally respond to Supervisor Carroll's second.

I proceeded to ask my questions and staff responded.

Once I thanked staff for the response – and before I could finish my intended actions as requested for a separate vote for Consent Calendar Item 1 – Supervisor Elias interrupted me and various board members began discussing Item 5 on the Consent Calendar.

Board of Supervisors Rule and Regulations adopted April 16, 2013, page 5, J. 3. Interruptions states, ***No Member will interrupt another except to raise a point of order or to correct a mistake.***

Supervisor Elias' motion was in violation of this decorum rule by interrupting me and therefore resulted in a lot of confusion and this contract never being acted upon by the Board.

Finally, the point I made at the September 19, 2013, meeting was it is the responsibility of the Clerk of the Board to ensure that any items not acted upon in the meeting shall be place on the next Agenda.

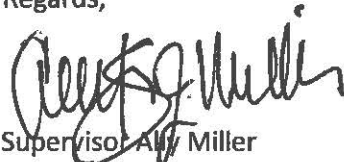
Board of Supervisors Rules and Regulations adopted April 16, 2013, Page 2, C.7. Matters Continued states, ***The Clerk shall place matters that the Board does not act upon on the next meeting agenda unless the Board directs otherwise.***

Therefore, Item 1 on the August 19, 2013, Consent Calendar remains open and has not been voted on. This is why I removed the County Attorney's recommendation that we suspend the rules for reconsideration and contracts at the September 10, 2013, meeting. These rules do not apply in this situation.

If anyone disputes these happenings, I am more than happy to review the video together. If my request to place this contract on the next Agenda for a vote is not accepted, please provide the contact information for the Ombudsman to whom I will appeal that decision.

Thank you for your consideration in this matter.

Regards,



Supervisor Andy Miller

Pima County Board of Supervisors, District 1

Cc: Chris Straub, Deputy County Attorney, Pima County Attorney's Office
Chuck H. Huckelberry, County Administrator, Pima County

Jennifer C. Coyle

From: Hank Atha
Sent: Thursday, September 19, 2013 2:27 PM
To: Jennifer C. Coyle
Subject: RE: Mr. Gabe Loyola Contract

We will put this together and get back to you.

From: Jennifer C. Coyle
Sent: Thursday, September 19, 2013 10:20 AM
To: Hank Atha
Cc: Chuck Huckelberry
Subject: Mr. Gabe Loyola Contract

Mr. Atha,

Supervisor Miller is requesting the following on the Mr. Gabe Loyola contract:

1. Projects that have been requested by the County since February 1, 2013.
2. Project Schedule and estimated costs submitted by the Contractor on requested projects since February 1, 2013.
3. Requests for payment submitted by the Contractor with supporting documentation since February 1, 2013.
4. Monthly or any as-requested written updates from the Contractor on progress for each project.
5. Certificates of Insurance provided by the Contractor,
6. The written approval of the County Administrator for this direct selection contract.
7. Can you please explain the particular, unique expertise that Mr. Gabe Loyola provides that no one else in Pima County can.
8. The bid that went out four years ago for this type of work and the responses.
 - a. What is the reason no one was selected?
 - b. If no one was selected due to no qualified applicants, the County has gone without these services for the last four years?

Thank you in advance,
Jennifer

Jennifer C. Coyle
Supervisor Ally Miller, District 1
Pima County Board of Supervisors
130 W Congress St 11th Floor
Tucson, AZ 85701

P: (520) 724-2738
F: (520) 724-8489
www.pima.gov/bos/dist1

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PIMA COUNTY BOARD OF SUPERVISORS

RULES AND REGULATIONS

TUCSON, ARIZONA



Adopted April 16, 2013

**BOARD OF SUPERVISORS RULES AND REGULATIONS
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PIMA COUNTY BOARD OF SUPERVISORS

RULES AND REGULATIONS

THESE RULES AND REGULATIONS SUPERSEDE ANY RESOLUTIONS OR POLICIES ADOPTED BY PREVIOUS BOARDS OF SUPERVISORS.

A. Definitions

1. **Acting Chair**: a Supervisor elected by the Board to act as the Chair in the absence or disability of both the Chair and the Vice-Chair.
2. **Board**: A Quorum or more of the duly elected Supervisors acting as a unit.
3. **Chair**: The Supervisor elected by the Board to preside over the Board.
4. **Member**: Individual duly elected or appointed Supervisor.
5. **Quorum**: The minimum number of persons required to act as the Board. A quorum of the five (5) member Board requires at least three (3) Supervisors. A.R.S. section 1-216(B).
6. **Vice-Chair**: A Supervisor elected by the Board to act as Chair in the absence or disability of the Chair.

B. Chair

- | | |
|---------------------------------------|---|
| <u>Presides</u> | 1. The Chair presides at all meetings and hearings of the Board of Supervisors. |
| <u>Vice-Chair</u> | 2. The Vice-Chair presides in the absence or disability of the Chair. |
| <u>Acting Chair</u> | 3. The Acting Chair presides in the absence or disability of both the Chair and Vice-Chair. |
| <u>Control of Chamber</u> | 4. The Chair controls the Board Chamber. |
| <u>Decides Points of Order</u> | 5. The Chair preserves order and decides all points of order and procedure, subject to appeal to membership. The Chair may vote on all matters except upon the Chair's own rulings. |
| <u>Motions</u> | 6. The Chair may make or second any motion made by a member. |

- | | |
|-------------------------|--|
| <u>Declare Votes</u> | 7. Motions may be determined by viva voce vote, or at the request of any member, by roll call. The Chair will declare all votes. If any member questions the vote, the Chair will order a roll call. |
| <u>Sign Documents</u> | 8. The Chair signs resolutions, ordinances, and other documents adopted or approved by the Board. |
| <u>Sergeant At Arms</u> | 9. The Chair will have the services of a Sergeant at Arms, as required, to preserve order and enforce the rules and orders of the Chair and Board of Supervisors. |

C. Clerk of the Board

- | | |
|--------------------------------|---|
| <u>Prepares Agenda</u> | 1. The Clerk prepares the Board agenda and provides the agenda to the Members together with such other memoranda and communications as the Board directs. |
| <u>Attends Meetings</u> | 2. The Clerk or a Deputy will attend all meetings of the Board and attest all instruments signed by the Chair. |
| <u>Notices</u> | 3. The Clerk will prepare, post and publish all required Notices of the Board of Supervisors. |
| <u>Minutes</u> | 4. The Clerk will prepare for approval and maintain the permanent record minutes of all Board proceedings. |
| <u>Roll Call</u> | 5. The Clerk will call the roll in the order directed by the Board. After the roll has once been called, the Clerk will again call the names of those who passed or did not vote. |
| <u>Unsigned Communications</u> | 6. The Clerk will not place unsigned communications on the Board agenda. |
| <u>Matters Continued</u> | 7. The Clerk shall place matters that the Board does not act upon on the next meeting agenda unless the Board otherwise directs. |

D. Agenda

- | | |
|--------------------------|---|
| <u>Order of Business</u> | 1. The Board will hear and consider matters on its agenda at the hour set or as soon thereafter as practical. |
| <u>Change of Order</u> | 2. At any time after Roll Call, any Member may request a change to the order of business. |

**Submissions/
Deadlines**

3. All material submitted for a Board agenda must conform to Board of Supervisors Policy No. C2.5 and Administrative Procedure No. C4.1.

E. Board Chambers

Described

1. The Board Chambers consist of the Hearing Room, the Members' Dais and the Executive Chamber.

Dais

2. Except by permission of the Chair, no person will have the privilege of, or be admitted to, the Dais.

Chambers Open

3. The Hearing Room in the Board Chambers will be open to the public at all public meetings.

Removal

4. The Sergeant at Arms will maintain order in the Board Chambers, and under the direction of the Chair may remove from the Chambers persons causing disturbances or otherwise violating the rules.

F. Voting

Quorum to Act

1. A quorum may conduct the business of the County.

Passing Motions

2. A majority vote of the quorum present is necessary to pass any motion unless applicable law requires a greater number of votes.

Tie Vote

3. A tie vote will result in postponement of consideration of a matter until the next regularly scheduled Board meeting, but not including a meeting scheduled for the following day.
 - a. Motion to approve or grant. A second tie vote on a motion to approve or grant an item results in denial of the item.
 - b. Motion to approve or grant - rezoning applications only. A second tie vote on a motion to approve or grant a rezoning application requires the item be set to a time certain within 30 days for final action. A third tie vote on a motion to approve or grant a rezoning application results in denial of the item.
 - c. Motion to deny or disapprove. A second tie vote on a motion to disapprove or deny an item leaves the item open before the Board for future disposition.

- | | | |
|-----------------------------|----|--|
| <u>Conflict of Interest</u> | 4. | A Member will not discuss or vote upon a matter where the Member has a conflict of interest under A.R.S. Title 38, Chapter 3, Article 8. The Member will recuse himself/herself in that event. |
| <u>Pass</u> | 5. | A Member may pass on the first roll call but must vote aye or nay on the second and final roll call. |
| <u>Leaving Seat</u> | 6. | When a roll call is commenced, no Member may leave his/her seat until the vote is disclosed. |
| <u>Change of Vote</u> | 7. | A Member may change his/her vote after the roll has been completed and before announcement of the result, but not thereafter. |
| <u>Leaving Hearing Room</u> | 8. | No Member may leave the Board Chamber during session without permission of the Chair. |

G. Motions

- | | | |
|-------------------------------|----|---|
| <u>Second to Motion</u> | 1. | A second to a motion is required. |
| <u>Dividing a Question</u> | 2. | Upon request, before a question is put, a question will be divided if it includes propositions so distinct in substance that, one being taken away, a substantial proposition shall remain. |
| <u>Separate Consideration</u> | 3. | Upon request, amendments to motions may be considered separately. |
| <u>Dilatory Motion</u> | 4. | The Chair will not entertain a dilatory motion. |

H. Reconsideration

- | | | |
|---------------------|----|---|
| <u>Who May Make</u> | 1. | When a matter has been voted upon, any Member who voted on the prevailing side may move for reconsideration for cause. |
| <u>When Made</u> | 2. | A Member on the prevailing side may file an intention to move for reconsideration for cause only at the same or the next regularly scheduled meeting of the Board. |
| <u>Contracts</u> | 3. | No motion approving a contract may be reconsidered unless evidence exists that the contract was not awarded in conformance with applicable federal, state or local laws or policies, or that the party awarded the contract did not meet the contract specifications. |

Vote

4. A majority vote is sufficient to pass a motion to reconsider even when the matter to be reconsidered requires a greater vote for passage. After a motion to reconsider has been acted upon, a second motion to reconsider the same item requires a unanimous vote to pass.

I. Passage of Ordinances/Resolutions

Copy of Text

1. The Clerk will provide the Board a copy of the proposed ordinance/resolution prior to the meeting.

Required Readings

2. Any Member may request a full reading. Otherwise, the ordinance or resolution will be read by number and title only. An ordinance or resolution may be passed and adopted at any time after the reading.

Available to Public

3. Copies of proposed ordinances and resolutions will be available to the public, when feasible, at the Office of the Clerk of the Board not less than forty-eight hours before the hour the Board convenes to consider the ordinance or resolution. Should copies not be available, said ordinance or resolution will be ordered read in full before the vote upon the request of any member of the public at the meeting.

Waiver

4. Any requirement relating to reading and passing of ordinances and resolutions is considered waived by the Board voting upon the item without an objection being raised.

J. Decorum and Debate

Being Recognized

1. When a Member desires to speak or make a motion, the Member will address the Chair. Upon being recognized, the Member may address the Board.

First Person Recognized

2. When more than one Member addresses the Chair, the Chair will name the person who is to speak, recognizing the person who first addressed the Chair.

Interruptions

3. No Member will interrupt another except to raise a point of order or to correct a mistake.

Decorum

4. No Member will indulge in personal attacks, impugn motives of Members, or use language tending to hold a Member up to contempt.

K. Participation by Employees and Public

**Employees
Recognized**

1. When an officer or employee of the County desires to speak, the officer or employee will address the Chair and, upon being recognized, state his/her name and position with the County and then speak.

**Public
Recognized**

2. No person in the Hearing Room will be permitted to speak unless recognized by the Chair, who may permit persons to speak on any agenda item.

**Call to
the Public**

3. On Call to the Public, a person desiring to speak will address the Chair. Upon being recognized, the person will advance to the podium, state his/her full name, whom he/she represents, and state the subject matter.

No Interruptions

4. No person may interrupt legislative proceedings.

Procedure

5. Orderly procedure requires that each person proceeds without interruption from the audience and retires when his/her time is up; that all arguments be addressed to the Board, and that there be no questioning or argument between individuals. Unless otherwise required by applicable law, and to the greatest extent practicable, the Chair will allow each speaker an equal amount of time to speak.

Questions

6. The Members of the Board and staff members on the dais may ask questions and make appropriate comments.

Orderly Conduct

7. Citizens attending a meeting will observe rules of propriety, decorum and good conduct. Any person making personal, impertinent, or slanderous remarks or who becomes boisterous while addressing the Board, may be removed by the Sergeant at Arms at the direction of the Chair. Such person may be barred from further audience before the Board. The Chair will not permit unauthorized remarks from the audience, stamping of feet, whistling, yelling, booing, clapping, cheering and similar demonstrations. The Chair may direct offenders from the Chambers.

Signs

8. Signs must not obstruct the view of any person in the Hearing Room or hinder any person's participation in the proceedings. The Board Chair or a Board Member acting as Chair, can direct the Sergeant at Arms to have offensive signs removed from the Hearing Room or otherwise be placed out of sight.

L. Zoning Hearings

**Order of
Procedure**

1. Staff shall present their report. The applicant may speak next then all persons who wish to speak on the matter will be heard. The applicant may then rebut, and a spokesperson for any opposition may also have the opportunity to rebut. Applicants and others may appear in person or by counsel.

Questions

2. Members may direct questions to the applicant or any person speaking in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from staff.

Information

3. All supporting evidence for and against each case will be presented to the Board. The applicant will be responsible for the presentation of all information supporting his or her case.

**Closing
Hearings**

4. The Board may close or continue the hearing by motion.

Decision

5. The Board may take the case under advisement for later consideration and determination, or may defer action if it concludes that additional evidence is needed or further study is required, or may make its decision immediately.

M. Executive Session

Procedure

1. The Board may, by motion, convene into executive session pursuant to A.R.S. §38-431.01 et. seq. for discussion of any business which may in the opinion of the Board be required. The Members will retire to the Executive Chamber and exclude unnecessary personnel. Rules of the Board will apply in executive session, but no final vote may be taken.

N. Parliamentary Procedure

Robert's Rules

1. The Board will follow Robert's Rules of Order where applicable and not in conflict with these or other superior rules. The order of precedence in determining parliamentary procedure is:
 - a. Constitution of Arizona
 - b. Arizona Revised Statutes
 - c. Pima County Ordinances
 - d. Rules of the Board

O. Suspension of Rules

Majority Vote

1. No rule of the Board may be suspended except by at least three (3) affirmative votes supporting the proposed suspension. A motion to suspend the rules will be decided without debate. Procedure that is inconsistent with a rule of procedure, without objection, implies suspension.

P. Amendment of Rules

Three Votes

1. No rule of the Board may be amended except by three (3) affirmative votes.