

AGENDA MATERIAL

Corrie Cotugno

DATE 9-20-22 ITEM NO. RA 22

From: JoAnn diFilippo [REDACTED]
Sent: Friday, September 16, 2022 4:03 PM
To: COB_mail
Cc: District1; DIST2; District3; District4; District5; Jan Leshar
Subject: BOS Meeting 9/20/22: Agenda Item 22 - Theelios LLC Contract

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Clerk of the Board: please submit this communication as a comment letter to Agenda Item 22 – Unfinished Business Theelios, LLC

Agenda Item 22 – Unfinished Business / Theelios LLC to provide database management

Request: contract with Theelios, LLC, to conduct database management activities for the Recorder's Office (\$90,000 with renewal options)

Why are we outsourcing this critical function to a contractor? Shouldn't voter registration activities be handled strictly within the confines of Pima County offices? This person will handle all database management of voters, historical and new records. I object to this outsourcing of this critical and important function. What plans do you have in place to build capacity for this task in-house? This is a multi-year contract therefore do you plan on outsourcing capacity to a non-county employee indefinitely? This is a dangerous and highly problematic recommendation you are being asked to approve and subjects the county to all types of possible legal liability and repercussions.

Is this legal? Has anyone checked whether or not the county can outsource this task? I believe this was questioned by Chair Bronson at the last meeting. Has a "written" answer been provided to Chair Bronson? I'm specifically requesting to see a written answer provided to the county by a representative legally authorized to respond to Chair Bronson's request.

The Recorder states in her August 16, 2023 memo to Jan Leshar (copy attached in the agenda) that "Shiva Prasad, owner of Theelios Consulting, was employed as the Pima County Recorder's Database Administrator (DBA) for 8 years until he retired in January of this year." Meaning, January 2022. The actual January date of retirement is not known. Therefore, for illustrative purposes of this discussion, we will assume Mr. Prasad's retirement occurred on January 1, 2022.

Inasmuch as the proposed Theelios contract's start date is September 6, 2022 and will terminate on September 5, 2023. Please note, the contract period includes the time frame of September 6, 2022 through December 31, 2022 which falls within Year 1 of post-retirement as a former Pima County employee. Remember, there may very well be county policies that prohibit contract employment within the first year of leaving county employment, as well as "Return to Work" requirements imposed by ASRS during Year 1 post-retirement—regardless whether it is as an employee or consultant. Not all facts relative to Mr. Prasad's former employment and retirement are stipulated in the accompanying documentation, therefore, it

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is best the Supervisors do their own due diligence to ensure they can legally perform the tasks being requested by the Recorder's Office in consideration of and not limited to Mr. Prasad's recent retirement and ability to contract with the county.

I believe the Supervisors should first obtain verification that Mr. Prasad (the owner of Theelios, LLC) can in fact contract for services as a consultant with Pima County during the first year of post-retirement (think in terms of "Return to Work" ASRA Policies). Additionally, check to make sure there is no violation of a county policy prohibiting a former Pima County employee from holding a contract with Pima County, his former employer, during the first year of leaving employment with the county. I seem to recall a similar policy on the county books at one time.

Overall, for the following reasons, I object to outsourcing this critical and important function of voter registration database management and consulting:

1. The county's ability to legally contract with Shiva Prasad, as a former Pima County employee who retired in January 2022, and as owner of Theelios, LLC, the contracting party to this action, remains in question. Until such time as legal authority to contract with said parties is established, the county should not approve this action; and
2. Outsourcing voter database management is highly questionable and a risky endeavor which requires security protocols, requirements, and restrictions not fully disclosed in the attached documentation—not someone working from a home residence or other questionable work location. This work should never be performed outside of the county's highly controlled and access restricted platforms.

Thank you.

JoAnn di Filippo, PhD