

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, March 1, 2022. 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: Jan Leshar, Acting County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Juan Carlos Navarro, Sergeant at Arms

1. **STATE OF ARIZONA GAME AND FISH COMMISSION MEMORANDUM OF UNDERSTANDING**

Staff recommends approval of the Memorandum of Understanding between Pima County, Pima County Flood Control District and the State of Arizona Game and Fish Commission.

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

2. **CONTRACT**

Pima County Flood Control District and Pima County, to provide for an Exchange Agreement: Sunset: I-10 to River Road Project (4SRRIV) - Acq-980, Special Warranty Deed, Bridge Right-of-Way Easement and Quit Claim Deed for road improvements, no cost (CTN-RPS-22-111)

It was moved by Chair Bronson, seconded by Supervisor Scott 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 11:43 a.m.

CHAIR

ATTEST:

CLERK

DRAFT

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, March 1, 2022. 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: Jan Leshar, Acting County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Juan Carlos Navarro, Sergeant at Arms

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Gabriella Cázares-Kelly, Pima County Recorder.

3. PAUSE 4 PAWS

The Pima County Animal Care Center showcased an animal available for adoption.

4. POINT OF PERSONAL PRIVILEGE

Chair Bronson expressed her support for Ukraine. She asked everyone to keep them in their thoughts and offer comfort and support to the people of Ukrainian heritage living in Pima County. She asked staff to light up one of the County buildings with the colors of the Ukrainian Flag.

Supervisor Grijalva acknowledged the passing of Jon Miles, former Board of Supervisor who had been appointed by her father. She remarked on his dedication to service within the community and added that his "Celebration of Life" would be held on March 12, 2022.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Terri Spencer, Procurement Director, proclaiming the month of March 2022 to be: "PROCUREMENT MONTH" and proclaiming the day of Wednesday, March 9, 2022 to be: "PROFESSIONAL BUYER'S DAY"

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

6. **CALL TO THE PUBLIC**

Benny White asked the Board to vote no on the reconsideration requests listed on the Addendum. He stated that their implementation would increase public confidence in election results by reducing the number of provisional ballot delays and the workloads of the election officials.

Shirley Requard addressed the Board in opposition to the authorization of voting centers and e-poll books and stated that they were an assault on election integrity.

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:46 a.m.

8. **RECONVENE**

The meeting reconvened at 10:05 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding discussion on waiving Attorney-Client privilege for the memorandum dated January 27, 2022 from the Pima County Attorney's Office regarding Gun Shows at the Pima County Fairgrounds.

Sam Brown, Chief Civil Deputy County Attorney, stated that the County Attorney's Office recommended to proceed as discussed in Executive Session.

It was moved by Supervisor Scott, seconded by Supervisor Grijalva and carried by a 3-2 vote, Chair Bronson and Supervisor Christy voted "Nay," to proceed as discussed in Executive Session.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in TNR & S Acquisition, Inc., v. Pima County, Arizona, Tax Court Case No. TX2021-000305.

Sam Brown, Chief Civil Deputy County Attorney, stated that the County Attorney's Office recommended to proceed as discussed in Executive Session.

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

BOARD OF SUPERVISORS

11. The Board of Supervisors on December 21, 2021 and January 4, 2022, continued the following:

In-Person Board of Supervisors Meetings

Discussion/Action regarding resuming in-person Board of Supervisors Meetings. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Christy to resume in-person Board of Supervisors' Meetings, beginning on March 15, 2022. No vote was taken at this time.

Supervisor Grijalva asked whether masks would be required at the meetings.

Chair Bronson commented that they would not be required for Board members due to their vaccination status, but indicated that the Health Department had recommended continued mask use for members of the public.

Supervisor Grijalva stated that she was uncomfortable with that assessment and indicated that until transmission was classified as low to moderate, masks should continue to be worn by everyone including Board members.

Supervisor Heinz asked for the Health Department's input.

Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the framework for reporting mitigation strategies for various counties across the United States had recently changed by the Centers for Disease Control and indicated that those reports were published on their website every Thursday. He stated that the last report listed Pima County as high level transmission and, therefore, the recommended guidelines dictated continued universal mask use. He indicated that the Health Departments' anticipation was that the County would drop into the medium level transmission by the end of the week and reminded the Board that the new schema included two hospital capacity metrics that would be taken into account when making that determination.

Supervisor Heinz asked whether it was recommended that the Board follow the administrative guidance currently in place for all County buildings.

Dr. Garcia responded that discussions between County Administration and the Health Department were being held regarding modifications to those guidelines. He stated that staff wanted to ensure everyone felt safe, whether masked or unmasked, in the environment that was created and that the modifications would continue to align with the current transmission levels.

Supervisor Christy commented that COVID protocols were currently in place and questioned why face masks were required for Board members.

Dr. Garcia responded that policy decision changes were made by the Board.

Supervisor Grijalva questioned whether the Board would adhere to the guidelines already in place for County buildings.

Supervisor Christy asked Chair Bronson for clarification of her motion.

Chair Bronson stated that her motion was to resume in-person Board meetings beginning March 15, 2022, with no mask requirement for Board members, provided that the County was not categorized as high level transmission.

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

12. **Release of Attorney/Client Privileged Memorandum Regarding Gun Shows**

Discussion/Action: Release to the public attorney/client privileged memorandum dated January 27, 2022, from Samuel E. Brown, Chief Civil Deputy County Attorney to Supervisors Rex Scott and Adelita Grijalva, Subject: Gun Shows at the Pima County Fairgrounds: Current and Future Contracting. (District 1)

(Clerk's Note: This item was taken in conjunction with Minute Item No. 9.)

13. **Sheriff's Department Update on Pima County Adult Detention Complex, Fentanyl Overdoses and COVID Mitigation**

Discussion/Direction/Action: Asking Pima County Sheriff Chris Nanos to present an update to the Board of Supervisors regarding the increase in fentanyl-related overdoses among the incarcerated population, to include both lethal and non-lethal overdoses. The status of any internal or external investigations into how fentanyl is making it into the inmate population. Implementation of any plan to equip Corrections Officers with the appropriate resources, tools, and/or training to administer Naloxone (Narcan) to prevent inmate deaths.

Additionally, I would appreciate an update on COVID-19 infections in the facility and what measures are being taken to continue to mitigate against spread of the virus. Are mitigation policies such as masking requirements being fully adhered to by all corrections officers, legal and medical staff, and others working in the facility? Are appropriate masks (surgical and/or N95 masks) being provided to inmates and is mandatory mask wearing enforced with the inmate population? (District 2)

(Clerk's Note: See the attached verbatim for Minute Item No. 13, for discussion related to this item.)

COUNTY ADMINISTRATOR

14. The Board of Supervisors on February 15, 2022, continued the following:

Extension and Expansion of Pandemic Outbreak Leave

Staff recommends approval of the following:

- An additional 80 hours of Pandemic Outbreak Leave II for full-time employees and a prorated amount of hours for part-time employees
- Allow employees to be compensated for currently accrued Pandemic Outbreak Leave I
- Provide an additional 40 hours of vacation leave to all formerly furloughed full-time employees and 20 hours of leave for formerly furloughed part-time and intermittent employees

Supervisor Grijalva stated that she wanted to continue the item to the next Board meeting in order to conclude her discussions with staff.

It was moved by Supervisor Grijalva and seconded by Supervisor Heinz to continue the item to the Board of Supervisors' Meeting of March 15, 2022. Upon roll call vote, the motion carried 3-2, Chair Bronson and Supervisor Christy voted "Nay."

CLERK OF THE BOARD

15. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), Iglesia de Jesucristo Palabra Miel Tucson, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2019, 2020 and 2021, for Tax Parcel No. 225-39-0070.

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

DEVELOPMENT SERVICES

16. **Final Plat With Assurances**

P21FP00010, New Tucson, Unit 8, Lots 226-256, 285-286, 289, 330-331, Common Area "A" and Lots to remain as originally platted include Lots 282-284, 287-288, 332-338 and 363-364. (District 4)

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

17. **Final Plat With Assurances**

P21FP00015, Quintana - In the Catalina Foothills, Lots 1-12, Common Areas "A and B". (District 1)

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

18. **Final Plat Without Assurances**

P21FP00019, Las Casitas at Sabino Springs, A Condominium, Units 1-6, Common Elements 1-6 and Limited Common Elements 1-6. (District 1)

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

19. **Final Plat With Assurances**

P21FP00023, Rocking K South Neighborhood 3, Parcel BB, Lots 1-121, Common Areas "A, B and Unit 1". (District 4)

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

20. **Final Plat Without Assurances**

P21FP00024, Butterfield Commerce, Block 1. (District 2)

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

21. **Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending December 31, 2021.

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

22. **Execution of Documents**

RESOLUTION NO. 2022 - 9, of the Board of Supervisors, authorizing the Director of Pima County Finance and Risk Management Department to execute documents.

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

Chair Bronson requested clarification regarding the purpose of the resolution.

Jan Leshner, Acting County Administrator, explained that the County received bequests from codicils and wills for the Pima Animal Care Facility and this resolution allowed for those funds to be designated directly to the Finance Department, following the execution of the wills.

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

NATURAL RESOURCES, PARKS AND RECREATION

23. State of Arizona Game and Fish Commission Memorandum of Understanding

Staff recommends approval of the Memorandum of Understanding between Pima County, Pima County Flood Control District and the State of Arizona Game and Fish Commission.

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

FRANCHISE/LICENSE/PERMIT

24. Hearing - Liquor License

Job No. 175967, Zacharias Rodriguez, Los Pocho's Sports Grill, 5801 S. Palo Verde Road, Tucson, Series 6, Bar, Owner Transfer.

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 Grijalva 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.

25. Hearing - Liquor License

Job No. 179661, Miguel Ramos, Hot and Sexy Drinks and Seafood, 2202 W. Drexel Road, Tucson, Series 12, Restaurant, 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 Grijalva 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.

26. **Hearing - Liquor License**

Job No. 176132, Joseph David Taylor, Simon Hazel Cellars, 6890 E. Sunrise Drive, No. 140, Tucson, Series 10, Beer and Wine Store, Sampling Privileges.

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 Grijalva 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.

27. **Hearing - Permanent Extension of Premises/Patio Permit**

012100013445, Kevin Arnold Kramber, Blackhawk Barbecue and Coffee Shop, 16461 S. Houghton Road, Vail.

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 Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

RECORDER

28. **Hearing - Proposed Revised Fee Schedule**

ORDINANCE NO. 2022 - 3, of the Board of Supervisors, establishing fees for election-related services, voter registration data and recorded document services provided by the Pima County Recorder.

(Clerk's Note: See the attached verbatim for Minute Item No. 28, for discussion and action related to this item.)

BOARD OF SUPERVISORS

29. **Request for Reconsideration - District 3**

A. On February 15, 2022, the Board of Supervisors took the following action:

Authorization of Vote Centers

Staff requests authorization to use vote centers in place of polling places for the 2022 Primary and General Elections.

It was moved by Supervisor Grijalva and seconded by Supervisor Scott to approve the item. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

- B. If motion to reconsider is approved, proceed with reconsideration of the following:

Authorization of Vote Centers

Staff requests authorization to use vote centers in place of polling places for the 2022 Primary and General Elections.

It was moved by Chair Bronson and seconded by Supervisor Christy to approve the request for reconsideration. Upon roll call vote, the motion failed 2-3, Supervisors Grijalva, Heinz and Scott voted "Nay."

30. **Request for Reconsideration - District 3**

- A. Request to suspend Board of Supervisors' Rule No. H-3, pursuant to Board of Supervisors' Rule No. O-1.

- B. On February 15, 2022, the Board of Supervisors took the following action:

Contract

Tenex Software Solutions, Inc., to provide for Tenex election desk modules, HAVA Grant 2020 and General (50%) Funds, contract amount \$1,500,000.00 (MA-P0-22-80) Elections and Information Technology

It was moved by Supervisor Scott and seconded by Supervisor Grijalva to approve the item. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

- C. If motion to reconsider is approved, proceed with reconsideration of the following:

Contract

Tenex Software Solutions, Inc., to provide for Tenex election desk modules, HAVA Grant 2020 and General (50%) Funds, contract amount \$1,500,000.00 (MA-P0-22-80) Elections and Information Technology

It was moved by Chair Bronson and seconded by Supervisor Christy to suspend Board of Supervisors' Rule No. H-3. Upon roll call vote, the motion failed 2-3, Supervisors Grijalva, Heinz and Scott voted "Nay."

31. **Scope and Cost of Services**

Discussion/Direction/Action regarding the scope and cost of services provided by Pima County to asylum seekers, refugees, and families and individuals encountered by the Department of Homeland Security during FY 21/22. (District 4)

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

32. Pima County Face Mask Mandate Rescission

Discussion/Direction/Action regarding the rescission of the face mask mandate in Pima County buildings, facilities, entertainment venues, etc. (District 4)

It was moved by Supervisor Christy and seconded by Supervisor Scott to rescind the face mask mandate, effective immediately, in all Pima County buildings and facilities. No vote was taken at this time.

Supervisor Scott inquired about changes to the mask mandate administrative procedure.

Jan Leshar, Acting County Administrator, responded that internal discussion was underway regarding the elimination of the mask mandate and movement towards a recommendation for mask usage. She stated that it would be part of an overall communication strategy for dealing with this new world of COVID. She indicated that their goal was to have a new administrative procedure in place that lifted those specific requirements, by Friday, March 11th.

Supervisor Grijalva questioned whether that was with the assumption that the numbers continued on a downward trend.

Ms. Leshar responded in the affirmative and stated that initial thoughts were aimed at rescinding the procedure and eliminating its requirements but decided against that based on previous pandemic history. She commented about the importance of having safety guidelines in place for the occurrences of other variants or another spike in cases.

Supervisor Grijalva expressed concern about the lack of booster information for employees and asked whether that would be considered in the future.

Ms. Leshar responded that the County aligned with the Centers for Disease Control (CDC) requirements and stated that individuals were considered fully vaccinated with their first allocation but boosters were not included. She added that they would continue working with the CDC and the Health Department for modification of those requirements, if needed.

Supervisor Christy amended his motion to accommodate Ms. Leshar's proposed March 11th date, provided that the numbers continued to decline.

Supervisor Scott accepted the amended motion.

Supervisor Grijalva asked for confirmation that the mandate would not be rescinded until the County was out of the high transmission category.

Supervisor Heinz asked for clarification of the motion.

Supervisor Christy restated his motion, that the Board of Supervisors, under the direction of the County Administration and the Pima County Health Department, would move towards a county-wide mask rescission, including Pima County owned buildings, based on justifiable numbers and information by March 11th.

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

33. **Pima County Board, Committee, Commission, and Task Force Meeting Participation**

Discussion/Direction/Action clarifying the proper role of Supervisors and their staff when attending Pima County Board, Committee, Commission, and Task Force meetings. (District 4)

Supervisor Christy requested that the County Attorney's Office provide clarification on the protocols and appropriateness of Board members and their staff when attending committees, commissions and task force meetings, as participants and/or observers. He indicated that he was particularly interested in proper participation by Board members when three or more were in attendance, to ensure that open meeting laws were not violated.

Sam Brown, Chief Civil Deputy County Attorney, responded that the requested information would be provided to the Board.

Chair Bronson added that there was a Board policy related to Non-Interference, and requested the County Attorney review it and put in context when responding to Supervisor Christy's questions.

HUMAN RESOURCES

34. **Classification/Compensation**

The Facilities Management Department requests approval to create the following new classifications, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code

2374/ Architectural Designer/ A1 (\$45,074-\$63,128)/ 2/ E**

2371/ Architect/ A2 (\$64,064-\$89,690)/ 2/ E**

2376/ Architect-Senior/ A3 (\$71,926-\$100,714)/ 2/ E**

2372/ Architectural Manager/ A4 (\$82,202-\$115,086)/ 2/ E**

**E = Exempt (not paid overtime)

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

CONSENT CALENDAR

35. Approval of the Consent Calendar

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 2, 3, 4 and 5 were set aside for separate discussion and vote.

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

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PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Grants Management and Innovation

2. City of Tucson, Amendment No. 2, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 6/30/22, amend contractual language and scope of services, Emergency Food and Shelter National Board Program Fund, contract amount \$440,100.00 (CT-GMI-21-484)

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

Supervisor Christy commented that he was concerned with the frequency of these types of funding requests and with the approximately \$2.3 million in revisions received thus far. He asked staff to provide him with a breakdown of the American Rescue Plan Act (ARPA) grant funds provided to the County, including the amount given to the City of Tucson in support of these activities. He added that he would be voting against the item.

Jan Leshner, Acting County Administrator, clarified that the funding was cap spending and was not additional to what was previously approved by the Board for services related to asylum seekers. She indicated that some of that funding had been expended through contracts with Catholic Community Services and the City, and explained that none of it was ARPA, Coronavirus Aid, Relief, and Economic Security Act or COVID monies. She further explained that it was the contractual capacity funding from the Federal Emergency Management Agency (FEMA) through the Emergency Food and Shelter grants that were specifically received to support that Asylum Seeker Project. She indicated that the requested information would be provided to the Board.

Supervisor Christy questioned why the contract's supporting documentation had indicated that the funds were ARPA.

Ms. Leshar stated that there was a very broad amount of funding available under the ARPA umbrella, but indicated that the Emergency Food and Shelter Fund was through the FEMA Program and was not designated for anything related to COVID services. She indicated that she would provide further clarification.

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

3. Catholic Community Services of Southern Arizona, Inc., Amendment No. 1, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 6/30/22, amend contractual language and scope of services, Emergency Food and Shelter National Board Program Fund, contract amount \$1,187,361.56 (CT-GMI-21-452)

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

Supervisor Christy commented on the \$1.1 million for the purpose of defraying costs associated with sheltering asylum seekers at the Casa Alitas Welcoming Center and asked about their occupancy.

Jan Leshar, Acting County Administrator, responded that it varied daily and provided him with an estimate from the previous week. She indicated that 780 individuals had been helped, approximately 111 per day and stated that the overall capacity at Casa Alitas was 39, with another 117 at Red Roof Inn. She explained that in addition, under a program through Community and Workforce Development, 13 other families were housed at the Comfort Suites and added that since April of 2021, approximately 26,000 individuals had gone through the program.

Supervisor Christy asked why the request was retroactive to December 1, 2021.

Ms. Leshar indicated that it was due to the delay in receiving the information from their partner Catholic Community Services.

Supervisor Christy questioned why the amount had doubled between the months of April to December, 2021.

Ms. Leshar stated that it was due to the significant increase in the number of individuals that were being released by the Department of Homeland Security.

Supervisor Christy stated that the background material indicated that the \$1.1 million contract amount was due to the number of cost of service increases that had taken place since December of 2021, and questioned whether Catholic Community Services was operating the hotels in addition to Casa Alitas.

Ms. Leshar responded in the affirmative.

Supervisor Christy questioned when that action had started.

Ms. Leshar explained that security and some health services were provided by the County but services were provided primarily by Catholic Community Services. She indicated that cost of services was difficult to determine with the constant fluctuations in the number of individuals being brought to the facility by their federal partners. She explained that their goal was to protect the health and safety of the community by ensuring that those individuals had shelter instead of released onto the streets and reminded the Board that all of those programs were funded by federal dollars.

Supervisor Christy asked about the impact this would have on the Federal Emergency Management Agency processing center at Los Reales.

Ms. Leshar indicated that the information would be provided to the Board.

Supervisor Christy stated that any discussion regarding this item could be merged and included with the financial breakdown information he had previously requested.

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

Health

4. Partners in Health, to provide for consultation for Vaccine Equity Program, CDC/ADHS Funds, contract amount \$224,412.00/2 year term (CT-HD-22-203)

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 necessity for consultants.

Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that this was a Centers for Disease Control and Prevention funded contract through the Arizona State Department of Health Services and indicated that the listed contractor had partnered in the development of the program and was assisting with its execution. He explained that this contractor's skill set allowed the County to

be highly targeted within the communities and census tracts where the Vaccine Equity Program was being conducted and added that the contract itself represented 2% of the total value of the entirety of the award.

Supervisor Christy inquired whether those services had been provided by the Health Department prior to the pandemic.

Dr. Garcia responded in the affirmative and indicated that the contract would improve their targeted capacity regarding when and where those types of interventions were delivered. He indicated that this contractor had valued experience in analytic capacity and support that would help the County leverage their own experience and infrastructure.

Supervisor Christy commented that the Health Department had enough experience managing a Vaccine Equity Program on their own.

Dr. Garcia responded that the assistance of this consultant was needed due to the contracts relatively short period of execution.

Supervisor Christy asked the Acting County Administrator for her report to include the purposes and total dollar amount Pima County had granted to Partners in Health.

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

5. SJM Premier Medical Group, L.L.C., Amendment No. 4, to provide for COVID-19 medical support for Refugee populations, extend contract term to 7/1/23 and amend contractual language, Emergency Housing and Medical Support Fund, contract amount \$1,200,000.00 (CT-HD-22-3)

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

Supervisor Christy asked staff to provide the Board with specific details regarding the various funding sources, which included population definitions and how they differentiated from each other, the sheltering history at the Red Roof Inn and its relationship with the Casa Alitas Welcoming Center and Catholic Community Services. He indicated this information could be provided in one report with the information he had requested for Consent Calendar Item Nos. 2, 3 and 4.

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

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CONTRACT AND AWARD

Behavioral Health

1. Mohave County, Amendment No. 1, to provide an intergovernmental agreement for restoration to competency services, extend contract term to 4/3/22 and amend contractual language, contract amount \$390,000.00 revenue (CTN-BH-22-8)

Grants Management and Innovation

2. City of Tucson, Amendment No. 2, (PULLED FOR SEPARATE ACTION)
3. Catholic Community Services of Southern Arizona, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Health

4. Partners in Health, (PULLED FOR SEPARATE ACTION)
5. SJM Premier Medical Group, L.L.C., Amendment No. 4, (PULLED FOR SEPARATE ACTION)

Information Technology

6. Drug Enforcement Administration, Amendment No. 2, to provide for a Tower License Agreement for wireless communications facilities, extend contract term to 12/31/26 and amend contractual language, contract amount \$93,513.12 revenue (CTN-IT-17-147)

Procurement

7. **Award**
Award: Master Agreement No. MA-PO-22-96, Airwave Communications Enterprises, Inc. (Headquarters: Commerce, CA), to provide for Kenwood Viking Radios. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$3,800,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Pima County Wireless Integrated Network (PCWIN) Special Revenue Fund. Administering Department: PCWIN.
8. **Award**
Award: Master Agreement No. MA-PO-22-100, Pictometry International Corp. (Headquarters: Rochester, NY), to provide for aerial photography services. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$1,687,752.00 and includes four (4) one-year

renewal options. Funding Source: General Fund. Administering Department: Information Technology.

9. **Award**

Award: Master Agreement No. MA-PO-22-102, Chalmers Ford, d.b.a. MHQ of Arizona (Headquarters: Chandler, AZ), to provide for emergency code equipment parts and service. This award is for an initial term of one (1) year in the annual award amount of \$1,600,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Fleet Services Ops Fund. Administering Department: Fleet Services and Sheriff.

10. MW Morrissey Construction, L.L.C., to provide for the Historic Canoa Ranch Senior House Renovation (CRMSNR), Non-Bond Projects and General (\$938,000.00) Funds - PAYGO, contract amount \$1,541,731.00 (CT-CPO-22-248) Capital Program Office

11. Granite Construction Company, KE&G Construction, Inc., Markham Contracting Co., Inc., Southern Arizona Paving & Construction Co., and Tucson Asphalt Contractors, Inc., to provide a job order master agreement for transportation improvement and maintenance, HURF Funds, contract amount \$10,000,000.00 (MA-PO-22-52) Transportation

Real Property

12. Star Valley Master Homeowners Association, Amendment No. 1, to provide a license agreement for right-of-way along Camino Verde and Valencia Road at 6211 W. Valencia Road, Tax Parcel No. 210-31-0120 and amend contractual language, contract amount \$11,970.00 revenue (CTN-RPS-22-107)

13. Pima County Flood Control District and Pima County, to provide for an Exchange Agreement: Sunset: I-10 to River Road Project (4SRRIV) - Acq-980, Special Warranty Deed, Bridge Right-of-Way Easement and Quit Claim Deed for road improvements, no cost (CTN-RPS-22-111)

Recorder

14. City of Tucson, to provide for 2022 election services, contract amount \$88,000.00 revenue (CTN-RE-22-109)

GRANT APPLICATION/ACCEPTANCE

15. **Acceptance - County Attorney**

Department of Health and Human Services, SAMHSA Treatment Drug Courts Substance Abuse and Mental Health Services Administration, Amendment No. 5, to provide for the Drug Court (Pima County Problem Solving Courts Initiative), no cost (GTAM 22-52)

BOARD OF SUPERVISORS

16. Meeting Schedule

Approval of the Board of Supervisors' Meeting Schedule for the period June through December, 2022.

BOARD, COMMISSION AND/OR COMMITTEE

17. Cooperative Extension Board

Appointment of Amanda Ruboyianes, to fill a vacancy created by Loyd "Gabe" Gabriel. Term expiration: 6/30/24. (Committee recommendation)

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

18. Special Event

Edward Lucero, Roman Catholic Church of St. Elizabeth Ann Seton - Tucson, 8650 N. Shannon Road, Tucson, March 4, 11, 18, 25, April 1 and 8, 2022.

19. Temporary Extension

- 015110017211, Craig Stephen Ivanyi, Arizona-Sonora Desert Museum, 2021 N. Kinney Road, Tucson, March 19, 2022.
- 012100013445, Kevin Arnold Kramber, Blackhawk Barbecue and Coffee Shop, 16461 S. Houghton Road, Vail, March 12, May 7 and June 4, 2022.
- 14101009, Kevin Arnold Kramber, American Legion No. 109, 15921 S. Houghton Road, Corona de Tucson, March 19 and 20, 2022.

ELECTIONS

20. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Suzanne King-163-DEM; Nancy Scott-Rogers-211-DEM

APPOINTMENT-PRECINCT-PARTY

Lauren Burson-116-DEM

FINANCE AND RISK MANAGEMENT

21. Duplicate Warrants - For Ratification

Southern Arizona AIDS Foundation \$17,271.41; Lauri J. Owen \$13,596.00.

RATIFY AND/OR APPROVE

22. Minutes: January 4, 2022

Warrants: February, 2022

* * *

36. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:43 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS

13. Sheriff's Department Update on Pima County Adult Detention Complex, Fentanyl Overdoses and COVID Mitigation

Discussion/Direction/Action: Asking Pima County Sheriff Chris Nanos to present an update to the Board of Supervisors regarding the increase in fentanyl-related overdoses among the incarcerated population, to include both lethal and non-lethal overdoses. The status of any internal or external investigations into how fentanyl is making it into the inmate population. Implementation of any plan to equip Corrections Officers with the appropriate resources, tools, and/or training to administer Naloxone (Narcan) to prevent inmate deaths.

Additionally, I would appreciate an update on COVID-19 infections in the facility and what measures are being taken to continue to mitigate against spread of the virus. Are mitigation policies such as masking requirements being fully adhered to by all corrections officers, legal and medical staff, and others working in the facility? Are appropriate masks (surgical and/or N95 masks) being provided to inmates and is mandatory mask wearing enforced with the inmate population? (District 2)

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
SC: Supervisor Christy
RS: Supervisor Scott
AG: Supervisor Grijalva
CH: Chris Nanos, Pima County Sheriff

SB: This is Agenda Item No. 12 on our regular agenda. We have about 15 minutes for this. Sheriff Nanos, if you would like to make the presentation. You wanted to give us an update, I believe, on fentanyl overdoses and COVID mitigation at the jail. Is that correct?

CN: Yes, ma'am. First of all, thank you for moving your agenda around and getting me up front. I apologize, we have so much going on this morning. I will be as brief as I can. We are sending it, we have not already, currently you will get a letter from me, all of you, Madam Chair and the rest of the Board members, Ms. Leshar, that will outline for you, I think, everything that we are working on. They asked me if I am on. Are you not hearing me Sharon?

SB: I hear you perfectly.

CN: Okay. Well, first of all, Madam Chair and Board members, thank you so much for letting me go up in front of all of this. It is a busy morning for me

and I appreciate your deference to that. I will be brief we are sending you a letter, each one of you, Ms. Leshner, as well, that really details all the things we have done at the Pima County Adult Detention Center in regards to all of these issues, particularly the fentanyl issues as well. But let me first start by thanking you for your support through that pretty tough time with our COVID vaccine mandate at the jail. Our numbers are, I believe, above 85% vaccination as of yesterday afternoon for the department. The jail, of course is 100%. Some of the COVID numbers, like in the County, have diminished greatly. Knock on wood, I hope to see those even drop further. As of yesterday we had a total of 15 inmates in the entire facility that were positive. That is a percentage of .84%, less than 1%. Also a number that was interesting to me to share with you was, back in January when we first started the mandate, we had 58 of our employees who were out on pandemic leave. Today, as of yesterday's report, we had three. I am encouraged by that. I hope to hear within the next week or next few days, speak with Dr. Garcia about the possibility of reducing our days of quarantine as numbers get smaller. That is a critical area for us because it really duplicates the work effort and adds stress to, as you are well aware, a very short-staffed corrections facility. And so that helps us tremendously in reducing the amount of work that can be done. Excuse me. Some of you know, as I think we are 104 corrections officers down as of today, but the work they do, and this will get to the fentanyl and the death issues, those that the jail can see, the work that those young men and women do every day, it goes by unnoticed because we just do our job. The young men and women, every day show up and perform and they are not looking for accolades. They just want to do their job. But I want to share with you a story yesterday that just came up yesterday. A young corrections officer was making his rounds and he finds an inmate in one of our PODS hanging. He quickly jumps to aid this individual, cuts him down and takes this individual, they transport him. He is now still alive and with us. That corrections officer made that round in 15 minutes. Typically those rounds are 20 minutes or longer. Because of his dedication to say, hey, I am going to do this job and I am going to make those rounds as often as I can, that young inmate is with us today. Five more minutes would have still been within our policies, yet that inmate would not have been here today had it not been for the dedication of that young officer to make his rounds and make sure that those people are safe. You know, let me start with this, I think you all know, but I am going to say it anyway, the Sheriff's Department, this Sheriff, the Department, those who work at that facility, have absolutely zero and likely so, have nothing to do with the medical care of those inmates. We just do not and we turn that over to the Health Department, appropriately so. Dr. Garcia and Dr. Cullen's team, they contract out with a vendor, and Naphcare who does, from what I am seeing, a tremendous job. I think you have heard about the work efforts they put forward to be able to get methadone back into the facility and they, themselves, want to be in charge of the disbursement of that. When we talk about detox, methadone, another opioid, it is so delicate in how we administer that. I do not know all the particulars, I just know this past

summer, we saw some issues that concerned us, and in the dispensing of that methadone, and that was with the past healthcare provider and the past MAC team. Those issues, we reported to Mr. Huckelberry, and they got resolved rather quickly. That healthcare provider is no longer there. The MAC is no longer there. We have met with Dr. Alvarez and spoke with him, worked with Dr. Paul Herrera. We continue to work every day with our health partners and strive to assist them with whatever we can do, but, again, the reality of the situation is simply this, the Sheriff's Department, those young men and women over there, do all they can to keep people safe, but we have nothing to do when it comes to the medical care of those individuals. You do not want the Sheriff giving you medical advice. Having said all of that, I will leave it for you for questions. I was asked to attend this that you might have some questions and I will open it up from there. But again, I thank you so much for your assistance. We struggle with our staffing numbers and we will be coming to you with those numbers or request to increase those numbers here in the days ahead. But I really do appreciate all you do for us. Thank you.

SB: And I think Sheriff Nanos, we appreciate all you do for us as well. Are there any questions from Board members?

MH: Yeah, Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you. And Sheriff, thanks so much for agreeing to speak to us today. I just wanted to talk a little bit about the fentanyl overdoses and COVID situation and mitigation, which you touched on briefly. I think going to the availability of Narcan, I know that the Board believes, actually I am not going to remember the date, but we did dedicate a quarter of a million dollars to purchase Naloxone or Narcan doses, a rescue drug for a narcotic or opioid overdose, and to make that available to you and your department and to all of your officers. Just curious how that is going in terms of making sure that you have enough?

CN: Well, I will let staff work with it, we worked with Dr. Garcia. There was a time when we were stressed and we went down on it and we needed more. Actually Naphcare is getting the Narcan, again, I am not a medical professional, the documents you will have will give you those numbers, but I think Naphcare has doubled the strength of that dose of Narcan in obtaining that medication, and we now, if you were an inmate in a POD let us say on the 4th floor and you went down and we needed Narcan, past years, we contacted the medical provider and they would come flying down the hallways, up the elevators and get to you as quickly as they can. But that made no sense. That stuff is, we need it right now. So we have put that Narcan into every POD. Every CO in that facility has immediate access to Narcan and that is spelled out in the letter, as well. But yes, we have worked

closely again with Dr. Garcia and his team and Dr. Alvarez from Naphcare, not to strengthen the dose, but to get more of it and get it more accessible to those who need to have it right there, then and there.

MH: Great. And in terms of supply, you have adequate supply at this point?

CN: I have not heard that we have not, so I am going to say yes, but that is something I can research for you. I know when we, some of the things with COVID, we were probably one of the only facilities in the state at the time that was administering vaccines to our inmates, and we did, I know we ran low on that. Dr. Garcia's team got us as quickly as they could, got us up to the numbers we need and so that is in a good position. I have never heard that we had a problem with our Narcan right now, but I will get back to you, Dr. Heinz, if I see that that is an issue.

MH: Perfect. Thank you. And with regard to COVID, obviously the numbers in the community have been coming down, thank God. We are seeing that in the hospitals as well. I am sure that is being reflected with regard to the jail population, but what ongoing mitigation efforts are you still...

CN: Well, we are still and that is why I am hoping to talk with Dr. Garcia more. We are still at the original CDC guidelines, 14-day isolation periods, everybody is masked up. It creates double work, when you are dealing with that environment, where you have to deal with classification and placement of individuals and you then have to do isolation, it doubles that amount of work and the resources are doubled as well in terms of needs. So if we could reduce some of those timelines, it will help that staff over there tremendously. So we will see. But I am very positive about the numbers, like I say, we watched them drop day by day just as you have across this community, the same is going on with the jail.

MH: Great. And just the last thing. I think one of the reasons that I certainly wanted to speak with you a little bit on, with regard to the, just having inmates die in our custody, 10 to 12, I believe in a year in 2021, 2020 and I believe also in 2019. When these kinds of deaths occur, especially if it looks like there could be some illicit substance like fentanyl involved, what is your process? How does that kind of investigation go forward and how do you sort of address that?

CN: You know, Dr. Heinz, first of all, let me just say this, I do not really care about the numbers, if we have 10 deaths or one death that is too many. We do not want any deaths in our facility and I can easily point to COVID is brought on a number of deaths there. Fentanyl, the use of fentanyl across this country, much less just in the state, I think Dr. Garcia drafted a memo a few weeks ago, where it has been the number one killer of our kids. It is a horrific drug, but we are doing everything possible from not just reviewing every single incident that occurs there, and reviewing it with our stakeholders, the medical

examiner, Dr. Garcia, the Naphcare medical care providers, the County Attorney. We sit down and discuss each and every incident and try to find where we, maybe we missed something. If we make a mistake, we stand up and own it. We want to fix things. It is about transparency. Hiding behind a shield or sticking your head in the sand does nothing. We see that the fentanyl use, if you die in my jail, it is no different than if you die in the street. We will investigate that case as if it were a homicide. Our homicide team responds to that jail. They do the exact same type of investigative effort is put into it. Recently, we just recently, had an individual unfortunately pass away. We believe he was given fentanyl from another inmate and that case has been presented to the County Attorney's Office for criminal prosecution. There are a number of things, strategies we use, money we throw at technology and we still research it. We take this very serious. It is not just the Sheriff who takes it serious. It is every man and woman at that facility who takes pride in their work, who takes pride in what they mean to this community and they take it seriously.

MH: Great. Thank you. I will leave it to my other colleagues, may have some questions for you. I am done. Thank you.

SC: Madam Chair? Madam Chair?

SB: Supervisor Christy.

SC: Yes, good morning. Thank you. Good morning, Sheriff Nanos, thank you for being here. I think there would be no argument that the Corrections Officers' job within the Sheriff's Department and within the prison system is probably the most difficult of all jobs in County law enforcement. We know that the tremendous effort that is being made and the commitment from these correction officers is amazing what they have to deal with, what they have to work with and how they do it. I think it is obvious that this is probably the most difficult job in the whole department, but you do mention that you are down 104 correction officers...

CN: That is correct.

SC: And recently as a result of several deaths in the jail system, it has created quite a community uproar and concern. There have been some demonstrations at the prison facility and, I guess, the issue that they are dealing with mostly is why and how did this happen and thereby all indications and I think you were even quoted in a news article, that staffing issues are of a serious nature and it would lead some to believe that perhaps the staffing issues contributed to these deaths because of the jail population and the reduced staffing oversight. My question, is do you still defend and think that this policy of terminating unvaccinated corrections officers was sound Board policy in light of these deaths and in light of these shift staffing shortages?

CN: I do. First of all, let me explain. First of all, staffing, I do not know that staffing contributed to the deaths, but clearly, as I started this morning's conversation about the young man who was able to make a round in 15 minutes versus 20 minutes, the more staff we have, we can throw at the problem, I think the safer we are in that facility. And to be able, if I can only make a round every 20 minutes, that is the best I can do. But you can clearly see if I can make it in 15 minutes, that five minute time, in this case, that I spoke of this morning, it clearly saved that young man's life. If that CO had been there a minute later or three minutes later, my goodness. So yes, staffing can certainly, I believe, help us there. We have a number of strategies that we are employing that probably it gets into the weeds for you all, but one of the things we have noticed is this, today we have two academies going. One is for our corrections officers and one is for our deputies. Our deputies, this is the third academy in the year that I have been here, that we have put 40 young men and women through that academy. Hiring deputies is not such a problem. It is competitive. It is hard. We do not get the, you know when I hired on there were 2000 applicants, today they may get 100 applicants. It has got its challenges. What is really the challenge as you point out, there is no job tougher than that CO job. I was one. I had been a cop eight years before I was a CO and that is a tough job. It is a great profession and they just need to know that they offer some skill sets that my young deputies could use. My entire command staff, probably 80-90% of them were corrections officers. This department probably of just the commission side, probably 50% or better were corrections officers. Those people come to us with great skill sets of de-escalation, ability to communicate, we look in a sense at an area and deal with it. We are now looking at utilizing that as a, not just a recruitment tool, but a training tool to say, you want to be a deputy, we want you to be a deputy too, but we want you to start at our jail. That is going to be part of our strategy going forward.

SC: One last question Madam Chair to Sheriff Nanos, if I might? In the event of these unfortunate deaths that the community, the jail community has been dealing with, would it have been better during those times with such short staffing that we had corrections officers there, present in the jail, who were professional, who are seasoned, who may or may not have been vaccinated? Or was it better to have no correction officers there at all?

CN: Supervisor Christy, when I looked at that, when I came to this Board back in the fall, one of the last inmates at that time that had passed away, had come to us, had been in our facility for 30 days, had gone through all the protocols and was placed into an environment that we thought was safe and secure from COVID. He caught COVID and passed away. I have to look at, how does that happen when everybody is sequestered, if you will, except my staff? So, when we balance the deaths at that jail, yes, there were three or four fentanyl, but there were also three or four COVID deaths. I understand your question and your point, but to me, when I make that decision I have to

handle all areas, not just fentanyl, not just staffing, but COVID as well and that was a part of the problem as well. The decision to mandate people getting vaccinated, to protect those we serve, was my decision. I could have very easily told the Board, we are not doing it. But I believe that our job, our mission is to protect and serve and how can I tell people we are not protecting you if we are not vaccinating.

SC: And that message and that information that you just relayed, that has been conveyed to the families of those inmates who have died, correct?

CN: I do not know that. I myself have never spoken to those families. My cell phone number is out there to the whole world. Everybody can contact me. I never turn down anybody's call, but I think it is, I do not want to appear to politicize some of this. I do not want to be calling a family member. My heart goes out to them. I feel for them to lose someone particularly those individuals who do nothing but suffer from a drug abuse. I struggle, as does this Board, as does this community, with the fact that we have misdemeanors strictly there on drug abuse, yet their bonds they cannot even meet, I do not have the ability to release them. I do not have the ability to set bond. I can only talk to the courts, the County Attorney's, the Public Defender's, all of those committees that exist and say you need to take a look at those in my jail and say do they belong there? There are people there who, you know as well as I do, they belong there, they need to be there. But there are also those there that just suffer from mental illness, who just suffer from drug addiction, that we as a society and I do not have those answers and I do not know that, but we as a society, we as the leaders of this community should be able to sit down at a table and say how do we fix this? I do not know. I am just the Sheriff, but I know that there is a lot of bright minds in this community that should be able to come together and say there has got to be a better way.

SC: Thank you Sheriff, appreciate your response to my questions and I appreciate you being here. Thank you, Madam Chair.

SB: Thank you Supervisor Christy. Are there any other questions?

RS: Madam Chair?

SB: Supervisor Scott. And then we are running out of time, so this better be short.

RS: Thank you Madam Chair. Good morning Sheriff Nanos and good morning Chief Deputy Kastigar. Thank you both for being here today. Just had one question. Given the pervasiveness of fentanyl and other opioids throughout our society, I am sure the issues that we are seeing in our jail are not unique. Is there an opportunity to collaborate with and share best practices through your professional associations at the state and national level to see how other counties and correctional facilities are dealing with this issue?

CN: Yes, and we have staff at our facility, our commanders who not just to take conferences, but speak directly with command staff from other facilities to include Maricopa and that it is a struggle everywhere. If it is not fentanyl, it is something else. I have done this job for 40 plus years. I have seen that LSD was the drug of choice, then it went to meth, then it went to cocaine and then it went back to meth. It is fentanyl, it just, whatever is the cheapest is to make and the most profitable, that is the scourge that we see and again, it does not just impact that jail, the jail is just a reflection of the impact across the community.

AG: Chair Bronson?

SB: Yes.

AG: Sheriff Nanos, thank you for joining us. Are you requiring boosters or is it just either one or the first or the second dose of Pfizer, Moderna or the Johnson & Johnson?

CN: You have to have full vaccination. Boosters are not required.

AG: Boosters are not required. Okay. Alright. Thank you.

SB: Alright, we are going to move on. Time is, we are out of time.

RECORDER

28. Hearing – Proposed Revised Fee Schedule

ORDINANCE NO. 2022 - 3, of the Board of Supervisors, establishing fees for election-related services, voter registration data and recorded document services provided by the Pima County Recorder.

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
MH: Supervisor Heinz
RS: Supervisor Scott
GK: Gabriella Cazares-Kelly, Pima County Recorder
HH: Hilary Hiser, Assistant Chief Deputy, Pima County Recorder's Office
MM: Melissa Manriquez, Clerk of the Board
RH: Roger Harrison

SB: This is a hearing regarding Proposed Revised Fee Schedule and Ordinance No. 2022-3, what is the pleasure of the Board on this item?

SC: Madam Chair?

SB: Supervisor Christy.

SC: I have some issues with this particular request by the County Recorder on these fee structures and a reduction in the fees. Very simply, I have got a couple of items that I want to discuss on this. I would like to first of all note that the County Recorder says, at the end of her, well, let me do this first. I would like to make a motion to continue this item until the March 15th meeting.

SB: I will second that motion, Supervisor Christy.

SC: Thank you. At the bottom of the County Recorder's analysis of why she feels compelled to reduce all of the fees, she mentions quite specifically that this will not be, the reduction in fees will not be impactful to the operation of her budget or her office. Yet, by doing so, she is going to be reducing the revenue and the budget of her office with these fee reductions by half a million dollars. I find it very difficult to understand how she can make that statement and that is why I am asking for a continuation for more evaluation on that issue, because what I do not want to have happen, is she reduces the fees by half a million dollars and then comes back to the Board and wants monies out of the General Fund to make up for that loss. So, I need a

better and more definitive explanation as to how this fee reduction will not impact her budget or her office or her mission by a half a million dollars. So that is one area that I would like more definitive information on at the next meeting and that is why I am asking for it to be continued. And then Madam Chair, I received a letter that I would like to share with the Board from a constituent that says, "I represent a company that is based in Tucson with 40 staff all living in Pima County. Our service consists of purchasing the recorded documents from the Recorder's Office, and then indexing the information into a geographical index database. Every title company in Pima County is a shareholder of a corporation that shares in the expense of the service. Since 1999, my company has spent more than \$1.4 million on images from the Recorder's Office, and we have a couple friendly competitors that do the same. The proposal would allow an entity to purchase everything we have accumulated for a mere \$8,000. Personally, I cannot understand the reasoning behind such a drastic fee change. I know the Recorder has several staff positions, as well as equipment and support required to scan and maintain these images. I would think the current pricing model would help greatly in offsetting those costs." And he is requesting that the Recorder please consider removing the section "recorders subscription fees and additional services" of the fee schedule revisions. I think this letter indicates that there is some real questions with this fee revision and restructuring that it could have negative impacts on businesses here in Pima County. It could open itself up to a can of worms by allowing outside competitors from anywhere, even outside the United States, to come in and do this kind of service that this company has spent over \$1.4 million. I would like the County Recorder to address this issue, and then to give a definitive and analytic detail about how half a million dollar reduction in her budget will not have any impact on her operation. Thank you.

SB: Not only impact on her operation, but on our General Fund. The previous recorder actually impacted our General Fund in a positive way. I feel this is going to impact our General Fund in a negative way.

AG: Chair Bronson?

SB: We have one speaker. I think I just want to clarify from the Clerk. We have one speaker, is that right Madam Clerk?

MM: Madam Chair, that is correct. Roger Harrison is on the line.

SB: Alright. Let us hear from the speaker and then we will move to Supervisor Grijalva.

RH: Hello, this is Roger Harrison from Data Services. I think Supervisor Christy expressed my concerns quite clearly. And I would only like to add that in A.R.S. 39-121.03, when a person expressly talks about purchasing records and it says that the value of the reproduction of the commercial market is

best determined by the public body and a reasonable fee for cost of time, material, equipment, personnel in producing such reproduction. So, I think at \$500.00 a year to purchase all the documents that are recorded at the Pima County Recorder's Office would not represent fair market value or even be a reasonable fee for the cost of time and materials. Last year we spent \$65,000.00 for the images and as Supervisor Christy said, we have other competitors that did the same thing. To go from \$65,000.00 to \$500.00 is kind of unreasonable in my opinion, and also from 1999, the images from 1982-1999, we actually gave them to the Recorder's Office. We scanned them at our expense, at great expense and gave them to the Recorder's Office in exchange for some microfiche that they gave to us. So they are kind of giving away our work product for \$8,000.00. Kind of a little heart breaking there. And thank you very much for letting us, letting me speak. This is the first time I have done this and I thought this was very professional and I appreciated talking to you all on zoom or WebEx or whatever this is.

SB: Thank you Mr. Harrison. Supervisor Grijalva.

AG: I believe we have representatives from the County Recorder's Office in order to explain. So I am wondering if they can sort of chime in at this point?

SB: That is fine, but I want this item continued, there are too many unanswered questions, we got this late. I am really concerned about moving forward with this today. Is there somebody from the Recorder's Office that can address this briefly?

GK: Yes, Hilary Hiser should be on the call. She is my Assistant Chief Deputy and she will be presenting on this.

HH: Good morning. Thank you, Chair Bronson, Board of Supervisors, I really appreciate this opportunity to speak with you. Thank you, Supervisor Christy, for your very insightful questions regarding our revenue. I do have answers to that. The overall revenue that the Recorder's Office has is a little over \$7.8 million with our Fiscal Year '21 revenue. In Fiscal Year 2020, we had \$6.7 million in revenue and that shows an increase of 65% from Fiscal Year 2019, which we had \$2.5 million in revenue. I bring that to your attention and to the attention of the Board because in 2019, the Arizona State Legislature passed flat recording fees which caused an overall increase in the revenue that we received for recording documents by the citizens of Pima County. Our revenue did increase 65% overall for recording costs. I also want to point out that the A.R.S. Public Records laws require that we provide cost of recovery for the records that we produce for the public. Our previous fee schedule was put into place to cover costs of technological improvements in the office in 2016. Since that time we have recovered the cost of those technological improvements and after speaking with our County Attorney, Dan Jurkowitz, and County Administrator Huckelberry, we determined that the cost of services, the current fee schedule exceeds the cost of service recovery. So

we were actually charging our residents and our customers more money and making profit off of them rather than just recovering our costs. It does not cost us anything any longer to provide digital images to the residents of Pima County and to the businesses of Pima County.

SB: Excuse me, could you explain that? How could it not cost us anything?

HH: Because we have already made the investments in that technology. So the original technology investments that we have made, we made capital investments to do scanning of our index, scanning of all of our recorded documents. We now have paid for the cost recovery of that investment. So we have all of these documents digitally now. So it actually does not cost us anything to provide that document digitally.

SB: It does. It costs you time and material.

HH: It does not cost us the time and materials based off of the current fee schedule. Our revised proposed fee schedule covers the cost of what is, actually providing those documents to our customers. The service, recording subscription services, those three, we have three main groups that use that. We have title companies. We have people in the development-related services field and we have government agencies. We did an internal cost benefit analysis, and we also did a substantial best practices review of all of the other counties to see what they were charging similar entities within their counties to be able to have access to that information. We determined that an annual \$500.00 flat fee would cover the maintenance costs of our current technology program, and that we would be able to provide the same information to our customers as we are currently providing at a flat fee. Therefore, streamlining it and providing more efficient services to the business community. We have also determined that the overall reduction in revenue, that \$503,000.00 that we referenced in there, that is a reduction in revenue strictly from the subscription services that we were giving, that we were charging to various companies. So, as I stated earlier, our current fee schedule has already recovered the cost of our services and therefore, we were making a profit off of recorded documents that are really the custody of the residents of Pima County, and the citizens of the State of Arizona. It is our responsibility to provide this information to them in a manner that is economical, and easily accessible, which is what this fee schedule does. We are following the same trends of other jurisdictions who are looking at their comprehensive fee schedules and trying to find efficiencies and reduce costs to residents and businesses to ensure that they are able to provide services and go about their book of business in an economic way. So this is a similar trend to that of the Town of Marana, the Town of Oro Valley, the Town of Sahuarita, who do critical review of their comprehensive fee schedules on a yearly basis. Additionally, the other fees proposed within this revised fee schedule, conform with statute changes that have occurred since 2016. We have had several statute changes that mandate flat fees for voter registration

data requests and we also have, as I mentioned previously, the statute changes for the cost of recording which actually garnered us 65% more in revenue. Our total revenue base that we get from recording documents, we have a special revenue fund that comes, the Document Recording Revenue Fund. So from every, you know, recording dollar that we charge, we take a portion of that and we put it into our Document Recording Fund. That Document Recording Fund has a balance of about \$1.5 million. We use that fund specifically to make capital improvement expenses in our department. So if we need to purchase new scanners, new computer equipment, we use it from that fund, which is a special revenue fund. So no general fund dollars are used in that instance. I am happy to answer any other questions that, Chair Bronson, you have or you, Supervisor Christy, or any of the other Supervisors. Thank you.

SB: I do not think that really addressed Mr. Harrison's concern. But thank you for the information. Any other questions? Any further discussion?

RS: Madam Chair?

SB: Okay, just to remind everybody, the motion was to continue this item until the next Board meeting. And I think that was Supervisor Scott?

RS: Yes. Madam Chair, as a general rule, if one of my colleagues is requesting additional time to get additional information on an item and I find that request to be reasonable and not dilatory, I am going to approve it. I approved Supervisor Grijalva's request to continue a previous item for that reason, but I did want to ask either Ms. Hiser or the Recorder, would there be any issues posed by continuing this item to the next meeting and delaying the fees being put in place?

HH: Chair Bronson, Supervisor Scott, thank you for the question. The Recorder's Office would have no issues continuing the item until 3/15 to better answer the questions of the Supervisor. We would be happy to provide additional information, for whatever you deem necessary to be able to make an informed decision.

RS: Thank you.

SB: Thank you, Ms. Hiser. And with that, I would ask also, it sounds like we will continue this. I think it would be beneficial to have our previous recorder weigh in on this, and I would ask that our current recorder, at least check with Ms., with our previous recorder to get her feedback on this request. I would think that would be valuable.

AG: Chair Bronson?

SB: Yes.

AG: I do not think that is our position to ask our current recorder to check in with the previous recorder. These are, they are making significant changes in the office based on improved technology and access. I think it is really out of line for this governing body to ask our current recorder to do that. So, I was comfortable voting on this item now, I am happy to support, you know, extending it to the 15th, but I do not think you know, asking County Recorder Gabriella Cázares-Kelly, to check in with the previous recorder is anywhere in our realm of what we should be doing.

SB: We have to agree to disagree. I really think it would be valuable to have her input. She was the recorder for a number of years and certainly brings knowledge and expertise to this item.

AG: And then Supervisor Bronson, just to follow-up, I would...

SB: Chair Bronson.

AG: Excuse me, Chair Bronson. I do think that it would make sense then, if you know, there are any questions about what is happening now with current technology that it would make sense for, if our current recorder feels the need to check in with other counties that are implementing a lot of these changes. That makes sense to me, but I mean, that would be her discretion.

SC: Madam Chair?

SB: Supervisor Christy, I think?

SC: Yes thank you, Madam Chair. Ms. Hiser gave a very comprehensive and detailed analysis, and I must say that the preparation that she provided was excellent, however, it is a bit overwhelming. I would appreciate Ms. Hiser and the County Recorder to provide the Board with a written analysis of what just was conveyed by Ms. Hiser as well as the County Recorder's own opinion and as far as our previous recorder is concerned, our current recorder need not check in with her, but we should invite the former recorder to submit her opinions on this matter. That way there is no checking in by anybody. It is simply a courtesy that could be extended to the Board by the former recorder.

SB: And I would be very happy to ask her and I concur with your analysis. She may very well not want to weigh in, but given her past experience, and number of years in office, I think she might add some information and some insights that would be helpful in, as we try as a Board, to either accept the recommendation of the County Recorder or to amend it. And with that, there is no further discussion. I will call the question. Roll call.

MM: Supervisor Christy?

SC: Yes.

MM: Supervisor Grijalva?

AG: No.

MM: Supervisor Heinz?

MH: I am sorry, what are we voting on?

MM: We are voting to continue the item to March 15th.

MH: Yes.

MM: Supervisor Scott?

RS: Yes.

MM: Chair Bronson?

SB: Yes. By your vote of 4-1, we will continue the item.

DRAFT