

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 *Sharon Bronson, Vice Chair
 Ally Miller, Member
 Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Andrew Flagg, Chief Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. TENTATIVE BUDGET HEARING

Review and adoption of the Flood Control District Tentative Budget for Fiscal Year 2020/2021.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Tentative Flood Control District Budget in the amount of \$17,069,159.00 at an effective tax rate of \$0.3335. Upon roll call vote, the motion unanimously carried 5-0.

2. CONTRACT

B&C Contractors, Inc., Breinholt Contracting Co., Inc. and T.B. Contractors, Inc., to provide for a Job Order Master Agreement for demolition services, Flood Control District and Various Department Funds, contract amount \$750,000.00 (MA-PO-20-190)

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the item.

3. CONTRACT

Alta Vista Communities RP, L.L.C., I.T. Investments Three, L.L.C. and Town of Marana, Amendment No. 1, to provide for the Cañada del Oro North Bank Improvements, I-10 to Thornydale Road Development Agreement, extend contract term to 5/18/25 and amend contractual language, no cost (CTN-FC-19-148)

It was moved by Supervisor Miller, seconded by Chairman Valadez and unanimously carried by a 5 0 vote, to approve the item.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

IMPROVEMENT DISTRICT BOARD MINUTES

The Pima County Improvement District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
*Sharon Bronson, Vice Chair
Ally Miller, Member
Steve Christy, Member
Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. TENTATIVE BUDGET HEARING

Review and adoption of the following County Improvement District Tentative Budgets for Fiscal Year 2020/2021:

<u>IMPROVEMENT DISTRICT</u>	<u>FY 20-21 PROPERTY TAX LEVY</u>
<u>Other Improvement District</u>	
HAYHOOK RANCH	\$ 40,000
<u>Street Lighting Improvement District</u>	
CARDINAL ESTATES	\$ 15,729
CARRIAGE HILLS NO. 1	\$ 6,183
CARRIAGE HILLS NO. 3	\$ 1,588
DESERT STEPPES	\$ 3,712
HERMOSA HILLS ESTATES	\$ 3,812
LAKE SIDE NO. 1	\$ 5,935
LITTLETOWN	\$ 13,678
LONGVIEW ESTATES NO. 1	\$ 6,710
LONGVIEW ESTATES NO. 2	\$ 7,774
MAÑANA GRANDE B	\$ 5,299
MAÑANA GRANDE C	\$ 8,660
MIDVALE PARK	\$ 13,405
MORTIMORE ADDITION	\$ 24,050
OAKTREE NO. 1	\$ 22,544
OAKTREE NO. 2	\$ 17,690
OAKTREE NO. 3	\$ 23,186
ORANGE GROVE VALLEY	\$ 5,418
PEACH VALLEY	\$ 2,900
PEPPERTREE	\$ 9,486
ROLLING HILLS	\$ 12,753
SALIDA DEL SOL	\$ 16,753

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Improvement District Tentative Budgets as presented. Upon roll call vote, the motion unanimously carried 5-0.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
*Sharon Bronson, Vice Chair
Ally Miller, Member
Steve Christy, Member
Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. **TENTATIVE BUDGET HEARING**

Review and adoption of the Library District Tentative Budget for Fiscal Year 2020/2021.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Tentative Library District Budget in the amount of \$42,950,297.00 at an effective tax rate of \$0.5353. Upon roll call vote, the motion unanimously carried 5-0.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

ROCKING K SOUTH COMMUNITY FACILITIES DISTRICT BOARD MINUTES

The Pima County Rocking K South Community Facilities District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 *Sharon Bronson, Vice Chair
 Ally Miller, Member
 Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Andrew Flagg, Chief Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. TENTATIVE BUDGET HEARING

Review and adoption of the Rocking K South Community Facilities District Tentative Budget for Fiscal Year 2020/2021.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez and seconded by Supervisor Christy to close the public hearing and adopt the Tentative Rocking K South Community Facilities District Budget in the amount of \$100,000.00. Upon roll call vote, the motion unanimously carried 5-0.

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 *Sharon Bronson, Vice Chair
 Ally Miller, Member
 Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Andrew Flagg, Chief Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. TENTATIVE BUDGET HEARING

Review and adoption of the Stadium District Tentative Budget for Fiscal Year 2020/2021.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Tentative Stadium District Budget in the amount of \$8,360,130.00. Upon roll call vote, the motion unanimously carried 5-0.

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 19, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 *Sharon Bronson, Vice Chair
 Ally Miller, Member
 Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Andrew Flagg, Chief Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisor Bronson participated telephonically.

1. MOMENT OF SILENCE

A Moment of Silence was observed by those in attendance.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. POINT OF PERSONAL PRIVILEGE

Supervisor Christy congratulated the Vail Preservation Society on receiving the 2020 Albert B. Corey Award from the American Association for State and Local History, for their documentary "Our Voices of Vail."

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Dustin J. Williams, Superintendent of Schools, proclaiming the month of May 2020 to be: "CLASS OF 2020 RECOGNITION MONTH"

It was moved by Chairman Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Villegas made the presentation.

5. Presentation of a proclamation to Sheriff Mark Napier, proclaiming the week of May 10 through 16, 2020 to be: "NATIONAL POLICE WEEK" and Friday, May 15, 2020 to be: "PEACE OFFICERS' MEMORIAL DAY"

It was moved by Chairman Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Miller made the presentation.

6. **CALL TO THE PUBLIC**

The following individuals addressed the Board or submitted comments in opposition to the Proclamation approved by the Board on May 13, 2020:

- | | |
|---------------------|--------------------|
| • Bill Beard | • Michael Elefante |
| • Nicole Van Winden | • Josh Jacobson |
| • Michael Guymon | • Suzanne Elefante |
| • Ben Rine | • Taylor Carter |
| • Natasha Herzig | • Rebecca Rainey |
| • Samuel Alboy | • J.J. Lamb |
| • Sean Humphrey | • Steve Dunn |
| • Chris King | • Mathew Cable |

They offered the following comments:

- Requested that reservations and online posting requirements be removed or amended to make it easier for restaurants to comply.
- Restaurants were being singled out with unfair requirements such as mandatory temperature checks and mask requirements.
- Restaurants complied with National Best Practices and self-regulated, the added requirements were overburdensome.
- Requested that the Proclamation be repealed or rescinded.
- Restaurateurs cared about staff and customers and would not jeopardize their health or safety.
- CDC guidelines were being followed and there was no need to stress a struggling industry with more regulations.
- The new regulations were overwhelming and made it difficult for small business owners to survive.
- The new guidelines required business owners to override employees' rights with medical assessment and created the possibility of lawsuits.
- The new regulations would contribute to bankruptcy and closure of restaurants.
- The regulations would force restaurant owners to collect surcharges from customers.
- The guidelines suggested that the restaurant owners were not capable of keeping customers and employees safe.
- Some of the additional criteria imposed by the Proclamation are in conflict with health code.

- The Criteria list should be repealed until there were sound practices implemented that would not harm the industry.
- Asked the Board to work with the restaurant/bar industry to create regulations that worked for all.
- If restaurants were required to comply with 50% capacity, the County should cut the costs of business licenses, permit fees and health licensing by 50%.
- The guidelines attacked and singled out small businesses.
- Asked the Board to provide a vetted list of resources that small business could contact to obtain the needed supplies such as hand sanitizers, masks and gloves.

The following individuals addressed the Board or submitted a comment card in support of the Equal Assist Pledge Resolution:

- Maria Carrasco
- Isabel Garcia
- Pedro De Velasco Garza
- Ila Abernathy
- Alba Jaramillo
- Laura Verdugo

They offered the following comments:

- COVID knows no boundaries and does not care about race or immigration status, everyone needs protection.
- More protection equals higher survival rates.
- The community must work together in order to survive.
- Immigrants contributed to our country and community and should be protected.
- The Resolution united the community.
- The Resolution recognized and acknowledged the immigrant community for their contributions to a sustainable community.
- Immigrants were workers, business owners, taxpayers and neighbors and an integral part of the County's diverse and thriving community.
- Access to services, resources and opportunities must not discriminate and should be guaranteed for all equally.
- Denial of aid to any resident was a humanitarian and essential public health issue.
- The immigrant community held jobs that required interaction with the public, were essential workers and vulnerable to disease, with many of them poverty stricken and lacking in health insurance.

Rene Hermosillo asked the Board for continued funding for the Job Path Program and conveyed his positive job path experiences.

Geri Ottoboni addressed the Board regarding the County acting like a socialist country.

Keith Van Heyningen expressed his disappointment with the County's virus response protocols.

Steven Willis thanked the Board for their service and for re-opening the hearing room to the public.

7. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Christy, seconded by Supervisor Miller and carried by a 4-0 vote, Supervisor Bronson was not present during the vote, to convene to Executive Session at 9:42 a.m.

8. RECONVENE

The meeting reconvened at 10:17 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Bosse Rollman, PC, to waive a conflict of interest to allow it to represent the property owner in a property tax appeal involving Title Security Agency, L.L.C., TR201543-S FBO Lucky Levin Railroad, L.L.C.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that conflict waivers were at the discretion of the Board.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to waive the conflict of interest.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in the following consolidated tax-appeal matters: Wal-Mart, et al. vs. Pima County, Arizona Tax Court Case Nos. TX2017-000602/TX2016-000966 and Wal-Mart, et al. vs. Pima County, Arizona Tax Court Case Nos. TX2019-001714/TX2018-000999.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that under the terms of the proposed settlement the Parcel Nos. and values were as follows:

Parcel Nos.	Tax Years	Values
137-34-001A	2017	\$13,371,720.00
	2018	\$12,983,667.00
	2019	\$12,762,927.00
	2020	\$12,864,116.00
225-44-322D	2017	\$12,000,000.00
	2018	\$12,000,000.00
	2019	\$13,016,674.00

	2020	\$13,244,465.00
221-05-2310/and	2017	\$10,842,451.00
221-05-2320	2018	\$10,566,357.00
	2019	\$10,717,674.00
	2020	\$13,104,886.00

He stated that for Parcel No. 220-04-3240, the only tax year remaining was 2020 and those values were \$14,000,544.00. He indicated that the 2020 values would roll to 2021. He added that there were two parcels not included in the settlement agreement, and that those parcels would remain for trial. He stated that those parcel numbers were: 303-33-7560 and 132-13-0720. He indicated outside Counsel and the Finance and Risk Management Department recommended approval of the proposed settlement. He stated that the County Attorney's Office sought direction on the proposed settlement.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to accept the recommendation and approve the settlement.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a legislator request submitted by Senator Vince Leach, et al. for Attorney General investigation under A.R.S. §41-194.01 regarding the Board of Supervisors Proclamation approved May 13, 2020.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to respond as discussed in Executive Session.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

12. **TENTATIVE BUDGET PRESENTATIONS**

Chuck Huckelberry, County Administrator, stated that the Tentative Budget set the ceilings for budget expenditures and established the tax rates for the new fiscal year. He stated that the budget was impacted by the COVID-19 pandemic and resulted in a \$70 million deficit due to decreased revenues and increased expenditures. He stated that his recommendation included an 8 cent decrease to the primary property tax rate from .399 to .392. He stated that the State Fund Revenue for property tax collections would be reduced by \$15 million and there would be a \$24 million loss in state shared revenues for next year. He indicated in order to offset those losses, departments were asked to make a 5% reduction to their budgets, which created a savings of \$17 million. He stated that there was a pre-COVID-19 growth of 58 Full Time Equivalents (FTE's), however, the Tentative Budget had a loss of about 286 FTE's. He indicated that he was recommending that the Flood Control District and Library District tax rates remain the same. He stated that his reasoning for that recommendation was that both were involved in heavy capital campaign programs. He indicated that the County's secondary tax rate for

debt service would decrease 17 cents, as debt was paid off, and the total net reduction for the combined property tax rate would be 25 cents per hundred. He stated that this year's budget had increased to approximately \$1,422,000,000.00 due to direct payments for COVID-19 expenses, \$87 million, and increases in the Pavement Preservation Program. His recommendation were that the Pavement Preservation Program be increased and that short-term Certificates of Participation (COPs) be utilized for that program. He also recommended that the County forgo the Pay-As-You-Go Program (PAYGO) for one year due to post-COVID-19 revenue losses. He stated that would add an additional \$55 million to the Pavement Preservation Program, which could be repaid with either General Fund, PAYGO, or HURF revenues. He recommended that the Board adopt the Tentative Budget under the constraints outlined with regards to COVID-19. He added that the fund balance was approximately \$49 million and was slightly higher than last year's balance. He explained that additional steps would need to be taken to strengthen the fund balance and added certain expenditures were frozen through the end of the fiscal year. He stated that the County allocated approximately \$20 million in Cares Act reimbursement for expenses, which would offset some of the reductions in revenues. He indicated that the budget would be monitored closely during the entire year and adjustments would be made accordingly.

Chairman Valadez clarified that the purpose of the Tentative Budget was to set the maximum caps before final budget adoption in June. He added that the Board could come well below those caps.

Supervisor Miller asked for clarification with regard to the \$87 million received for COVID-19 Care Funding. She inquired what total of that allocation would be utilized for Fiscal Year (FY) 2020.

Mr. Huckelberry responded that \$10 million would be reimbursed to the General Fund. He indicated that another \$10 million in expenditures would be reimbursed to other funding sources. He added that the remaining \$67 million would be allocated in FY 20/21.

Supervisor Miller inquired about increased expenditures.

Mr. Huckelberry responded that all grant expenditures had to be budgeted even if there were offsetting revenues. He added that expenditure limits had to be set and under no circumstances could that limit be exceeded.

Supervisor Miller inquired whether the offsetting revenue would result in a wash.

Mr. Huckelberry responded that was correct.

Supervisor Miller inquired whether revenues were taken into account.

Mr. Huckelberry responded that revenues were not taken into account.

Supervisor Miller asked whether there would be an actual increase in the budget.

Mr. Huckelberry responded that there would not be. He explained that if the Board approved COP's for pavement repair the entire allocation would be spent next year, however, only \$10 million would be reimbursed and that would create the difference.

Supervisor Miller inquired whether \$25 million in State-Shared Revenues was adequate to cover anticipated losses.

Mr. Huckelberry responded that was a conservative amount.

Supervisor Miller inquired whether vacancies would be reviewed for further reductions.

Mr. Huckelberry responded that they were prepared to pull positions but were waiting for the Board's action on the Tentative Budget. He indicated that there were 180 vacant FTE's that were vacant more than 365 days, and those were being tracked. He stated that number would be reduced to 50 upon adoption of the Tentative Budget by the Board.

Supervisor Miller inquired whether the 1% withheld last year, was included in the \$42 million budget reserve.

Mr. Huckelberry responded in the affirmative.

Supervisor Miller inquired about the absence of the \$1.5 million allocation for the University of Arizona tenant improvements.

Mr. Huckelberry responded that it was removed and the University of Arizona was notified about the budget constraints.

BOARD OF SUPERVISORS

13. Review and adoption of the Tentative County Budget for Fiscal Year 2020/2021.

The Chairman inquired whether anyone wished to address the Board regarding the Tentative Budgets for Fiscal Year 2020/2021. No one appeared.

It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Tentative County Budget for Fiscal Year 2020/2021 in the amount of \$1,422,509,302.00 at an effective tax rate of \$5.3108. Upon roll call vote, the motion unanimously carried 5-0.

14. Review and adoption of the Debt Service Tentative County Budget for Fiscal Year 2020/2021.

It was moved by Chairman Valadez and seconded by Supervisor Miller to close the public hearing and adopt the Debt Services Tentative Budget in the amount of \$118,515,443.00 at an effective tax rate of \$0.5200. Upon roll call vote, the motion unanimously carried 5-0.

15. **Equal Assist Pledge for All County Residents with COVID-19**

RESOLUTION NO. 2020 - 32, of the Board of Supervisors, pledging to assist all County residents with Coronavirus (COVID-19) issues equally, regardless of their immigration status or current citizenship. (District 5)

Supervisor Villegas indicated that this Resolution pledged to assist all County residents with Coronavirus (COVID-19) and protected all citizens regardless of immigration status or citizenship. She stated that this was a safety concern and public health emergency response during a pandemic dictated that outreach to our immigrant population was required.

It was moved by Supervisor Villegas and seconded by Chairman Valadez to adopt the Resolution. No vote was taken at this time.

Supervisor Miller commented that the U.S. Code stated that it was not a crime to be an unauthorized migrant, but it was a crime to facilitate their presence. She stated that certain programs facilitated their presence and the Immigration and Naturalization Act offered avenues for relief for migrants to the United States. She stated that federal law authorized and accredited charitable organizations to provide noncitizens public benefits and assistance, including services through the County Health Department. She indicated that her concerns were compliance with laws, rules and regulations on the various grants and funding and stated that the Resolution was unnecessary.

Supervisor Villegas indicated that it was important for the immigrant community to know and understand that help was available. She stated that part of the problem was that the migrant community feared reporting and that could create outbreaks. She added that passing the Resolution would alleviate that fear and assist them in surviving the pandemic.

Supervisor Christy commented that he was not aware of anyone being denied health services with regards to COVID-19 and expressed concern over that occurring. He stated that issues or reactions related to the virus had a negative impact on everyone. He indicated that hospitals cared for the sick without question, and everyone should be provided healthcare when sick. He added that the virus was not a reason to create an equal assistance pledge.

Upon the vote, the motion failed 2-3, Supervisors Bronson, Christy and Miller voted "Nay."

COUNTY ADMINISTRATOR

16. Updates and Action on COVID-19

(Clerk's Note: See attached verbatim Minute Item Nos. 16 and 30, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

CLERK OF THE BOARD

17. Petitions for Redemption of Property Tax Exemption Waiver

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the item.

DEVELOPMENT SERVICES

18. Final Plat With Assurances

P20FP00001, Star Valley, Block 4, Lots 573-892 and Common Areas "A & B & C". (District 3)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

REAL PROPERTY

19. Abandonment by Vacation

RESOLUTION NO. 2020 - 33, of the Board of Supervisors, for the vacation by exchange of a portion of Gila Avenue for the fee dedication of other public right-of-way and property as Pima County Road Abandonment No. A-0043, situated within Section 30, T11S, R16E, G&SRM, Pima County, Arizona. (District 4)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

FRANCHISE/LICENSE/PERMIT

20. Hearing - Agent Change/Acquisition of Control/Restructure

Job No. 103754, Patrick Edward Castle, Pei Wei Fresh Kitchen, 633 W. Ina Road, Tucson, Multi License Acquisition of Control.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

21. Hearing - Rezoning

P19RZ00012 HARBOUR TRUST 1/3, ET AL. - N. LA CHOLLA BOULEVARD REZONING

Request of Harbour Trust 1/3, et al., represented by Projects International, Inc., for a rezoning of approximately 50.7 acres from SR (Suburban Ranch) to the CR-5 (Multiple Residence) zone, parcel codes 225-04-002A, 225-04-002C, 225-04-003P and 225-04-008B, located at the northwest corner of W. Overton Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2 and Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 9-1 (Commissioner Gungle voted NAY) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the subdivision platting process. The Traffic Impact Study shall use projected traffic counts identified in the adjacent capital improvement project OV-30-04/05-26. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Written proof of coordination with the Town of Oro Valley regarding any improvements identified by the Traffic Impact Study in conjunction with the Town of Oro Valley Capital Improvement Project for La Cholla Boulevard shall be provided to Pima County.
3. Regional Flood Control District conditions:
 - A. FEMA approval of the Conditional Letter of Map Revision is required prior to recording of the Final Plat.
 - B. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - C. First flush retention shall be distributed throughout the subdivision and be placed in Common Areas.
 - D. The maintenance plan shall require inspection and maintenance of drainage infrastructure after both the winter and summer storm seasons and after significant storm events.
4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional

Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 140 acres as Natural Open Space (NOS). Should the disturbed area be reduced from that which is reflected in the Preliminary Development Plan (PDP), the property owner shall provide a minimum of four (4) acres of natural open space for every acre disturbed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 14.2 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total NOS to be provided and the NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policy of Pima Prospects, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4, Policy 11), and also must comply with the following:
 - 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
 - B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn

<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan as approved at public hearing.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chairman Valadez indicated that this item required a Super Majority vote.

Chris Poirier, Deputy Director, Development Services Department, stated that due to public comments this item required Super Majority vote. He indicated that 144 protests were received representing 103 properties. He stated that the property was located within the Maeveen Marie Behan Conservation System and required open space both onsite and through offsite acquisition. He indicated that the request met all concurrency considerations, was consistent with the approved 2018 plan

amendments and was a heavily scrutinized flood control development. He stated that the original request submitted in 2018 had not received a positive recommendation from Flood Control and the application was withdrawn. He added that the applicant took a significant amount of time to revise and present a hydrological solution. He stated that the applicant worked closely with the Flood Control District and essentially obtained a staff recommendation of approval.

Mr. Wilkening addressed the Board in opposition to the rezoning. He expressed concerns with flooding and the overwhelmed flood control systems due to excessive sediment flows in the area. He stated that the maintenance conditions placed on future homeowner associations (HOA) requiring HOA's to perform seasonal inspections and inspections after storm events was unmanageable. He stated that the agreed upon Floodplain Management Plan showed problems with the unstable sandy soil and provided information on large rain events beyond the 100-year event that had occurred. He cited warnings from the American Planning Association indicating that individuals damaged by flooding or erosion were increasingly filing lawsuits against the government. He inquired whether a property dependent on a flood control system plan, did that indicate that there was pre-existing problems. He also inquired whether prior knowledge made the County liable for damages. He encouraged the Board to deny the rezoning.

Supervisor Miller asked that Mr. Wilkening's concerns be addressed, specifically how the potential for flooding would be managed.

Eric Shepp, Deputy Director, Regional Flood Control District, responded that the Flood Control District performed inspections annually. He stated that after large storms where infrastructure was involved, investigations were necessary elements. He explained that even though the risk of sedimentation was a high, the design included sedimentation basins and channels to mitigate that risk and it would be the responsibility of the HOA. He explained that Flood Control's detention/retention guidelines established maintenance and inspection protocols for all HOA's and was the standard for all development projects. He stated that the Floodplain Management Plan was adopted by the Board and established processes for new standards to be considered that included larger storm events and climate change, but the current standard was for the 100-year storm. He indicated that conservative criteria was in place that did not directly address climate change but used upper confidence intervals for rainfall and free board requirements, plus other higher regulatory standards that addressed uncertainty. He added that the Federal Emergency Management Agency (FEMA) had established the no build stretchers in floodplains, but this development would remove itself and the risk of flooding would be low due to those higher regulatory standards. He stated a review would be conducted at the site construction to ensure it met current standards.

Supervisor Miller inquired whether the requirements placed on the HOA was standard practice for subdivisions.

Mr. Shepp responded that maintenance and inspection were the responsibility of the HOA. He explained that if an investigation resulted in maintenance the HOA would be responsible, because HOA's were generally responsible for small drainage channels.

Supervisor Miller inquired that if concerns were ignored by the HOA, were residents able to contact the Flood Control District to intervene and issue orders to perform that maintenance.

Mr. Shepp replied in the affirmative.

Jim Portner, Property Owner Representative, indicated that he had careful and thorough discussions with Flood Control about a formal maintenance plan and placing that plan on file as part of the subdivision platting process. He stated that it would be easy to implement a semi-annual or annual reporting by the HOA on what maintenance procedures had been completed during a 6 month or 1 year period. He stated that solutions were contemplated and addressed with regards to major drainage and sediment issues and added that Mr. Wilkening's concerns were valid. He indicated the solution addressed onsite drainage and removed neighbors out of the FEMA floodplain. He added that it resolved the Overton Road concerns and was completed at the expense of the developers.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P19RZ00012, subject to standard and special conditions.

22. **Hearing - Rezoning**

P20RZ00001 WRIGHT - N. SANDARIO ROAD REZONING

Request of Mark and Mary Lou Wright, represented by Steadfast Drafting and Design, L.L.C., requesting a rezoning of approximately 1.43 acres from the GR-1 (BZ) (Rural Residential - Buffer Overlay) zone to the CB-2 (BZ) (General Business - Buffer Overlay) zone on the property located on the west side of N. Sandario Road, approximately 900 feet south of the intersection of N. Sandario Road and W. Picture Rocks Road, addressed as 6625 N. Sandario Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Rural Crossroads. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation condition: the location and design of access points shall be subject to approval by the Department of Transportation at the time of development plan submittal.

3. Flood Control District condition: at the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B, such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Department of Environmental Quality condition: the onsite septic system shall only be used for domestic sewage only. If the site is used for other purposes such as automotive repair or detailing, disposal of sewage other than domestic sewage is prohibited.
5. Environmental Planning condition: upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
6. Adherence to the preliminary development plan as approved at public hearing.
7. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00001, subject to standard and special conditions.

23. **Hearing - Rezoning**

P20RZ00002 BOHLMANN - E. BECKER DRIVE REZONING

Request of Scott and Cynthia Bohlmann, represented by the Planning Center, for a rezoning of approximately 5.0 acres from the RH (Rural Homestead) to the CR-4 (Mixed-Dwelling Type) zone located approximately 660 feet northeast of the intersection of E. Old Vail Road and S. Freeman Road Alignment, approximately 400 feet north of the Union Pacific Railroad track, and 75 feet east of E. Becker Drive addressed as 12010 E. Old Vail Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:

- A. Prior to approval of the Tentative Plat, proof of coordination with the City of Tucson regarding the Traffic Impact Study and any subsequent City of Tucson requirements shall be provided to Pima County Development Services.
 - B. Any required right-of-way shall be obtained prior to the Final Plat approval.
 - C. Access shall be designed to prohibit subdivision access to Old Vail Road.
3. Flood Control condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation Department conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

7. Adherence to the sketch plan as approved at public hearing. A minimum net density (total acreage minus natural and functional open space acreage) of five residences per acre shall be required.
8. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00002, subject to standard and special conditions.

24. **Hearing - Rezoning Closure/Time Extension**

A. **Hearing - Rezoning Closure**

Co9-07-26 LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD #2 REZONING

Proposal to close Co9-07-26, a 1.95-acre rezoning from TR (Transitional) to CB-2 (General Business) located on the northwest corner of Magee Road and La Cholla Boulevard and is addressed as 7787 N. La Cholla Boulevard. The rezoning was conditionally approved in 2008 and expired on October 7, 2013. Staff recommends AGAINST CLOSURE. (District 1)

Chris Poirier, Deputy Director, Development Services Department, indicated that the applicant, the Flood Control District and the Department of Transportation had worked together to update the conditions.

Craig Courtney, Representative, Magee Como Development Association, indicated that he supported the changes to the Ordinance. He stated that they worked closely with staff to incorporate changes. He recognized staff's hard work, their sensitivity to development concerns and their concerns for adjoining properties.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation against closure of Co9-07-26.

B. **Hearing - Rezoning Time Extension**

Co9-07-26 LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD #2 REZONING

Request of Suki Investment Group, L.L.C., represented by Magee Como Development Association, L.L.C., for two consecutive five-year time extensions for the above-referenced rezoning from TR (Transitional) to CB-2 (General Business). The subject site was rezoned in 2008. The site is approximately 1.95 acres located on the northwest corner of Magee Road and La Cholla Boulevard and is addressed as 7787 N. La Cholla Boulevard. Staff recommends APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff recommends **DENIAL of closure** of the rezoning and **APPROVAL of two consecutive five-year time extensions** to October 7, 2023 as per the applicant's request for the original 1.95-acre rezoning from TR (Transitional) to CB-2 (General Business) for use allowances for restaurants with associated bars permitted in CB-2 and CB-1 (Local Business) uses, subject to original and modified standard and special conditions as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~72. Transportation conditions:~~
 - ~~A. Prior to approval of a development plan or revised subdivision plat, the owner(s)/developer(s) shall be required, by covenant, to participate in an improvement district for improvements for Magee Road and La Cholla Boulevard, or if no improvement district is formed, then appropriate impact fees shall apply. Adherence to a development agreement for assessment and payment of all non-residential impact fees.~~
 - B. If Pima County's improvements to Magee Road and/or La Cholla Boulevard have not been initiated prior to the property owner(s)/developer(s) starting construction on the first building within the rezoned property, then the property owner(s)/developer(s) shall provide offsite improvements to Magee Road or La Cholla Boulevard as determined necessary by the Pima County Department of Transportation. Traffic Impact Study will be required if there is a substantial change that results in an increase in the buildable square footage over the current approved Preliminary Development Plan or there is not a sufficient reduction in the approved buildable area to accommodate a more intense parking use so as not to exceed the allowable building area under the current rezoning, based on a combined Development Plan for the subject property and the remnant parcel. Any Traffic Impact Study, whether it contains any portion of the Magee Center properties, including one from the adjacent development utilizing the Magee Center access point on Magee Road, that determines off-site improvements are necessary, will not

be the responsibility of the Owner(s)/Developer(s) of any Magee Center properties.

- C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.

83. Flood Control conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. ~~This development shall meet Critical Basin detention and retention requirements.~~ The site is required to provide first flush retention of the first 0.5 inch of rainfall. In addition, the site is required to provide on-site detention to reduce the developed 10-year peak discharge to the undeveloped 10-year peak discharge at each outlet. However, should the adjacent Lot 6 be rezoned, the development of these two properties will be required to mitigate the 100-year peak discharge.
- C. ~~The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District including but not limited to overflow facilities for the proposed water harvesting cisterns. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.~~

94. Wastewater Reclamation conditions:

- A. ~~The owner(s)/developer(s) shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area. The owner(s)/developer(s) shall also bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into accordance with the most recent Pima County Regional Wastewater Reclamation Department standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.~~
- B. ~~The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
405. The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
446. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
427. The property owner(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
138. ~~The developer(s) shall submit an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.~~
- Invasive Non-Native Plant Species Subject to Control:*
- | | |
|-------------------------------|---|
| <i>Ailanthus altissima</i> | Tree of Heaven |
| <i>Alhagi pseudalhagi</i> | Camelthorn |
| <i>Arundo donax</i> | Giant reed |
| <i>Brassica tournefortii</i> | Sahara mustard |
| <i>Bromus rubens</i> | Red brome |
| <i>Bromus tectorum</i> | Cheatgrass |
| <i>Centaurea molitensis</i> | Malta starthistle |
| <i>Centaurea solstitialis</i> | Yellow starthistle |
| <i>Cortaderia</i> spp. | Pampas grass |
| <i>Cynodon dactylon</i> | Bermuda grass (excluding sod hybrid) |
| <i>Digitaria</i> spp. | Crabgrass |
| <i>Elaeagnus angustifolia</i> | Russian olive |
| <i>Eragrostis</i> spp. | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i> | Natal grass |
| <i>Mesembryanthemum</i> spp. | Iceplant |
| <i>Peganum harmala</i> | African rue |
| <i>Pennisetum ciliare</i> | Buffelgrass |

<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against any future property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

449. The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing (EXHIBIT B). The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive-thru through restaurants and stand-alone bars without restaurant facilities are prohibited.
4510. The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in accordance with Sections 18.39.030C.4, 5, 6 and 7.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-26 subject to original and modified standard and special conditions, to include the conditions submitted and agreed to.

TRANSPORTATION

25. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 14, of the Board of Supervisors, relating to traffic and highways; regulating parking on Cold Snap Place in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

Sherman Gallup addressed the Board regarding his concerns with the Ordinance. He inquired why the Fire Marshall had taken 12 years to address this issue. He indicated that he had purchased his home 3 years ago since there was no HOA, the property had RV and boat storage and it was not located in a flood zone. He stated that the original street plans from 1964 and 2007 indicated that an alley was to be built, however it was currently a dead end street. He stated that the street did not have a fire hydrant. He inquired how the fire department responded to calls on streets with no turnarounds. He asked the Board to vote against modifying the Ordinance.

Supervisor Christy inquired whether the purpose was to install a fire hydrant and asked if the street was a cul-de-sac.

Mr. Gallup responded that the street was designed to branch off into alleys but that was never developed and it became a dead end street. He stated that residents used it for parking. He indicated that the covenant being enforced did not apply to his property and asked why signage was now being required.

Supervisor Christy inquired what effect the signage would have.

Mr. Gallup responded that residents would be required to clear off their properties and incur monthly storage costs.

Supervisor Christy asked Mr. Gallup whether he could confirm that he was not under any HOA covenants.

Mr. Gallup responded that he was not under any covenants.

Supervisor Christy asked whether that was true for other property owners.

Mr. Gallup responded that the first 6 houses were built by a different builder and were under a HOA or covenant.

Supervisor Christy inquired whether this was solely a Fire Marshal action.

Mr. Gallup responded in the affirmative.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of June 9, 2020.

26. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 15, of the Board of Supervisors, relating to traffic and highways; establishing reasonable and prudent speed limits for motor vehicles on Palo Verde Road in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

27. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 16, of the Board of Supervisors, relating to traffic and highways; regulating parking on Westover Avenue in Pima County, Arizona. Staff recommends APPROVAL. (Districts 3 and 5)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

BOARD OF SUPERVISORS

28. American Federation of State, County and Municipal Employees (AFSCME) Proposed Changes to Administrative Procedure No. 23-32

Discussion/action on AFSCME proposed changes to Administrative Procedure No. 23-32 Meet and Confer Process. (District 2)

It was moved by Supervisor Villegas, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

29. Hearing Room Guidelines for Public Participation

Discussion/action regarding Board of Supervisors hearing room guidelines for public participation. (District 3)

It was moved by Supervisor Bronson and seconded by Supervisor Villegas to approve this item and create a Board Policy requiring everyone in the Board of Supervisors' Hearing Room to wear a mask. No vote was taken at this time.

Supervisor Christy inquired whether that direction would include members of the Board.

Supervisor Bronson responded in the affirmative and added Board members should lead by example.

Upon the vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

COUNTY ADMINISTRATOR

30. Updates and Action on COVID-19

- **Back to Work Guidelines and Telecommuting**

Discussion/action regarding back to work guidelines and telecommuting. (District 3)

- **Revisions to Board of Supervisors Policy**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 2.9, Temporary Policy - Novel Coronavirus (COVID-19).

- **Revised Proclamation**

(Clerk's Note: See attached verbatim Minute Item Nos. 16 and 30, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

31. **Board of Supervisors Policy C 6.3 - Anti-Racketeering Revolving Fund**

Staff recommends approval of Anti-Racketeering Revolving Fund applications under Board of Supervisors Policy No. C 6.3.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the item.

FLEET SERVICES

32. **Donation of Surplus Property**

Staff recommends approval of the donation of surplus vehicles to the U.S. Consulate for law enforcement use.

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the item.

GRANTS MANAGEMENT AND INNOVATION

33. **Pascua Yaqui Tribe State-Shared Revenue Program Funds**

RESOLUTION NO. 2020 - 34, of the Board of Supervisors, to approve acceptance, if awarded, of Pascua Yaqui Tribe State-Shared Revenue Program Funds and pass-through to the Center for the Future of Arizona.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

34. **Pascua Yaqui Tribe Gaming Revenue Sharing Funds Program**

RESOLUTION NO. 2020 - 35, of the Board of Supervisors, to approve acceptance, if awarded, of Pascua Yaqui Tribe Gaming Revenue Sharing funds and pass through to Pima Animal Care Center.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

RECORDER

35. Additional Emergency Voting Locations

RESOLUTION NO. 2020 - 36, of the Board of Supervisors, authorizing additional emergency voting locations for the 2020 Primary Election.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

36. Additional Emergency Voting Locations

RESOLUTION NO. 2020 - 37, of the Board of Supervisors, authorizing additional emergency voting locations for the 2020 General Election.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

CONTRACT AND AWARD

GRANT APPLICATION/ACCEPTANCE

37. Acceptance - Community Services, Employment and Training

Arizona Community Action Association d.b.a. Wildfire, Amendment No. 3, to provide for the 2019-2020 Utility Assistance Programs, \$140,960.00 (GTAM 20-44)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

38. Acceptance - Health

First Things First, Pima North and South Regional Partnership Councils, Amendment No. 2, to provide for the First Smiles Matter Oral Health Program and extend grant term to 6/30/21, \$760,766.00 (GTAM 20-45)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

39. Acceptance - Health

Early Childhood Development and Health Board (First Things First), Amendment No. 2, to provide for the Child Care Health Consultation Program and extend grant term to 6/30/21, \$472,640.00 (GTAM 20-46)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

40. **Acceptance - Health**

Early Childhood Development and Health Board (First Things First), Amendment No. 3, to provide for child care health consultation, technical assistance and professional development and extend grant term to 6/30/21, \$54,131.50 (GTAM 20-47)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

41. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 3, to provide for the Pima County - Arizona Prescription Drug Overdose Prevention Program and amend scope of work, \$822,416.00 (GTAM 20-49)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

42. **Acceptance - Health**

Arizona Family Health Partnership, to provide for the Family Planning Program (Title X), \$733,129.00/\$593,120.00 Health Special Revenue Fund match (GTAW 20-108)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

43. **Acceptance - Community Services, Employment and Training**

Arizona Department of Housing, to provide for the Housing Trust Fund - Rental/Eviction Prevention Assistance, \$600,000.00 (GTAW 20-109)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

44. **Acceptance - Recorder**

U.S. Election Assistance Commission, to provide for the 2018 Help America Vote Act Election Security Fortification Sub-Grant, \$111,680.00 (GTAW 20-122)

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

CONSENT CALENDAR

45. Approval of the Consent Calendar

It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. El Rio Santa Cruz Neighborhood Health Center - St. Elizabeth's Health Center, Amendment No. 2, to provide for the Patient-Centered Medical Home for the Uninsured Project and amend contractual language, no cost (CT-CD-20-301)

County Attorney

2. CBS Consulting Group, Amendment No. 3, to provide for professional grant writing services, extend contract term to 6/30/21 and amend contractual language, Anti-Racketeering Fund, contract amount \$55,000.00 (CT-PCA-17-323)
3. Humphrey & Petersen, P.C., Amendment No. 1, to provide for representation of Pima County, et al., in Holguin v. Pima County, et al., C20192192, extend contract term to 6/4/21 and amend contractual language, no cost (CT-FN-20-75)

Facilities Management

4. De La Warr Investment Corporation, Amendment No. 6, to provide a lease for property located at 33 N. Stone Avenue, Suite 850, extend contract term to 5/31/21 and amend contractual language, contract amount \$28,162.20 revenue (CTN-FM-CMS139839)

Procurement

5. Pictometry International Corp., Amendment No. 3, to provide for aerial photography services and amend scope of work, General Fund, contract amount \$28,122.49 (MA-PO-16-266) Information Technology
6. Hunter Contracting Co., Amendment No. 1, to provide for Construction Manager at Risk Services - Mabel Sewer Improvements (3SAC15), amend contractual language and scope of work, Regional Wastewater Reclamation Obligations Fund, contract amount \$1,824,999.02 (CT-WW-20-191) Regional Wastewater Reclamation

Real Property

7. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide a lease for space at the Continental Community Center located at 530 E. Whitehouse Canyon Road, Continental, AZ, extend contract term to 6/30/25 and amend contractual language, contract amount \$10,500.00 revenue (CTN-PW-17-215)

GRANT APPLICATION/ACCEPTANCE

8. **Acceptance - Pima Animal Care Center**
Community Foundation of Southern Arizona (CFSA), to provide for the CFSA - Five Daughters Fund, \$2,000.00 (GTAW 20-106)
9. **Acceptance - Pima Animal Care Center**
Banfield Foundation, to provide for the Banfield Foundation COVID Grant, \$10,000.00 (GTAW 20-107)
10. **Acceptance - Community Services, Employment and Training**
Arizona Department of Housing, Amendment No. 2, to provide for the Pima County Links Rapid Re-Housing Program and amend contractual language, no cost (GTAM 20-35)

ELECTIONS

11. **Precinct Committeemen**
Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments:

RESIGNATION-PRECINCT-PARTY

Helen Dick-030-DEM; Roberta Lewis-056-DEM; Chesney Richter-075-DEM; James G. Maynard-044-GRN; Linda L. Rothman-067-GRN

APPOINTMENT-PRECINCT-PARTY

Joann B. Alexander-056-DEM; Roderick Warfield-067-DEM; Kristina E. Sonderegger-098-DEM; Teresa H. Shami-158-DEM; William R. Kovacs-170-DEM; Anthony L. Johnson-201-DEM; Leila Hudson-214-DEM; Rebecca J. Shearin-238-DEM

FINANCE AND RISK MANAGEMENT

12. **Duplicate Warrants - For Ratification**
John Michael Gates \$100.57; Debora K. Moore \$92.40; Judith Alice Graf \$60.29; Prescott College \$5,000.00; Jamel Christopher McKnight \$333.21.

RATIFY AND/OR APPROVE

13. Minutes: March 17, April 9 and 21, 2020

* * *

46. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:53 p.m.

CHAIRMAN

ATTEST:

CLERK

COUNTY ADMINISTRATOR

16. Updates and Action on COVID-19

30. Updates and Action on COVID-19

- **Back to Work Guidelines and Telecommuting**

Discussion/action regarding back to work guidelines and telecommuting. (District 3)

- **Revisions to Board of Supervisors Policy**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 2.9, Temporary Policy - Novel Coronavirus (COVID-19).

- **Revised Proclamation**

Verbatim

RV: Chairman Valadez

SB: Supervisor Bronson

SC: Supervisor Christy

AM: Supervisor Miller

BV: Supervisor Villegas

CH: Chuck Huckelberry, County Administrator

JC: Julie Castañeda, Clerk of the Board

FG: Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services

RV: Call this meeting back to order, if everyone could please find their seats. Alright I am going to go to on the Agenda, or Addendum Agenda Item No. 7, under County Administrator, Revisions to Board of Supervisors Policy. That was the topic of much of the conversation during Call to the Public. Mr. Huckelberry?

CH: Mr. Chairman, I believe last Friday I sent to the Board some revisions to this proclamation as it relates to the items that we have discussed today. That revision is a redline version and then I have been obviously listening to the comments that have been made today by members of the audience and have a number of other suggestions that could be included in this redlined version. If you would like, I can start at the top and go through where we have made accommodations, based on the feedback that we have gotten to date.

SC: Please, Mr. Chairman? Mr. Chairman, I am sorry to interrupt. Where on the Agenda are we?

RV: Addendum Agenda Item No. 7.

SC: Addendum. Thank you. Thank you, Mr. Chairman.

RV: Certainly. Mr. Huckelberry.

CH: These relate to the 17 measures and I will just start at the top. The issue of wellness and symptom checks on restaurant personnel. That was modified slightly at the time the original was adopted but was not reflected in the written language at that time and it says, "when possible for vendors, contractors and third-party delivery." Item 2, cloth masks and gloves, it reads "and" and the word "or" has been also inserted to allow either gloves to be worn or hands to be washed during that serving process. Number 3, the sentence has been stricken with regard to "prohibiting patrons" and replaced with "simply a notice," it is a standard public health notice that deals with just basically notifying anyone who comes in and reads the poster to not enter if you have COVID-19 symptoms and that should be at the entrance of the facility. That is simply a poster notice that we will provide to all restaurants. With regard to 4, we had previously discussed physical and electronic signage, that has been previously modified to be "and/or" again. Item 5, there has been a discussion about 50% or lower. "Or lower" was stricken. Adding the words "unless meeting physical distancing standards allows a higher occupancy." Number 6, that has been substantially modified. It still reads "service by takeout, reservation or call ahead seating only including text and/or telephone notification of patrons requesting restaurant in-person service." It is striking some of the other language out and it continues to say, "until called for service." Some of the discussion talked about vacant tables today and what I would suggest is that after service, you can insert the following sentence: "In addition, if dine-in tables are vacant, walk-up patrons can be seated provided customer cuing at the entrance to the facility does not occur." That would address some of the issues we heard today. Item 7, the issue is at bar top seating and we did not specify counter seating, so we could add the words "or counter" unless each seat is spaced and I would use the word "approximately 6 feet apart" because in many cases these are fixed seats that if they are 5 foot 5 apart, we are trying to do the best we can to minimize the spread. On 11, we just said "salad bars and buffets" and we struck out "soda refill stations" we do not think they are of significant harm. To address the issue of hand sanitizers and whether hand sanitizers are appropriate and plentiful enough to be used throughout the facility, I would suggest that after hand sanitizers insert the word "or soap." I believe most the restaurants have soap in their restrooms. That should resolve that issue, and obviously, the employees in the work areas can use soap, so that resolves the need of having hand sanitizers everywhere. Item 15, we heard about the issue of posting and cleaning logs online. I would suggest after online, striking the word "and" and putting in "or" so that resolves that particular issue. I would also as these things are repeated in the attractions, as well as the other two sections, that we just conform the language if there is any conflicting language in any of these requirements in those sections. That would be my recommendation Mr. Chairman.

AM: Mr. Chairman?

RV: Supervisor Miller.

SB: Mr. Chairman, this is Sharon Bronson. I just need some clarification, are we still requiring reservations?

RV: Mr. Huckelberry, are we still requiring reservations?

CH Mr. Chairman, the language would be, service by takeout, reservation, or call-ahead seating and you could strike the word "only" and then you would use "including text, telephone," and then the added sentence allows anyone who walks in or walks up to the facility, if there is space available and that space is subject to physical distancing, they can be seated without a reservation.

SB: Wait, but how do we even, this seems largely unenforceable. Am I missing something?

RV: Mr. Huckelberry.

CH: Mr. Chairman, it is a suggestion that has been made. I think it is even in the Governor's suggestions.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: Can you hear me on this mic? I do not think it is working.

RV: No.

AM: Can we get my mic working?

CH: Mr. Chairman?

AM: Mr. Chairman, I have several items, as I said earlier and kind of going down through the dine-in establishments and restaurants. Chuck, on Number 2, you have cloth masks or gloves or frequent hand washing; is that correct?

RV: Mr. Huckelberry if you can could address the point that you were about to make and then go ahead and answer her question.

CH: Let me answer the question first and then let me, I just want to talk about the penalty. I think that is an important piece that I did not get to.

RV: Okay.

- CH: It is and/or and it means it is up to whether you have cloth masks, gloves and/or frequent hand washing and so the second sentence says service gloves not required if the operator can document service hands are sanitized between serving. That emphasizes the "or."
- AM: Mr. Chairman and Mr. Huckelberry, the question I have on that one, it says server gloves not required if the operator can document that the server hands are sanitized between serving. How are they supposed to document that their hands are sanitized between serving? I think we should strike "if the server hands are sanitized between the servings" and not have to have to document every time people wash their hands on that one.
- CH: Mr. Chairman, Supervisor Miller, the document, again is, if the fact that the operator states, that is their policy, that is documentation.
- AM: Okay.
- CH: Not that they have to basically every time they wash their hands, that is fairly silly, but if the operator has policy that says, you wash your hands between serving, that is documentation.
- AM: Okay, and I think most restaurants have that. Going on to, you are allowing instead of "and" electronic signage, you have changed that to "or" and you are getting rid of the website requirement. I think you fixed Number 5, 6. Number 7, okay, you did go into the bar seating, so that is allowed as long as the spacing is appropriate. Number 10, menus must be in a format that does not promote potential virus transmission. Menu boards, single use menus, some sort of a washable, most restaurants have plastic menus if they sanitize them afterwards. Number 13, you already did that one as soap and water. Number -- on page 4 of 9, Number 15, the cleaning logs, can those be a simple check list? The every 2 to 3 hours seems very burdensome. That time requirement because I think several people spoke about here today, is they would rather be cleaning and sanitizing things than having to continue to do these log updates every couple of hours. If possible, I would like to see the 2 to 3 hours struck out of there. I think everyone that spoke here today and anyone that I know that owns a restaurant, they want people to come into their restaurants. They are conscientious, they are going to do what they need to do. I do not think we need to, I just think that is a really burdensome requirement because that means someone can sit in your restaurant and watch and 2 minutes, 2 hours and 1 minute they can or 3 hours and 1 minute, they can cite you. I would like to see that struck. Number 17, restaurant personnel to have a national certification in food safety and I think the restaurant association response in the last meeting, said they were already certified, anyone working in this industry has that certification. As well as specific training in the prevention of COVID-19 and the County is going to be providing that training. What I think we need to insert in there is, where is the website? When will that site be available? And how much time are we going to give these restaurant employees? We have got to give them some

time frame to be able to go in and do this. I assume this is going to be some sort of online training, you watch a video and then do a check list afterwards. But I think to me, we need to give them specifically, in these instructions, because if someone is working in the restaurant and they have not even had...they do not know where to go for this and they have not been given the information, how can they be expected to comply? 17, the next one is okay. You go into the all the seating areas. Then under the lodging, gyms, fitness centers, hotels and resorts, Number 7, physical distancing of 6 feet minimum between fitness equipment. Any gym that I have ever been to, those pieces of equipment are huge and heavy. I think the physical distancing requirements are adequate. We do not have to have gym owners moving equipment out of their gyms because there is not 6 feet between the pieces of equipment. I would like to see that taken out, because, I mean, who are we trying to protect here, the equipment? Six feet between the equipment, that read kind of funny. Number 9, that was the hand sanitizers, I had soap and water, which has already been addressed. Again, on Number 12, posting these cleaning logs, I think is just as cumbersome and burdensome for the hotel gym owners. Then on page 7 of 9, the okay, it refers to C at the top of the page, refers back to, if you are a hotel restaurant, you would be subject to the same requirements as the restaurants. Number 3 under section 4, on that same page for attractions, the language is conflicting. I just wanted to point that out. We need to update that one because that is the one where they have to make the judgment on whether the person has COVID or not. Number 8, I am almost done. Number 12, again, there is posting the cleaning log documents online, etcetera. I would like to see some sort of you know, I think you said they are already required to do this in restrooms. Is that the only requirement you are going to have on people is that you have your little restroom log or are we requiring the cleaning log to include other things or just restrooms?

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Miller, it would be similar to the restroom log that you see and it would just simply be a tabulation and basically time and initial.

AM: But what does it entail? Do we not need to define that or is everybody going to define their own? That is where I see the issue is that people are left, I mean somebody could have 2 things they check off and another person could have 50, being overly cautious. I think we need to define that and I think we need to get rid of that every 2 to 3 hours requirement as well. Section 5, on that same page 8, the public shaming. I do not think that is necessary. I think everyone in this room that spoke today and I think we can trust the restaurant owners to do what they need to do and if somebody is being counseled, hey, you are not doing this quite right, let us try to change that. I do not think we need to post the names of the restaurants up on a wall of shame. I think that is pretty absurd. If those requirements can be you know, those suggestions can be included in there. I also, I really think today,

that maybe we should rescind the original and go back and finalize this and work with these people before we vote on it, because I just went through a whole lot of stuff and I do not think anybody was taking notes. I would probably go back through the same list and miss something. I would like to see maybe this rescinded and if we have a week or the next Board meeting, come back with a finalized, clean, everyone has had an opportunity to review it, including the Supervisors and the restaurant owners, the representatives there, they get to look at it, we can post it online, they get to review it and we hear from them. I think, you know, we should be cheerleading the reopening of our community instead of putting burdensome regulations. We heard it here today. People are desperate and they want to comply. They want to make everything safe for their employees and the people who come into their restaurants because otherwise people are not going to go into their restaurants. I would really like to see if we could, I mean I will put this in the form of a motion that I...

RV: Supervisor Miller, I think there is still some discussion to hear.

AM: Okay.

RV: Supervisor Villegas.

BV: Thank you, Chairman Valadez, Supervisor Miller. I would recommend that we not rescind the other one and just make additional amendments to what we have now because I feel that we heard from restaurant owners that have not even opened yet and they are waiting for clarification. The way I see this, this is a working document. We can always come back to the next meeting and there may be other things that are not working, that we could add at that time, that we could amend at the next meeting rather than going back to square one. I would recommend that we just make the changes and vote on them and then I think some of your suggestions, they seem pretty relevant to what people said today and they are not, you know, I do not see a real issue with any of them. That is my recommendation, rather than starting from one and then not approving anything because then I think we are going to hold some of these restaurants back from opening.

RV: Other discussion?

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: In the event that we do not have an ordinance or rules and regulations passed, would it not revert back to what the Governor's order is? What would be the problem with complying with the Governor's order until we got some clarification for people because right now, what I heard today, there is a whole lot of unhappy people that are not able to function and right now, all of these requirements such as the electronic logs and all of that, are holding

these people back. We do not want to hold these people back anymore. If we leave this in place, this is still passed and in effect and the fines and all of that that are holding people back, we cannot do that today. If we do that, we are subjecting these people to more burden and I think it is time that we take some action here and because we did not have this clarified and did not do a good job of reviewing it and having it vetted by the restaurants and the hotels, etcetera, initially. I would say we take a step back and try to be a little more cautious, and then move forward. If we have to have an emergency meeting, we have to have an emergency meeting. I mean, it is an emergency. We have got to get these people back in business and I would rather err on the side of supporting the businesses instead of imposing more burdens on them. This ordinance, as it sits, you heard people today, they were talking about the ordinance in effect right now.

BV: I can respond to you.

RV: Supervisor Villegas.

BV: Thank you, Chairman Valadez and Supervisor Miller, I think you seem to forget that there were a large group of restaurant owners that worked on these original ones. We are not leaving, we did not leave everybody out. Unfortunately, there were some people that were here today that were not at these task force meetings, but there was a lot of input that went into the original document. It would be, I mean, all the work that they did then would just be null and void and I do not think that is fair either.

AM: Well, why would you keep something in place that is overly burdensome and as you heard the people here today, why would you keep that in place? We can revise and get it fixed. I get your point that people worked on it however, I did not hear anyone here today, say they were represented or they got an opportunity to review it. That means the majority of the community was left out of the process.

BV: Well, I beg to differ with you. But I am not saying that we should not go ahead and vote on the changes that are recommended today and they would be in effect today. That is not what I am saying at all. I just do not want to go back and start over again, because I do not think it is fair to all the restaurants that worked on the task force.

AM: I think my point is, is that I went through a whole lot of items, so did Mr. Huckelberry and does everyone have all of that detail on every single item to get those incorporated in there? That is the thing that I am concerned about, is that we pass it and say we passed it today and something comes out and they have left out some of the items that I talked about or some of the items that Mr. Huckelberry talked about. We have got to get the ordinance revised before we vote on it so we can see what we are voting on, because when you try to amend and have all these discussions and with all of these

changes, we are not looking at what we are voting on. I think we can do that and I think we can do it quickly.

RV: I am going to go ahead and ask Mr. Huckelberry, he has had his hand up for a little bit.

SB: Mr. Chairman, this is Sharon Bronson.

RV: Sharon, let me have Chuck respond real quick and then you are next.

CH: Mr. Chairman, I think the only thing that Supervisor Miller would add that we have not already discussed is Item 12, where she suggests delete the frequency of cleaning from at least every 2 to 3 hours, that is Item 12. I point out that Items 16 and 17 are both considered, so that means they are optional. They are not required and that goes with the national certification and food safety. One of the providers already has a COVID-19 module for training. Again, that is an optional issue. I would like to point out that in the penalty side or the enforcement side, the first violation is obviously just a written warning and educational effort. The second two violations are repetitive violations of the same or similar nature, which means that fundamentally, the third violation, you are pretty much being ignored.

RV: Mr. Huckelberry, right now, what does the Health Department do when there is a health/safety violation in a restaurant?

CH: It depends. In the food code safety has a whole series of items that actually can basically suspend a license. Some of the early violations or the violations that are more serious, simply get posted on our site and then typically, they are usually picked up by the media.

RV: So very similarly.

CH: Yes.

RV: Now one of the other issues that was brought up was if we were to remove this regulation, then the Governor's order is still in place which is a little vague but has a lot of the same provisions; is that correct or would you elaborate on that a little bit?

CH: Mr. Chairman, if the last page of this is 9, it says, section 7, the Proclamation approved May 13, 2020, is hereby repealed. It repeals the old proclamation, substitutes this one as been modified in the red strikeouts and then the oral discussion today and the oral discussion today was largely based on what we heard as input from those public participants.

- RV: Now, part of what I want to talk about now, it really deals with the reservation system. I think what you talked about really does improve it, but I am still, I have some concerns that some restaurants are being allowed to operate without a reservation system and some are not. The question that I have is, I am trying to get at the problem we are trying to solve with the reservation system. What is the problem we are trying to solve with the reservation system? Just so we can have a discussion maybe about another option for solving that problem.
- CH: Mr. Chairman, the only problem we are trying to solve is a whole bunch of people coming to a restaurant at one particular time and cuing significantly inside before they are seated such that they violate the 6-foot separation standard. That is the only purpose.
- RV: Okay, so if we can actually attack the issue of the queuing inside the restaurant, it would resolve the issue and it would not need the reservation system?
- CH: Yes, Mr. Chairman, that is why language talks about texting or, you know, if you come in and make a reservation, you can come in and make a reservation at the counter, and then go back out and you get a text that says, come into your seat. You know, what has happened on this section, it has been made more complicated than it needs to be.
- RV: Okay. Next, I am going to call on Supervisor Bronson and then Supervisor Christy. Supervisor Bronson.
- SB: Yes. I have the same concerns about reservations. I cannot support B6. I think it seems like it is unnecessary and largely an unenforceable requirement. Then when we go to B15, the log, I think the same thing. It is going to increase operating costs and how is it enforceable? I think we are micromanaging in a way that we should not be. But on another note, this is just floating this idea, the COVID-19 funds we received, is there any way to reimburse our local restaurants and other businesses for the increased cost incurred to comply with the regulations? You know, I am thinking of gloves, hand sanitizers, this is all P.P.E. stuff and maybe 50% reimbursement for P.P.E. products. I do not know if that is even possible, given the conditions attached to those COVID funds. But I think we all want to see our local restaurants succeed and I am wondering if there is any way to partner with restaurants, our local restaurants, to get this done. Of course, that is not something we can do today, but just if we could explore that, but I have real problems with B6 and B15.
- RV: Mr. Huckelberry.

CH: Mr. Chairman, one of the issues that we are exploring with now is that there is this hierarchy of P.P.E. and P.P.E. going firstly to healthcare and medical professionals and the next level going to first responders. We have been developing a third level which would be supplies for the institutions such as restaurants that provide public services if they, in fact, have shortages of issues associated with either cloth masks, the gloves, or the hand sanitizers. It is very possible that can happen and it is being already explored.

RV: Supervisor Christy.

SC: Mr. Chairman, by the content of the discussion of all the Supervisors and what we have heard today, it is apparent that there is a huge disagreement and huge inequity in this entire process. I think that is probably the bulk of the problem is the process, as well as the representation and I think I have a solution to the problem. Therefore, I would like to make a motion that the Pima County Board of Supervisors does not adopt the amended proclamations before us today and further, rescind, repeal, and remove the proclamation passed by this Board at its May 13, 2020 Emergency Meeting.

AM: Second.

RV: The motion before us is to not adopt the proclamation before us, and to rescind the previous proclamation with the conditions. Is there any discussion on the issue? If not, roll call vote, please.

JC: Supervisor Bronson?

SB: No.

JC: Supervisor Christy?

SC: Yes.

JC: Supervisor Miller?

AM: Yes.

JC: Supervisor Villegas?

BV: No.

JC: Chairman Valadez?

RV: No. By a vote of 2-3, motion fails. Is there any further discussion? If not I am going to go ahead and...

SB: Mr. Chairman?

RV: Supervisor Bronson.

SB: What is the motion on the floor now?

RV: There is no motion on the floor now.

SB: What is the result of no motion on the floor?

RV: Well, I was going to try and make a motion.

SB: Okay. Thank you.

RV: Alright, I am going to go ahead and move that we adopt the changes proposed in the resolution or the proclamation as on our agenda. Plus the changes that we talked about and Mr. Huckelberry's discussions, adding to it an "or" on the reservation system, such that if the restaurants have a way of preventing the queue inside the restaurant, they do not have to have a reservation system. That is my motion.

SB: Mr. Chairman, I would second that motion if you would add the following: that we delete B6 and B15.

RV: Which are which?

CH: Mr. Chairman, B6 is the service by takeout. B15 is the posting of cleaning logs.

SB: D6 is requiring reservations. D15 is maintaining logs.

RV: Maintaining what ma'am?

SB: B6 is deleting that reservations are required. B15 is deleting that restaurants will maintain a log, which I think neither of them are particularly enforceable.

RV: And that would be in section 1, correct?

SB: Yes.

RV: Okay. You know, I will go ahead and accept those amendments.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: You just said that was only in section 1, which is, that is for restaurants. What about the rest of them?

RV: Supervisor Bronson, you also meant it for the other sections on the log, is that correct?

SB: Yes.

RV: I stand corrected. Thank you, Supervisor Miller.

SC: Discussion, Mr. Chairman?

RV: Supervisor Christy.

SC: I did not like the presentation of these proclamations at the May 13th meeting, at the initial outset of this entire process. I did not like them then. The amendments to them that were presented today kind of are like a poker game or a bargaining chip or maybe even selling a car. I do not want to be in a position where if we have to accept any of the amendments to the original proclamation, you have to accept all of the issues in the proclamation. I did not like it from the beginning. I do not want to have to be in a position with the amendments and I certainly do not like it now. I will be voting against your motion.

AM Mr. Chairman?

RV: Supervisor Miller.

AM: I do not feel confident that the things that I pointed out are going to be incorporated. They were summarily dismissed, and so you know and I do not think we are real clear on what we are voting on. We cannot be, unless we see it in front of us. We have got a redlined copy and now we are redlining a redline and I do not think without seeing it in front of us, it is not appropriate to vote on it.

RV: Supervisor Miller, would you feel more comfortable if we ratified it later this week on a final copy?

AM: I would like to see what it is going to look like, the final copy, because that was my whole point, is, you know, until we see it in front of us, with all of these redlines and now today we are redlining it more. I do not know if the suggestions I got were incorporated in here, that I made and I made a lot of them, are they incorporated or not? I have no idea. Mr. Huckelberry dismissed them all except one. I was, you know, there were a lot of them that I do not think he addressed. I would feel a lot better if we could look at what we are voting on and go back to my original motion, which was to rescind what we have got here, and then, you know, vote on it later this week. But I would also like to see it. I think it is, it would save us a lot of aggravation if we allowed the community and the folks that came in today and the committee, to look at it before we vote on it and see if they have any issues on it.

RV: Supervisor Villegas.

BV: Chairman Valadez and Supervisor Miller, I would be willing to accept ratifying it within the next couple of days once we see the final copy and calling for an emergency meeting to approve.

RV: Supervisor Bronson.

SB: I am not sure what you are asking me? But yeah, we obviously want clarification, but I think my amendments were clear, deleting those two provisions. I am not sure why that is confusing to everybody, but apparently it is.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I would like to clarify for Supervisor Bronson. I know your amendments were clear. Mine were as well, but they were not incorporated.

SC: Mr. Chairman?

RV: If I may address that, at least the distance of the log, Sharon's amendment did away that provision completely, so it is.

AM: Right and some of them were addressed by Mr. Huckelberry, as I went through. However, I do not know what got incorporated of mine.

RV: Supervisor Christy.

SC: It was noted that if this was rescinded and the entire proclamation, even the one that was put into effect on May 13th was repealed, the Governor's recommendations would still be in effect and they would be the ones that the restaurant community would be working under. Why can we not let the restaurant community operate under the Governor's directives for at least two weeks and gather information from health department observers as to how well the restaurant community is able to operate under the protocols set forth without having to have Pima County put all of these implicated and onerous, draconian methods into their operation. There are current standards in place by the Governor's office. Let the industry operate under them. Let the Department of Health gather information as to how well they are able to operate under the Governor's proclamation, come back in two weeks and get a report from the Department of Health and the restaurant industry and proceed from that point. I believe that in the restaurant industry, they will agree that there is adequate assurances for a safety, for safety of the customers and safety of the workforce already on the books with the Governor's proclamations. We do not need to get involved in the minutia of their operation because what it is saying to the restaurant community, is

Pima County does not trust the restaurants to do the right thing. That is a wrong approach to this whole issue. Let them operate under the Governor's orders. Let us announce, make an analysis of how well they operate. Give them time to do it, at least two weeks and come back and hear a report and make a determination if there is anything we need to do at all, or to continue letting the restaurant community operate under the Governor's guidelines.

RV: Supervisor Villegas.

BV: Thank you Chairman Valadez. Mr. Huckelberry, I have a question. When is the task force going to reconvene?

RV: Mr. Huckelberry.

CH: Yes, Mr. Chairman, the task force discussions that we had, it was basically, no later than 30 days, but they could be called back at any time when there is an issue to talk about.

SC: Mr. Chairman, I would suggest that the task force meet prior to anything coming before this Board for any kind of construction of any proclamations. This task force has done a thorough and far reaching job as it has been alleged to have done. This is a perfect opportunity for the task force to take the lead, hear the reports after the industry has worked under the Governor's guidelines, make guideline recommendations or observations to the task force that could be disseminated to the community. At that point, we can determine, hopefully, that we will not have to make any Pima County proclamations and that the restaurant industry is working just fine under the Governor's guidelines. But at least, it will have that layer where the industry has an opportunity to make comments and to have the Department of Health make its observations.

RV: You know, Supervisor Christy that is certainly one perspective and that is a good perspective, but the issue is not that simple. It is not just one-sided. Look, there is a reason we closed our doors. There is a pandemic out there. As we heard last week, it is still just as contagious. We did a really good job at telling people how contagious it was and what we needed to do in order to contain that as best we could. It is not gone. It has not changed. It has not gone away. The truth is, you can open your door, and you are going to have some traffic. But the truth is, our public and it was very clear, Supervisor Villegas talked about this earlier, had almost 10,000 people respond to a survey in about 3 to 4 days, who basically said and went through conditions and said these are extremely important if I am going to go back to a restaurant. I will be honest, I have not been back to a restaurant other than takeout, nor would I at this point. Understand part of the formula, yes is opening the doors, the second part of that formula is making sure that the clients feel safe. That is a public health responsibility, like it or not. With that, I mean, I understand your point and it is a valid point Supervisor Christy, but it is only part of the equation, not the entire equation.

SC: May I respond Mr. Chairman?

RV: Certainly, Supervisor Christy.

SC: What you are basically saying is what I said earlier, that you do not trust the restaurant industry to do the right thing. That you have no faith in their ability to operate in a healthy and safety manner. There are two elements that any business owner, any progressive, sensitive, business owner, no matter what his or her business is and that is to have the most two important assets protected and that first asset is a strong healthy, well-trained workforce. The second asset is a loyal, returning, enthusiastic customer base. Any owner will know that they will do anything and everything to preserve, protect, and defend those two assets. To say that they are incapable of dealing with keeping their customers and their employers, employees healthy, is I think, not only condescending but it is a very poor approach to this problem. Because the message you are sending is that this industry is incapable of governing itself and operating its own business and government must come in. That is wrong. I cannot agree with that and I feel that if there is an opportunity where we can see how the guidelines, these are the Governor knows that the Coronavirus is still with us. The Governor knows that the Coronavirus is still lethal but he has looked at his trajectories and his bullet points and his metrics and he has determined that it is an appropriate time to open up the economy, particularly the restaurants. He is dealing with the same things that you are saying are still prevalent. He knows they are prevalent, we all know that they are prevalent. But what you are also saying, is the restaurant industry must be led by the hand through this process by local government because they are incapable of doing it for themselves. The sad thing is they do not have time, they will not have time to survive at this rate and the majority on this Board will be tagged with the devastation that has been accrued by this group. You will be responsible. You will be the ones to blame for the absolute horrific fallout that is going to happen. This is on all of you. This will remain with you, and you will have to live with it.

RV: In response, Supervisor Christy, [audience clapping] alright, that is enough, okay? We are having a discussion here. If you could please let the discussion occur. Supervisor Christy, as I recall, I did not say those words. But you are advocating for having absolutely no health code, no regulation, whatsoever, that the businesses can self-regulate, sir. That is certainly not the case. We have a public health responsibility to this community. We have a public health responsibility for the people in this community. Now, we can disagree on the policy. We can disagree on the regulations, sir, but if you could please understand that we do have a public health responsibility in A.R.S. We have a public health responsibility in ordinance, we have a public health responsibility in regulations, sir. To negate that completely in favor of rhetoric, sir, it is inappropriate and negating what we are supposed to be doing here anyway.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: You know, I get your point. I mean, we need to make sure things are, that we are doing things the right way, that we are monitoring, we have got the Health Department. I think they do a great job and I get your point on that. Is there any way that we can just give it a few days? Get a copy of what it finally looks like, that we could review it, that the restaurant owners could take a look at it? If we could do that, I think people would have a lot more confidence if they got to look at it before and get a little input. If they could not get here to get it to the Supervisors and then come back as you said and approve it at that point. I think that is the level of discomfort here, is that people are, you know, they saw the original. There were things in there and I think Mr. Huckelberry marked it up and you as well, initially to remove some of the things that we realized were wrong. If we could just give them that confidence that we are going to look at this before we vote on it so that they get to see it too, before it is voted on? I, that is my thing and I get your point about the health. I think the health that, you know, excellent point. But I think what we need is to make sure that we are letting everyone have a look at it before we pass it. That is all I am asking. Thank you.

RV: Other comments? You know, what I am concerned about is lifting the other one completely but I recognize that it would be easier if we actually saw and ratified a final version. If we were to have an emergency meeting say on Thursday, so we have codified everything that we have discussed and we have the final version, so that maybe we could...Mr. Huckelberry, can we get it put together by the end of the work day today?

CH: Mr. Chairman, yes.

RV: So people have got between tonight, tomorrow, all the way to Thursday and we call a special Board meeting on Thursday morning. Is that something that the Board would entertain?

SC: Mr. Chairman that is just not enough time. Two days to go through all of these revisions and all of these recommendations and guidelines in a 48-hour period without thorough vetting by the industry and the business owners, and the community, I think, is too far an accelerated timetable. It has got to be at least a week to ten days and I just do not see how you can make a determination on such short notice. Particularly when there is such discrepancy in what those changes have been discussed here today. That is way too short of a time.

AM: Mr. Chairman, it could always be amended later, right, if we found something?

RV: Certainly.

AM: It is so hard to write these and get them perfect.

RV: Right.

AM: So, if we had the emergency meeting and I think we are getting most of what we want to get done. I am just concerned that some of what I was concerned about got left out but if we get that in, get it posted up, you know, when Mr. Huckelberry gets it done. These folks that have a vested interest, I think they are going to jump on it and take a look at it. Then as time goes by, if there are things that people see that are an issue, then at that point, we could amend, right? We could amend it later?

RV: Right and part of the issue, I think is all of us really do not want it to be as stringent as the original version of it was. We do not really want to wait another week to have restaurants operate under a more stringent of regulations. That is why, absolutely, it has always been intended to be a work in progress, hopefully getting towards that final end. To Supervisor Christy's point, my concern is that we would be living under the existing regulation if we just do it for two more days so we can adopt a final version of this one, I think everyone might be a little more comfortable.

SC: That is my whole point. There are regulations already in effect with the Governor. Let them operate under that guise while we..

AM: For the two days.

SC: ..are trying to do all of these things. Two days, three days, four days that they can operate or a week even, under the Governor's directives is not going to create any issues. But the issues are that the fast turnaround of a number of changes to a very complex, onerous, and draconian set of standards that are being inflicted upon an already battered industry. They need time to go through these things. There needs to be time to have vetting and analysis and discourse with the public officials and the community. Two days is not enough.

RV: Alright, with that discussion, Supervisor Bronson, I am going to go ahead and withdraw my original motion so that we can change it a little bit. Do you concur?

SB: Yes.

RV: Okay. The motion before us then is let us go ahead and codify everything, the changes that we have talked about by the end of the workday today, make sure it gets posted and we will call an emergency meeting for this Thursday at 9:00 a.m. Is there a second to that motion?

AM: I will second that.

RV: Motion and a second. All of those in all those in favor, please signify by saying Aye.

ALL: [Chorus of Ayes]

SB: Mr. Chairman, I will not be available at 9:00 a.m. on Thursday.

RV: What time would you be available?

SB: I could do it at 2:00 p.m.

RV: And the rest of the Board? Okay. I will amend it to 2:00 p.m. then on Thursday.

SB: 2:00 p.m.?

RV: Correct.

SB: Did you say 2:00 or 3:00?

RV: 2:00 p.m.

SB: Okay. Thank you.

RV: Okay. Alright, if the seconder will be okay with that amendment? Yes?

AM: 2:00 p.m.

RV: Okay, all those in favor, please signify by saying Aye.

SB: Aye.

AM: Aye.

BV: Aye.

RV: Aye.

RV: All those opposed, please signify by saying Nay.

SC: Nay.

RV: By your vote of 4-1, motion carries. I am going to go ahead and move to the proposed Resolution by Supervisor Bronson, but let me read some text. Pursuant to A.R.S.38-431.2(J) the Board will consider a Resolution 2020-38 under Agenda Item No. 18, it was not included with the Agenda until less than 24 hours before the meeting. This item involves supporting a time sensitive request regarding Governor Ducey's use of Federal Cares Act money and the Resolution was not completed in time to be put on the Agenda with normally required 24-hour notice.

AM: Mr. Chairman, what item are you on?

RV: Right now, it is under the online materials here under Item No. 7, although I did read it under 18 as an emergency. But it is the online background material, it is the Proposed Resolution from District 3, it is an attachment on at Addendum Agenda.

SC: What number on the agenda?

AM: Number 7?

RV: Correct.

AM: It is the first attachment that you see the Back-to-Work Telecommuting? Am I correct? From District 3?

RV: No, it is actually on the online agenda.

AM: Oh.

RV: Hang on. Where are we here?

SB: It is for my proposed amendment D3.

RV: Sorry, it ended up in the background material in the wrong section. It is under 7, but it is supposed to be under 18.

AM: Oh and it is that first attachment under 7, okay.

RV: Yes and it is actually the...Supervisor Bronson, would you please talk about your addition there?

SB: The Resolution is a resolution supporting the 13 counties who did not receive direct Cares Act appropriations and we are all in this together. I think that as the Governor of Texas did, those monies that we get from the direct Cares Act should be distributed directly to cities and towns and counties. You know, the Texas Governor thought that also.

RV: Mr. Huckelberry, would you really kind of talk about, Supervisor Bronson really talked about that the remaining 13 counties really are not getting the direct allocation of emergency management funds. Why is that?

CH: Mr. Chairman, the Act as enacted by Congress allows for areas that have populations over 500,000 to receive a direct appropriation from the Treasury. That direct appropriation is for the purpose of meeting unbudgeted additional expenses in responding to the COVID-19 Public Health Emergency. The issue is, is that Pima County received an appropriation, so did the City of Tucson, Maricopa, City the Phoenix and Mesa. Those are the only five entities in the State that actually received a direct appropriation. The law also said that it appropriated money directly to the state, for the purpose of reimbursing those counties and cities that have not received a direct appropriation and that process needs to flow from the state or through the Governor. Apparently that process is not moving as quickly as some of the smaller counties and smaller jurisdictions would like to see it. This is simply, I think a resolution by Supervisor Bronson to try and support the smaller 13 counties and smaller cities and towns that did not receive a direct appropriation. As they are experiencing unbudgeted expenses just like we are and we did receive a direct appropriation. It is encouraging the Governor to make those appropriations similar to what has occurred in the State of Texas by the Texas Governor, to those cities, towns and counties that did not receive a direct appropriation from the Treasury.

RV: Are there any questions on the item?

AM: Mr. Chairman, I just want to clarify. This is to support the smaller counties that are under 500,000 in Arizona to have direct funding from the Governor to their jurisdictions? Does it come through the Governor, from the Federal Government to the Governor and then to us?

CH: Mr. Chairman and Supervisor Miller, we got a direct appropriation. The State got an appropriation for these other, and it was not, the language in the federal law initially said "shall" distribute and I think the language now says "should" distribute. There is some ambiguity as to whether those monies are going to flow to these smaller jurisdictions.

AM: Okay. This is to support them getting the funding that they should get. Okay. Thank you.

RV: If there is no further questions, Supervisor Bronson would you like to make the motion?

SB: I would. I move that we approve this item.

AM: I will second.

RV: Motion and a second. All those in favor, please signify by saying Aye.

ALL: [Chorus of Ayes]

RV: All those opposed, please signify by saying Nay. Ayes have it. I am going to move back to the Regular Agenda Item No. 17, Equal Assist Pledge for All Pima County Residents with COVID-19.

{Discussion continued after Budget and Development Services Agenda Items}

Discussion Continued: **This is Item 18 on the agenda**

RV: Moving on to Item No. 18, County Administrator, Updates, Action on COVID-19, Mr. Huckelberry.

CH: Mr. Chairman and if Dr. Garcia will, I would like him to at least present and go over two or three graphs with you that gives you the current status of the pandemic and where we think Pima County is.

RV: Dr. Garcia.

FG: Mr. Chairman, Members of the Board, I am happy to update you on where we are with regards to the COVID pandemic and how it is playing out in this community. I think you know that we have done a good job of communicating consistently in terms of what the current local risk is. Approximately 1,888 cases have been reported in this county to date. That represents 13% of the total for the State of Arizona. About 153 deaths, which is approximately 22% of all of mortality occurring in the State of Arizona, is actually occurring in Pima County. One of the bright stories to talk about is the amount of testing has improved significantly. We are still not where we need to be, but we are moving definitely in the right direction and just as of this morning, we have reported 27,300 death.. tests, sorry. That was a slip up! If you think back less, this is almost three times the number that we reported less than ten days ago. I think that this is a real success story. The blitz effort that the Arizona Department of Health Services has undertaken, which I was quite skeptical of, has actually produced...yielded some additional new tests, especially in the last couple of Saturdays. El Rio Community Health Center, Marana Community Health Center, Walgreens, Banner all need to be credited and recognized with really significantly helping the coverage. I am going to share with you two graphics that I think are worth you taking a peek at. For your orientation, this is the week since the beginning of the pandemic. This was the week of March 9th, when we reported our first case to the current week. What I want you to pay attention is to the fact that even though we have reported increasing number of cases, that number as of the last three weeks has started to come down. Currently, for the last week, for instance, we only reported 134 cases. I am always a little cautious with the last week's numbers because they do tend to get adjusted, but we are definitely, I think, in some ways doing better than the rest of the State of Arizona. The other thing I will share with you is the mortality and that is that

solid line, right? It is a small, the scale of it represents first how little that mortality is in relation to the number of cases, but the other big point is that it is down going. Here is a different way of looking at exactly that same thing. These are the actual counts of the mortality when it happens. These are the deaths by the date that it happened. We peaked at 9 deaths back in the 19th, around the 19th of April. Subsequently, the last few days we have had no deaths or 1 death and so I think overall, we are doing well. The last graphic that I will show you the Governor during his press conference talked about something called surveillance of COVID-like illness. This is a way of capturing from the hospitals the kinds of symptoms people are complaining about at the time that they check into the emergency room or the inpatient area. We have been surveilling that specifically for the five hospitals in Pima County that participate in this program and the two lines represent two things. The dark blue is COVID-like illness. Again, if you look at the, this is when we sort of hit the peak of cases of COVID and you can see that that has been going down as a percentage of the total visits. We have also been tracking pneumonia, because, remember, one of the things that people die of, who have the serious complications the admissions associated with it, is actually bacterial pneumonia. We have been tracking that too. That trend line is going in the right direction. Overall, I can tell you that even though I remain very concerned and very cautious, I think that we are starting to see some early signs that the actions that were taken by this Board and by the Governor may be starting to have a good impact.

RV: Any questions?

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: I think one of the issues is this testing and it seems like we are getting hammered and hammered and hammered about testing, testing, testing. I am going along with it, not trying to analyze it because I do not have, obviously a medical background, but we are seeing more reported cases of the virus as and my guess, my first question to that is, is that as a result of the testing?

RV: Dr. Garcia.

RG: Mr. Chairman, Supervisor Christy, you know, any time that you increase the surveillance, the testing for an infectious disease entity, especially if you have not done a lot of testing before. Yeah, the more testing that you have, the more disease that you will uncover. The important part is, is it clinically relevant disease? Is it disease that would have ended up in the hospital? Is it a person that would have ended up dying? I think that is a harder story to tell.

SC: That is my second question to it or part of the question. Is there more testing because people are symptomatic and think they have got it, so they are being prompted by the symptoms to ask for testing? Or are they just wanting reassurance that they are not infected?

RV: Dr. Garcia.

RG: Chairman Valadez, Supervisor Christy, it is both quite honestly. What we are seeing. Remember that early on, when we had a real scarcity of testing, even if you had symptoms, unless you were at death's door and unless you were in the I.C.U. or in the hospital, you were not going to get tested. In fact, we know that people in the emergency department who presented with symptoms were not at times being tested because there was just not that testing capacity. What we are seeing now is that we are seeing both testing in hospital settings in emergency departments, as well as in a range of outpatient and ambulatory care settings and that is really important. Most of those folks are folks who are reporting having symptoms, fever, chills, night sweats, cough and I forget the other one, cough and sneezing. As well as people who report having been in contact with a credible COVID case. It is a combo then.

SC: Thank you very much.

RV: Any other questions? Supervisor Bronson, any questions?

SB: Unfortunately, I do.

RV: Please proceed.

SB: I have some real problems with the Telecommuting and I would suggest the following modifications. I am looking at page 1 of the Temporary Policy Novel Coronavirus COVID and under that, under A. Essential Employees, Number 1, Telecommuting. I would suggest the following, during the COVID-19 pandemic outbreak...

RV: Supervisor Bronson? Supervisor Bronson?

SB: And then it says are required to perform their duties, however, would with the approval of the Appointing Authority and the County Administrator, I would suggest that...

RV: Supervisor Bronson?

SB: That are required to perform their duty would be approval of the Appointing Authority, period.

RV: Supervisor Bronson?

SB: Yes, can you hear me?

RV: Yes, but that is Item No. 7 on the Addendum.

SB: Okay, but I thought as I am looking at that, that is what we are talking about and...

RV: We were doing updates...if you bear with us.

SB: There are a number of items on number 7.

RV: Right. If you will allow me, I will go ahead and see if I can have them finish the update and we will move immediately into that on item 7. Okay?

SB: Okay, sounds good.

RV: Mr. Huckelberry, are there any further updates?

CH: Mr. Chairman, no.

RV: Mr. Huckelberry, last week, I think we discussed that we were potentially getting a fairly large shipment of P.P.E. sometime last week. Did we ever receive it?

CH: Mr. Chairman, no.

RV: Okay. Well, that was short. Alright now Supervisor Bronson, we are moving into Item 7, Back to Work Guidelines and Telecommuting. Supervisor Bronson.

SB: Thank you. So, as I indicated on page 1 of the Board of Supervisors Policy, on C 2.9, under Telecommuting, I would like to amend that to say the following, during the COVID-19 pandemic outbreak, essential employees are required to perform their duty with the approval of the Appointing Authority, deleting the County Administration and then including essential employees are permitted to telecommute. Then as we look at, still under Item 1, and this is Item subsection B, employees who have a family household member or care for somebody with a compromising medical condition, as identified by CDC. What I am adding is "or care for someone". And then Item D, employee 65 years of age and over, so I am amending it to not say employees over 65, but 65 years in age and over. Then on Item E, an employee who is part of a Federal, State, or local shelter-in-place order, can provide the required public services remotely, as deemed by the Appointing Authority, period.

RV: Okay, I took a look at all those, what was the first change, Supervisor Bronson? I am sorry, I did not have the screen up on the right page, your first change? Supervisor Bronson?

SB: Yes.

RV: I am sorry. I did not have the screen up on the right page. I do for all of your subsequent changes, but what was first one? The first change you proposed?

SB: You want me to go back over it again?

RV: Yes, if you could please, just for clarity's sake.

SB: Alright. Okay, so we are going to page 1 of the policy under A, Essential Employees, Number 1, Telecommuting and during, in that instance we are saying, During that COVID-19 pandemic outbreak, essential employees are required to perform their duties, eliminating the word "however", with the approval of the Appointing Authority and eliminating the County Administration and essential employees "are" permitted, not "may be" but "are" permitted to telecommute.

RV: Okay. Did everyone catch that? Okay, alright. Any comment by way of discussion on that? Alright.

SB: Okay, the next one.

RV: Hang on, hang on. Supervisor Christy?

SC: It would be helpful if at any point during this discussion, if County Administrator Huckelberry needs to offer any kind of insight, if he would just jump in, that would be great. Thank you.

RV: Mr. Huckelberry, do you need any insight on this one?

CH: Mr. Chairman, I think that is really up to the Board.

RV: Okay. Alright, Supervisor Bronson?

SB: Okay. You want me to go on?

RV: Yes please.

SB: Or do we want to continue the discussion?

RV: No, I think we are okay if you keep going.

SB: Okay. Next item is, again under, we are on page 2 of 10, under Item D, employees who have a family household member and then I would add "or care for someone" with a compromising medical condition, as identified by the CDC. I am adding the phrase "or care for someone."

RV: And was that with a compromising condition?

SB: I am sorry, you faded out.

RV: I said, is that...

SB: Or care for someone with a compromising medical condition.

RV: So the other person has to have a compromising condition, correct?

SB: Yes.

RV: Okay. Please proceed.

SB: Then next one, moving on to Item D, Employees over 65 years of age, I would change that to read "employees 65 years of age and over."

RV: Okay.

SB: Then moving on to Item E, an employee who is part of a Federal, State, or local shelter-in-place order and can provide the required public services remotely, should be deemed to do so.

RV: By whom?

SB: By the Appointing Authority.

RV: Okay.

SB: Then, I think that, I can go through ten pages of this. That is, in terms of and then actually going on to Item 3, It is preferred that essential employees come into the workplace, I would just delete that entirely but if nobody is comfortable doing that. My view is that this is the 21st century, we should be encouraging telecommuting. I understand the difficulties and I think County Administrator Huckelberry and I agree that we need to make sure that our employees who are telecommuting are productive. How we do that, we already have a V.P.N., a virtual private network, so I think we can do that. Then I have problems with masks but you know, I think that the piece here is telecommuting. I had on the masks, I just would, we are on page 8 of 10 now, under masks, Number 1. I would just change the wording slightly under Number 1, "Due to the community spread of COVID-19" and the changing guidance of how the virus is transmitted, employees are "advised" to wear a mask in the workplace. I would delete, no, I would change Number 2, "In order to avoid discriminatory practices, employees are asked to wear a mask consistently." I would change that to, "ask employees to wear a mask consistently." Then Item Number 3, "Employees can purchase simple cloth masks," that is fine. I would hope and I would delete, A, B, and C, D, and E, but I would hope that as Maricopa has, we would provide our County

employees who choose to wear a mask, a mask. But obviously, I cannot do that under this policy, that is just a recommendation, that we provide our employees a mask. We have certainly the monies coming in and I would hope we would have that kind of compassion for those who choose to wear one and many of them may not be able to afford one that we would provide one.

RV: Okay. Any further ones? Supervisor Bronson?

SB: Yes. I could go on but I think that is probably enough because this has been a long meeting. Did I say on the Temporary, we are on page 2 of 10 again, I am not sure I said it. Item 3, It is preferred that essential employees come into the workplace. I would delete Item 3 entirely.

RV: Where is that?

SB: That is on page, as we look at the policy, that is on page 2 of 10.

RV: Oh, you went back.

SB: Under the Telecommuting, it is Item 3 and I would delete it.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: She is on the next policy, Temporary Policy Novel Coronavirus. She finished the one and she has moved on to the next.

RV: Oh, Okay.

AM: Because I did that too. Thanks.

RV: You know...

AM: Do we want to revise this and bring it back for a vote after it is revised or?

CH: Mr. Chairman?

RV: Mr. Huckelberry.

CH: If the Clerk could provide me, kind of an annotated version, we could maybe follow along. It is difficult to do when someone is remote.

RV: I am having the same difficulty as Supervisor Miller and I, we have gone back and forth, back and forth, looking on the screen. Is there written suggestions some place so that we all can be looking at the same document, Supervisor Bronson? Supervisor Bronson?

SB: Or you, we are going to have a special meeting, do you want to deal with it in the special meeting, I do not care?

RV: That is what I am thinking. If we can see the suggestions in front of us as opposed to just looking at the screen trying to figure out where it is that these changes are being made, I think it is much easier, I mean that is why we are having the meeting on Thursday in the first place?

SB: What I am concerned about is if we, I do not want those in effect today. Let us wait until we have the special meeting and see before we adopt them and see if the Board majority is amenable.

AM: Mr. Chairman, could we get a redlined copy of Supervisor Bronson's proposed changes?

RV: That is what I am asking for.

AM: I think that would be very helpful.

RV: Supervisor Bronson, we can go ahead and agendize this for the special meeting on Thursday, but what we are asking for, if we can get a redlined copy, even if you could just send the edits to County Administration and have them provide us with a redline copy for that meeting?

SB: I will do so.

RV: Alright.

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: Another suggestion, Supervisor Bronson had mentioned, she said I could go on and on, but this is enough for now. Maybe this will give her ample time to be able to encompass comprehensively everything that she is thinking about.

RV: Right, that is what I am thinking. Okay, alright, anything else Sharon?

SB: Nope.

RV: Excuse me, Supervisor Bronson, I apologize. We do not have anything else on Item No. 18.