

BOARD OF DIRECTORS
OF THE METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT
PIMA COUNTY, ARIZONA

December 20, 1993
5:00 P.M.
7235 North Paseo Del Norte
Tucson, Arizona

MINUTES

ATTENDANCE:

Members: Jim Tripp, Vice-Chairman
Alex Jacome, Member
Pete Schlegel, Member
Kate O'Rielly, Member
Herb Johnson, Chairman (by phone)

Others Present: Charles Huckelberry, General Manager
Mark Stratton, MDWID Engineer
Sheila Lewis, MDWID Office Manager
Scott Eisenfeld, MDWID Civil Engineering
Assistant
Michael Block, MDWID Hydrologist
Steven Shepard, MDWID Backflow Inspector
Lucia Spohn (recording secretary)
Michael McNulty, Brown & Bain
Dan Offret, MDWID Advisory Committee Member
Bud Dooley, MDWID Customer
Jim Peterson, Town of Oro Valley

I. CALL TO ORDER AND ROLL CALL

- A. The meeting was called to order at 5:00 p.m. by Jim Tripp, Vice-Chairman of the Board of Directors. All Board Members were present except for Herb Johnson who joined the meeting via telephone.
- B. Kate O'Rielly moved that the Board approve the special meeting notice and agenda for December 20, 1993. Pete Schlegel seconded and the motion passed unanimously.

II. COMMENTS FROM THE PUBLIC

Introduction of Guests (Please refer to attendance list on page 1).

NEW BUSINESS

III. GRANTING LEAVE OF ABSENCE TO CHARLES HUCKELBERRY, GENERAL MANAGER, SUBJECT TO THE BOARD OF SUPERVISORS APPOINTING MR. HUCKELBERRY AS THE INTERIM COUNTY ADMINISTRATOR

Kate O'Rielly excused herself from discussing and voting on this item because her position with Pima County constituted a potential conflict of interest. Kate O'Rielly's request was noted by the Vice-Chairman.

Jim Tripp inquired on the legality of the action taken by the Board. Michael McNulty stated that the Board is authorized to condition someone's employment on virtually anything to which both sides agree. The Board can decide to modify the terms of the employment contract with Chuck Huckelberry. If Chuck Huckelberry chooses to become Interim Pima County Administrator and the Board of Directors agrees to modify the contract they can place him on an unpaid leave of absence for the period of time under the conditions worked out between the two parties.

Alex Jacome made the motion to grant the General Manager an unpaid leave of absence for the time period of six (6) months should the Board of Supervisors appoint him Interim County Administrator.

Mr. Johnson seconded the motion to open it for discussion.

Mr. Schlegel expressed his concern that if Mr. Huckelberry continues to render his services to the District he should be reimbursed appropriately.

Mr. Huckelberry explained that the Pima County employment agreement will acknowledge that he is on a leave of absence with Metropolitan Domestic Water Improvement District. He will not receive additional compensation for his services to the District; however, his agreement will provide that he may provide management oversight from 4 to 8 hours per week subject to the District reimbursing Pima County for the cost of the salary which is actually paid by the county. Metropolitan Domestic Water Improvement District will be paying for Chuck Huckelberry's services through an Intergovernmental Agreement with the county on a reimbursement basis. The reimbursement rate will be negotiated by the District and the county.

Mr. McNulty addressed the District's and the County's utilization of Mr. Huckelberry's time. He began by noting that when Mr. Huckelberry had asked for his assistance in negotiating with the county, he had been concerned about the conflict of interest in his simultaneous representation of

Mr. Huckelberry personally, and of the District. He pointed out that he had obtained a waiver of that conflict from both the acting Chairman of the Board and from Mr. Huckelberry, who both indicated that it would be preferable for Mr. McNulty to represent both parties than to have new counsel retained. He then described the efforts of Mr. Huckelberry to obtain as much latitude as possible to provide oversight to the management of the District. Initial County hesitation was overcome, and the proposed contract to appoint Mr. Huckelberry as Interim County Administrator permits him to work fully one day per week for the District, and, indeed, requires him to do so for a half of a day per week. He said that any services (of any kind) provided to a domestic water improvement district by a county were subject to reimbursement to the county by the district. He indicated that the rate would be negotiated in a short intergovernmental agreement to be entered into between the County and the District.

Mr. Jacome asked Mr. McNulty if he will be negotiating the Intergovernmental Agreement with Pima County. Mr. McNulty said that he would.

Mr. Huckelberry said, that he did not know whether Pima County would be interested in assuming the District's lease of his car or whether they would prefer to assign him a county automobile.

After a call for the question the motion carried unanimously with all members voting, except for Ms. O'Rielly who was excused from participating on this item.

Mr. Huckelberry expressed his appreciation to the Board and said that he intends to continue to provide oversight, direction to the District over the next 6 months.

IV. APPOINTMENT OF INTERIM GENERAL MANAGER

Mr. Jacome moved to appoint the District Engineer, Mark Stratton, as the Interim General Manager during the period of Mr. Huckelberry's leave of absence. Kate O'Rielly seconded the motion. The motion carried unanimously.


Mr. Jacome referred to a memorandum of Mr. Johnson, and said that he opposed the suggestion of replacing the District Engineer and the Administrative Assistant, Julie Johnson. Mr. Jacome said that he would prefer to find out how the organization works with the present staff before hiring additional personnel. This view was noted by the Vice-Chairman.

V. ADJOURNMENT

Mr. Jacome moved that the session of the Special Board Meeting be adjourned. Pete Schlegel seconded the motion and it carried unanimously. As there was no further business to discuss before the Board, the session of the special meeting was adjourned at 5:12 p.m.


Chair

ATTEST:


Clerk