

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 15, 2020. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Christy participated remotely.

1. **In-Lieu Fee Enabling Instrument**

A. **In-Lieu Fee Enabling Instrument Program**

Staff recommends approval of the Enabling Instrument Program between the U.S. Army Corps of Engineers (USACE) to allow the Pima County Flood Control District (PCFCD) to establish an In-Lieu Fee Program (ILF Program) to provide compensatory mitigation of unavoidable impacts to Waters of the United States (WOTUS), which result from activities authorized by the USACE. The Enabling Instrument establishes guidelines, responsibilities and standards for the development, implementation, use, operation and maintenance of the ILF Program.

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

B. **Hearing - Code Text Amendment**

ORDINANCE NO. 2020 - FC¹, of the Board of Directors of the Pima County Flood Control District, relating to district lands and facilities; revising the Public Lands and Facilities Ordinance, Title 21 of the Pima County Code.

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

C. Conservation Easement for Canoa Ranch In-Lieu Fee Project

The Pima County Flood Control District (PCFCD) will be establishing an In-Lieu Fee (ILF) project at Canoa Ranch to provide compensatory mitigation for projects authorized under Section 404 of the Clean Water Act and a Conservation Easement. Approval of the Conservation Easement in substantially this form for the 300-acre Canoa Ranch property and authorization for the Real Property Manager to sign and record the Conservation Easement.

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

2. CONTRACT

Pima County, Pima County Flood Control District and Town of Marana to provide an Intergovernmental Agreement, Acq-1014, regarding open space near the El Rio Preserve, no cost/20 year term (CTN-PW-21-28)

It was moved by Supervisor Bronson, seconded by Supervisor Villegas 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 12:25 p.m.

CHAIRMAN

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 15, 2020. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Christy participated remotely.

1. **Contract**

Friends of Pima County Public Library, Inc., Amendment No. 2, to provide for co-location of services at Pima County Public Library Facilities, extend contract term to 4/30/21, amend contractual language and scope of services, contract amount \$150,000.00 revenue (CTN-LIB-18-137)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:25 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 15, 2020. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Christy participated remotely.

1. **MOMENT OF SILENCE**

A Moment of Silence was observed by those in attendance.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Supervisor Bronson wished the Jewish community a Happy Rosh Hashanah.

Supervisor Miller recognized the two deputies shot in Los Angeles and asked that the community pray for them. She commented that the hate and rhetoric support for terrorist groups needed to cease.

Supervisor Villegas acknowledged Hispanic Heritage Month and commended the Latino community for their contributions to this nation.

Chairman Valadez indicated that the Mexican Consulate would posthumously present the Othli Award in honor of former Chairman Richard Elias.

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Sandy Ochoa, Mi Familia Vota, proclaiming the day of Tuesday, September 22, 2020 to be: "VOTER REGISTRATION DAY IN PIMA COUNTY"

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

5. Presentation by Lisa Lovallo, Market Vice President, Cox Communications, on Cox's Connect2Compete Program and an update on the company's approach to customer service during the pandemic. (District 3)

A presentation was given by Lisa Lovallo regarding Cox's Connect2Compete Program. No Board action was taken.

6. Presentation of a Certificate of Recognition to Terri Spencer, Division Manager, Procurement Design & Construction Division, for her selection as the 2020 Professional Manager of the Year by NIGP - the Institute for Public Procurement. (District 2)

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

7. **CALL TO THE PUBLIC**

Caroline Issacs, Program Director, American Friends Service Committee, Arizona Office, addressed the Board regarding County Attorney Barbara LaWall and County Recorder F. Ann Rodriguez's conflict of interest and election interference with their efforts to invalidate petition signatures for second chances, public safety and rehabilitation act.

Stephen Parker spoke to the Board regarding the Comprehensive Plan Amendment, P20CA00001, and requested a date certain be determined.

Robert Valencia, Vice Chairman, and Herminia Frias, Councilmember, Pascua Yaqui Tribe, addressed the Board regarding early voting sites being removed from the reservation. They had requested that an early voting site be restored but were denied by the County Recorder. They urged the Board to reconsider an early voting site on the Pascua Yaqui Reservation.

Alexia Nogar, retired science teacher and small business owner, spoke to the Board regarding data distributed and collected from hospitals, COVID-19 information and asked that small businesses be taken into consideration.

Steve Dolan, addressed the Board regarding his support of the modified text amendment that would allow Trail Oriented Development.

Kelly Walker, Viva Coffee House owner, expressed his concerns about death threats directed at his family and to his staff due to the Health Department's action.

Robert Reus addressed the Board regarding an unstable dog he adopted from Pima Animal Care Center which was part coyote.

Rena, Viva Coffee House, expressed concerns about being threatened and harassed because of business being placed on the County's wall of shame.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:03 a.m.

9. **RECONVENE**

The meeting reconvened at 10:09 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement of a claim filed by Samantha Castañeda.

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

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

BOARD OF SUPERVISORS

11. **Elections and Mail-In Voting**

RESOLUTION NO. 2020 - 73, of the Board of Supervisors, relating to Elections and Mail-In Voting; Supporting Increased Funding for the United States Postal Service and Opposing any decrease in Postal Worker Hours or Removal of Postal Equipment Prior to the 2020 General Election. (District 2)

It was moved by Chairman Valadez, seconded by Supervisor Bronson and carried by a 3-2 vote, Supervisors Christy and Miller voted "Nay," to adopt the Resolution.

COUNTY ADMINISTRATOR

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

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

It was moved by Supervisor Bronson, seconded by Supervisor Villegas, and carried by a 3-2 vote, Supervisors Christy and Miller voted "Nay", to approve the item.

Supervisor Miller indicated that she voted "Nay" because there was no documentation that a review was conducted by outside counsel.

Supervisor Bronson withdrew her motion based on the absent of a review by outside counsel.

Chairman Valadez indicated that the motion had been withdrawn. He inquired whether Supervisor Villegas wished to withdraw her second to the motion.

Supervisor Villegas agreed.

Supervisor Miller indicated that she would like to continue this item until a review is received from outside counsel.

Chuck Huckelberry, County Administrator, indicated that outside Counsel had previously opined on similar appropriations, but he would provide confirmation. He stated that the reason outside counsel's review was not received was because the time spent on reviewing was greater than the actual awards. He indicated that a continuation would be appropriate so that staff can determine whether an opinion had been received on similar appropriations.

Chairman Valadez indicated if there were no objections this item would be continued to the Board of Supervisor's Meeting of October 6, 2020, in order to allow for a response from the County Administrator.

13. Updates and Action on COVID-19

(Clerk's Note: See the attached verbatim Minute Item No. 13. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

CLERK OF THE BOARD

14. Petitions for Redemption of Property Tax Exemption Waiver

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

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

HUMAN RESOURCES

15. Classification/Compensation

The Sheriff's Department 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
3208/ Sheriff's Community Engagement Specialist/ 43 (\$40,768-\$60,341)/ 2/ NE*
*NE = Not Exempt (paid overtime)

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

PUBLIC WORKS ADMINISTRATION

16. Establishment of the Southeast Employment and Logistics Center Domestic Water Improvement District

- A. Pursuant to A.R.S. §48-905(C), no public hearing is required for the establishment of the Southeast Employment and Logistics Center Domestic Water Improvement District.
- B. Upon finding that the petition has met the statutory requirements for establishment of the district, pass and adopt:

RESOLUTION NO. 2020 - 74, of the Board of Supervisors, establishing the Southeast Employment and Logistics Center Domestic Water Improvement District of Pima County, Arizona.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of November 17, 2020.

SCHOOL SUPERINTENDENT

17. 2020 General Election - School District Cancellations

Staff requests cancellation of those uncontested school district governing board positions for the General Election on November 3, 2020 and appointment of those who filed the required nominating petitions or nomination papers.

Altar Valley Elementary School District No. 51 - 3 Positions - Martin F. Hudecek, Robert K. Ethridge, Walter John Williams

Baboquivari Unified School District No. 40 - 2 Positions - Annamarie Stevens, Ella M. Greasewood (Write-in)

Catalina Foothills Unified School District No. 16 - 2 Positions - Eileen Jackson, Doug Hadley

Empire Elementary School District No. 37 - 3 Positions - Three (3) Vacancies

Flowing Wells Unified School District No. 8 - 3 Positions - Jim Love, Thomas S. Jacobs, Wendy J. Effing

Marana Unified School District No. 6 - 3 Positions - Dan Post, Hunter D. Holt, Maribel Lopez

Pima County Joint Technical Education District No. 11 - 3 Positions - Brenda Marietti (JTED Member District 1) - (Write-In); Wayne F. Peate (JTED Member District 4); Robert Schlanger (JTED Member District 5) - (Write-in)

Redington Elementary School District No. 44 - 3 Positions - Three (3) Vacancies

Sahuarita Unified School District No. 30 - 3 Positions - Denise D. Reis, Nicole A. Werner, Shari Lowell

San Fernando Elementary School District No. 35 - 3 Positions - Paul Bear (Write-in), Roy Isaman (Write-in), Veronica Jacquez (2-Year Term) (Write-in)

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

FRANCHISE/LICENSE/PERMIT

18. Hearing - Liquor License

Job No. 112770, Teresa Angelic Koch, Baby Beluga Seafood & Oyster Bar, 3057 S. Kinney Road, Tucson, Series 12, Restaurant, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller 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 License and Control.

19. Hearing - Liquor License

Job No. 114607, Gabriel Julian Cenicerros, BlackTop Grill, 8300 N. Thornydale Road, No. 120, Tucson, Series 12, Restaurant, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller 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 License and Control.

20. **Hearing - Liquor License**

Job No. 114891, Kevin Arnold Kramber, Tucson Tamale Company, 7286 N. Oracle Road, Tucson, Series 10, Beer and Wine Store, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller 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 License and Control.

DEVELOPMENT SERVICES

21. The Board of Supervisors on July 7, 2020 and September 1, 2020, continued the following:

Hearing – Rezoning

P19RZ00010, YATES IRA JON - N. COMO DRIVE REZONING

Request of Ira Yates represented by the Planning Center, for a rezoning of approximately 12.49 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, parcel code 225-43-0030, located approximately 300 feet north of E. Magee Road and 10 feet east of N. Como Drive addressed as 7801 N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 5-4 (Commissioners Bain, Membrilla, Becker and Johns voted NAY; Commissioner Hook was absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS. (District 1)

Supervisor Miller indicated that she had reached out to the applicant to request a date certain for continuance. She asked that the applicant's representative convey that message.

Brian Underwood, The Planning Center, responded that his client was unable to attend and indicated that this would be concluded on October 6, 2020.

At the request of the applicant and without objection, this item was continued to the Board of Supervisors' Meeting of October 6, 2020.

22. The Board of Supervisors on July 7, 2020 and September 1, 2020, continued the following:

Hearing - Comprehensive Plan Amendment

P20CA00001, CHACON - S. MARIO RANCH LANE PLAN AMENDMENT

Request of Norma Chacon, represented by the Planning Center, for a comprehensive plan amendment of approximately 1.11 acres from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU) land use designation, on the parcel addressed as 2655 S. Mario Ranch Lane, located on the east side of S. Mario Ranch Lane, about 250 feet south of the intersection of S. Mario Ranch Lane and E. Golf Links Road, in Section 25, T14S, R15E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 7-2 (Commissioners Bain and Becker voted NAY; Commissioner Gungle was absent) to recommend DENIAL. Staff recommends MODIFIED APPROVAL SUBJECT TO A REZONING POLICY. (District 4)

At the request of the applicant and without objection, this item was continued to a future Board of Supervisors' Meeting.

Chris Poirier, Deputy Director, Development Services Department, indicated that this item could not be continued past November 7, 2020. He added that since it was continued without a specified date the item would require that a new hearing notice be published and notification provided

23. The Board of Supervisors on August 17, 2020, continued the following:

Hearing - Zoning Code Text Amendment

P20TA00003, ECONOMIC OPPORTUNITY EXPANSION OMNIBUS NO. 2 - TRAIL-ORIENTED DEVELOPMENT

A proposal to amend by ordinance the Pima County Zoning Code, Chapter 18.07 (General Regulations and Exceptions), Section 18.07.030 (Land Use Regulations), to provide guidelines, locations, conditional and permitted uses and development requirements for Trail-Oriented Development; Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses), Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), and Chapter 18.17 (SR Suburban Ranch Zone), Section 18.17.030 (Conditional Uses), to add Trail-Oriented Development as a conditional use; and Chapter 18.37 (MU Multiple Use Zone), Section 18.37.010 (Permitted Uses), and Chapter 18.51 (CI-1 Light Industrial/Warehousing Zone), Section 18.51.030 (Permitted Uses), to permit trail-oriented development. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Hook was absent) to recommend APPROVAL. Staff recommends APPROVAL. (Districts 1, 2, 3 and 4)

If approved, pass and adopt: ORDINANCE NO. 2020 - 24

Chris Poirier, Deputy Director, Development Services Department, indicated that this item had been continued to allow the Tucson Mountain Association (TMA) an opportunity to review the changes. He indicated that staff met with TMA and a compromise was reached, it included the exclusion of a small portion of the affected area from the Amendment.

Supervisor Bronson inquired about the amended text amendments.

Mr. Poirier responded that the Ordinance would reflect critical word changes and would exclude the area west of Silverbell Road.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve P20TA00003 and adopt the Ordinance.

24. **Hearing - Concurrent Plan Amendment and Rezoning**

P20CR00001, CUMMINGS, ET. AL. - E. REX MOLLY ROAD PLAN AMENDMENT AND REZONING.

Cummings, et al., represented by Todd and Jessica Ogiba, for a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Planned Development Community (PDC) to Medium Intensity Rural (MIR) and to rezone from SP (Specific Plan) to GR-1 (Rural Residential) zone on approximately 2.5 acres. The property is located at the southwest corner of E. Rex Molly Road and S. White Lightning Lane and addressed as 13650 E. Rex Molly Road, in Section 3, T16S, R16E, in the Rincon Valley Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Maese were absent) to recommend APPROVAL SUBJECT TO A REVISED SKETCH PLAN AND MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Regional Flood Control District condition: For disturbance of riparian habitat of one-third acre or greater, a Floodplain Use Permit and Riparian Habitat Mitigation Plan shall be required and approved by the Regional Flood Control District.
3. Regional Wastewater Reclamation Department conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the plan amendment/rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or

cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the plan amendment/rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the plan amendment/rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan amendment/rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the plan amendment/rezoning area.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control

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

5. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona

State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

6. Adherence to the sketch plan as approved at public hearing, and keeping of no more than four (4) horses and two (2) goats (female or neutered male goats only) on the site per application request letter. No other types of livestock or small farm animals shall be permitted. No horses from off-site shall be permitted to use the facilities on-site.
7. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chris Poirier, Deputy Director, Development Services Department, indicated that this was a request for a concurrent plan amendment and rezoning of approximately 2.5 acres at 13650 E. Rex Molly Road. He indicated that the applicant was requesting that the property be reverted back to the original underlying plan and underlying zoning. He stated that staff received 60 e-mails in opposition, 98 e-mails in support, and several individuals had withdrawn their original protests. He indicated that this item did not require a supermajority vote. He stated that the recommendation was for approval subject to special and standard conditions, with a special notation regarding the number of animals allowed on the property. He added that there was a small strip of property within the Conservation Land System that the applicant had agreed to maintain as natural and which would serve as a buffer.

Supervisor Christy inquired about the Planning and Zoning Commission's vote.

Mr. Poirier responded that the Commission voted 7-0.

Supervisor Christy asked what concessions was the homeowner willing to make to accommodate this request.

Mr. Poirier responded that the homeowner made several concessions with regards to the number of animals on the property. He indicated that they also agreed to reorient the design in order to shift the animals away from those neighbors that would be most bothered by the animals.

Supervisor Christy inquired whether this included relocating the arena.

Mr. Poirier responded in the affirmative.

Supervisor Christy asked if there were other concessions.

Mr. Poirier responded that the following limitations were included: no more than four horses; two goats; no small animals, and no additional livestock. He added that the GR-1 zone normally allowed for four livestock per acre and that this was a significant reduction.

Louis LaFrate addressed the Board, commenting that he lived east of the proposed rezoning. He indicated that he had a petition signed by 66 individuals that were opposed to the zoning change because of health reasons. He stated that it was zoned as a planned development community and was being zoned back to rural. He indicated that they were opposed to having farm animals near other properties because it would impact property values and seniors in the area worked hard to build homes. He also indicated that they had received a letter from the Master Del Webb Del Lago Association, which encompassed 3,000 homeowners and those residents were opposed to the rezoning. He questioned whether the 90 residents in favor of the rezoning were from adjacent properties. He indicated that those properties most affected should have the most considerations. He asked that the Board vote against this proposal.

Supervisor Christy ask staff to responded to the comment with regards to the letter from the Del Lago Homeowners Association and the validity of that letter.

Mr. Poirier responded that staff had received the letter, however there were certain rules with regards to supermajority protest requirements. He indicated that one of the key rules was in order to consider the letter the organization needed to provide documentation that the person signing the letter was truly an officer in a position to represent the community. He stated that they worked with the organization and the organization did not want to provide further documentation; therefore, it did not count toward the supermajority protest. He indicated that it was part of the record and it was considered a protest letter. He added there were specific rules when calculating a supermajority and it did not trigger the supermajority based on that.

Supervisor Miller asked how long the communities Plan Developments had been in place.

Mr. Poirier responded that the plan was approved in 1990 and that this portion of the Master Plan was an addendum. He stated that in 2005 additional boundaries were added and the property was rezoned a Specific Plan when the County adopted Pima Prospers. He indicated that the County also adopted a new rule that changed the underlying plan within the Master Plan to the Planned Development Community Category. He added that this property had been a Master Plan since 2005.

Supervisor Miller inquired whether there had been other exceptions to the Specific Plan or the Plan Community Regulations and Rules.

Mr. Poirier responded that there had been significant modifications to the actual rules of the plan; but, this was the first request to de-annex from a Specific Plan. He stated that this was a unique request.

Jessica Ogiba asked that the Board approve their request to revert the parcel back to the original GR-1 zoning and that the land use designation be amended back to Medium Intensity Rural. She stated that surrounding properties were also zoned GR-1 and MR-1.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve P20CR00001, subject to a revised sketch plan and modified standard special conditions, as recommended by the Planning and Zoning Commission and approve subject to standard and special conditions, as recommended by Staff.

25. **Hearing - Conditional Use Permit**

P20CU00007, SECURED INVESTMENTS, L.L.C. - N. SABINO CANYON PARK
Request of Secured Investments, L.L.C., represented by Rick Engineering Co., located at 12903 and 12925 N. Sabino Canyon Park, in the RVC (Rural Village Center) zone, for a Type II Conditional Use Permit for a Café/Restaurant, in accordance with Section 18.41.040 of the Pima County Zoning Code. Staff and the Hearing Administrator recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions (per the Pima County Zoning Code)

1. A café/restaurant is allowed in the RVC Zone as a conditional use per Code Sections 18.41.040.A.14 & A.56.

Special Conditions

1. This conditional use permit is for the operation of a two-hundred square-foot (200 SF) take-out café/restaurant building, together with an associated outdoor seating area, and a stand-alone shade structure. No other unrelated or more intensive commercial uses are authorized by this conditional use permit approval.
2. The café/restaurant and outdoor seating area shall be constructed and operated in accordance with the Development Package and accompanying narrative as submitted this conditional use permit application.
3. Any expansion of the take-out café/restaurant building or the adjacent outdoor seating area by more than twenty percent (20%) of the total area shown on the Development Package, shall require an amended conditional use permit application and associated public process.
4. Hours of operation are not considered an issue here, in that this is a comparatively small café use that presents little or no nuisance issues. There is the recognition here that hours of operation are seasonal in nature on Mt. Lemmon and that early-morning hours of operation for this use are acceptable during the late-spring, summer, and early-fall months.

Jim Portner, Hearing Administrator, indicated that this was a request for a Type II Conditional Use Permit for a café/restaurant/food stand at the top of Mount Lemmon. He indicated that public comments had been received and they were all supportive. He stated that he recommended approval subject to standard and special conditions.

Chuck Martin, Applicant, Rick Engineering Co., expressed gratitude to the County and Mr. Portner and indicated that he accepted the approved conditions.

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P20CU00007, subject to standard and special conditions.

26. Hearing - Conditional Use Permit

P20CU00005, PIMA COUNTY - S. HOUGHTON ROAD

Request of Pima County, represented by AT&T Mobility, located at 11300 S. Houghton Road, in the RH (AE) (Rural Homestead - Airport Environs) zone for a Type III Conditional Use Permit for a 100-foot Communication Tower, in accordance with Section 18.07.030 of the Pima County Zoning Code. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator and Staff recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the monopole tower structure shall not be more than the requested one hundred feet (100').
2. The new monopole tower, antennae, and all associated exterior cabling shall be painted to substantially match the color of the existing nearby Verizon tower.
3. The tower, its antennae array, and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.

Jim Portner, Hearing Administrator, indicated that this was for a Type III Conditional Use Permit for a communication tower located on the County Fairgrounds. He stated that no public comments were received and the Planning and Zoning Commission voted to recommend approval. He stated that the applicant had worked with other tower vendors located nearby, but the prices for lease service were cost prohibited.

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve P20CU00005, subject to standard and special conditions.

BOARD OF SUPERVISORS

27. Human Resources Election Activity Laws and Policies

Discussion/action in regards to Human Resources Election Activity Laws and Policies. (District 1)

Supervisor Miller indicated that she had been contacted by County employees regarding the mandatory Election Training and its conflicting content. She indicated that BOS Policy 23.3, addressed training for Classified Service and their Political Affiliation Protections. She stated that the confusion was with BOS Policy 23.9, which addressed classified and unclassified employees and the fact that there appeared to be two different policies for classified personnel. She stated that referenced in the training was Arizona Statute 11-410 (G), which says "nothing contained in this section shall be construed as denying the civil and political liberties of any employees as guaranteed by the U.S. and Arizona Constitutions." She stated that individuals were interpreting the policy to mean that they could not participate in the election process as directed by County policy even during their personal time. She stated that individuals had the right for free speech as outlined in the U.S. Constitution, and Arizona Revised Statute 41-752, protections of civil or political liberties; prohibition; civil penalty; violation; classification. She stated that this was affecting individuals because they believed they were losing their right to free speech. She indicated that the training material included a fine up to \$5,000.00 per occurrence and disciplinary actions. She stated that the County did not have the authority, when employees are not representing the County, to dictate what a County employee does on their personal time. She asked that the County Attorney address the statute.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that Statute 41-752's definition of employees was applicable to State employees and that those statutes did not apply to County employees.

Supervisor Miller inquired whether the County was an arm of State Government.

Mr. Flagg responded that the County was a political subdivision of the State, but the statute related to the State Personnel System and not the County's Personnel System. He indicated that those statutes did not apply to County employees. He indicated that under Federal Law, federal employees had been prohibited from engaging in certain political activities and as a result of that the courts had addressed challenges of that law. He cited the Hatch Act, which dated back to the 1800s, and the fact that the Supreme Court had repeatedly held that it was consistent with the First Amendment for Congress or for another law making body to impose limitation on public employees, in terms of their political activities. He indicated that County policy was prohibiting County employees from donating to candidates for County Offices or from soliciting donations from employees for candidates for County Offices, whether on your own time or County time. He added that it was Constitutional.

Supervisor Miller commented that she felt it violated First Amendment rights. She stated that the National Conference of State Legislators in Arizona specified that employees should have the ability, on their own time, to participate. She indicated that she would ask a State Legislator or Attorney General for an opinion because it was unconstitutional. She inquired whether the County Attorney could request an opinion from the Attorney General.

Mr. Flagg responded that the statute that authorized the County Attorney's Office to seek an Attorney General opinion indicated that any matters had to be related to the County Attorney's Office. He indicated that the Attorney General had a narrow view of the statute and what they would respond to. He stated that the County Attorney would have to decide whether the County Attorney's Office would ask for the Attorney General's opinion; but he would relay the request to the County Attorney. He indicated that the County Attorney's Office had researched the First Amendment and the restrictions had been a County Policy for several years. He indicated that similar restrictions, under Federal Law, had been repeatedly upheld by the United States Supreme Court and were deemed constitutional. He added that employees were not prohibited, on their own time, from participating with posting signs and speaking, but were limited on donating to candidates for County Office or soliciting donations for candidates for County Office.

Supervisor Miller indicated that she would be seeking an opinion. She presented a 2016 campaign report detailing a high-level County employee's donation to a County Office candidate. She asked whether that individual would be fined. She added that if employees were going to be held accountable, all employees should be held accountable. She submitted the report to the Clerk of the Board and requested that an investigation be conducted and that the results be made available. She added that the County should not be restricting employees from exercising their First Amendment right and employees should be allowed to participate and support candidates. She inquired why elected officials were held to different standards than County employees.

Mr. Flagg indicated that he would review the materials submitted; however, donating to a campaign for County office was not a State Statutory restriction and the County Attorney's Office did not have investigatory or enforcement authority. He stated that the issue was related to a County policy.

Supervisor Miller commented that it was a County policy that was violated by an employee. She inquired who was responsible for enforcing the policy.

Mr. Flagg responded that all County policies are personnel matters that are handled by the appointing authorities and sometimes the Human Resources Department. He added that the County Attorney's Office did not have independent investigatory or enforcement authority like it did with other matters.

Supervisor Miller asked who had enforcement authority over this Ordinance, because the training alluded to fines or discipline.

Mr. Flagg responded that the reference to fines as a potential punishment was for violating the statute that dealt with using County time and resources to influence the outcome of an election. He indicated that the statute did not apply to what you did on your own time under the First Amendment, but there were penalties, including fines, associated with violating that statute. He stated that donating to County offices was a different issue that was prohibited and fell outside of the statutory

context. He added that the proper authority to deal with those issues would be the appointing authority in charge of the employee who was alleged to have violated the policy.

Supervisor Miller asked that the Board reconsider the policy. She reiterated that it was wrong to hold staff to different standards than elected officials by regulating what they did on their own time. She added that a high-level County employee should not be allowed to violate the policy and suffer no consequences especially if a direct supervisor disciplined another County employee for that violation.

This item was for discussion only. No Board action was taken.

28. **Pascua Yaqui Tribe 2020 General Election Voting Site**

RESOLUTION NO. 2020 - 75, of the Board of Supervisors, authorizing additional early voting, ballot drop-off, and emergency voting locations on the Pascua Yaqui Reservation for the 2020 General Election. (District 5)

Supervisor Villegas indicated that this was a request for an additional early voting, ballot drop off and emergency voting location on the Pascua Yaqui Reservation for the 2020 General Election. She indicated that the Recorder explained her reasoning for denying the Pascua Yaqui Tribe's early and emergency voting site and indicated that during discussions with the Tribal Council the concerns of the Recorder had been addressed or were being addressed. She indicated that with the COVID-19 pandemic it was critical that the Recorder work with the tribe's leadership to resolve concerns. She stated that the Pascua Yaqui Nation deserved the fundamental equitable right to vote. She added that this Resolution provided Board direction that the County Recorder establish an Early and Emergency Voting Site for the 2020 General Election. She commented that this was not a matter of interference; but a matter of doing what was right for the people of the Sovereign Nation.

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

Supervisor Miller commented that the Board should not overstep the authority of a dually elected official. She indicated that everyone had expressed their trust in the Recorder and she had provided a legitimate and well documented reason for her decision. She stated that given the serious security issues identified by the Recorder, it was irresponsible for the Board to support arbitrarily creating a voting site without the Recorder's approval. She added that she supported the Recorder's decision.

Supervisor Christy indicated that the response provided by the Recorder was very detailed and thoroughly outlined the reasoning for her decision. He stated that the Recorder was well qualified to make these decisions and that he would be voting against the resolution.

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

29. Training Plan for Constable Vasquez

Discussion/action regarding the training plan for Constable Oscar Vasquez, Justice Precinct 4.

Chairman Valadez indicated that the Presiding Constable, as requested at a previous Board meeting, had provided a training program for Constable Vasquez for Board approval.

Supervisor Bronson indicated that she approved of the recommendations.

It was moved by Supervisor Bronson and seconded by Chairman Valadez to approve the training plan. No vote was taken at this time.

Supervisor Miller asked that the motion be amended to include that the individual be permanently banned from driving a County vehicle.

Chairman Valadez and Supervisor Bronson accepted the amendment.

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

COUNTY ADMINISTRATOR

30. Termination of Old Tucson Lease

Staff recommends approval to terminate the lease with Old Tucson Company (Contract 04-00-0-100206-0123) effective September 15, 2020.

Supervisor Miller indicated that she objected to this item due to the lack of background information with regards to rental payments or rental forgiveness and utilities and water expenditures. She indicated that the Board was being asked to hold them harmless and end this lease.

Chuck Huckelberry, County Administrator, responded that those issues were not relevant to the discussion since Old Tucson had closed operations and effectively invalidated the lease. He indicated that the lease expired in 2023, and it was executed 25 years ago and only modifications were made to the lease over that time. He stated that there needed to be a clear demarcation since they were not going to operate the facility and the County needed to secure the property so that it would not deteriorate. He indicated that a plan was being developed with regards to the future use of Old Tucson and that plan would be brought before the Board. He added that not terminating the lease had little to do with trying to control the property.

Supervisor Miller inquired whether there were penalties in place for early termination.

Mr. Huckelberry responded that there were no penalties.

It was moved by Supervisor Bronson, seconded by Supervisor Villegas, and carried by a 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

31. Review of Boards, Commissions and Committees

Staff recommends that the following committees be disbanded, effective December 31, 2020:

- Agricultural Science Advisory Committee
- Canoa Ranch Conservation Committee

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

CLERK OF THE BOARD

32. Petitions for Redemption of Property Tax Exemption Waiver

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

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

REAL PROPERTY

33. Sale of Real Property

RESOLUTION NO. 2020 - 76, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0007. (District 1)

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

34. Sale of Real Property

RESOLUTION NO. 2020 - 77, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0010. (District 2)

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

TREASURER

35. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$152,090.55

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

CONTRACT AND AWARD

ATTRACTIONS AND TOURISM

36. Cat Spay and Neuter Solutions, to provide for the Cat Spay and Neuter Program, General Fund, contract amount \$15,000.00 (CT-ED-21-121)

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

37. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, to provide for publicize and resume tourism to Pima County following COVID, United States Department of Treasury Coronavirus Relief Fund, contract amount \$500,000.00 (CT-ED-21-164)

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

BEHAVIORAL HEALTH

38. Sonoran Behavioral Health, Amendment No. 7, to provide for court ordered evaluation services pursuant to ARS Title 36, Chapter 5, extend contract term to 9/30/21 and amend contractual language, General Fund, contract amount \$2,100,000.00 (CT-BH-20-34)

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

39. UHS of Tucson, L.L.C., d.b.a. Palo Verde Behavioral Health, Amendment No. 5, to provide for court ordered evaluation services pursuant to ARS Title 36, Chapter 5, extend contract term to 9/30/21 and amend contractual language, General Fund, contract amount \$757,000.00 (CT-BH-20-17)

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

COMMUNITY AND WORKFORCE DEVELOPMENT

40. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 7, to provide for workforce development services, amend contractual language, scope of services and scope of work, USDOL - WIOA Fund, contract amount \$50,039.08 (CT-CR-20-422)

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

41. Salvation Army, Amendment No. 5, to provide for the Emergency Services Network, extend contract term to 6/30/21, amend contractual language and scope of work, STCS/TANF, CSBG and LIHEAP Funds, contract amount \$136,512.50 (CT-CR-21-54)

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

42. Portable Practical Educational Preparation, Inc., Amendment No. 12, to provide for workforce development services, amend contractual language, scope of services and scope of work, USDOL - WIOA Fund, contract amount \$133,628.91 (CT-CR-20-419)

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

GRANTS MANAGEMENT AND INNOVATION

43. Community Food Bank, Inc., to provide for COVID-19 warehouse upgrades, U.S. Department of Treasury Coronavirus Relief Fund, contract amount \$826,591.00 (CT-GMI-21-119)

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

PROCUREMENT

44. **Award**
Amendment of Award: Master Agreement No. MA-PO-20-106, Amendment No. 2, Custom Storage, Inc., d.b.a. CStor, Escape Velocity Holdings, d.b.a. Trace3, L.L.C., Insight Public Sector, Inc. and World Wide Technology, L.L.C., to provide for Cisco and F5 networking equipment. This amendment increases the shared annual award amount by \$120,000.00 from \$4,000,000.00 to \$4,120,000.00 for a cumulative not-to-exceed contract amount of \$4,120,000.00. Funding Source: General Fund. Administering Department: Information Technology.

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

REAL PROPERTY

45. Pima County, Pima County Flood Control District and Town of Marana to provide an Intergovernmental Agreement, Acq-1014, regarding open space near the El Rio Preserve, no cost/20 year term (CTN-PW-21-28)

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

GRANT APPLICATION/ACCEPTANCE

46. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for immunization services, \$225,000.00 (GTAM 21-26)

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

47. **Acceptance - County Administrator**

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Amendment No. 4, to provide for the Unified Medication Assisted Treatment Targeted Engagement Response, no cost/3 year term (GTAM 21-27)

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

48. **Acceptance - County Administrator**

US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Amendment No. 5, to provide for the Unified Medication Assisted Treatment Targeted Engagement Response, no cost/3 year term (GTAM 21-28)

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

49. **Acceptance - County Attorney's Office**

Tohono O'odham Nation, to provide for the Risk Assessment, Management, and Prevention Coalition, \$20,000.00 (GTAW 21-26)

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

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

Arizona Department of Housing, Amendment No. 2, to provide for the Housing Trust Fund - Rental/Eviction Prevention Assistance, \$600,000.00 (GTAM 21-22)

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

51. **Acceptance - ~~Community Workforce and Development~~ Community and Workforce Development**

Pima County Community College District, to provide for the educational activities - Healthcare Opportunities with Personalized Educational Supports, \$601,926.00 (GTAW 21-33)

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

52. **CONSENT CALENDAR**

Approval of the Consent Calendar

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

* * *

CONTRACT AND AWARD

Behavioral Health

1. Banner Health, Amendment No. 6, to provide for court ordered evaluation services pursuant to ARS Title 36. Chapter 5, extend contract term to 9/30/21 and amend contractual language, General Fund, contract amount \$1,500,000.00 (CT-BH-20-22/CT-BH-20-14)

Community and Workforce Development

2. Compass Affordable Housing, Inc., Amendment No. 4, to provide for United States Housing and Urban Development (USHUD) Continuum of Care (CoC) Program - One Stop Rapid Rehousing, extend contract term to 10/31/21, amend contractual language, scope of services and scope of work, USHUD-CoC Fund, contract amount \$177,060.00 (CT-CR-20-467)
3. Interfaith Community Services, Amendment No. 5, to provide for Emergency Services Network, extend contract term to 6/30/21, amend contractual language and scope of work, ADES/USHHS/STCS/TANF, CSBG and LIHEA Funds, contract amount \$262,012.00 (CT-CR-20-473)

4. Pima County Community Land Trust, to provide for the Riverview Acres Homeownership Development, USHUD and HIPP Funds, contract amount \$406,848.00/2 year term (CT-CR-21-100)

Elections

5. Pima Community College, to provide for election services, contract amount \$442,417.00 revenue (CTN-EL-21-9)

Procurement

6. **Award**
Award: Master Agreement No. MA-PO-21-39, Freightliner of Arizona L.L.C., d.b.a., Velocity Truck Centers, to provide various freightliner medium trucks. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$802,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Fleet Services Ops. Fund. Administering Department: Fleet Services.
7. Kapp-Con Incorporated, to provide for the Pima County Administration East Second Floor Tenant Improvement (XAE2RV), FM Capital Non-Bond Projects Fund, contract amount \$1,203,361.00 (CT-FM-21-143) Facilities Management

GRANT APPLICATION/ACCEPTANCE

8. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 3, to provide for Women, Infants and Children and Breastfeeding Peer Counseling Services and amend scope of work, \$1,797,276.00 (GTAM 21-17)
9. **Acceptance - Sheriff**
State of Arizona - Office of the Arizona Attorney General, to provide for the SD-Victims' Right Program, \$39,200.00 (GTAW 21-31)
10. **Acceptance - Sheriff**
City of Tucson, Amendment No. 1, to provide for the 2017 Edward Byrne Memorial Justice Assistance Grant Program Award and extend grant term to 9/30/21, no cost (GTAM 21-24)
11. **Acceptance - Community and Workforce Development**
Tucson Electric Power Company (TEP), Amendment No. 5, to provide for TEP Low Income Weatherization Program Services and amend grant language, \$145,000.00 (GTAM 21-9)

ELECTIONS

12. **Precinct Committeemen**

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

APPOINTMENT-PRECINCT-PARTY

Sam C. Brandt-171-REP; Karen M. Laechelin-239-REP

FINANCE AND RISK MANAGEMENT

13. **Duplicate Warrants - For Ratification**

Helping Ourselves Pursue Enrichment, Inc. \$9,480.00; County Supervisors Association of Arizona \$107,058.00; County Supervisors Association of Arizona \$6,700.00; Alexander W.J. Boerner \$17.80; 4283929 Delaware L.L.C. \$2,900.00; Rachel Lee Garman \$95.23; Noreen Walker \$20.00; Leslie Dean Caruthers \$269.08; Leslie Dean Caruthers \$395.21.

* * *

53. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:25 p.m.

CHAIRMAN

ATTEST:

CLERK

COUNTY ADMINISTRATOR

13. Updates and Action on COVID-19

Verbatim

RV: Chairman Valadez
SB: Supervisor Bronson
SC: Supervisor Christy
AM: Supervisor Miller
BV: Supervisor Villegas
CH: Chuck Huckelberry, County Administrator
AF: Andrew Flagg, Chief Civil Deputy County Attorney
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
BH: Brianna Hamilton, Special Staff Assistant, District 1

RV: Item No. 12, Updates and Action on COVID-19. Mr. Huckelberry.

CH: Mr. Chairman, I think we will be fairly brief. Yesterday we sent out just an update to the Board with regard to COVID-19. I think the biggest information is the shift in inspections from typically community-wide to now concentrated around the University of Arizona. Dr. Garcia has, I think, additional information this morning and those infections are accelerating rather than deaccelerating, due to a number of reasons. We put in our particular recommendations and have made some fairly strong recommendations to the University of Arizona with regard to how to start to curtail the infection rate around the University. I think it is going to be another week until we can determine, you know, where we really stand and whether or not any of the actions that are being taken today, I believe, by the University as well as our staff have any affect. The primary actions that can be taken by our staff as in where we have and actually sent health inspectors out to because we actually regulate pools and we will say gymnasiums in some of these high rise off student campus housing and found there is significant non-compliance. Therefore, I believe as of yesterday and starting today we are actually suspending their pool permits from anywhere from fourteen to thirty days to see if in fact that can have an effect. It is a fairly fluid situation and we can answer any questions you might have. I think that is really about all we have to add.

RV: Mr. Huckelberry, I do have one question. I know that we have, the County Health Department has been working with the off campus housing immediately adjacent to the University of Arizona Campus. But I think one of the another pocket is the student related housing off of 22nd, the former Matthews Chevrolet. What are we doing through the Health Department to deal with the outbreak in that location?

CH: Mr. Chairman and members of the Board, similar to all their locations as we have ramped up and as you have seen in the material our mobile testing. We basically take the testing to the facility and have been able to actually identify fairly quickly infections within those facilities and had what we believe some voluntary compliance with quarantine meaning, self-quarantine. We are continuing to monitor that again the only thing that causes some concern were some of the recreational facilities or pools. We have had conversations and I think conference calls with some of the operators who at least from Dr. Garcia's perspective, when he was on the phone with them were really asking us to actually pull their pool permits. So I think they are making an effort, and so that is about all we can do at this point in time.

RV: Thank you, any other questions?

AM: Mr. Chairman, I have several items. The first one, Brianna is going to put the information for everyone to see. Okay, it is a little hard to see that first chart on the screen but it is from, the date is August 21st. This was a memorandum that was sent regarding misinformation from the CDC about our caseload. Or our COVID cases when they described Pima County as being in the red and Mr. Huckelberry sent a memo in response. I believe the memo was dated August 26th. In response that we in fact things were coming way down and that the cases were looking really good. On August 21st that is the as-of date and it showed that we had 2,069 cases. Then three days later, can you put up the other chart? I asked this question the last meeting it showed we had, this dated August 24th, we had 4,060 cases. I asked for clarification on this in the last meeting, I have got nothing. I would like either the County Administrator or Dr. Garcia to actually provide a response. I would assume if there is such an anomaly in the data that there was such a drastic change that someone would recall when it went up almost one hundred percent in three days. That maybe there was a reason for that or something but I never got a response so I would like a response from someone.

RV: Mr. Huckelberry.

CH: Mr. Chairman, and I think Dr. Garcia can confirm this, and we have looked at the data. What occurred was a testing occurring in the State Correction Facility on Wilmot and they are reporting all of their positives in one day. Even though they may have taken them over a week or two-week period and so that is a real spike that occurred. I think almost 600 to 650 cases reported by the State in one day.

AM: Okay. So then, there was another 1,400 in outside of that?

RV: Dr. Garcia.

FG: Mr. Chairman, Supervisor Miller, what you are looking at is not the fact that there were 2,000, 3,000 cases over a period of one or two days. What you are looking at in that cumulative chart is really the correction throughout the pandemic time. So, that delta that you are identifying, which is so dramatically different, those cases did not necessarily happen during that week. Some of those cases are attributed as far back as a month. That is why you see such big swings in the variation and part of the reason why we admonish folks to sort of be vigilant toward the trends rather than the absolute numbers because every day those absolute numbers are changing. In fact, the graph that your staff presented is now out of date. We, it has completely different numbers based on what is being made available from the State Department of Health.

AM: What is the date of recordation of a COVID case? Is it the date you receive the data or is it the date of the test?

FG: No. For the purposes of the table that Mr. Huckelberry conveyed in the memo that you are pointing to, the date in this case is the date that the State reported the case. Right? The date that we use for the purposes of our graphics are the dates on which the tests were performed. A test can be performed today and not reported out for five, six, seven days or it can be reported out tomorrow.

AM: That does not make a lot of sense to me that we would be using two different time frames.

FG: The State is using two different reporting standards.

AM: What you are saying is one of them is State data and one of them is our data, that we are recording them differently?

FG: Both of them are State data, and if you look at the State data cumulatively, it will give you exactly that. Those numbers there as well as our numbers. Again, this is a quirk of how the State is reporting the data. We just pull out the part that is pertinent to Pima County. We use exactly the same data set, it is verifiable on the ADHS website. You can track it, but that is what accounts for these variations. Yes, it is, it does make the communication about this really difficult, and that is why sometimes you get negative numbers. You know the other day we had I think negative five deaths. It was not that people were all of a sudden alive; it was that those cases were reassigned by ADHS to a different county.

AM: I guess that gives me all the less confidence in this data because they are using two different dates depending on what report they are running it, the date reported or date on which the case occurred. To me you should use one methodology and that is it. I still do not understand how they are doing that and so this to me just shows that they and we have heard a lot of information

coming in about the data and I do have more questions on that that I would like to ask.

CH: Mr. Chairman...

RV: Mr. Huckelberry.

CH: Supervisor Miller, to add more uncertainty, we have been using several contractors who actually pervert this data. Some of them are actually automated and connected into the State, some are not. The rest (inaudible) wellness group is not yet fully connected into the State system. Their results are faxed and then they have to be entered by hand and so they always lag. Even though we have the results because we ask to have the results the day they have a positive so we can begin. But, that data will not even show up in the state system for sometimes a week or longer. The same thing with the University of Arizona Antigen Testing. They have been doing antigen testing on what they call on campus housing students in other words dormitories and the rest, but they have been not reporting those except in batches. All of a sudden, a batch of three or four thousand tests gets reported that has three or four hundred positives you are going to see the same spikes. Even though those positives may have occurred over in different day, a week or two before. That is why when we simply say pay attention to older data because it gets better after about three weeks and the first week after it always gets readjusted sometimes. The readjustments are getting smaller and smaller but they are still readjustments.

AM: What bothers me about that is we are relying on that data to give advisement to the School Districts on when the children can go back to school and if they are batch reporting it makes it look like we have a spike right now. I still do not understand how they could be using two different dates. I get it you could have a couple; I mean you run reports it seems to me you would run the reports based on the date of the test or at least utilize the same date depending on which report you are running because you are going to get different data. Which is what the issue was here. This is really troublesome. It does not give me much faith in this data at all. It gives me even less faith in utilizing this data for school reopenings because as Mr. Huckelberry just said, some of this comes in a batch. If you are using the date that the report, that the, result came back, that could have happened a month ago, rather than last week or this week. That is very troublesome. The other thing that I wanted to talk about and I think Dr. Garcia is the 25 cases at the U of A and 60% of those were false positives. Is there any reporting or any information that you have gotten on whether it is a specific company's testing kit that produced those faults positives or whether there is anything that you can correlate the false positives to because it is 60% fail rate is pretty significant?

RV: Dr. Garcia.

FG: Chairman Valadez, Supervisor Miller, I am not aware of the specific instance you are talking about. I am aware that depending on the test product that is being used in antigen versus a PCR test, the test performance characteristics can be very, very different. That there can be, that somebody can come up negative on an antigen test and have a positive PCR test. That person by the way have a negative antibody test. Those are all absolutely possible scenarios. So what we worry about, what we pay attention to is the totality of that information in any given case. The rapid antigen test which is being deployed in those kinds of housing situations is really good because the turnaround is so quick but the sensitivity is not the same as what is available for PCR. Having said that, the rapid antigen test does detect people who are the most infectious at the time. Having a negative antigen test and then having a positive PCR may mean that you are actually yes, you may have that infection but that you may not be as contagious as infectious. So one of the situations that we are not infrequently running into is people who have gone through their infectious period who 30 days, 40 days later are retested and found to be positive again. What the CDC has said, what the NIH has said is that is simply evidence of the fact that is such a sensitive test such a good test at detecting very, very small clinically inconsequential levels of infection that is what you are detecting through that. So to me, I do not see the, well, first of all I am not aware of that case in particular. But, I do believe those scenarios can occur.

AM: This was reported on the local and national news. I believe it was, I cannot remember I do not want to quote which news outlet. I think I saw it on KVOA, possibly. But, yeah there were 25 cases over there and 60% were false positive. Another one of my questions were the test sensitivity. If you are detecting miniscule amounts with one test and people are not infectious at that point it seems to me and what I understand is the sensitivity rating of these tests being recorded. On the test, as they do the test, is there certain rating or certain sensitivity index that we are recording?

FG: Chairman Valadez, Supervisor Miller, in the regular world, pre-COVID, these would have been, this would have been information that was readily available through the FDA website and as part of the package insert. The federal government in an effort to be nimble and in effort to respond to what was a rapidly evolving situation has allowed manufacturers and test developers to come up with new and better technologies. Having said that, the, there is no, for some of these, there are no population defined thresholds for sensitivity. There are sensitivity values that can be calculated based on small populations. But there are not the kinds of sensitivity data that we say perhaps, an individual who has an HPV test can rely on. Yes, at this point that kind of data that is robust and verifiable is hard to come by. For any of these manufacturers.

AM: Again, this is troublesome and I would like a response on these 25 cases. It was reported and actually I can find the national headlines for you it was reported at the University of Arizona specifically. They actually...

BH: Kgun9.

AM: ...Kgun9 had a report on that as well, thank you. I would like to get a response on what the issues were and I think we need to explore is that a bad testing kits or what was the cause of it? I would like to understand what they are attributing that to if 60% of them were a false positive. Again, this is a very concerning, we are trying to get people back to work, back to school, and we have got false data. The other issue is the parents who are very upset that their children are not being sent back to school, in-person learning. I was sent a document that you had, Dr. Garcia had stated that it is entirely up to the Superintendents of the Schools, each individual school, whether or not they open based on State data as well as information that the Pima County Health Department is providing to them. I guess the concern there for me is. Do you even provide an opinion to the Superintendents of School on whether or not they should reopen? Because they are not doctors and that is concerning. We have met all of the State criteria, at my understanding, and that they are still holding off openings. I was wondering if you could explain number one who is providing the opinions? Is it just the Superintendents getting the data? The information from Pima County as well as the State, and then making a decision on their own? Or is there any kind of medical advice coming from anywhere?

RV: Dr. Garcia.

FG: Chairman Valadez, Supervisor Miller, a couple of things to think about. First of all, the ability to close or open schools is firmly in the realm of the Executive and they have that ability as do School Boards and Superintendents. The Executive Order that the Governor issued, Executive Order 2020-51, stipulates that in the consideration of decisions on reopening that schools have to consult the ADHS information as well as their local Health Department information. That is the reason why we have been engaged with our public schools since March. That is the reason why we have tried to have a good relationship with these entities in order to make sure that we are all looking at the same data. In terms of the interpretation of what the state metrics say currently, the state metrics currently say that Pima County is fine for hybrid instruction. Per the ADHS state metrics. The statements that we have made to the Superintendents as recently as yesterday during The Back to School Process was in fact reinforcing that.

AM: The hybrid instruction, could you explain that, please?

FG: Hybrid instruction is not a term that the Health Department developed. Hybrid instruction is a term that the Department of Education at the State has developed. They have described three types of instructional environments. Number one an all virtual kind of scenario which is where most children were previous to this last month. Number two, a hybrid environment where significant proportion of students would be at home doing virtual learning,

and another significant fraction would actually be in classroom in attendance. The idea there is to decrease the density within the classrooms to decrease the contact between children in order to decrease infectivity. Then the final one is face-to-face instruction. That is the more traditional kind of thing. Per the State's guidelines, we are not there yet for that face-to-face instruction because we are still, Pima County, per their analysis, is still in the Moderate Transmission Range. That is something that we are able to confirm with our own data and our own assessment.

AM: Okay, have we got a listing of the schools that are currently doing the hybrid learning?

FG: Yes, well, sorry. Chairman Valadez, Supervisor Miller, that information is included in County Administrator Huckelberry's memo yesterday which outlined which schools at this time, I am sorry, which school districts at this time are open for hybrid instruction. In fact, there is one small school district that is doing in-person instruction. The small school district of San Fernando which has about 25, less than 50 kids, and which ones have opted to continue virtual. Again, the position of the Health Department and the position of the County is not that we will tell schools when they can and cannot open.

AM: Okay. So there are significant numbers of them that are doing the hybrid learning? Okay. I have not seen that memo. Okay, the other...

RV: I think it is table five.

AM: I am sorry.

RV: Sorry, it is table number five in the memorandum.

AM: Yeah, I just have not seen that memo yet. I did not get that.

SB: I think you have got, it was distributed to us this morning.

AM: This morning? Okay, that is why I have not seen it.

SB: It was sent to us Friday.

AM: Okay. Thank you, I have not seen that data but that I will take your word for it. The other question I have is regarding the rate I have a couple more here requirement of masks of employees in the Board Room. The Resolution 2020-49, I am sure you all remember that in there. It says that people do not have to wear a mask nor do they have to tell you why they are not wearing a mask. That is in our resolution and it is very concerning that, we have a resolution out there that people are relying on, and then we are invoking different rules. I can read that, under section two the exempt persons, section one of this resolution does not apply to, and it is item B. Persons who cannot

medically tolerate wearing a face covering, a person is not required to provide documentation demonstrating that the person cannot medically tolerate a face covering. That, there are people who do not want and I do not think the County has a right to interfere with their medical issues. I have a couple of employees, one who is here, having to deal with a situation that they should not have to deal with because I need them in this room today. Another employee who cannot even come in the room because of a situation which I am not going to describe. That is their personal and medical information that they do not have to disclose. I would like to know if we are, you know why we are going against our own resolution?

RV: Supervisor Miller, as you recall I had a memorandum that was distributed through the Clerk's Office to every Board Member that only excluded Board members at the time from early May. It did not have a medical exception. It did require everyone in the Board Hearing Room other than Board members to wear masks subsequently I believe on, and do not quote me on this, 19th of May, the Board actually created a Policy that everyone, and that was made also very, very clear.

SB: Including Supervisors.

RV: Including Supervisors, had to wear masks.

AM: Are we infringing on people's rights? That is a real concern for me, on people's rights to perform their duties and because of medical and health issues and other issues. Americans with Disabilities Act, are we in violation of that if we are requiring everyone to wear a mask?

RV: Supervisor Miller, according to that Board Policy anyone who does not wear a mask in this room is in violation of Board Policy.

AM: Board Policy, but Board Policy cannot override the Americans with Disabilities Act. That is my concern.

RV: Mr. Flagg.

AF: Thank you, Mr. Chairman, Supervisor Miller, first of all the Americans with Disabilities Act applies only to those who have the statutory definition of disability. If a person does have a disability requires a reasonable accommodation. That does not require the Board to allow somebody to be in the room in order to participate if there are other reasonable alternatives available. Again, it has to be, it has to be a situation in which somebody meets the statutory definition of disability, and there is not and it does require a person who requests an accommodation to request it. So, the notion that I realize our Resolution says generally speaking a person does not have to produce evidence of their medical exemption, but that is not the ADA standard.

AM: Okay, and then our own Resolution, we are in violation of our own Resolution.

AF: Mr. Chairman, would you like me to address that?

RV: Yes, please, if you would Mr. Flagg.

AF: Thank you, Mr. Chairman, there are rules that govern that the Resolution is a countywide resolution that governs across the County. There are rules that have been put in place specific to County Facilities and as the Chairman mentioned a specific rule that was put in place for the Board Chambers on May 19th.

AM: Alright. I think we are crossing a line in violating people's rights. We saw what happened up in Pennsylvania that there is going to be lawsuits, I think that we are going to have to deal with as a result of this. The final thing that I have to discuss is the situation with the County wall of shaming. The gentleman that was here earlier in artfully described the attacks that they are getting. He should have started out explaining the situation so you knew what he was talking about. It is a company called Viva Coffee House. They talk about how they work to keep their standards high. I believe they got their badge from the County and they wanted to fully cooperate with the Health Department to make sure they are doing the right things. They state that they worked to comply with all the regulations but there was a lot of confusion as the goal posts move. What happened, they had a woman come into their coffee shop who started taking photos of their customers and their customers' children. And they sent them, they said the woman said she was going to send them into the County, that they were in violation of the mask policy and that they needed to be reported. What happened an inspector came out from Pima County and the person who owned the restaurant was the gentleman earlier. He immediately, when this happened. contacted the County, explained the situation. I do not know if the County received this information from the individual who took these pictures. I do not know the name or anything. According to this gentleman the woman falsely claimed that 40 people were in their coffee shop with no masks. I find it hard to believe that there is 40 people in a coffee shop on any given day, especially with the situation right now. That being said, the inspector from Pima County went out and made a visit to this restaurant, they had minor items to improve according to them. I have not seen the Health Department report and according to them they had things like, they had a peroxide-based cleaner when they should have been using a bleach-based cleaner. So they had that was, I guess, the most egregious issue. They said that the inspector had to call their supervisor to make sure they understood everything. So, they said it is very difficult for them to navigate all of this and it showed when the inspector actually had to call back to Pima County to understand what was the actual regulations were. They said they complied, implemented the changes immediately, documented and sent photos in to Pima County to the Health Department and they received an e-mail back that they were in

compliance. They said that when they, shortly after that they started getting threats, profanity, and horrific, they said they were immediately put up on the wall of shame, and then the individuals started to attack them on social media. They are taking down these posts from the wall of shame. They are taking it into social media, and they are attacking restaurant owners and coffee shop owners, and other businesses so this is a huge issue. They are being targeted and just, I will give you a flavor for, that gentleman was reading verbatim off the posts that were on their, that were taken off social media. I have the communication back and forth between this Kelly Walker and Pima County, that they were in compliance. Then the social media lit up. I am not going to say the woman's name, I do not know if she is the one that reported, but "F you and your inbred little mindset" which the gentleman read without explanation, so I understand. "Hoping your business goes down the blank." "I am beyond sad and frustrated. I have to say this about a local place but I am livid at what is going on at this coffee house. I was already irritated about their republican rhetoric that blue lives matter." Again, this hate has to stop. Then another individual said, "known to not care about CDC guidelines, their employees refuse to wear masks, claiming that they all have medical issues that prevent them from wearing masks, it seems like a hundred percent of their clientele has medical problems." et cetera. "It's idiots like these that make the Arizona number one in the world for outbreaks." "They are not that difficult to wear. I do not have to go there, which is fine, coffee sucks." "Enjoy your ventilators" on and on, and "Apparently a no-masking policy keep yourself safe and do not go there." I mean, they are identifying these businesses in social media and attacking them, and then they have some very foul lingo, "F yourselves," "F off", "Never coming back," "Beyond filthy in the middle of a pandemic" they go beyond "they do not give a blank about their employees and the public." And then they talk about people are threatening to kill people, attack people, physically assault. I know myself personally from my experience when they come after you and threaten to rape you, threaten to attack you, threaten to come to your home, they describe the outside of your home. I know what that is like. The young lady was one of the people that was attacked and some gentleman talked about, "I am at the end of being able to manage multiple sclerosis, I have accomplished what I needed to with the boy. I can do whatever I want with my life again. No reason not to revive the barren and rollout of little get even on some of these m-fers soon." This is the kind of stuff that these businesses are being faced with and, the guy had a whole "F-you and your inbred," "F-you here," it is filthy. And, these people, and it is too bad he did not explain it more clearly so that you knew what he was talking about. But, they are so frustrated and this has happened to multiple businesses that are up on the wall of shame. I think we really need to address this because people are getting threatened. Their lives are getting threatened because they are on the wall of shame. These people, according to them, they immediately complied but it took a week, a whole week for it to come down off the wall of shame and then these people start attacking. I would like to know if we really, might give some direction that we need to address how this is being dealt with because this is horrible. These people are already suffering and I think

you saw this man really express just how devastated they are. I guess one week they had 30-dollars' worth of business because these people are threatening people. I do not know what we can do, but I think we need to do something. Because either eliminate the wall of shame, or start doing something differently. Because this is wrong, and I know, it is no one's fault in the County. I know it is a policy that we put in place, but I think it is something that we really need to address. I do not know if the Chair would like to entertain a motion to give staff direction to look into this and see how much it is happening and, come back with a report for us. I do put that in the form of a motion.

SC: The motion again, Supervisor Miller?

AM: The motion is to direct staff to look into this situation, the people that are being put up on the wall of shame, and doing an investigation into how people are being threatened on social media, and come back to the Board with a recommendation if the Chair would entertain that motion.

SC: I would like to second that if I can offer an addition or a friendly addition to that. That is, basically, in addition to everything else, your motion outlines. An explanation of the process of how the wall of shame is initiated and why it takes so long for it to come down. I am looking right now on the mask requirement violations on the website. There are a number of violators, but the date of the violation goes in one case back to July 14. Does that mean that they are still in violation or is it just a matter of not being properly accounted for through the department, the Health Department to remove the violation off the violation listing here. I would second the motion if we can also include an explanation of how the process works. In addition to Supervisor Miller's requirements.

AM: I will accept that amendment. That was the purpose of the investigation is find out why, you know, people's names are being left up there on the wall. This gentleman said it took a week after they notified them for his to come down but in that time frame, he and his employees and the young woman that testified was one of the employees that are being threatened with this and they are petrified. They are afraid to go to work.

SC: As Supervisor Miller well knows, this is not the only case. This is not the only restaurant that is going through this. This is numerous times, numerous experiences of this type of behavior. Again, we need to know why this is going on in this manner and why it takes so long for any corrections made by the businesses to be noted on this wall of shame.

RV: To list just a couple of things. I believe Mr. Huckelberry has provided us with regular updates in terms of who is being put on that website as well as what the violations have been thus far. What I would also like to see then, is obviously we heard one side of the story. I would like to get an update on this particular instance to see what it is that has happened from this side as well

so that we are not really doing this just a one-sided approach but really looking at it holistically. Whether there may be something we need to look to adjust what we have done. Obviously, what we did is it was our only open tool because if you recall we stayed away from a, both a criminal, civil or fiscal impact on the penalty portion of the ordinance. With this being the only penalty whatsoever. I think we need to, I certainly welcome a look at how we are doing it and how we can do it better. But I think we need to look at the whole picture in that regard to where let us get a report on this particular incident we just heard about today, and certainly people should not be treated that way. Let us get a holistic picture so then we could have that discussion at a future Board meeting where we have got all the facts.

SC: Mr. Chairman. I would just like to point out that this.

RV: Hang on, Supervisor Christy. Supervisor Christy you are next. Supervisor Miller.

AM: I agree and I think in this case you know just to hear back from staff on everything that occurred and according to them they said they have had subsequent visits from the Health Department. You know, I think the thing that is, no one saw it coming is that social media was going to be used as a way to attack these people. I think it is something that you know that once we do have them investigate and put everything together on both sides. I do not have everything that I was told but I have this documentation I do not know, I think, I had it is in the background material. I had sent it over to the Clerk last week. So it is in the background material on this item. That is where everyone can find it to see the kinds of things that are going on. I absolutely agree so thank you.

RV: Supervisor Christy.

SC: Yes, I just want to point out that this is one of many unintended consequences of the proclamations and the insertions and impositions by the Board of Supervisors in trying to regulate businesses. It shows a rush for regulations without thinking out clearly what these issues will bring forth. You talk about the other side, these things should have been addressed or at least recognized as potential issues prior to us making any kind of regulations or proclamations and these unintended consequences are many, they are well-documented and they are devastating. It is imperative that we get answers as to why and how the process works and what we can do to make sure unintended consequences do not crop up again.

SB: Mr. Chairman?

RV: Supervisor Bronson.

SB: I just want to point out a couple of things and, given Supervisor Miller's comments especially as it relates to the ADA. The Feds have already said

that the ADA does not apply to measures taken to stem the pandemic. So, just a point of clarification. Another point of clarification. I do not think this can be in the form of a motion. This item was discussion only, but I think it can be in the form of direction. I think, Mr. Chairman, you have already indicated that.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: One final point I would like to make. I do not know if these people reported this to the Health Department, this situation. I have no idea, I heard it is occurring multiple ways. I have no idea if they reported, it came to me which is why I put it in the packet. So, I do not know if anyone has even heard about this in the Health Department or anywhere else. I just, when I saw it I thought it needed to be addressed so thank you.

RV: And, Mr. Huckelberry, staff direction clear on what the will of the Board is?

CH: Mr. Chairman, yes.

RV: Alright, Supervisor Miller.

SC: Mr. Chairman?

RV: Hang on, Supervisor Miller are you okay with what we did in making it a staff direction?

AM: Yes (inaudible)

RV: Supervisor Christy, you are the seconder of the motion, I wanted to make sure you are okay with making it a staff direction?

SC: I am.

RV: Okay, Supervisor Christy.

SC: One other item, I would like to bring up is that the Small Business Commission has on more than one occasion asked for a representative of the Pima County Department of Health to appear before their Commission as a presenter as well as someone who could give answers to their questions regarding the entire COVID situation: The penalties, the punitive aspects of it, and how the enforcement is done by the Department of Health. These are businesses that are being affected by these actions and they deserve to have, I believe, the Department of Health, some representative, attend a small Business Commission meeting and make him or herself available to the small business commission. To A: Explain the processes, and to answer their questions, and they have many. To date, the response of the invitation

to the Department of Health by the Small Business Commission is that there is no one available. I think that they can, the Department of Health certainly for an hour or two can make someone available who is able to answer the questions of the business community represented by the Small Business Commission. I do not know if it would require any kind of direction from the Board but this is concerning. It appears that the Department of Health is avoiding any kind of discussion with the Business Commission and I do not think that is an appropriate manner for the Department of Health to respond to. I am asking, I would assume Dr. Garcia if he would make sure that at the next invitation issued by the Small Business Commission to the Department of Health to have a representative attend a meeting that he will ensure that there might, that there will be somebody available to do just that.

RV: Mr. Huckelberry.

CH: Mr. Chairman and members of the Board, the Small Business Commission has provided written questions to us in the past and they have been all answered in writing in order to avoid confusion or misrepresentation. I just yesterday received another letter from them, with four questions and a request to appear before them on 24th. I believe that is their next meeting and if possible we will have someone from the Health Department there. I think it is important that we provide and we provided these update reports to the Small Business Commission so they can read them as well as anybody else. We will continue to do that, and we will continue to respond to their questions that they pose to us in writing. We will if the 24th, I think it is at 3 o'clock in the afternoon is what I saw in the letter yesterday. We will have a professional there to answer their questions for about again as long as we do not have anything else occurring with regards our Health Director or Dr. Garcia.

RV: Alright, Supervisor Villegas.

BV: Yes, I just have a couple of items and a couple of comments about the U of A students and the off-campus housing. While I understand, and I have said this before, that we must stop the spread there on their turf, on their grounds before it comes into the community. I also think that we definitely mobilized really, really fast to get there and while I appreciate that I am disappointed that that has not happened when we have been seeing the hotspots week after week after week on the Southside. It has been a struggle to mobilize testing there other than Kino. When I look at the off-campus housing, the student housing and the properties, and the fact that the property managers are not being really held accountable for any of it. It concerns me because I think it is important that if we are going to be putting more funding into this testing that we look at. That we work with the City and work with these property managers because a lot of them did get incentives. They got G-Plats. They got rezonings or maybe not rezonings, but they were able to get incentives from the City and maybe from us from the sewer side when they were building them. For them to just feel that they have no responsibility

because they are only the property manager and they are at 90% capacity I heard. So, that means they are not hurting for money. So why are we not forcing, or enforcing, or at least having a conversation with them about them putting some skin in the game with this testing and isolation? More so than has happened. I would recommend that we do that, that we look at these complexes and in the future that if we are going to be giving away any incentives that we also consider pandemics or other natural disasters and how it is going to affect the entire community, not just the pocket books of outside investors. With that said also I looked at Udall Center and I look at the Kino Center positivity rates and I am wondering if you might want to consider taking the funding from the Udall Center and getting another permanent site on the Southside for testing because obviously if the rates have not dropped out significantly. Yesterday I happened to take an adult cousin of mine who suffers from mental disability for a test at Kino and I decided to test myself as well. We waited just about an hour to get tested in line. There were a lot of people there so that tells me that it was either a fluke yesterday or we need another testing site, permanent testing site on the Southside along with the mobile testing and the pop-up testing. Because there are still people that do not have transportation, and it is not always safe to take public transportation. We need to make it as convenient and it is about equity as well. So I will recommend that you look at that. That is really, that is all I have today, thank you.

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: Just to respond to Supervisor Villegas about shutting down the Udall Test Center. That is an area the Tanque Verde Valley, the eastside all the way into Vail. That is the closest test center we have, and there are numerous communities at risk particularly the aging community, the senior community. They deserve as much access to testing as anyone. To arbitrarily remove a testing site and move it somewhere else without again exhibiting some kind of acknowledgment of unintended consequences, I think it would be a very irresponsible move to make. Particularly given the need of the communities at risk on the eastside of Tucson and Pima County that is being served by the Udall Test Center.

BV: And if I may?

RV: Supervisor Villegas.

BV: Chairman Valadez, Supervisor Christy, I am not saying that we should just you know, leave them there. I was not aware that it was the only testing site. When I looked at the testing sites on the map there seems to be quite a few in that area that are accessible. So, I would not want to just not have any testing in that area because I do know that there are pockets of need everywhere. But, I would still look at what is the, what are the testing sites

availability there and what are they in other areas and like I said if you look at the positivity rate and the amount of people. I mean well the 9/6 shows 4.6, which for the Udall out of 131 people that week, and at Kino was 14.4 positivity rate. So, I think that is quite a big of a difference and it shows that there is still quite a bit of transmission, community transmission going on that we need to get a grasp on, on the Southside.

AM: Mr. Chairman?

SC: Mr. Chairman?

RV: Supervisor Miller.

AM: I guess I do not understand what the positivity rate has to do with anything. Because people are getting tested and I whole heartedly agree with Supervisor Christy that you have a whole population over there, there is a lot of elderly, seniors, the most at-risk. The positivity rate, I mean, I do not understand how that plays into this. It is the number of tests that are occurring. I agree, I do not think we should be arbitrarily removing a site and because the positivity rate is lower. They are still a number of tests being performed over there. Let us be happy that it is negative and the more testing that they do, the better. I think I would cheer, applaud that it is more negative. But, I do not think that, I am not seeing how that impacts that because there is more positivity in one area, and less at the Udall Center let us just pull that testing site. That does not make, I am not understanding, I am not following where you are going.

BV: Okay, and the reason I, if I may, Chairman Valadez and Supervisor Miller.

RV: Supervisor Villegas.

BV: Because we are capped out on our funding. We have, we are pretty much overcommitted on our CARES funding. And, so if we, if we needed to make some changes we have to look at the data. In order to make those changes and that is the only reason that I recommended that. If we can find the money without shutting that down, then I am all for keeping it there. But, if we need, if I am hearing that, we are overcommitted on our CARES funds and we do not have money for testing at this point because obviously we are using a lot of it at the university as well. There are some disparities happening in my opinion and some equity issues happening that we need to address.

AM: I guess I am not understanding the disparity issue, I just think, and I do not know how the Health Department chose the particular locations and why. I think that might be something we need to look at is why did they choose these locations. But inequity and disparity, I am not, I still do not follow that. I think the largest population of cases and deaths is the elderly and white communities. I think that, you know, we need to be real careful in shutting

something down that we have got up and running in the community for people to take advantage of. A lot of people are probably just finding out about it. I really think that and you said we are out of that hundred million dollars that we got from the Federal Government, for testing? That to me should be one of the priorities of that hundred million dollars. So, I do not know why we are out of money, and why we are not, I mean I thought that was the whole purpose of this was to do as much testing as possible. So not understanding why we are out of money there for the testing.

RV: Let me have Mr. Huckelberry kind of address some of the points that have been brought up and to clarify some of them because I think there is some confusion.

CH: Mr. Chairman, let us talk of the permanent sites first. The permanent sites have been set up basically to have a capacity of about a thousand individuals a day run through those testing sites. Early on at Kino we probably approached, you know five, six, and seven hundred a day as you can see from the weekly average we are down to 178. Again, Udall is the same size and so to operate a fairly large facility requires additional staff, and additional expenses associated with that larger facility that could be done smaller. We have not said anything about shutting down any of these sites. What we said is that we will continue to monitor the volumes, on a weekly basis, and if they begin to drop precipitously then we have to think about that but we are not going to do anything obviously until we come back and talk to the Board. We have also said that we need to be very nimble in this process because the dynamic conditions that we see with this significantly rapidly shifting infection rates in the community. That is why we stood up and we are now emphasizing mobile testing to where we bring the test to the location. And, so that we can capture as many people as possible to have it convenient for them to take a test. There is a little story that goes on when we were talking about is the Hub or the Olive, which is off campus student housing, and the University told us well, they can walk over to McKale and get a test. They were not walking over to McKale and getting a test. You had to take basically that test to the first floor of their building, and then they would take it and we probably got participation of about I guess 40%, maybe 30% of the residents. We cannot force people to take tests, we can just make it available. That is the whole purpose of mobile testing is to rapidly respond to significantly increased infections and then being able to talk about the isolation process, the quarantine process, how to serve those individuals both medically and isolation-wise to reduce the spread. One of the things that we are doing now is that with the cooperation of the City we set up a permanent testing site at the El Pueblo location. The City debated about whether having a Senior Center or I think the Recreation Center, they now decided to have at the Recreation Center. That site is really almost a duplicate of the site that is at El Rio, which is across the parking lot. But, it is going to be operated by El Pueblo as not a drive-thru site. So all of the El Rio Facilities were drive-thrus, very much as we call the mobile testing from DEMA or FEMA. We have a second round of what we call a DEMA and FEMA testing going on at some of

our former very high volume sites. That when we did the first round of DEMA-FEMA testing, for example Green Valley, very high turnout and the Coronado School, very high turnout probably from folks coming from Saddlebrook to get testing, and that is fine. We are going to have a second round of that. We are continuing to basically react to where we need to be with testing, really starting to emphasize mobile testing to bring the test to the folks who are most vulnerable. I labeled this, Report No. 9, if you go back and look at our earlier reports they really emphasize the at-risk population. Where we are having the greatest problems with Nursing Homes and Assisted Living. We pretty much got that under control at this point. Not to say that it will not start again, but if in fact, we are starting to get issues with Long-Term Care Facilities or Assisted Living, we would be right back at them with mobile testing. They have all now received a machine from what they call a Quidel which is an antigen testing machine. The problem with that is the Federal Government appropriated all the tests and so their handing them out, and again it is a supply chain issue just like we had supply chain issues earlier in the pandemic. I think we will get past all of that, so I think it is a long way of saying that you know our emphasis continues to be testing. We are not shutting down any of the permanent sites. We are just monitoring them to make sure they are efficient. We are going to open up additional sites as needed including on the Southside. We basically have a cadre of mobile testing capacity to go where the infection is to basically detect it early on. Money-wise, yes if you think about all of our theoretical obligations we are what we call encumbered. That does not mean spent. We put a fairly large reserve in for testing so we are not through it, but, you know we are making some significant chunks at eating it up. So again, we are watching that very carefully as well and will continue to do that. I think the discussion is a good discussion to have. But, I think the most important point is that fact that we have to be flexible in order to respond to where the infections are occurring in order to try to minimize their spread. That is the main emphasis of our Health Agency and our Public Health Agency is to provide that nimbleness to be able to get out there and make a difference with regards to the infection spread rate. One of the things you hear a lot about is this crazy term that the Public Health folks use the R-nought. That is the infection rate and they want to get the infection rate below one. What causes us some concern is that infection rate was below one sometime ago, a week or two ago, it is back above one now but in some of the hot spot locations we are sending in mobile testing the R-nought is above 2.5. So, that causes us concern and that is why we really attack those specific locations. Like I said I can summarize more of this in written material if you would like, I would be happy to do it, but again it is this continuing update. In this update you see a shift from in place large-scale testing to mobile testing. The whole reason is that we are following the infection rate. If you look at all of these graphs that are around the room that is the weekly infection rate based on the data we have. You can see how it shifts you know while there is sometimes it is concentrated on the Southside and then to the more later ones where we get you know. 1-A is just last Friday the results of infections from last actually

Saturday, and you can see the shift toward the University just in the last two weeks.

RV: Mr. Huckelberry, please provide to the Board that update.

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: Yes, I just want to say that I stand by my earlier comments defending the Udall Park location for testing. Secondly, just to reiterate and to make sure it is fully understood that before any testing sites are removed or shutdown that it has to come back before the Board for discernment and probably approval am I correct in that?

RV: Yes, that is correct Supervisor Christy.

SC: So the Board must approve them?

RV: That is correct Mr. Christy.

SC: Thank you.

RV: Other comments, questions? Mr. Huckelberry, do you have another comment?

CH: No, Mr. Chairman, I think you are right, before we take away any we are going to come to the Board but that will not prevent us from establishing one where we need to. I think that is the key if we find we have an infection in some other location we are going to establish a mobile testing site at that location.

RV: Alright, everyone clear? Alright any others questions on this topic? Hearing none then we will move to Clerk of the Board.