



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/16/2023

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Amendment of Pima County Code, Chapter 13.20.100, Section B.40-54 and Chapter 13.20.500, Section A.4

***Introduction/Background:**

Pima County Code, Chapter 13.20.100 (Acronyms and definitions) Section B does not currently include a definition for "Seller" and Chapter 13.20.500 (System Improvement Construction), Section A.4 (Warranty) currently states that warranty for the sanitary sewer system extends for a period of one (1) year. The amendments include the addition of a definition for "Seller" (Section B.40) and subsequent renumbering of following definitions. The amendments also extends the warranty period to two (2) years and clarifies Seller warranty obligations in order to provide additional protection from failure or defects of the sewer system.

***Discussion:**

It is in the best interest of Pima County to amend Pima County Code, Chapter 13.20.500 (System Improvement Construction), Section A.4 (Warranty) in order to extend the warranty protection period for the sanitary sewer system. The amendment also clarifies the warranty obligations of the seller. The additional amendment to Chapter 13.20. 100 (Acronyms and definitions), Section B now includes the addition of the definition for "Seller" (Section B.40) and subsequent renumbering of following definitions.

***Conclusion:**

The proposed amendments to the Pima County Code (Chapter 13.20.100, Section B.40-54 and Chapter 13.20.500, Section A.4) will supersede the previous Pima County Code and will include the definition of "Seller" and change the warranty period for the sanitary sewer from one (1) to two (2) years and clarify Seller warranty obligations.

***Recommendation:**

Staff recommends approval of the amended Pima County Code (Chapter 13.20.100, Section B.40-54 and Chapter 13.20.500, Section A.4) which adds a definition for "Seller" and increases the warranty period for the sanitary sewer from one (1) to two (2) years from the date of acceptance by the county and clarifies the warranty obligations of the seller.

***Fiscal Impact:**

There will not be a fiscal impact to Pima County.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Regional Wastewater Reclamation Department Telephone: 520-724-6500

Contact: Karen Dillingham

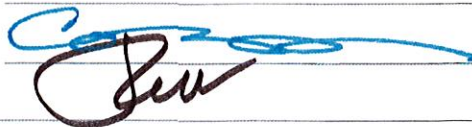
Telephone: 520-724-6532

Department Director Signature:

Date:

4/20/23

Deputy County Administrator Signature:



Date:

4/24/2023

County Administrator Signature:



Date:

4/24/2023

ORDINANCE 2023 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO SANITARY SEWER CONSTRUCTION, CONNECTIONS AND FEES; AMENDING THE PIMA COUNTY CODE BY AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.20.100 (ACRONYMS AND DEFINITIONS), SECTION B (DEFINITIONS) TO ADD A DEFINITION FOR SELLER AND CHAPTER 13.20.500 (SYSTEM IMPROVEMENT CONSTRUCTION), SECTION A.4 (WARRANTY) TO INCREASE THE SELLER'S WARRANTY PERIOD FOR THE SANITARY SEWER FROM ONE (1) YEAR TO TWO (2) YEARS FROM THE DATE OF TRANSFER TO THE COUNTY AND TO PROVIDE ADDITIONAL DETAIL OF SELLER'S WARRANTY OBLIGATION TO THE COUNTY.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA

SECTION 1. Pima County Code Chapter 13.20.100, Section B is amended to add a new definition for "Seller" and to renumber subsequent subsections accordingly, as follows:

13.20.100 Acronyms and definitions.

B. Definitions.

...

40. Seller means the entity financially responsible for the design and construction of contributed Public Sewage Conveyance System infrastructure.

~~40.~~ 41. "Service lateral" . . .

SECTION 2. Pima County Code Chapter 13.20.500, Section A(4) is amended to read as follows:

13.20.500 System Improvement Construction

A. Purpose and general requirements.

4. Warranty.

The Seller shall warrant all contributed infrastructure of the Public Sewage Conveyance System be free from any failures or defects due to poor workmanship, design, or materials. Contractors installing public sewage infrastructure, contracted through Pima County, are not under obligation to warrant design. Work that does not comply is considered defective. Should any failure or defect appear within a period of two (2) years from the date of transfer to County, Seller agrees to make necessary repairs as determined by County in accordance with County-approved Sewer Improvement Plans, and in accordance with Pima County Engineering Design Standards, and Standard Specifications and Details for Construction, at the sole cost of Seller. Should the Seller fail to promptly correct any failure or defect, County may take whatever actions it deems necessary to remedy the failure or defect and the Seller will promptly reimburse County for any expenses or damages it incurs if Seller does not correct the failure or

defect. Aside from Seller's obligation to make corrections within that two-year period, nothing contained in this section shall be construed to establish a period of limitation with respect to Seller's liability for any failures or defects found under the contract. The applicant will warrant all work will be free from any defects due to poor workmanship or materials for a period of one (1) year from date of transfer to the County, or as otherwise specified. During the warranty period, the applicant will make necessary repairs to correct the defects as determined by the County at applicant's sole expense.

SECTION 3. This Ordinance is effective 30 days after the date of adoption.

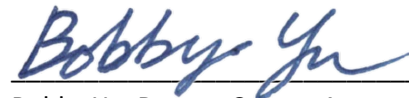
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Bobby Yu, Deputy County Attorney