

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, April 6, 2021. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Adelita S. Grijalva, Vice Chair
Rex Scott, Member
Dr. Matt Heinz, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Lesley Lukach, Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal in the amount of \$5,678.00 for placement of a single family residence at 2131 E. Desert Garden Drive, located within Regulated Riparian Habitat classified as Important Riparian Area with Underlying Xeroriparian Class B Habitat. (District 1)

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

2. SURPLUS PROPERTY

Staff requests approval to sell surplus property consisting of 10,377 square feet of vacant land located north of Speedway Boulevard, east of Anita Avenue, and on the west side of the Union Pacific Railroad Right of Way, Tax Parcel Nos. 115-18-036A and 115-18-037A, by auction to the highest bidder. (District 5)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:53 a.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, April 6, 2021. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Adelita S. Grijalva, Vice Chair
Rex Scott, Member
Dr. Matt Heinz, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Lesley Lukach, Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. CONTRACT

Larry E. and Claire B. Klingler, d.b.a. First Plaza, L.L.C., Amendment No. 2, to provide a lease agreement for the Catalina Library located at 15631 N. Oracle Road, Suite 191, extend contract term to 4/30/24 and amend contractual language, Library District Fund, contract amount \$510,911.28 (CT-LIB-15-469)

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

2. GRANT APPLICATION/ACCEPTANCE - LIBRARY

Institute of Museum and Library Services, to provide for the CARES Act Calling Project, no cost (GTAW 21-130)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:53 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met remotely in regular session through technological means at 9:00 a.m. on Tuesday, April 6, 2021. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Adelita S. Grijalva, Vice Chair
Rex Scott, Member
Dr. Matt Heinz, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Lesley Lukach, Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Celia Robidoux, Executive Director of Arizona Serve; Sue Kim, AmeriCorps VISTA Team Leader; and Red Jessup, AmeriCorps State Opportunity Youth Benefits Specialist, proclaiming the day of Tuesday, April 6, 2021 to be: "NATIONAL SERVICE RECOGNITION DAY"

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

3. PUBLIC COMMENTS

The Clerk of the Board read a submitted public comment and the statement was added to the record.

BOARD OF SUPERVISORS

4. Differential Water Rates

RESOLUTION NO. 2021 - 9, of the Board of Supervisors, affirming support of jurisdictional rate parity for Tucson Water customers. (District 1)

It was moved by Chair Bronson and seconded by Supervisor Scott to adopt the Resolution. No vote was taken at this time.

Supervisor Scott indicated that this Resolution was placed on the Agenda for two reasons: First, the possibility of differential water rates being imposed on certain Tucson Water ratepayers to generate excess revenue for the utility would be unjust, divisive and inconsistent with 40 years of past practices by the utility; Second, these rates, if implemented, would aggregate the effects of existing Tucson Water policies and would not advance the long-term hydrologic health of our region. He indicated that for 40 years, the City functioned as the regional water provider, while the County functioned as the regional sewer provider. He stated that this was a sound and balanced system that benefited our region and both governments for 40 years. He indicated that when the City applied for its allocation from the Central Arizona Project (CAP) in 1978, that request was based on a very broad service area that extended beyond the City's limits. He stated that the CAP water allocated to the City represented approximately 80% of this region's allocation. He read the following excerpt from a letter written by two former members of the City Council, Fred Ronstadt and Carol West, which highlighted this issue:

"In its 1978 application for CAP Water, Tucson Water projected its future water service area to include developed lands that had never been annexed into the City as well as vast areas of Pima County land that were yet to be developed. As a result, the City of Tucson received the largest allocation of CAP water of any municipal water provider in the State. This has resulted in storage of some of this allocation in Avra Valley for future use. At a recent Tucson City Council meeting, the Interim Assistant City Manager and former Tucson Water Director asserted that the City could survive the 'worst plausible scenario' of only half of its CAP allocation because of drought on the Colorado River. Obviously, this is only possible because Tucson Water included County lands and residents in its projected service area for its CAP allocation application. It would therefore be unjust for the City to promise serving water to Pima County residents and then charge these same residents higher water rates than those paid by City of Tucson residents."

He indicated that for 40 years, the City and the County have followed, with regard to water rates and sewer rates, a cost of service model, which has had the effect of neither entity charging ratepayers more than its costs to run the utility. He read the following quote from a memorandum sent to the Mayor and Council from the Tucson Water and City Manager's Staff regarding this proposal:

"While most respondents would consider the merits of a cost-based argument for differential rates, no such basis for differential rates has been demonstrated."

He referred to a column penned for the Arizona Daily Star which indicated that two-thirds of the Tucson Citizen's Water Advisory Committee (CWAC) opposed the differential water rates and the Committee had provided the Mayor and Council a memorandum to that effect. He commented that the CWAC stated that the

proposed differential water rates were not linked to service costs. He indicated that the CWAC had also stated that there were areas within Tucson that had a higher cost for service than areas within unincorporated Pima County. He added that was due to areas within the City limits having higher elevations. He indicated that delinking rates from cost of service and charging an arbitrary higher rate for customers in unincorporated Pima County would not only be divisive, but would establish a dangerous precedent. He stated that CWAC members generally agreed that differential rates would create a breach of trust between the utility and a large percentage of its customers. He indicated that it was too late to impose such rates on those long-term customers. He stated that the fact that other cities in Arizona had imposed differential rates was not likely to convince Tucson Water customers that differential rates were a good thing, especially since a large portion of Tucson Water customers lived outside the City limits as compared to other Arizona cities with existing differential rates. He reiterated that two-thirds of the CWAC members opposed differential water rates. He stated that a recent opinion by a member of the City Council alluded that the proposal would encourage either annexation or incorporation. He stated that 34% of Tucson Water's customers resided outside the City limits and 6% of that total lived in other jurisdictions. He indicated that residents located in other jurisdictions would not be charged the differential rate, but the remaining 28% of customers, who lived in unincorporated Pima County, would be charged the rate. He asked why there was a distinction? He stated that this was a misguided effort to encourage either annexation or incorporation; however, both the Mayor and Council and the CWAC have indicated that differential water rates would not encourage either annexation or incorporation but actually discourage them. He referred to a section in the Resolution that dealt with Tucson Water and City of Tucson applying their regional water provider designation that was envisioned and was the reason for them receiving a larger majority of CAP allocations in the '70s. He read the following excerpt from Dr. Collum's report that was prepared at the request of the County Administrator:

"In 2010, the City of Tucson adopted water service policies in an attempt to control growth for long-term water sustainability. The reality of controlling growth is very different since only limited regulation precludes numerous small developments from drawing down the aquifer within the Tucson Active Management Area outside the Tucson Water Service area. Since the 2010 adoption of these water service policies, the City of Tucson has denied over 283 water service requests with many more requests not formally submitted due to the fact that no exemptions to the policy have been granted. Instead of incentivizing renewable water resources, the Tucson Water Service Area Policy will likely promote increased reliance on groundwater dependency. Parcels denied service into Tucson Water Service Area are likely to be on groundwater and will remain so. Consequently, without access to renewable water resources, expansion areas and unobligated areas will contribute to declining local groundwater levels."

He urged the Board to approve the Resolution not just in the interest of basic fairness to all Tucson Water ratepayers, but in the interest of promoting a sound regional water policy.

Supervisor Christy conveyed his support for the Resolution. He stated that his colleague had eloquently laid out the formulas for why this Resolution needed to be passed. He indicated that this proposal was a power grab by the City for annexation and a form of blackmail. He stated that a number of organizations, including the Southern Arizona Home Builders Association and the Tucson Association of Realtors, were strongly against this differential rate. He read the following quote from an article submitted by a member of the CWAC and the Community Water Coalition of Southern Arizona that he found troubling:

“Mayor Romero has rightfully put an emphasis on equity across her platform. Asking high-income families in unincorporated Pima County to pay their fair share to help low-income families who are struggling to get by during the pandemic is a perfect way to bring equity to our water policy.”

He asked when had the County been using social justice as a lever on water issues that had been in place for well over half a century? He added that this quote was troubling and dangerous because it was at the heart of the issue that was being driven by this water differential and coupled with the power grab by the City of Tucson for annexation. He added that the County could retaliate because the County controlled the sewer bills and the sewer system. He indicated that a rate war would put people at risk during a pandemic and he urgently hoped that the City of Tucson would withdraw its action. He also indicated that it would be beneficial for the Board to conduct another historic joint meeting between the Tucson City Council to discuss this issue.

Supervisor Grijalva indicated that she could not support this Resolution. She indicated that her concerns were that without differential rates Tucson Water customers were subsidizing customers beyond the City's limits. She indicated that they were subsidizing the piping and electric powered pumps needed to get water to outlying areas. She stated that differential rates would provide revenue for low-income customers that were struggling. She indicated that the current Tucson Water policy only served City of Tucson low income residents and this new rate would open it up to all of Pima County. She stated that some customers might even have a lower bill. She indicated that with added revenue, Tucson Water could defer general rate increases and differential rates would discourage water use in an era of climate change, drought, and declining Colorado River reserves. She stated that her reason for supporting the differential rates was because the City of Tucson would be deciding what was in the best interest of the City. She indicated that this Resolution was basically expressing the Board's opinion to the City of Tucson. She added that differential rates discouraged undesirable urban and suburban sprawl. She requested that the Board consider revising the Resolution by eliminating the last paragraph, since that section had larger implications and the Board did not

have an understanding of those implications. She added that she had concerns for the environment, water use and there was a need to discourage growth outside of the City of Tucson. She indicated that she was in favor of an effective growth control policy. She asked Supervisor Scott whether he was willing to eliminate the last "Whereas" paragraph, until the Board could be provided additional information on the paragraph's implications and what benefits the County had received.

Supervisor Scott responded that he was not willing to remove that paragraph for the reasons cited in Dr. Collum's report. He indicated that this was an issue of increased impact on the aquifer and groundwater supplies.

Chair Bronson commented that differential rates would not create equity or rational water policies, but could potentially have the opposite effect.

Upon roll call vote, the motion carried 3-2, Supervisors Grijalva and Heinz voted "Nay."

5. **Pavement Preservation Program Acceleration Measure**

Discussion/Action. A measure directing the County Administrator and staff to proceed with the sale of \$50 million in Certificates of Participation, which will result in a total of \$85 million being available for the Pavement Preservation Program in FY 2021-22. Doing so will accelerate the repair of approximately 130 more miles of local roads than was originally planned. This measure is aligned with Board Policy D 22.12 (General Fund Capital Improvement Fund Pay-As-You-Go Program). It also authorizes the Department of Transportation to immediately begin to select the roads that will be covered and to make all other necessary arrangements. **Also authorize the Procurement Director to execute any and all contracts, amendments and change orders to the contracts that are a result of the bid process for the program, provided that the combined not-to-exceed amount of the contracts does not exceed \$85,000,000.00.** (District 1)

It was moved by Supervisor Scott and seconded by Chair Bronson to approve the item, as amended. No vote was taken at this time.

Supervisor Scott indicated that this proposal was for an additional \$50 million to be added to the Pay-As-You-Go (PAYGO) Program through the sale of Certifications of Participation (COPs). He stated that this would increase next fiscal years' total to \$85 million. He added that this would allow for an additional 130 miles of road repairs in the next fiscal year. He also recommended that regular reviews of the program be conducted in order to further accelerate the program.

Supervisor Grijalva inquired whether the COPs had been previously earmarked for other projects.

Supervisor Scott responded that this was to add additional funds to the PAYGO program through the sale of COPs.

Supervisor Grijalva inquired whether this funding could have been allocated to other areas, such as affordable housing or other priorities.

Supervisor Scott responded that the funding would not have been allocated elsewhere.

Supervisor Grijalva indicated that this was a significant expenditure that included interest payments. She stated that this would put a strain on the County's budget especially under the laboring stress of COVID and other pressing unmet needs in the community. She indicated that there was a significant need to enlarge and empower the Health Department due to being understaffed and they needed to be prepared for health crisis and all associated costs. She also commented about the lack of detailed information on which roads would be targeted for repair and the fact that there would be minimal repairs within District 5. She indicated that until additional information could be provided, she would not support this item.

Supervisor Scott indicated that funding would not be reallocated from other priorities. He indicated that COPs were short term debt and due to the favorable interest rates, at present, were worth consideration. He added this would not take away from other general fund priorities and it would not impact revenues used to support the general fund. He also agreed that there were other priorities that required the Board's support.

Supervisor Grijalva inquired whether information was available for the roads being serviced.

Supervisor Scott responded that the Transportation Department was responsible for releasing that information in the upcoming fiscal year. He asked that the County Administrator expand on that process and inquired whether adding additional funding would delay the release of that information.

Chuck Huckelberry, County Administrator, responded that the process was based on a numerical valuation. He indicated that the County roads were divided into two categories, arterial and collector, and the percentage of total funding was split. He added that the theory was to repair the worst roads first. He stated that the list was then presented to the Pima County's Transportation Advisory Committee (PCTAC) for debate, discussion, changes and recommendations. He stated that PCTAC's recommendation were then provided to the Board for approval.

Supervisor Grijalva inquired about the total number of miles dedicated for road repairs without the \$50 million and asked the cost for each mile.

Mr. Huckelberry responded that \$32 million had been set aside, using that amount times the number of miles, an approximation could be calculated.

Supervisor Grijalva expressed concern with over earmarking funds for specific projects when budget priorities had yet to be determined. She indicated that until additional information was available, she could not support allocating \$50 million that could be used for other priorities.

Supervisor Christy commented about the road conditions being deplorable and how detrimental it was to the County. He added that road repairs were an important issue for residents. He encouraged the Board to keep road repairs a priority and conveyed his support.

Supervisor Heinz expressed concern over increased costs for labor and materials. He asked how associated costs impacted funding.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the County and other local jurisdictions had worked with several professional contracting organizations on ways to improve pricing and large work orders in this region. He indicated that the contracting community was receptive to ensuring the best pricing. He stated that these discussions included the additional \$50 million for Fiscal Year (FY) 2022. He stated that the contractors were confident of their ability to complete the work and maintain favorable pricing. He added that recent estimates were below the engineer's cost estimates and this allowed for additional miles to be repaired.

Supervisor Heinz questioned whether acceleration of the program presented any complications to the development of the previous ten-year plan passed by the Board.

Mr. DeBonis responded that the program would continue to be delivered over the ten-year time frame. He stated that with the additional \$50 million there would be an increase in the numbers of road repair miles completed in FY22. He indicated that there would be a slow drop-off while COPs were being repaid. He stated that the road repairs would then resume as previously identified.

Supervisor Heinz asked whether maintenance's cost would be impacted, especially with the anticipated increase in road repairs.

Mr. DeBonis responded that the ten-year plan included routine maintenance for previously repaired roads. He stated that the plan contained capital expenses for repairing the roads and regular maintenance treatments at various intervals. He indicated that roads repaired earlier in the plan would receive additional preservation within the ten years to enhance the road's longevity.

Supervisor Scott inquired whether the County had completed additional road repairs, during the current fiscal year, due to favorable pricing. He also asked if increased road repairs were possible for next fiscal year due to pricing.

Mr. DeBonis responded in the affirmative. He indicated that favorable pricing allowed for additional road repairs. He stated that based on the fact that factors do

not significantly change, such as material costs or labor availability, there was a likelihood that favorable pricing would continue, although that was dependent on economy of scales. He explained that since the solicitation process commenced prior to the fiscal year it allowed for extended delivery periods in which contractors could take advantage of down periods in their schedules which had contributed to favorable pricing.

Supervisor Christy asked what the interest rates were for COPs and what was the average payback period.

Mr. Huckelberry responded that recent COPs had an interest rate below 1% and estimated that a new issuance would have interest rates between 1.5% and 2%. He stated that the payback period was 5 years; however, with favorable pricing pay back could occur within 4 years.

Supervisor Grijalva inquired whether the cost for repairs was \$385,0000.00 per mile.

Mr. DeBonis responded that the cost would vary on a number of different factors, such as treatment type, cross section and roadway length. He estimated that the figure cited was within the approximate range.

Supervisor Grijalva asked whether certain roads were more expensive to repair.

Mr. DeBonis responded that the costs for road repairs were estimated based on the characteristics of the road. He indicated that if an additional \$50 million was allocated, increasing the allocation to \$85 million, rough estimates would be calculated and roads would be prioritized based on the worst first approach. He also added that if bid packages were to come in lower than anticipated, a review would be conducted to see if there were additional road segments that could be completed. He indicated that it was a refined package and updates would be provided to the Board utilizing the adapted criteria.

Supervisor Grijalva asked where the most-dire roads were located.

Mr. DeBonis responded that uniformly there was a split between arterial and collector roads located throughout unincorporated Pima County. He added that local roads were not as equally distributed across the unincorporated area due to the jurisdictional boundaries. He indicated that he would provide a list of roadways.

Supervisor Grijalva requested that the list be provided to the Board.

Supervisor Christy asked how often the Pavement Condition Index (PCI) ratings were updated.

Mr. DeBonis responded that the PCI was updated every two years. He stated that the PCI was updated prior to the approval of the ten-year road repair plan. He indicated the PCI would be updated next year.

Supervisor Heinz questioned whether funding could be utilized within incorporated areas.

Mr. DeBonis responded that funding was directed towards repairs in unincorporated Pima County. He indicated that the County actively engaged with other jurisdictional transportation departments and the entities shared their roadway repair plans. He stated these discussions had resulted in accelerated road repairs by other jurisdictions to accommodate crossovers. He indicated that in those cases the County had advanced funding and the jurisdiction reimbursed the County.

Supervisor Heinz requested an interactive map detailing current and future road repairs.

Mr. DeBonis stated that there was an existing map and he would provide the link.

Upon roll call vote, the motion carried 4-1, Supervisor Grijalva voted “Nay.”

COUNTY ADMINISTRATOR

6. Updates and Action on COVID-19

(Clerk’s Note: See the attached verbatim for Minute Item Nos. 6 and 18, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

DEVELOPMENT SERVICES

7. Final Plat With Assurances

P20FP00011, Hanson Ridge, Lots 1-59, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 70-200, Blocks “1, 2 & 3” and Common Areas “A, B and C”. (District 4)

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

FINANCE AND RISK MANAGEMENT

8. Quarterly Report on Collections

Staff recommends acceptance of the Quarterly Report on Collections for the period ending December 31, 2020.

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

HUMAN RESOURCES

9. Classification/Compensation

The Office of the Medical Examiner requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
4240/ Morgue Assistant/ 32 (\$32,281-\$47,486)/ 3/ NE*
*NE = Not Exempt (paid overtime)

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

INDUSTRIAL DEVELOPMENT AUTHORITY

10. Pima Tucson Homebuyers Solution Program

RESOLUTION NO. 2021 - 10, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima and Amendments to the Joint Revolving Taxable Single Family Mortgage Loan Program of 2012 of the Industrial Development Authority of the County of Pima and the Industrial Development Authority of the City of Tucson, Arizona; and declaring an emergency.

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

REAL PROPERTY

11. Sale of Real Property

RESOLUTION NO. 2021 - 11, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0018. (~~Districts 1 and 4~~)

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

FRANCHISE/LICENSE/PERMIT

12. Hearing - Liquor License

Job No. 138777, Raphael Sean Piche, Family Dollar Store, No. 25793, 2960 W. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott 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.

13. Hearing - Fireworks Permit

Anne Connell, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, April 18, 2021 at 9:00 p.m.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

BOARD OF SUPERVISORS

14. Enforcement of the Governor's Public Health Executive Order

Discussion/Action to release to the public the March 26, 2021, Attorney-Client Privilege Memorandum from Deputy County Attorney Jonathan Pinkney. Re: Governor's Executive Orders and the Ability of Pima County to Continue to Enforce Certain Public Health Mandates During a Public Health Emergency Related to the Coronavirus Pandemic. (District 3)

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

15. American Rescue Plan and Border Issues

Discussion/Action. Presentation by Billy Kovacs for Congresswoman Ann Kirkpatrick providing an update on the American Rescue Plan and border related issues. (District 3)

(Clerk's Note: See the attached verbatim for Minute Item No. 15, for discussion on this item.)

16. Tucson-Pima Historical Commission

Discussion/Action regarding proposal to split Tucson-Pima Historical Commission into jurisdictional commissions, as recommended by the State Historic Preservation Office. (District 2)

Supervisor Scott questioned whether the National Park Service could provide an exemption in order to maintain the joint commission.

Chuck Huckelberry, County Administrator, responded that Linda Mayro, Director of Sustainability and Conservation, could address that question, but was unavailable at this time.

Chair Bronson inquired whether there were any objections to continuing the item to the next Board meeting.

Supervisor Heinz had no objection.

It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of April 20, 2021.

COUNTY ADMINISTRATOR

17. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 6.2, Board of Supervisors Delegation of Settlement Authority for Property Tax Appeals.

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

18. Updates and Action on COVID-19

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).

(Clerk's Note: See the attached verbatim for Minute Item Nos. 6 and 18, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstances related to COVID-19.)

COMMUNITY AND WORKFORCE DEVELOPMENT

19. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. E 36.1, Review of Requests and Monitoring of Contracts for Discretionary Funds Allocated to Outside Agencies for Economic Development, Health and Social Services.

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

CONTRACT AND AWARD

BEHAVIORAL HEALTH

20. Cochise County and the Cochise County Superior Court, to provide for Restoration to Competency services, contract amount \$390,000.00 revenue/5 year term (CTN-BH-21-70)

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

COMMUNITY AND WORKFORCE DEVELOPMENT

21. Goodwill Industries of Southern Arizona, Inc., Amendment No. 11, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA Fund, contract amount \$20,810.27 decrease (CT-CR-20-418)

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

22. Goodwill Industries of Southern Arizona, Inc., to provide for H-1B Workforce Grant Program, United States Department of Labor Employment and Training Fund, contract amount \$216,373.80/4 year term (CT-CR-21-343)

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

23. Tucson Youth Development, Inc., Amendment No. 4, to provide for youth workforce development services, amend contractual language and scope of services, General Fund, contract amount \$27,372.03 decrease (CT-CR-21-230)

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

HEALTH

24. Paradigm Laboratories, Inc., to provide for COVID-19 vaccination services, Health Special Revenue Fund, contract amount \$2,000,000.00 (CT-HD-21-362)

Supervisor Christy requested that Minute Item Nos. 24, 25, and 26 be discussed simultaneously.

It was moved by Chair Bronson and seconded by Supervisor Christy to approve Minute Item Nos. 24, 25, and 26. No vote was taken at this time.

Supervisor Christy commented that approximately \$12,000,000.00 was being allocated over these three agenda items for COVID-19 related expenditures. He requested a detailed breakdown of expenditures and County costs under each specific agenda item.

Chuck Huckelberry, County Administrator, responded that Minute Item No. 24 was for vaccination services scheduled at the Kino Event Center that was being administered by Paradigm Laboratories. He stated that Minute Item No. 25 was reimbursement to the City of Tucson for testing and vaccinations conducted at the Tucson Convention Center. He indicated that allocations provided for those two items were maximum numbers, and that actuals would be based on bills and itemized invoices submitted by both the City of Tucson and Paradigm Laboratories. He explained that Minute Item No. 26 was a cooperative agreement with the Tohono O'odham Nation and those costs were paid through the Indian Health Service. He indicated that the County provided assistance with staffing; however, staffing was part of the Health Department's budget. He indicated that funding for these items would be provided from the Consolidated Act, which included a share of \$416 million for testing and \$66 million for vaccinations. He added that if the County was not successful in receiving full reimbursement for previously stated costs, the American Recovery Plan Act would be used as a backup funding source.

Supervisor Christy ask whether the County anticipated any challenges with receiving reimbursement from the State. He also asked whether all County expenditures followed the guidelines prescribed.

Mr. Huckelberry stated that the County had not anticipated experiencing the current funding issues with the State. He indicated that the County would continue to pursue full reimbursement. He added that the County's expenditures were valid and appropriate, and occurred during the peak of the pandemic.

Upon the vote, the motion unanimously carried 5-0.

25. City of Tucson, Amendment No. 2, to provide for repayment of COVID-19 testing expenses, extend contract term to 6/30/21 and amend contractual language, Health Special Revenue Fund, contract amount \$10,000,000.00 (CT-HD-21-360)

(Clerk's Note: See Minute Item No. 24 for discussion regarding this item.)

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

26. The Tohono O'Odham Nation, to provide for COVID-19 testing and vaccination, no cost/5 year term (CTN-HD-21-82)

(Clerk's Note: See Minute Item No. 24 for discussion regarding this item.)

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

PROCUREMENT

27. Aetna Life Insurance Company, Amendment No. 3, to provide for Medical Benefits Administrative Services - Third Party Administration and Employee Assistance Program, amend contractual language and scope of services, no cost (MA-PO-18-189) Human Resources

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

28. Cellco Partnership, d.b.a. Verizon Wireless, to provide for wireless voice, data, and accessories, Various Funds, contract amount \$12,000,000.00/3 year term (MA-PO-21-162) Information Technology

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

GRANT APPLICATION/ACCEPTANCE

29. **Acceptance - Pima Animal Care Center**

Gail Smith, to provide for additional cremation services, \$51,000.00/2 year term (GTAW 21-131)

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

30. **Acceptance - Sheriff**

Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Boxy Lady, \$25,000.00 (GTAW 21-134)

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

31. **Acceptance - Sheriff**

Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Rematch, \$25,000.00 (GTAW 21-135)

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

32. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 5, to provide for immunization services, amend grant language and scope of work, \$7,120,440.00 (GTAM 21-89)

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

33. **Acceptance - Community and Workforce Development**

United Way, to provide for the Emergency Food and Shelter Program - FEMA Phase 38, \$40,057.00 (GTAW 21-133)

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

CONSENT CALENDAR

34. **Approval of the Consent Calendar**

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 5 and 7 were set aside for separate discussion and vote.

It was then moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar, as amended.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Natural Resources, Parks and Recreation

5. Arizona Game and Fish Department, to provide a collection agreement for repair of ranch roads, contract amount \$40,000.00 revenue/\$11,537.00 General Fund Match (CTN-PR-21-93)

It was moved by Chair Bronson and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy requested a list of the roads that would be repaired under this contract.

Chuck Huckelberry, County Administrator, responded that a map would be provided.

Upon the vote, the motion unanimously carried 5-0.

Procurement

7. Maximus Health Services, Inc., Amendment No. 2, to provide for Contact Tracers, extend contract term to 1/5/22 and amend contractual language, Health Department Ops Fund, contract amount \$5,000,000.00 (MA-PO-20-226) Health

It was moved by Chair Bronson and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy questioned the value of contact tracing and what benefits it provided.

Chuck Huckelberry, County Administrator, stated he would provide the referenced data to the Board.

Supervisor Christy commented that efforts should be focused on vaccinations rather than contact tracing. He indicated he would not support the item.

Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

* * *

CONTRACT AND AWARD

Community and Workforce Development

1. Department of Veteran's Affairs, Amendment No. 4, to provide for a Memorandum of Understanding for co-location of services at Kino Veterans' Workforce Center, extend contract term to 3/31/22 and amend contractual language, no cost (CTN-CR-21-74)

Facilities Management

2. Larry E. and Claire B. Klingler, d.b.a First Plaza, L.L.C., Amendment No. 2, to provide for a lease agreement for the Catalina Sheriff's Substation located at 15631 N. Oracle Road, Suite 175, extend contract term to 4/30/24 and amend contractual language, General Fund, contract amount \$38,142.90 (CT-SD-15-472)

Information Technology

3. Drexel Heights Fire District on behalf of Valley Emergency Communications Center, Amendment No. 1, to provide for data center racks and GIS services, extend contract term to 6/30/21 and amend contractual language, contract amount \$58,969.60 revenue (CTN-IT-20-89)

Natural Resources, Parks and Recreation

4. Rillito Racing, Inc., Amendment No. 3, to provide for the non-exclusive operation of Rillito Racetrack, extend contract term to 6/30/23 and amend contractual language, contract amount \$28,000.00 revenue (CTN-PR-21-84)
5. Arizona Game and Fish Department, (PULLED FOR SEPARATE ACTION)

Procurement

6. Lloyd Construction Company, Inc., Amendment No. 2, to provide for Construction Manager at Risk Services: 130-150 W. Congress Facade Upgrades (XGCEXT), extend contract term to 1/31/24, amend contractual language and scope of work, FM Capital Non-Bond Projects Fund, contract amount \$11,122,766.00 (CT-FM-19-394) Facilities Management
7. Maximus Health Services, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

Real Property

8. Freeport-McMoRan Sierrita, Inc., to provide for a License for Right-of-Way Encroachment for power poles, guy wires and overhead electric lines, contract amount \$19,500.00 revenue/25 year term (CTN-PW-21-83)
9. Sprint Spectrum Realty Company, L.L.C., Amendment No. 2, to provide a tower license for wireless communications facilities at the Nanini Governmental Center located at 7300 N. Shannon Road, ~~extend contract term to 4/14/27~~ and amend contractual language, no cost (CTN-PW-17-195)

Transportation

10. Regional Transportation Authority, Amendment No. 8, to provide for regionalization of public transit and special needs transportation service and maintenance of effort, extend contract term to 6/30/21 and amend contractual language, DOT Operating Budget (VLT) Fund, contract amount \$3,427,508.00 (CT-TR-20-115)

GRANT APPLICATION/ACCEPTANCE

11. **Acceptance - Sheriff**
Governor's Office of Highway Safety, to provide for STEP enforcement, related materials and supplies, \$92,928.00 (GTAM 21-86)
12. **Acceptance - Health**
Food and Drug Administration/Department of Health and Human Services, Amendment No. 1, to provide for achieving conformance with the FDA Standards 3 and 5 and amend grant language, no cost (GTAM 21-87)

BOARD, COMMISSION AND/OR COMMITTEE

13. **Animal Care Advisory Committee**
Reappointment of Erin O'Donnell, Southern Arizona Veterinary Medical Association. Term expiration: 6/30/24. (Organizational recommendation)
14. **Election Integrity Commission**
Reappointment of Brian Bickel. Term expiration: 5/7/23. (Democratic Party recommendation)
15. **Pima County/Tucson Women's Commission**
 - Appointment of Lisa A. Nutt, to fill a vacancy created by Katherine Cooper. Term expiration: 5/19/22. (Commission recommendation)
 - Appointment of Tony Zinman, to fill a vacancy created by Allison Dumka. Term expiration: 10/14/22. (Commission recommendation)

16. Public Art and Community Design Committee

Appointment of Emily "Lily" Tate, to fill a vacancy created by Matthew Moutafis. No term expiration. (District 1)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT/WINE FAIR/WINE FESTIVAL/JOINT PREMISES PERMIT
APPROVED PURSUANT TO RESOLUTION NO. 2019-68**

17. Temporary Extension

12104162, Kevin Arnold Kramber, Sawmill Run Restaurant, 12976 N. Sabino Canyon Park, Mount Lemmon, April 1, 2021 through September 30, 2021.

ELECTIONS

18. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Patricia Sobel-Sorenson-010-DEM; Janet Connell-084-DEM; Carlos J. Vargas-099-DEM; Ellen Toigo-171-DEM; Lyn S. Reedy-197-REP; Susan Saenz-209-REP

APPOINTMENT-PRECINCT-PARTY

Carlos J. Vargas-089-DEM; Sharon Bell Rikli-111-DEM; Ana Ghoreishian-131-DEM; Carole A. Malan-171-DEM; Debra C. Hume-222-DEM; Lisa Anne Perto-Huss-222-DEM; Amethyst K. Carpenter-231-DEM; Joseph M. Erceg-012-REP; Karen L. Weiser-012-REP; William C. Moore-049-REP; Daniel E. Brotsch-060-REP; Rhea Jones-060-REP; Timothy R. Hubbard-077-REP; Robert D. Wineinger-079-REP; Gregory Williams-081-REP; Jeanne M. Hughes-084-REP; Armida P. Damitz-093-REP; David A. Damitz-093-REP; Mia A. Damitz-093-REP; Laura M. Strauss-094-REP; Madeleine B. Beiser-096-REP; Linda A. Perino-100-REP; Michael K. Bigham-115-REP; Kay E. Lombard-125-REP; Susan E. Kelly-127-REP; Johanna E. Hector-128-REP; Bernard P. Stefanek-129-REP; Lois K. Wagner-140-REP; Henry E. Jones, Jr.-148-REP; Tara M. Oster-153-REP; Elijah Oster-Morris-153-REP; Barbara Hall-163-REP; Janet A. Neustedter-163-REP; Pamela R. Stannus-169-REP; Karen S. Chaney-178-REP; Dede Lea Harlow-179-REP; Greg R. Harlow-179-REP; James L. Menager-179-REP; Janice J. Budak-181-REP; Diana E. Zatarain-183-REP; Deborah K. Hartz-192-REP; Autumn M. Hufault-194-REP; Nykole A. Ridenour-195-REP; Gabriela Schroeder-197-REP; Carrie S. Silvers-198-REP; Wayne Sapp-202-REP; Charlotte A. Ovtiz-205-REP; Mary C. Van de Mark-214-REP; Eric D. Flemming-217-REP; David M. Fulton-217-REP; Carol S. McKay-217-REP;

Patrick L. McKay-217-REP; Rachel H. Jones-218-REP; Margaret V. Gibson-221-REP; Carol M. Harris-224-REP; Charles L. Harris-224-REP; Mona L. Gibson-225-REP; David P. Kiselicka-225-REP; William J. Dawson, Jr.-227-REP; Deb L. Ferns-229-REP; Randolph J. Ford-230-REP; Bonita Guyer-239-REP; Andi E. De Bellis-034-LBT; Michael H. Flaherty-039-LBT; Alex D. Dischinger-042-LBT; Jeremy S. Massengale-146-LBT

FINANCE AND RISK MANAGEMENT

19. Duplicate Warrants - For Ratification

1800 North Stone, L.L.C. \$242.03; Intervet, Inc. \$2,674.02; Banner-University Medical Group \$30.00; Verizon Wireless \$91.19; LWH Crown Villas Apartments, L.P. \$565.00; City of Tucson \$8,542.66; Miovision Technologies Incorporated \$70,254.56; Lexicon Medical Supply Co. \$9,504.46; Banner-University Medical Group \$93.00; Deconcini McDonald Yetwin & Lacy, P.C. \$140.00; Michael R. Schlueter \$87.83; First Tech Federal Credit Union \$365.92; Tucson 368, L.L.C. \$920.00; Multisource Document Services, L.L.C. \$803.88; ARAG North America, Inc. \$7,557.18; Shikara Jenae Lutz \$1,100.00; Karen Jones \$153.97.

TREASURER

20. Duplicate Warrants - For Ratification

Fidelity National Title Agency \$1,455.06; Lululemon Athletica, Inc. \$8,578.73

RATIFY AND/OR APPROVE

21. Minutes: February 16, 19, and March 2, 2021
Warrants: March, 2021

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35. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:53 a.m.

CHAIR

ATTEST:

CLERK

COUNTY ADMINISTRATOR

6. Updates and Action on COVID-19

18. Updates and Action on COVID-19

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).

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
MH: Supervisor Heinz
RS: Supervisor Scott
CH: Chuck Huckelberry, County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
LL: Lesley Lukach, Civil Deputy County Attorney

SB: We move to our COVID discussion, updates and action. Mr. Huckelberry.

CH: Chair Bronson and members of the Board, we gave everybody a break this week and did not write a long memorandum. We will do that next time. Very, very briefly, we are seeing cases uptick. I will go back four weeks, and we were, at five weeks we were at 427 cases a week. The following week, the closer in, four weeks ago, 355. Three weeks ago, 305. Two weeks ago 327, this week 419. We are seeing a slight uptick. We will see how that continues. I think on the vaccination front we are doing quite well and we will continue that and continue to press for the federal pod. We had hoped to get that underway by about April the 10th. That is obviously not going to happen, so our new target date is April the 17th. We have also continued our partnership with our federally qualified healthcare centers, and that is typically El Rio, Marana, United Community Health, Desert Senita, Community Health Physicians. Together they have, as of this date, put in 38,000 doses in arms. That is a good number. Many of you have participated or visited one of our mobile sites. They continue to be active as of even yesterday. We have in all of our mobile pop-ups or mobile sites, put in about 14,000 doses in arms, so that is good news. Of those doses that we have used in our mobile sites, 4,000 have been Johnson & Johnson and the balance has been Moderna, so you get about 9,500 or 10,000 Moderna and about 4,000 Johnson & Johnson. That is really all I have other than I did provide the Board with an April 1st memorandum on face mask requirements. Just simply kind of

restating when and how the Board adopted these requirements and the state of infection at the time we did it. With that, I think probably either Dr. Garcia or Dr. Cullen are available for additional reports. We will provide a written report in two weeks that kind of, really goes back and summarizes a lot of vaccinations and some of the contact tracing we have done, as well as hopefully the status report in the beginning of a federal pod. With that, let me answer questions or have Dr. Garcia answer questions or Dr. Cullen.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I just want to follow up on the face mask use. We are getting a lot of complaints of businesses that are not adhering to the face masks, basically saying that they are following the Governor's Executive Order or removal of the Order. So where do our community people go? I have had a few call directly and complain through the Health Department and there is still not a lot of action on the business front and so if you could publicly just explain what that process looks like so people understand what they need to do in order to issue a complaint.

CH: Chair Bronson and Supervisor Grijalva, let me let Dr. Garcia answer that question because it is contained in the Resolution and we operate on what we call the three strike rule but it requires a complaint to be filed with the Health Department.

FG: Chair Bronson, Supervisor Grijalva, indeed the process that was established when the Board created this Resolution is a process by which people submit a complaint, either through our website or by phone or by mail to the Health Department. What the Health Department does at that point, is it goes through all of those complaints and sees how many are actionable. As you might imagine, sometimes we receive complaints that are not actionable because there is not an address, because there is not follow-up information provided, or for a variety of reasons. We take those actionable complaints and immediately issue a communication to the vendor. If it is a permitted vendor, that is a food establishment or a pool, an operator of a pool, then we have already have that contact information because they are part of our permit system. That communication goes out very efficiently. What it does, what it now says is the Resolution is still in force in Pima County and our expectation is that you follow this Resolution. Should you, as a permit holder, decide to not follow that Resolution, we have the ability to potentially, you know, remove your permit. For non-permitted facilities, the process works slightly differently. Again, because we do not necessarily have those folks in the system. So, when somebody goes to Walmart and complains that, or Home Depot is a better example since they do not have any food served on premises. If somebody goes to Home Depot and complains about non-mask use, the complaint comes through exactly the same portal, exactly through

the same process, but in this case it is a little bit more laborious on our staff. What we do is that we have to sort of identify who the manager, A. where the facility is, and figure out who the manager, who the responsible entity is and then we provide the same complaint.

SC: Madam Chair? Point of order.

AG: I actually had a follow-up.

SC: Let me just ask a point of order if I could. Madam chair?

SB: What is your point?

SC: My point of order is a lot of this discussion we are having at this moment, should that not fall under the Addendum Item Number 3? As far as the enforcement of the Governor's public health executive order?

SB: No, that is, that is just, Item 3 is just a release of the, if I am, it is just a release of the attorney-client privileged memo, is it not?

SC: It would seem to me that all of the ramifications of enforcement fall under this category on Addendum 3.

SB: Well, I am the one that put that item on the agenda. And all it is, is to release the attorney-client privileged memo, to make it a public record.

SC: Thank you.

SB: Supervisor Grijalva.

AG: And so the largest complaint has come from gyms. So do they have permits?

FG: No. Chair Bronson, Supervisor Grijalva, gyms are not necessarily a permitted facility unless they serve food on premises where we permit that kitchen. That is where one of our challenges is, is exactly for these non-permitted facilities. During that, if we get a second follow-up complaint, we typically do an on-site inspection. If we have a validated complaint we go in, we educate the operator, whether it is permitted or non-permitted facility and we allow them to actually make corrections. I have got to tell you that in terms of the complaints that we have had, up until the moment that the Governor issued his last Executive Order of the 2,500 or so complaints that we had, most of the time, people, operators are willing to do the right thing and are willing to make the changes in their operations that are needed in order to keep their staff safe and in order to keep others safe. We have less of a, we have fewer actionable levers that we can use, tools that we can use for non-permitted facilities. So it is very much, sort of, an educationally oriented encounter. It is only at that third strike when we do sort of talk about the potential for taking

legal action as well as citation. Like I said previously, we have not gotten to that place with the very, very vast majority of operators because most people are actually still doing the right thing.

AG: Yeah, I think it is a lot of the chain gyms and a lot of them around our area that have actually the Executive Order posted in the window that says they are following the Governor's order and not Pima County. When we get those complaints from specific constituents with address information, should we just forward those, or should we ask the constituents to do it directly?

FG: I think it is easiest if the constituent does it directly so that they can provide the information that they need to do that then we can take action on. Otherwise, it is sort of secondhand information and it is a little bit more difficult for us to take a specific action.

AG: Okay. Thank you, Dr. Garcia.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Since we have opened up the discussion on this issue, then I have a few comments. Obviously, with the Executive Order just issued by the Governor, we, as Pima County, has no standing to enforce a mask mandate. The Governor has issued the original directive that jurisdiction can enforce or implement their own policies. He has given that right to the jurisdictions. The Governor giveth and he taketh away and he has removed that mandate and approval for these jurisdictions. Yet we, for some reason, feel that we can supersede and overtake what the Governor has mandated. The truth of the matter is we cannot enforce any of these mandates that Pima County says it can, simply because it is illegal to do so and that there is no standing by Pima County to overstep or overreach its bounds when the Governor has explicitly said that the mandate for wearing a mask does not have to exist. At very least, it should be up to individual businesses whether or not they wish to enforce or ask that their customers and employees wear a mask and it is not up to Pima County, at this point, due to the Governor's mandate to try to enforce anything that is unenforceable. We need to remove this mandate. We need to make it at very best, voluntary, and all we are doing at this point is pitting neighbor against neighbor, we are making employees of businesses the mask police. The data is showing that the vaccinations are dropping, excuse me, the transmissions and infections are dropping. Vaccinations are increasing. We have evidence of this through various sources that at some point Pima County has relied on, yet when it does not fit the narrative of Pima County, those sources no longer have validity according to Pima County. We cannot have it both ways. It is time that the mask ordinance be removed. At best, make it voluntary. This community is recovering. We are on our way up. We want to get back to normal. We are tired of this mask mandate. It has no

bearing, no justification, and it is important that we realize that our economy, our livelihood, our schools, need to get back to normal, and by basically telling the Governor that we are not going to listen to you Governor, though we listened to you when it was okay to make our own mandate. We need to forget the hypocrisy and implement the transparency that we are seeing, that the mask mandate can and must be lifted at this point. Thank you.

SB: Thank you, Supervisor Christy. I think we will have to agree to disagree on this one.

MH: Chair Bronson? This is Supervisor Heinz.

SB: Supervisor Heinz.

MH: Thank you. Actually, I had one follow-up question or comment for Dr. Garcia, but I just really wanted to quickly respond to the mask situation and Lord knows we are all pretty sick of the pandemic, especially the health care workers, I assure you. The way we will get through this the fastest is to keep complying with the most sensible public health restrictions based on Dr. Cullen's and Dr. Garcia's expertise. Fortunately, we do not live in a monarchy and what the Governor writes on a piece of paper does not really mean much if the legislature has said something else. Conveniently, the legislature has vested the near total authority in the directors of the County health departments with the ability to mitigate and to establish and implement mitigation strategies to help to contain any type of contagion or other public health crisis and it is based on those statutes that our own County Attorney's Office issued the opinion that will be soon made public thanks to Addendum Item 3. But Dr. Garcia, I believe, do we not permit establishments that have pools? Like, so a gymnasium that would have a pool within the complex, would that not be something that the County is permitting as well that we could shut down if they are not complying with the mask requirement?

FG: Chair Bronson, Supervisor Heinz, you are absolutely correct. For those gyms that are operating a permitted pool, and all those pools and jacuzzis are permitted for use, we potentially have that. The vast majority of the complaints that we are seeing starting to come in that are gym-related do not necessarily relate to establishments that have a permitted pool or a permitted kitchen, however.

MH: Okay. Alright.

SB: Go ahead.

MH: Just ever so slightly, back to, I spoke about this a little bit when Mr. Kovacs was here. I was hoping to, if we have any more detail as to what exactly is going on with this, with this federal vaccine site. I know that Mr. Huckelberry, you have been getting updates, I think, from FEMA or trying to, because I

know the County is not really permitted yet to deal with them, even though it has been 11 plus days since the Governor's Health Department said we could. I am concerned that this is taking so long. I believe, I mean, I would like to look at having a parallel track here and making sure that, you know, now that Chairman Norris is interested in doing this, it would be fantastic if the TO maybe reach out to FEMA as well. Because, if it cannot come through the County, if the State has not given permission or authorization to FEMA or FEMA is internally perplexed about what to do with the counties since they do not usually work directly with counties and now they will be. I do not know what is going on. I just know there are no federal vaccines coming into Pima County and that is frustrating.

SB: Thank you, Supervisor Heinz.

SC: Madam Chair? Madam Chair, this is Supervisor Christy.

SB: Supervisor Christy.

SC: Thank you. I would just like to respond a little bit to Supervisor Heinz' comments about the Governor just having it on a piece of paper which means nothing. That certainly is not the case. Secondly, all we have to do is point to the curfew mandate that went down in flames and embarrassed Pima County in their efforts to control people gathering in businesses after 10 o'clock. That failed. The mandate for the mask is going to fail as well. It is obviously not legislatively derived. It is the Governor's executive order. He has the authority on this. We will lose on this issue and it is going to be sooner rather than later. Two quick questions I have is how many, what is the number of Health Department inspectors? That is one question, the number of Health Department inspectors, and the second question is: how many complaints are registered via inspectors or through the public? What is the ratio? Number one, the number of Health Department inspectors is the first.

SB: Mr. Huckelberry? Dr. Garcia?

FG: Chair Bronson, Supervisor Christy, I will have to get back to you with the exact number of, the exact FTE that we have assigned to Consumer Health and Food Safety. I believe it is approximately 35 individuals are doing the range of things that are entrusted to our (inaudible) team. But I will have to get back to the Board on a definitive FTE count.

SC: That would be great and on top of that, to follow-up that issue, are other departments recruited for inspection, like to do the same thing health inspectors do now?

FG: Chair Bronson, Supervisor Christy, we do not have any other inspectors from any other department, performing routine inspections functions.

- SC: You are not doing the same thing that you did during the curfew issue, right?
- CH: Chair Bronson, Supervisor Christy, that was a one-time point in time assessment of compliance and that occurred for those two evenings in order for us to get a baseline and has never occurred again.
- SC: What is the ratio, again, of the complaints between inspectors or the public? Who gives more and generates more complaints, inspectors or the public, and what is the ratio roughly?
- FG: Chair Bronson, Supervisor Christy, I do not know that ratio is the best way to think of it. The vast majority of complaints come in through the process, the public complaint process. Our inspectors, when they are doing their routine inspections which we do at permitted facilities, on a regular basis, you know, depending on the type of establishment, maybe twice, maybe more times a year. We will make observations and at that time, we may see that somebody is not in compliance now with the Resolution, and at that point, we will have a conversation with that operator and try to bring them back into compliance. Because again, our goal is not to be in conflict with operators. Our goal is to help operators have the tools that they need to succeed. The very vast majority of our complaints are coming in through our public portal and those are the ones that we then sift through to identify which are actionable, which are recurrent and which ones we will take further along the enforcement process.
- SC: Well, I still look forward to the number of FTEs that are inspectors. But I think it would be safe to assume, by the number you threw out versus the number of businesses, that the inspectors are most likely overwhelmed with their job, based on the complaints. And really there is no effective way that the number of complaints can be investigated with the number of inspectors that you have. So here is another example of how this whole mandate cannot and should not be enforced. It is unenforceable. Thank you Madam Chair.
- RS: Madam Chair?
- SB: Well, Mr. Huckelberry, I think had something he wanted to say and then I will go to you, Supervisor Scott.
- RS: Thank you.
- SB: Mr. Huckelberry.
- CH: Chair Bronson, no, I did not. So I would yield to.
- SB: But your hand was raised or you touched something.
- CH: Well I was.

SB: Okay. Supervisor Scott.

RS: Madam Chair, I just wanted to point out with regard to one level of government above the other issuing a request or edict that is ignored by the government below it, that the President of the United States has requested more than once that every Governor either put in place or reimplement a mask ordinance and Governor Ducey has refused to do so. I would also point out that this Governor, throughout the pandemic, has made decisions in isolation, without consulting with local officials, without consulting with the public health community. He said back when the public health community came to him and asked if a statewide mask law could be put in effect, he said that he would not do that, because over 90% of the State was already covered by local mask ordinances. He sent his press secretary and other members of his staff out to assert that local governments had not been enforcing their mask ordinances, forgetting that his executive order commanded local governments to take an education first approach. Similar to the three strikes approach that Mr. Huckelberry and Dr. Garcia have talked about here. I am very grateful to you, Madam Chair, for putting on the agenda the release or request to release the advice that we have gotten from the County Attorney so the public can see how our role as the local public health authority, which is defined in statute, caused us to take the action that we have, which I fully support, and which is consistent with the advice of public health officials unlike most of the actions that Governor Ducey has taken throughout the pandemic. But I did have a question for Mr. Huckelberry or Dr. Garcia, because, just like Supervisor Christy, I do have an interest in finding out if our local mask ordinance is going to survive any challenges. It has been challenged by some members of the legislature who have asked for Attorney General Brnovich to issue an opinion. I wonder if we have any updates on whether or not the attorney general is taking any action in that regard.

CH: Chair Bronson, Supervisor Scott, that is probably better answered by the County Attorney.

SB: Ms. Lukach. Lesley, are you back?

LL: I am. Chair Bronson, Supervisor Scott, I have not any new information on that. I would be happy to look into it and will certainly update you as soon as we hear anything.

SB: Thank you. Well, we also, Item 7 on the Addendum Agenda is also a COVID related item and it requires action of the Board. If we could move onto that, it is revision to the Board of Supervisors policy regarding, a temporary policy regarding COVID-19. I will move the item.

MH: Chair Bronson?

AG: Second.

SB: There is a motion and a second. Supervisor Heinz.

MH: Apologies, I did actually have a motion to make under Item 10. I can make it under 7 if you want.

SB: Well, we are discussing 7 now.

MH: Okay.

SB: Then we will come back to you, okay?

MH: Okay.

SB: There is a motion and a second on the floor to approve the revision to the Board policy. Is there any particular discussion on this item? Are there any objections? Hearing none the motion carries. Supervisor Heinz, back to your.

MH: Yes. Thank you. In light of, again, this delay, I think it would be wise for the Board to work to encourage the Tohono O'odham Nation to independently seek the federal vaccination site from FEMA and I know that that is something that the County Administrator is already working on with, with the nation. I would like to move that we direct the County Administrator to ask Chairman Norris of the Tohono O'odham Nation to request that FEMA set up a federal vaccination pod at Desert Diamond Casino.

AG: I will second.

SB: I need to make a friendly amendment. I think that he is Chairman of the Nation, so that, this should come from both Mr. Huckelberry and Chair of the Board.

MH: Oh, yes. I would accept that friendly amendment.

SB: Okay, thank you.

SC: Madam Chair, I am sorry, I am confused. We are on the addendum, what item are we dealing with?

SB: Well, we already dealt with Addendum Item Number 7.

SC: Now you jumped to 15.

SB: No. No. We are back, we are back. The discussion over COVID has not ended. We, we, part of the item, or part of the COVID discussion was the one

on the main agenda, plus Item 7 on the Addendum Agenda. We are still on the COVID discussion from regular agenda.

SC: Okay.

SB: There is a motion on the floor with a second and I have offered a friendly amendment. Is there any further discussion? Any objections?

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: Can this be open to any tribal community? If Pascua Yaqui decides to work directly, I am just, I am just suggesting that. I guess it is just an encouraging so that is fine. If the issue comes up, then I will bring it back.

SB: Okay, alright. Thank you. There is a motion on the floor. Any further discussion? Any objections? No objections. Motion carries unanimously. Now we are on..

RS: Madam Chair?

SB: Supervisor Scott.

RS: Yes, I apologize. I had another question for either Mr. Huckelberry or Dr. Garcia under Item 10. It is following up, I suppose, on questions that both Supervisor Heinz and I posed to Mr. Kovacs when he was with us earlier. This Board requested a copy of the budget that the State of Arizona was supposed to submit to the Department of Health and Human Services by, according to Dr. Leber from the Arizona Department of Health Services, by mid-March to determine how funds allocated to the State for vaccines and testing were going to be budgeted. Have we gotten any response to that request yet?

SB: Mr. Huckelberry.

CH: Chair Bronson and Supervisor Scott, no, we have not. I followed up the Board's request with a formal letter. I will follow it with a second formal letter and copy the delegation at this point in time, since we have not gotten any response to date.

SB: Thank you.

RS: That would be for over \$300 million that was allocated for testing and over \$60 million that was allocated for vaccinations out of the Consolidated Appropriations Act and my understanding that the State has only cut loose \$11 million of that so far. Is that correct?

SB: Mr. Huckelberry.

RS: I am sorry. \$100 million of that.

SB: Yeah.

CH: Yeah, Chair Bronson and Supervisor Scott, it is \$416 million in testing and \$66 in vaccination. That is \$476, and the only thing they have allocated is \$100 million out of the \$416 million testing and of that \$100 million, Pima County's allocation was, I believe \$14.3 million. We have done all the testing, and Maricopa County's allocation was \$66 million, and they have not done much in testing.

RS: Well, we can see why Congresswoman Kirkpatrick and the other members of our delegation have requested the audit that Mr. Kovacs spoke to. Thank you very much.

SB: Thank you. Are we now concluded with Item 10 on the agenda? Everybody satisfied?

SC: Madam Chair, I have one motion I would like to make.

SB: Okay. Proceed.

SC: I would like to move that Pima County remove its mask mandate effective immediately in accordance with the Governor's directive.

SB: Is there a second? Motion dies for a lack of a second.

BOARD OF SUPERVISORS

15. American Rescue Plan and Border Issues

Discussion/Action. Presentation by Billy Kovacs for Congresswoman Ann Kirkpatrick providing an update on the American Rescue Plan and border related issues. (District 3)

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
MH: Supervisor Heinz
RS: Supervisor Scott
CH: Chuck Huckelberry, County Administrator
BK: Bill Kovacs, Representative, Congresswoman Ann Kirkpatrick's Office

SB: Mr. Kovacs, I see that you are on. If you want to unmute yourself and start presenting now, that would be fine. Again, we are on item, on the Addendum Agenda, Item 4.

BK: Thank you, Chair Bronson, members of the Board, Administrator Huckelberry. I am joining you today just for an update from our office regarding the American Rescue Plan as well as community project funding, which is a big part of the Congresswoman's role on Appropriations, as well as some of the issues that have gone on the southern border and how our office has been able to navigate those with Pima County and the other border counties here in Southern Arizona. I want to start today thanking Chair Bronson, as well as Administrator Huckelberry for the constant communication, involvement in these issues along the border as well as their advocacy to our office on a weekly basis. It has been able to provide us on-the-ground assessments and real-time data so we can make really good decisions on behalf of our constituents, as well as for Pima County. Just a touch on a few of the things that involve Pima County on the American Rescue Plan. Obviously a large bill, a monumental bill that provided about \$1.9 trillion of funding in response to COVID-19. A lot of that money, and we were excited to see that this was direct aid to states, local governments, tribal and municipalities. Obviously we saw that Pima County was one of those recipients with a total of about just over \$200 million in direct, local allocation so that Pima County could use those funds to make sure that they could respond to the County's needs and solve some of these issues that we see in our backyard. One of the other things that we seen in the American Rescue Plan was small business resources. As we have all navigated the pandemic together, we saw that small businesses, for a large part, were not left behind but were in need of direct assistance and support from the federal

government and our other agencies across the State and the County. This bill, we were really excited to see the inclusion of about \$7.25 billion for ongoing PPP Aid, so the Paycheck Protection Program Aid. As well as \$15 billion for EIDL Loans and \$25 billion for the new Restaurant Revitalization Fund for restaurants and bars. We have seen a lot of this money begin to make its way into our communities. As well, right now SBA is looking at figuring out what those requirements look like for those restaurants and those bars to start submitting for those direct grants. A lot of support there from SBA. I know it is a lot and I will probably get some questions on it, but there is another point on that I wanted to make. There is about \$1.25 billion for the SBA Shuttered Venue Operation Grant Program and for live menus. As we are all Pima County residents here, we know that places like the Rialto and Fox Theater, as well as some of our namesake venues in Southern Arizona have been shuttered this whole time due to social distancing, as well as providing support and being able to keep our community safe. We want to make sure that they are made whole through this pandemic. Our office is doing everything we possibly can to make sure they get this information, that their loans are prioritized and that some of that money goes to their, gets to the places that are in need. So, really excited for that. They are also creating a Community Navigator Program to make sure that these institutions have the resources and can be walked through that process so that small business owners and particularly minorities and women-owned businesses, veterans and some of our underserved communities are prioritized in this loan process. Real quick, another one that I know the County has been very diligent on is vaccines and testing. Obviously from the comments earlier, we know that the County has been pretty much the vanguard in our community when it comes to testing, tracing, vaccine distribution and vaccine allocation. Not only to our populations as a whole, but also underserved populations in Pima County. You know, just as a personal note from our office, we want to thank Supervisor Heinz, as well as Supervisor Grijalva, as well as Chair Bronson on their efforts to serve those underserved communities and make sure that they get the vaccine in a timely manner. As we see in Arizona, a lot of those problems that we see in our community is that there is not an equitable distribution of vaccines in our State. We want to make sure that the federal government is there to assist in any way possible. This bill includes \$20 billion in federal aid to be locally administered for vaccine efforts as well as \$7.5 billion directly to the CDC to distribute and administer vaccines. We have seen, in knowing that this money was going to come out, we have also seen some hiccups in this process. We want to make sure that the County as well as other cities and mechanisms within our district, which is in the Congresswoman's district are able to get the direct resources from the federal government. On saying that, this bill also includes \$50 billion for the FEMA disaster relief reimbursement for State and local governments to address the pandemic. I know that this is something that the County has brought up multiple times to our office, as well as other members of the federal delegation, so we are happy to see that support in there. Lastly, the one thing I want to go over in the ARP, the American Rescue Plan, is a rental

and homeowner assistance program. While the ARP did not specifically extend the eviction moratorium, the CDC did end this in March and it did include significant funding for emergency rental assistance and homeowner assistance funds. Our office in particular has received countless requests from constituents regarding rental assistance and we really want to make sure that that money gets out to individuals that need it the most. And thank you and the County for your efforts to make sure that those in our most vulnerable populations are not left out on the streets. I think the next thing I just want to touch on is the appropriations process and community project funding. It is something that has been really huge out of our office. As the Congresswoman sits on Appropriations and is able to directly allocate for funding within our State and our local district. We wanted to make sure that we could prioritize projects that had a localized impact in Southern Arizona, as well as Pima County. That form just closed on Friday. We are really happy to see that we had about 29 community project funding requests into our office. A lot of that had to do with infrastructure and that had to do with really great local projects and we are looking at every single one of those projects with our legislative team to make sure that we can, through the appropriations process and through community project funding, get the money that Pima County and some of these other resources within the County, so that we can really capstone some of these projects going forward. This process will take about two or three months but as the Congresswoman works with committees and the President comes out with his budget, we will see and start advocating for these pots of money. Some of them you heard from the last appropriation season was port funding, obviously with the Douglas port of entry and prioritizing some of that trade and traffic over the southern border. We are really hopeful to see that get through again this year, as well as other projects like water infrastructure, well projects, City of Tucson projects and other things that are vital to our backyard here in Southern Arizona. If you have any questions on that, and I know Chair Bronson and Administrator Huckelberry have been on top of the appropriations process in our office, and any other Supervisor feel free to reach out to our office, and we can give you some updates on that and particulars. The last thing I want to go over today before we take questions is the federal response to the migration situation at the southern border. Our office, like many of you, have been very diligent in trying to provide support for the migrants that are at our southern border as well as looking at thoughtful ways that we can address this issue as we move forward. This is not the first time that Southern Arizona has seen migrants present themselves at the southern border and we want to make sure, with this new Administration, that we push for legislation and priorities that make sure that we have a humane immigration system. Some of the things that we have tried to do over the last couple of weeks was both talk to our federal agencies, FEMA in particular. I know Administrator Huckelberry has brought up issues with the FEMA Emergency Food and Shelter Program and how those funds were distributed. Our office is really looking at, instead of a reimbursement strategy, a direct allocation from FEMA for that program

because we know how long and arduous that process is for the County to ask for reimbursement when they are footing the bill for this issue up front. We want to make clear that this is a federal issue. We know that our counties and our cities along the southern border as well as Cochise County and Santa Cruz County are really on the front-lines of this issue. We want to make sure that we are advocating on your behalf so that the federal government is able to assist in any way possible. Hopefully we can get an answer from FEMA very soon on that assistance because we know that Pima County is not only going out for those funds but also providing transportation assistance for migrants along the border. Our office is also in communication with other agencies such as the Tucson Sector Chief for Border Patrol as well as getting weekly briefings from the White House revolving around and focusing on the immigration issue. Last week, I want to talk a little bit about the Congresswoman's visit to Douglas where we met with not only humanitarian groups like Frontera de Cristo, but also talked to the families that are presenting at the border. I think this is something that we have not seen from a lot of members of Congress, to sit down with individuals at the border and to really contextualize what is going on. From those conversations, our office is taking those stories and what really needs to be done and some of those fixes to our federal government to make sure that we have humane policies going forward. We must restore that asylum process, and we must address the root causes of migration by investing in Central America. Which the Biden Administration has also said that they are doing to make sure they stabilize the economy, as well as address violence and strengthen government and civil society. So with that, our office is also, two things, and I know I will open it up for questions. Our office will also be traveling to Nogales tomorrow to speak with Kino Border Initiative on what they are seeing at our port and city on the other side of the border in Nogales, Arizona. As well as the Congresswoman, today, she just stepped into the office, will be with Teresa Cullen, as well as Judy Rich over at TMC to talk about vaccine allocations and distribution in Pima County. TMC has been a leader in our community, as everybody on this call absolutely knows, and also has been a member of the Congresswoman's task force for about a year. We are really excited to get out there today with Pima County as well as TMC to talk about these issues and make sure we are doing everything possible to help and support your, well, the County as you look to navigate this pandemic effectively and make sure that we come out a little bit stronger than when we got in. With that, I will turn it back to you for any questions or anything like that.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Thank you very much. Mr. Kovacs, thank you so much for being with us today. I had three questions for you on three different topics. The first is, if you could go back to the beginning of your presentation when you talked

about the various small business resources that are part of the American Rescue Plan. For each separate program, could you let us know, for public information, where interested business owners would go to apply?

BK: Absolutely. Yes, so the Biden Administration looked at how the process went through the last Administration. There is a lot of frustration with going to individuals' banks and so what they did was a lot of that funding is going directly through SBA. So what organizations should do, small businesses and restaurants, and we actually had two meetings and webinars with the restaurant groups in Southern Arizona, and we are directing them to go straight to SBA to apply for those funds directly through that agency. That is the best way that they can get that direct aid and to make sure that they are made whole. Not a caveat, but just for the record, they should be looking and they should make sure to have their reporting or their financials with them as they look at this funding. So they can make sure to get with their accountant. We know a lot of the accountants are very busy right now because of this. And make sure that they have all the background information to apply and also know what they have already gone out for from the federal government because that will also be used to calculate their need in this next round of funding from the federal government. So if they got PPP before or EIDL before, they need to make sure they have all of the reporting for that and the amount of aid that they used previously because that will determine their eligibility for the ongoing aid from SBA.

RS: Thank you. So for each one of those programs, the place for any interested business or restaurant owner to go is right to Small Business Administration?

BK: Correct and we had one webinar on this. As SBA comes out with more guidance, we will be getting with the Administration and that agency to make sure that we can put on webinars and 101s for the community directly from SBA. So once we get that information, we will be happy to send it to your office and make sure that you can get that out there to your constituents.

RS: Thank you. Second question I had is that I was on a call last week with another member of the Arizona delegation who told me that he and Congresswoman Kirkpatrick and other members of the delegation had requested an audit of previous federal funds under the CARES Act and the Consolidated Appropriations Act that had been given to State government to distribute. Do you know anything about that audit and can you share any details about it if it is going forward?

BK: Yeah, I think one thing, and why there is more than one member of this delegation that is in support of that, is we want to make sure that we do not get penalized and that these funds were not to lower taxes. What we saw and some of those flags is money coming from the federal government, going to State agencies, those State agencies, some of those State agencies, did not have, they did not work directly for the pandemic or have

any sort of, like the liquor board. That was one of, I think, the red flags with a lot of people, was that why is, why is the liquor board getting allocation that is supposed to be for COVID-19 through the last funding bill and why is that going directly back to the State for them to use in a larger fund? That is what we are really looking at. We want to make sure that Arizona does not get in trouble with the federal government because, I think on a whole, I do not think we could afford it, but we want to make sure that those funds that are already exhausted by the State do not get taken back and put an undue burden on individuals and taxpayers in Southern Arizona. That is really impetus of where that came from. It is still in those early stages but we want to make sure that we are thoughtfully looking at every single dollar that is allocated from the federal government like the County does. We want to make sure that the money that was given to States was used in the appropriate way, and that it was given to organizations that are a respondent of the pandemic, not for, you know, side projects. As that comes out too and as that progresses, we would be happy to get you information on that.

RS: Very much appreciated. Then my final question is, my understanding is that the American Rescue Plan includes some funds in support of early childhood, specifically early childhood education. I do not know if you have any details on those funds and how they will be distributed but I would certainly be interested in getting those details if you do not have them today.

BK: Yes, Supervisor Scott, I would be happy to give you an overview of some of those funding areas that you are asking about because I think one of the reasons why we wanted to get on here and answer some of the questions is this is a massive funding bill. Ten minutes, I could not go over \$1.9 trillion of funding from the federal government. What we want to do is make sure there is a connection between those from the federal government to our counties. Like I said at the beginning, we do have a strong connection with Chair Bronson and Supervisor Huckelberry through the Border Counties Coalition and our monthly updates, but we wanted to make sure the rest of the Supervisors, everybody else on this call knows that our office is here and is ready to support. Because I think we all do the same thing. We all work on behalf of our constituents, and we want to make sure that they get the support they need in a timely manner. We would be happy to get you that information and I have your email address and so I can send you just an email and we can get that to you later today.

RS: Very, very much appreciated. Thank you so much, and Madam Chair, those are my three questions.

SB: Thank you, Supervisor.

SC: Madam Chair?

SB: Mr., is that Supervisor Christy?

SC: Yes. Thank you, Madam Chair. I, too, have three questions, Mr. Kovacs. By the way, thank you for being here today and for your presentation. The first of my three questions is: Does the Congresswoman and her office view the situation that we are experiencing at the borders as a crisis?

BK: Supervisor Christy. Well, good to see you again. I think the last time I saw you was at a Border Counties Coalition and I think we were fighting for a sandwich. But great to see you, sir. I think how our office views what is going on at the southern border...

SC: By the way, you won.

BK: I did. I did. What I think is that it has been a problem for a long time. We are not seeing this as a new problem with this Administration, but we are trying to be a part of the solution to make sure that we can go forward and find the things that we can work on. When I talked about what the Biden Administration is putting out in terms of readdressing the asylum process, talking about the root causes of immigration from Central and South America, being able to invest in those countries, to get them the support that they need so that they do not have those localized issues that caused hundreds of thousands of individuals to trek 2 to 3,000 miles by foot to our southern border and hope for asylum with very credible causes. I think that is what we really want to work on and I think there is a lot of consensus with the members of the border counties that we interact with. Like I said yesterday when we were down at, or last week when we were down in Douglas, we talked to the Supervisors of Douglas, or Cochise County, the Mayor of Douglas, the port officials as well as the humanitarian groups on the ground. You know, from that point of view, everybody wants to solve this in a humane way, and to make sure that we prioritize the individual and not some of the issues that are not really a crisis. We do think this is a monumental task for the government, but we are here to try to solve it and that is what we are going to do.

SC: So you would not characterize what is happening at the border as a crisis?

BK: No.

SC: You also mentioned earlier in your presentation that this has not happened before, that this situation that we are experiencing now has presented itself before. We have not had this situation for some time. Why now are we having this huge influx of migrants and border issues at this particular point in time? Why is it happening now?

BK: Supervisor Christy, I think we did have this before. You know, I became a part of this office just over two and a half, three years ago and we have taken border trips to all four ports on our southern border. We have talked to these

groups before. We saw the previous Administration implement policies like MPP that kept credible asylum claims on the other side of the border and that really did not prioritize any sort of solution. For us, our office, and this is why Ann was put on Appropriations. Appropriations is a solutions committee and the Congresswoman is looking for solutions. One of those funding projects that I talked about was the port infrastructures for the Douglas port of entry. We want to make sure that the resources in our communities are there to make sure that we can support the federal government's efforts to not only take in and administer credible asylum claims, but also stop some of the policies that did not work in the previous administration. That is not just anecdotal. Those are the facts that we have seen from multiple organizations, on the ground assessments from our team over two and a half years, as well as the work from multiple federal agencies and groups that have all been in lock step in trying to solve these problems.

SC: You state that this has happened before and this is a situation that is repeating itself. It has not happened to this magnitude in a long, long time and that is my point. There has been a gap where we had things under control and we are not facing this overwhelming human and migratory issue that is really impacting communities in a very devastating way. Again, my question is, why all of a sudden is this issue now rearing its ugly head where it has been held in abeyance for quite sometime?

BK: You know, I could keep answering it the same way. But, I think what we are trying to do is solve the problem that is in front of us currently. Which is that it is the same issue year over year over year, and it is not just in the last 60 days of this Administration. I think everybody knows that. It was not just in the last four years of the last Administration. Though there were policies that were in place that did not fix the problems that were there before. I think we can all look at, look if I needed my oil changed, I am going to go to a place to get it changed when I needed to. I am not going to not change it, have problems down the road and then total my car. I want to make sure that we can solve the problem that is in front of us and that is what the Congresswoman is trying to do and that is why she is having these conversations. We do not take four days out of our work schedule to just go to the border and placate these groups. We want to make sure we come back with comprehensive policies and legislation that really affects that change. Supervisor, I know you do care about your community as well as Pima County and the citizens that you represent and we do the same. We want to make sure that those citizens are represented. That those border communities do get the support that they need from the federal government, and we are there to solve those issues. So, the next time I am down there, and I know I go through your district every time I go to Nogales, I would love to take you with these conversations that we are having because I really think that it is important to sit down with some of those groups and have those conversations because it really opens up the, you know, the dialogue and trying to find solutions.

SC: Well, I guess my follow-up question to that is what you are doing now, what the Administration is doing now, what the Congresswoman is doing now, is it working? Is it helping this, what I would call a crisis, at the border?

BK: I would push back on that and, you know, from what we are hearing from the counties that are also along the southern border, I think it is helping. I think having that open dialogue and that communication is exactly what they need. Our office, through this last Administration, over the last 60 plus days has had more communications from this Administration and their agencies than in the prior four years. That is some of things that has stopped these problems from being solved is open communication with the agencies that interact along the border. Having those conversations with the Border Patrol Sector Chief, having conversations with FEMA, getting direct support from FEMA, talking to the CDC, making sure that the Army Corps of Engineers is aware of the projects and the needs on the southern border. Making sure we have the water infrastructure and the communication from not only our Administration in the federal government on the U.S. side, but also talking to the Mexican, the President, and making sure that they have the same alignment in terms of getting solutions.

SC: My final question, Madam Chair. Thank you for being so patient with me. My final question is would you support filling in the border fence and wall that are not completed at this point? Would the Congresswoman support such an initiative to fill in the gaps that are missing right now along the border with the wall and the fencing?

BK: Yeah. Great question, Supervisor Christy. I think we are, once again, we are more hyper focused on making sure that we have a priority of border modernization. That includes what the Congresswoman has been really fighting for, which is port funding and port support in terms of the Douglas port of entry, the Mariposa port of entry. We will be down there tomorrow as well as the port in San Luis, and all the other ports on our southern border. Like I said earlier in my comments, our staff has been to every single border port on the southern border. Not only with our staff in particular, the federal delegation as a whole and that is a bipartisan group of the federal delegation. But also to talk to Border Patrol, Homeland Security, as well as other agencies to make sure, Customs, to make sure that the flow of traffic and the flow of goods and services from our southern partner, which is Mexico, our largest trading partner, are able to get to our community. Once again, that is just not us going forward and saying, these are our priorities. Our role here is to make sure that we advocate for those communities along the border and what their needs are and those conversations last week with Douglas and Cochise County Supervisors was we want to see port modernization. Because those businesses, like yourself as a business owner, those businesses are losing funds because of the lack of traffic through the southern border and those areas. So we want to make sure that we support

those counties, those cities and those businesses along both sides of the border by making sure that we get those resources to those areas.

SC: Well thank you, Madam Chair for your patience. Mr. Kovacs, thank you for your presentation. I appreciate the opportunity to discuss these with you.

SB: Mr. Kovacs, I realize you have to leave us at 10:00. Do you have any other comments you want to make? Or any other Supervisor have a question?

BK: You know, I have five or six more minutes, Sharon. So, you know, I know Supervisor Grijalva as well as Supervisor Heinz have been working on issues and, you know, I can take a few more questions from the group.

SB: Okay.

AG: Thank you, Chair Bronson?

SB: Supervisor.

AG: I really do not have any questions, Billy. I will go ahead and send you an email or a text, but I do want to express my thanks to the Congresswoman for all of her support in Pima County's efforts to get funding directly. I know that she was advocating along with my dad and other members of the delegation for funds to come directly to municipalities, cities, counties, as opposed to going through the State because that has continued to be sort of a roadblock in getting funding. I know we had several conversations at these board meetings when we send in requests for funding, to reimburse for expenses that were COVID related and that they have been denied. I appreciate that you are all going to be looking through and doing, for all intents and purposes, a request for an audit to make sure that the funds have gone directly for services that they were designated for because we have concerns on the education side. We have concerns, too, that especially with this Administration in the State, what usually happens is that you are given some funds and then somewhere else it is taken back. You get this money allocated from the federal government but then the State will take back like some capital funds or something else and so that is always appreciated. Then she was very vocal in her support of Pima County being able to work directly with FEMA to get pop-up sites here and so I just, if you can express my thanks to her, I would appreciate it and to all of you for the work that you are doing.

BK: Absolutely. And Supervisor Grijalva, I really appreciate and Supervisor Heinz as well as Chair Bronson, all reached out to our office and me in particular to see how she was doing over this last week and, you know, I forward those on to the Congresswoman and she really appreciates that personal touch. As we go forward, and I said this in our Border Counties Coalition to Administrator Huckelberry because I know he pulls his hair out a lot in trying

to find solutions to some of these problems that, you know, are the federal government's problems. We want to make sure that even if it is something that, you know, sometimes our (inaudible) still goes unanswered. So if we are looking at the State and trying to ask questions of the State, you know, we are here to advocate on your behalf as best as we can and sometimes that hits a brick wall. Sometimes we do not get answers back in a timely manner but still the communication is there between our office and Pima County. I know for a lot of the delegation, as well as your father's office that is the same because we have been on those calls with Ruben and the Congressman. So, you know, as we go forward, because this pandemic is not over, and, you know, our community is still struggling and we are not out of this yet, we want to make sure that our office is in lock step with the County to make sure that we get the funds and start advocating in a timely manner. The only way we do that is open up communication and is to make sure that organizations like the County are aware that our office is there to assist you. Not only the other way around. So thank you for your comments.

AG: Thank you.

SB: Thank you. Supervisor Heinz, do you have any comments?

MH: Yeah, actually I do, thank you. Just really briefly, we touched on them already, I think, a little bit but just wanting to reinforce the State of Arizona continues to behave badly and in poor faith with regard to reimbursement of already expended funds as to the cost of testing, contact tracing and other pandemic-related items, I know we discussed that broadly. They have I believe it is in excess of \$600 million from the first two COVID relief bills. They are sitting on this money, and I believe they two months ago promised us \$14.3 million, which we really should be getting \$55 or \$60 million of one of those buckets. I mean, Mr. Huckelberry, you can correct me if I am wrong, but, I do not believe the County has received a penny. The State has been basically sitting on over half a billion dollars and frankly, it is not very helpful for us in Pima County, but our financial picture, I think has been really quite good, given Mr. Huckelberry's fiscal discipline here. But, a lot of other counties across State are in really big trouble and cannot respond the way they need to be. That was the one issue I wanted to bring up, just so you know. There has got to be some way that HHS or the CDC can, I do not know, claw back the funds or do something to the State because they are, I believe, breaking the rules by not sending the funds on to this County. Then the second thing I think is important to point out is I know there was a lot of FEMA federal vaccine pod discussion. The Governor tried to step in and block it then backed off and said, as the County, we can work directly with FEMA to set this up. It has been over 11 days since that happened and there has not been any progress. I mean, so far as I can tell. There is some internal discussions at FEMA but, again, unless something changed between yesterday evening and this morning. I do not believe that we have either the State has not provided authority to FEMA, for FEMA to work with the County

or FEMA is discussing things internally. I know this is kind of an odd situation for them. Either way, we do not have, yet, the go-ahead and I was expecting there to literally be vaccines being handed out by folks in FEMA vests right now. So just to make sure that those are issues that the Congresswoman is aware and advocating for that.

BK: Yeah, and Supervisor Heinz, two great points. I think that, first, we have seen as well, obviously in our efforts to try to get communication from the State regarding the money that is supposed to be there for the counties. We, you know, we are really disappointed to see some of that rhetoric come from the State towards the County on getting that money to Pima County to support those efforts. This is also one of the reasons why we have been advocating for direct support from the federal government because as that issue is not solved and we do not provide oversight to the State in that way, what we do, you know, is be able to interact with those agencies that could get direct support while we are still dealing with that other issue. We are going to be continuing to push and to see what other federal agencies can provide direct support to our cities and our counties that are on the ground dealing with COVID-19 as well as getting vaccines into arms in a timely manner to make sure that our community can come out of this as safely as possible, but also holding those, let us see, the State accountable, and getting those funds as well. Those are working in tandem. If we just worked on one, the other one would not really happen. We want to make sure that we can do both, to walk and chew bubble gum, which I think we have been able to do, so we can provide those resources there. On the other front, we will definitely follow up with FEMA today, because I know our office did reach out about two weeks ago as well when those issues were coming up and the County flagged a lot of the FEMA issues with us. We can follow up with our contact at FEMA because we are trying to also solve that problem with the food and shelter assistance program and some of those issues as well. Obviously, different context than FEMA but we will work diligently to provide those answers. Hopefully by the next, your guys' next meeting, or hopefully as soon as possible so we are not going, 11 days is pretty long. Let us see if we can provide those answers for you. But this is once again the communication with Pima County and our office. We are able to move quicker when we know about some of these issues. Thank you, Supervisor.

SB: Thank you, Supervisor Heinz. Then, Mr. Huckelberry, do you have any parting thoughts for Mr. Kovacs?

CH: Chair Bronson and for Mr. Kovacs, nothing other than make a call to FEMA Region 9 and see if their legal team has been through the agreement yet. We understand that may be where it is.

BK: Excellent. Will do. I am actually here with our Senior Legislative Aid for the Congresswoman, Emily Cummins which has been on a lot of our calls and works with FEMA directly on these issues. It literally goes from my ear to

hers and then she is on the phone trying to get some answers. She is vigorously typing before we have to go to TMC today. We will try to get those answers for you guys as quickly as possible because, you know, once again, thank you Administrator Huckelberry, for your continued diligence on this issue. I forgot what Supervisor Heinz said but financial acumen, is something that I will attest to as well. I think the Administrator finds and can allocate for every single dollar the County is spending or needs to get. We will continue to push on our side and be in communication with the County on this issue.

SB: Thank you, Mr. Kovacs and I think it is financial discipline.

BK: It is, yes, financial discipline.

SB: Okay. If there are no further questions, I want to thank Mr. Kovacs for joining us and thank the Congresswoman for all of her advocacy on behalf of Pima County. Thank you.

BK: Thank you very much, Chair Bronson.