

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

**April 9, 2007**

**\*\* Board Room \*\*  
Metropolitan Domestic Water Improvement District  
6265 N. La Cañada Drive  
Tucson, AZ 85704**

**MINUTES**

Board Members Present:           Judy Scrivener, Chair  
  Dan M. Offret, Vice Chair  
  Jim Doyle, Member  
  Lauretta Ovsevitz, Member  
  James Tripp, Member

District Staff:                     Mark Stratton, General Manager  
  Keri Silvyn, Legal Counsel  
  Warren Tenney, Clerk of the Board  
  Alice Stults, Recorder

**Executive Session**

**I.     Call to Order and Roll Call**

Judy Scrivener, Chair of the Board of Directors of the Metropolitan Domestic Water Improvement District (District), called the Board Meeting to order at 5:10 p.m. Judy Scrivener, Dan M. Offret, Jim Doyle, Lauretta Ovsevitz, and James Tripp were present.

Mr. Tripp made a motion to adjourn into executive session. Ms. Ovsevitz seconded the motion. Motion passed unanimously.

Executive Session pursuant to A.R.S. § 38-431.03 (A)(1) (discussion or consideration of personnel matters); A.R.S. § 38-431.03 (A)(3) (consultation for legal advice with District Legal Counsel) and A.R.S. § 38-431.03 (A)(4) (consultation with legal counsel regarding contracts that are in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation) regarding the following:

- A.     General Manager's Annual Evaluation and Possible Merit Award.**
- B.     Complaint Filed with the Arizona Attorney General's Office.**

## **II. Adjournment**

The executive session adjourned at 6:07 p.m.

### **Regular Session**

#### **I. Call to Order and Roll Call**

Judy Scrivener, Chair of the Board of Directors of the Metropolitan Domestic Water Improvement District (District), called the Board Meeting to order at 6:09 p.m. Judy Scrivener, Dan M. Offret, Jim Doyle, Lauretta Ovsevit, and James Tripp were present.

#### **II. General Comments from the Public**

There were no comments from the general public.

#### **III. Consent Agenda**

- A. Approval of Minutes – March 12, 2007 Board Meeting.**
- B. Approval of Minutes – March 26, 2007 Study Session.**
- C. Ratification of Billing Adjustments.**
- D. Approval of Water Service Agreement – Ina Medical & Dental Center.**

Mr. Tripp made a motion to approve the consent agenda. Ms. Ovsevit seconded the motion. Motion passed unanimously.

#### **V. General Business – Items for Discussion and Possible Action**

##### **A. Monthly Status of the District.**

Mark Stratton, General Manager, said that during March 2007 there was an increase in water production from the same time period the previous year.

Mr. Stratton noted that beginning with the April 9, 2007 Monthly Status of the District report will be sections addressing current hydrology/water quality projects and information.

Mike Block, District Hydrologist, provided an update on the Lambert/La Cholla well. He explained that the pump bearing went out on the well, and Layne Christiansen installed a new pump. Currently, the well is pumping 100 gallons per minute, which was the same amount previously. The well capacity is a little less than prior readings. Mr. Block said that testing is scheduled for tomorrow to see if there is any improvement. Staff is not seeing any level of consistency at this point.

Mr. Stratton said the Northeast Reservoir roof has been poured and the roof scaffolding will be coming down. It is anticipated that during the first two weeks of May 2007 filling of the reservoir will begin.

**B. Financial Report.**

Mike Land, Chief Financial Officer, said the District has changed on-line payment vendors, which appears to be working out very well. There have not been any complaints filed to date on the new vendor or the on-line payment process.

Mr. Land said revenues are still running under budget, and expenditures are also under budget. He explained that to date the District is \$200,000 ahead in revenues compared to expenditures.

**C. Discussion and Direction for Legislative Issues 2007.**

Warren Tenney, Assistant to the General Manager, said the Legislative Committee meetings are over. The budget is now the main focus for the Legislature, and any bills with monies attached are postponed until the budget has been completed.

HB 2489 – Special District Amendments. This bill addresses various changes in statutes governing domestic water improvement districts. The bill is still moving forward.

SB 1557 – Water; Municipal Conservation Requirements. This bill continues to move forward and is now out of the House.

The Legislation regarding San Pedro Water District continues to be held in negotiations pending bringing all the players together for discussions. Mr. Tenney indicated that the District should wait to see what will happen with this bill. Mr. Stratton said this is the first of potentially several others looking at districts in order to pursue the same idea.

**D. Resolution 2007-2 - Board's role and Function including its Relationship with General Manager.**

Mr. Tripp made a motion to adopt Resolution 2007-2, which establishes the role and function of the Board of Directors and its relationship with the General Manager. Ms. Ovsevitc seconded the motion.

Mr. Tripp asked Legal Counsel about consolidating the two resolutions previously presented to the Board at its March 12, 2007 meeting. Ms. Silvyn explained that from a legal standpoint, as long as it is clear the role and function of the Board and General Manager, that two separate resolutions were not needed.

Motion passed unanimously.

**E. Approval of Revisions to the District's Personnel Manual.**

Billie Sue Morelli, Human Resource Specialist, provided information on the proposed changes made to the District's Personnel Manual. Minor changes were made to language on page 4.

Changes on page 7 included an open door policy. The on-call policy on page 10 changed the amount of time allowed to employees responding to a call to 30 minutes. Changes on page 11 included emergency call-backs, and what will be provided to the employee for overtime and compensatory time off which capped the compensatory time to a total of 40 hours per year. Ms. Morelli explained that the personal appearance guidelines were also updated. Additional proposed changes to the Personnel Manual included page 22 which addresses attendance and calling in sick, and a progressive step procedure for what happens when employees call in sick.

Mr. Offret asked how changes to the compensatory time off for employees (capping the compensatory time to 40 hours per year) would affect production. Ms. Morelli said this would give the District more control over time off for employees and scheduling of workloads.

Mr. Stratton explained that the Personnel Manual, with the proposed changes, was provided to Legal Counsel for its review. Staff did not get a response from Legal Counsel until late this afternoon; therefore, staff would like additional time to review the manual more in depth prior to the Board taking action on this item. Ms. Silvyn said there appeared to be just some clean up issues on some of the policies.

Frank Schnur, Utility Worker, was present in the audience and explained that he wants to keep the policy where staff can accumulate more than 40 hours per year of compensatory time so that he can have more time for his children. He also noted that regarding the pay for 30 minute response times for on-call employees, he did not like the proposed new policy. Mr. Schnur said some people take longer to get to work, and if they are in bed, it takes even longer for them to get up and get dressed. Mr. Schnur indicated that he wants to put something on the next agenda to address these and other issues. Ms. Silvyn suggested that he talk to the Clerk of the Board, Warren Tenney, to have an item placed on the agenda. Ms. Silvyn explained that staff can also address the Board at the end of this meeting but noted that the Board cannot take action on any of these issues at this time since the items were not included on the agenda.

Amadeo Villanueva, Utility Worker, said he does not know what the proposed policy changes are, as he was not invited to attend the meeting held for staff to discuss the proposed changes to the Personnel Manual. However, he said when he was hired the District paid 45 minutes driving time. He explained that with the proposed changes he will have to take a pay cut to keep his job. Mr. Villanueva suggested timing employees that have to go to the Hub service area to see how long it will take them to get to the site when called back after normal work hours. He believes a 40 hour per year cap on the compensatory time off is unfair and believes that it should be open-ended to allow him time to spend with his family. Mr. Villanueva also did not agree with the proposed policy addressing emergency call-back pay and having to return to work.

Mr. Doyle asked if all employees were provided a copy of the proposed changes to the Personnel Manual. Ms. Morelli said an open meeting was held for all employees that wanted to attend to discuss the proposed changes. Division Managers were notified of the date and time of the meeting and the purpose, and were asked to notify their staff. Mr. Doyle explained that many of the District's policies are the same as those of Pima County. He asked if District employees are going to be penalized for taking more than 30 minutes to respond to a call-back, and noted that the 30

minute paid response time is typical. Mr. Stratton said employees would not be penalized but would only be paid for up to 30 minutes. Mr. Doyle asked for an explanation of the proposed policy on emergency call-back pay and working a full shift the following day. Mr. Stratton explained that the policy was developed to reward the employees that respond to after hours emergency calls with emergency call back pay, and provide them with options so that they would not have to use sick leave if they were unable to work a full 8 hours the day following the worked overtime. Mr. Doyle said this is definitely a benefit for employees, and Ms. Scrivener agreed. Mr. Doyle said this policy allows District employees a much better deal than what Pima County currently provides to their employees.

Ms. Scrivener clarified that the proposed policy would only allow 40 hours of compensatory to be accrued during a one-year period. Mr. Morelli replied yes, and explained that any unused compensatory time could be rolled over each year.

Steve Shepard, Utility Superintendent, explained that the District is very liberal with its employees in providing them with all the sick, vacation, and compensatory time benefits. Mr. Doyle said that productivity becomes an issue when staff is allowed uncontrolled amounts of compensatory time off. He said this becomes a management nightmare because of trying to schedule work. Mr. Doyle noted that at Pima County, it is not an option to take compensatory time off and employees can only take any overtime as pay. Mr. Shepard said he agrees that compensatory time needs to be regulated, but not taken away entirely.

Ms. Scrivener suggested tabling this item until the May 14, 2007 meeting after Legal Counsel has had the opportunity to review the proposed policy changes in more detail.

**F. Discussion and Direction for License Agreement with Pima County.**

Mr. Tripp made a motion to approve to direct staff and Legal Counsel to proceed with the proposed letter and Resolution presented in this report. Mr. Offret seconded the motion.

Mr. Offret asked how it is anticipated that Pima County will respond. Mr. Stratton said he does not believe Pima County will agree with the District's suggested changes, including the initiation of an appeals process. It is also unknown at this time if other municipal providers will sign the agreement as presented by Pima County.

Motion passed unanimously.

**G. General Manager's Annual Evaluation and Possible Merit Award.**

Mr. Tripp made a motion to approve to grant the General Manager a merit increase of 4% for outstanding service to the District. Ms. Ovsevitiz seconded the motion. Motion passed unanimously.

**VI. General Manager's Report**



Mr. Stratton said staff has re-reviewed the 2007-2008 Utility and Engineering budgets and capital requests presented to the Board at its March 26, 2007 meeting. The General Manager and Administration 2007-2008 budget will be presented to the Board later this month, along with all the CIP requests.

Mr. Stratton said at the suggestion of Mr. Offret he met with staff from San Miguel Catholic College and Career Preparatory High School. The school has initiated a project for under-privileged teens in securing a high school education and providing them opportunities to attend college. Mr. Stratton said the school has an impressive program where the kids are working their way through school. He noted that this is a well run and well disciplined program that the District may benefit from utilizing. Mr. Stratton said he will provide more information to the Board at the next study session to discuss the budget.

Mr. Stratton said regarding the La Cholla Blvd claim, staff has not heard back from Pima County.

Next week Mr. Stratton will attend the AWWA Fly-in in Washington DC. The AWPCA annual conference is the week of May 1, 2007, and Mr. Stratton, along with other District staff, will attend this conference as well. Mr. Stratton said the Corolla Engineers meeting is scheduled for April 26, 2007 for the Northwest partners to discuss the CAP Treatment and Delivery System cost estimate study.

Mr. Stratton noted the District has two new employees. Michelle Von Roth is a part-time receptionist, and Brian Cavner is a Utility Service Worker. Mr. Stratton explained that Danny Sargent has resigned and staff will fill this position in the near future.

Mr. Stratton said Ms. Morelli is finalizing plans for a night at the ballpark for all interested District staff and Board members.

Mr. Stratton said that he and the President of Pima Community College Northwest Campus have scheduled a tour of the District facilities for April 25, 2007. Any Board members wanting to attend the tour are welcome.

## **VII. Legal Counsel's Report**

Keri Silvyn, Lewis & Roca, said she had nothing further to report at this time.

## **VIII. Future Meeting Dates; Future Agenda Items**

A study session will be held on April 30, 2007 at 5:00 p.m. The next regular meeting of the Board of Directors is Monday, May 14, 2007 at 6:00 p.m.

## **IX. General Comments from the Public**

Mr. Schnur asked if the Board would investigate the utility crews being under paid, as well as being understaffed. He also mentioned that he wants the cost of living adjustment (COLA) increased for

employees. Mr. Schnur said the District has changed its policy on supplying jeans to utility crews and now they can only buy 3½ pairs of Levi's with the money the crews are allotted each fiscal year. He would like this to be changed also. Mr. Schnur explained that he believes Arizona Water Company and Tucson Water pay its utility crews more than the District, and would like the District to pay its crews more money.

Mark Myers, Water Consultant, said he has accepted a position with a hydrological firm in Tucson. Mr. Myers has worked with Metro Water for 14 years. He explained that this decision was in response to a family health issue. Mr. Myers explained options available for the District as a result of his acceptance of his new position.

**X. Adjournment**

The meeting adjourned at 7:08 p.m.

---

Judy Scrivener, Chair of the Board

---

Warren Tenney, Clerk of the Board