

## **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, April 16, 2024. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair  
Rex Scott, Vice Chair  
\*Dr. Matt Heinz, Member  
Dr. Sylvia M. Lee, Member  
Steve Christy, Member

Also Present: Jan Leshner, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
John Stuckey, Sergeant at Arms

\*Supervisor Heinz participated remotely. He joined the meeting at 10:12 a.m.

### **1. RIPARIAN HABITAT MITIGATION PLANS**

Pursuant to Pima County Code, Section 16.30.050(B), quarterly report of District approved Riparian Habitat Mitigation Plans.

It was moved by Chair Grijalva, seconded by Supervisor Scott 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 2:26 p.m.

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CHAIR

ATTEST:

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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, April 16, 2024. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair  
Rex Scott, Vice Chair  
\*Dr. Matt Heinz, Member  
Dr. Sylvia M. Lee, Member  
Steve Christy, Member

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
John Stuckey, Sergeant at Arms

\*Supervisor Heinz participated remotely. He joined the meeting at 10:12 a.m.

### **1. REVISIONS TO BOARD OF SUPERVISORS POLICY**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy D 32.3, Pima County Public Library - Collection Development Policy.

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve this item. No vote was taken at this time.

Supervisor Christy requested clarification regarding inclusive materials and the flexibility of inclusive materials.

Amber Mathewson, Director, Library District, responded that inclusive materials were materials that were for all individuals; age, nationality, etcetera, and that the flexibility was the ability to purchase different kinds of materials whether it be electronic or hardcopy materials.

Supervisor Christy asked if the examples of materials that the Board had been shown in the past were part of the inclusive materials.

Ms. Mathewson responded in the affirmative. She reminded that libraries supported access to materials and they did not defend content.

Supervisor Christy requested clarification regarding parental rights and responsibilities as it pertained only to their own children.

Ms. Mathewson responded that the Library held the right of every individual and parent to make decisions for themselves and their children regarding what they

deemed appropriate materials for them to check out, however, it was not up to them to make choices for other individuals.

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

2. **CONTRACT**

Demco, Inc., to provide for public library furniture, Library District Fund, contract amount \$300,000.00 (MA-PO-24-160) Administering Department: Project Design & Construction

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:26 p.m.

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CHAIR

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, April 16, 2024. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair  
Rex Scott, Vice Chair  
\*Dr. Matt Heinz, Member  
Dr. Sylvia M. Lee, Member  
Steve Christy, Member

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
John Stuckey, Sergeant at Arms

\*Supervisor Heinz participated remotely. He joined the meeting at 10:12 a.m.

### **1. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### **2. LAND ACKNOWLEDGEMENT STATEMENT**

The Land Acknowledgement Statement was delivered by Marc Pinate, Producing Artistic Director, Borderlands Theatre.

### **3. PAUSE 4 PAWS**

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

### **4. MOMENT OF SILENCE**

Chair Grijalva observed a moment of silence for the passing of Barclay Goldsmith, founder of Tucson's Borderlands Theater. She stated that he dedicated his life to ensuring that anyone who visited Borderlands Theater understood that great actors and great plays came from anywhere, especially from underserved and underrepresented communities of color. She explained that Borderlands Theater had a great reputation for performing pieces that focused on social justice, cross cultural barriers and dignity, and for mentoring and training actors from some of the most marginalized barrios in the community. Condolences were extended to his family and friends.

5. **POINT OF PERSONAL PRIVILEGE**

Supervisor Christy congratulated the Tanque Verde High School Mock Trial Red Team who won first place in the Region 6 Mock Trial Tournament.

Supervisor Scott welcomed Supervisor Christy back to the dais in-person and offered his well wishes to Supervisor Heinz and his family.

**PRESENTATION/PROCLAMATION**

6. Presentation of a proclamation to Janay Arenas, Chair, Pima County Small Business Commission, proclaiming the week of April 28 through May 4, 2024 to be: "NATIONAL SMALL BUSINESS WEEK IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Christy made the presentation.

7. Presentation of a proclamation to Keneshia Raymond, Director, Entrepreneurship Success and Access to Capital, Startup Tucson, proclaiming the day of Wednesday, May 1, 2024 to be: "BIPOC ENTREPRENEURS' DAY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Chair Grijalva made the presentation.

8. Presentation of a proclamation to Kelly York, Volunteer Manager and Alejandra Ruiz, Volunteer Coordinator, Pima Animal Care Center, proclaiming the week of April 21 through 27, 2024 to be: "PIMA ANIMAL CARE CENTER VOLUNTEERS WEEK"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Chair Grijalva made the presentation.

9. Presentation of a proclamation to Christina Snow, Administrative Services Manager II, Danielle Hinte, Tiffany Foster, and Abby Smith, Animal Care Field Supervisors, Pima Animal Care Center, proclaiming the week of April 14 through 20, 2024 to be: "ANIMAL PROTECTION SERVICES DIVISION WEEK"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Lee made the presentation.

10. Presentation of a proclamation to Jennifer Arenas-Cárdenas, Volunteer, RESOLVE, The National Infertility Association, and mother of In vitro fertilization twins, proclaiming the week of April 21 through 27, 2024 to be: "NATIONAL INFERTILITY AWARENESS WEEK IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Lee made the presentation.

11. Presentation of a proclamation to Paul Stapleton-Smith, Arizona Political Director, International Alliance for Theatrical Stage Employees Union, and Member, Pima County Workforce Investment Board, proclaiming the day of Sunday, April 28, 2024 to be: "WORKERS' MEMORIAL DAY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Scott made the presentation.

12. Presentation of a proclamation to Jim Click Jr., proclaiming the day of Sunday, April 28, 2024 to be: "JIM CLICK DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Christy made the presentation.

13. Presentation of a proclamation to Susan Finkenberg, proclaiming the day of Tuesday, April 30, 2024 to be: "NATIONAL THERAPY ANIMAL DAY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item.

14. Presentation of a proclamation to Stephen Brigham, Mt. Lemmon Firewise Team member; Chief Joe Gunia, Mt. Lemmon Fire District; John McGhee and Kevin McNichols, Greater Green Valley Community Emergency Response Team members, proclaiming the day of Saturday, May 4, 2024 to be: "WILDFIRE COMMUNITY PREPAREDNESS DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Christy made the presentation.

15. Proclaiming the week of May 1 through May 7, 2024 to be: "YOUTH WEEK IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item.

16. **CALL TO THE PUBLIC**

Robert Reus addressed the Board regarding his organic garden, the increase in sewer rates, unruliness at City Council meetings and how the Mayor could not keep

those meetings in order. He stated that he stood for a better future for Tucson and wanted the chance to build that future.

Laurie Moore expressed her concern with the reading materials that was accessible to children at the public libraries. She stated that the teen section in the County's public libraries included violent, sexually explicit books.

Cory Stephens addressed the Board regarding Minute Item No. 28 and that moving \$3 million unfunded pension liability and adding \$50 million in interest would not solve the unfunded pension liability issue. She stated the Sheriff's department budget would not receive cuts due to the increasing crime rates.

Dave Smith expressed concern with increased crime rates due to the Mexican Cartel. He stated the Tohono O'odham Tribe was asking for federal help because of crimes that were taking place on their land. He commented that Minute Item No. 56 encouraged the Board and County Attorney to break the law.

Ginette Roth, Student Success Coach, JobPath, shared a student's success story with the Board. She explained that the partnership between Pima County's One-Stop and JobPath was critical in helping the community with student success.

Ana Greif, CEO, JobPath, spoke about the difference between the County's One-Stop and JobPath. She explained that One-Stop helped a broad range of residents receive training in a variety of occupations, while JobPath was designed to ensure enough individuals entered the high demand industries critical to the County's economic development. She stated that most low-income students would not risk financial challenges for their education.

Mark Hanna, Chair, Metropolitan Education Commission (MEC), addressed the Board regarding Minute Item No. 57. He stated that he oversaw a program that advocated for K-12 education and supported for post-secondary education and MEC continued that effort with programs such as Teen Town Hall, where high school counselors, college admissions advisors, financial aid and scholarship providers, came together to devise ways to serve local students on their paths to college. He indicated that services provided by the MEC were not duplicated by the County.

Jennie Grabel, Vice President of Programs, Social Venture Partners, spoke regarding JobPath and explained that JobPath's services were complimentary to what One-Stop provided to students and student-parents.

Jennifer Marmion, Success Coach, JobPath, stated that she previously worked at Pima County's One-Stop and One-Stop helped students pay for tuition, books, possibly tools and uniforms needed for jobs, but that was the extent of their assistance. She explained that JobPath went above and beyond and paid for utility bills, car payments or any other expenses that might hinder a student from continuing school.

Kyle Scanlon, Success Coach, JobPath, stated that JobPath was an important organization for the community. He shared a student's story that went through JobPath and how it changed their life because of the financial assistance JobPath gave to them.

Nicole Miller addressed the Board regarding Minute Item No. 56 and that the abortion ban was violent against childbearing people. She explained that women would lose their lives due to the near total abortion ban.

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Supervisor Heinz stated that the reinstated abortion ban was a confederate, territorial law from 1864, which was before Arizona became a state, before women could vote and the age of consent was 10 years old.

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**17. CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Scott, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to convene to Executive Session at 12:04 p.m.

**18. RECONVENE**

The meeting reconvened at 1:10 p.m. All members were present.

**EXECUTIVE SESSION**

19. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding DeConcini McDonald Yetwin & Lacy, P.C.'s request for a conflict of interest waiver.

This item was informational only. No Board action was taken.

20. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding damage to County property near 110 E. Speedway Boulevard, and potential legal options for the County.

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

21. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding an update on the Louis Taylor civil case with outside counsel.

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



22. The Board of Supervisors on December 5, 2023, January 9 and 23, 2024, continued the following:

**Outside Agency Program Funding**

Discussion/Direction/Action: Increasing the overall budget for the Outside Agency Program social services category grants (CWD grants) for FY25 from the current \$3.26M to \$3.86M, an increase of \$600,000.00. As we know, the pandemic exacerbated long-standing inequalities in American society, including here in Pima County. Those who experienced the greatest hardship in terms of housing, employment, food insecurity and more, were those who already were among the most vulnerable in our community. The needs, therefore, for additional support for our community members who are low-income, elderly, disabled, and the young, are greater than ever before. The Outside Agency Program is funded through the General Fund. All programs are administered by nonprofit partners across the county through a competitive RFP process. (District 2)

Supervisor Heinz stated that he supported the item and believed that several of his colleagues wanted to hold off on moving forward with the item until it was closer to the end of the budget cycle.

Chair Grijalva stated that based off of her own experience of grant writing for Outside Agency she was very supportive of the program and did not want to see the Board make any cuts to outside agencies, but expressed concern that at this time, the County could financially afford to put additional money towards outside agencies. She stated that this item had been continued multiple times and asked Supervisor Heinz if he wanted to resubmit the item at a later time after the Board had the opportunity to discuss all of the County's budgetary matters.

At the request of Supervisor Heinz and without objection, this item was withdrawn from the agenda.

23. **Board of Supervisors Representative Updates on Boards, Committees and Commissions and Any Other Municipalities**

Supervisor Scott stated that it was still the intention of the Regional Transportation Authority Board to schedule a special meeting to discuss the further development of a RTA Next Plan, but there had been difficulty scheduling a meeting date that worked for all members. He stated that on April 22, 2024, he would meet with all County staff members who were representatives to committees, that were part of the RTA Board structure and the Pima Association of Governments Regional Council structure, because he wanted to hear about the employees' experiences and how the Board could better support their roles as the County's representatives on those committees.

Supervisor Lee stated that she attended the Youth Advisory Committee with the Metropolitan Education Committee and was quite impressed with the 15 students in attendance that were from across the County region. She explained that the

students practiced on her and City of Tucson Council Member, Lane Santa Cruz, on how to present themselves to interviewees because they planned to go to the State Legislature and interview various people.

This item was informational only. No Board action was taken.

24. **Pima County Treasurer**

Appointment of Pima County Treasurer.

Chair Grijalva stated that a public forum was held by the League of Women Voters for the appointment of Pima County Treasurer and there were two candidates who sought the appointment, John Christopher Ackerley and Patti Davidson.

It was moved by Supervisor Christy and seconded by Supervisor Scott to appoint John Christopher Ackerley to fill the remaining term for Pima County Treasurer. No vote was taken at this time.

Chair Grijalva expressed her concern regarding appointing someone as Treasurer that had expressed interest in running for the position in the upcoming election. She stated that Ms. Davidson was qualified and had previously held the position of Deputy Treasurer.

Supervisor Scott stated that since 2021, the Board filled vacancies for Constable, State Legislative Seats and the District 3 Supervisor position. He stated that each one of those vacancies came with their own context and circumstances, and each one was handled based on their unique attributes. He stated that with regards to the Legislative Seats, state law required the Board to appoint one of the three names provided to the Board from the political party from the district where the vacancy occurred and the Party usually held their own forum. He stated that with all of the other vacancies the Board scheduled public forums with the League of Women Voters in order for the public and the Board to have a means to compare and contrast the candidates' responses to the questions. He stated, that in addition, some Board members chose to schedule individual interviews with the candidates for these appointments and he always did that. He stated that one-on-one interviews with the candidates provided him with another means for evaluating and comparing the candidates. He stated that some had said when a previous Board appointed a successor for Sheriff Dupnik, who had been a long time office holder, just as Treasurer Ford had been, and that the Board should follow that example set by those Supervisors. He stated that they did not ask other members of Dupnik's political party if they were interested in the position, instead they appointed the person recommended by Sheriff Dupnik, who was his Chief Deputy. He indicated that he was not comfortable following that example in this instance nor would he likely ever be. He indicated that when the Board appointed Supervisor Lee to fill the remainder of Supervisor Bronson's term, others said that the Board set a precedent where they would not appoint an individual who would be a candidate for the position in the upcoming election. He stated that two of his colleagues nominated three different people for the District 3 position who said they would be running as

candidates before Supervisor Lee was appointed by the Board, so there was no concern for establishing that precedent at that time. He stated that there was already the promise of a multi-candidate party primary in District 3 when the appointment came before the Board. He stated that there were almost 9,000 more Democrats than Republicans in District 3 and the Democratic Party held the District 3 seat since 1996. He explained that Mr. Ackerley had no primary opposition for the Republican nomination for Treasurer and if he had, then he would not be willing to support his appointment. He stated that there were 237,410 registered Democrats in Pima County as opposed to 176,493 registered Republicans and that even if Mr. Ackerley was appointed to fill the position for the remaining 7 months, he still faced challenges with the election. He stated that former Treasurer Ford had narrowly won her last election even as a five-term incumbent. He stated that when Supervisor Lee was appointed, she was very qualified for the District 3 position and had the experience and credentials needed for that position, and he felt that Mr. Ackerley had the experience and credentials to be appointed as Treasurer. He stated that Ms. Davidson had more time in the office, but had not worked in the office in years and the office had greatly changed in terms of structure and operations since 2016. He believed Mr. Ackerley was better suited to oversee the changes that would come about with the system conversion processes that were underway with Workday, and Tyler Vision within the School Superintendent's Office. He stated that during his interview, Mr. Ackerley spoke at great lengths about his knowledge and engagement with the monumental system conversions. He stated that Mr. Ackerley explained that oversight of daily cash flow and the tax collection summary report were the responsibility of the Treasurer before he became the Chief Deputy. He stated that Mr. Ackerley described his plan for strengthening constituent services within the office and how that included enhanced collaboration with the Assessor and her team. He stated that he had a clear understanding of Mr. Ackerley's investment philosophy and how it would evolve as market conditions changed. He stated that Mr. Ackerley described in detail the various ways the office could be a resource and support to the County school districts. He explained that Mr. Ackerley had served in the Arizona Legislature and maintained relationships with current legislators of both political parties and described legislation that affected a Pima County school district that he was helping to advance, and he felt strongly that his prior service in Phoenix would benefit the Treasurer's Office and the County overall, as well as strengthen the County's work with various state associations. He noted that Mr. Ackerley had been a teacher in the County's public schools for 22 years and for 5 of those years they were colleagues at a local high school. He stated that he admired how Mr. Ackerley was able to build connections with math students and was a caring, innovative and student-centered teacher. He stated that he was also impressed with Ms. Davidson's long history with Pima County and her work with the Town of Oro Valley. He stated that he believed Mr. Ackerley was far better qualified to run the office for the next 7 months as Treasurer, based on his superior understanding of its operations, structure and challenges.

Supervisor Heinz stated that he appreciated Supervisor Scott's remarks and he believed both candidates were qualified for the position. He stated that his preference was to continue to have a woman hold office and he supported Ms. Davidson.

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

## **COUNTY ADMINISTRATOR**

### **25. Revised American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) Budget**

Staff recommends approval of the revised ARPA CSLFRF project budgets and authorization of any necessary operating transfers.

Jan Leshar, County Administrator, explained that in September 2021, staff brought forth a plan to the Board to discuss and determine how the various American Rescue Plan Act (ARPA) funds were going to be spent to support a variety of programs within the County. She stated that the plan had been brought back to the Board on three separate occasions to amend the spend plan. She stated they worked with the Grants Management and Innovation (GMI) Department, the Deputy County Administrators and the direct programs involved to ensure funds would be expended by the time they were obligated to be spent and that periodic reviews were completed to determine whether all funds could be spent, or moved to a separate expenditure line, or moved to the General Fund. She clarified that they were not proposing new programs or the elimination of programs, rather this was to ensure appropriate allocation of the dollars. She stated that they anticipated an additional request would be brought to the Board for final allocation and determination. She provided an example and stated that if they found that some of the funds would not be expended, they would be moved from the ARPA allocation, but would continue to be monitored, and if it appeared the dollars could be used, then an additional reallocation could be made.

Supervisor Christy stated that in prior meetings, the County Administrator alluded to the fact that there had been interest accrued in ARPA funds. He asked how much interest had accrued, whether it was included in the amount being discussed, or if it was pending, and if so, what was the status. He noted that the Emergency Eviction Legal Services (EELS) Program had been formerly paid with the interest fund.

Ms. Leshar responded that the interest fund amounted to about \$8 million, and the Board would consider the possibility of moving it into an element to provide for the fund balance, which would be discussed during the Monthly Financial Report and Fiscal Year 24/25 Budget items. She stated there was a line item included in the overall budget discussion on how to propose the Board direct use of those funds.

Supervisor Christy requested clarification on whether it was \$8 million of accrued interest in ARPA funds.

Ms. Leshar confirmed the amount and reiterated that it was delineated as a line item that the Board would discuss during the budget items.

Supervisor Christy referred to a spreadsheet attached to the County Administrator's April 10, 2024, memorandum regarding the enhanced projects for EELS and Emergency Housing Support, Case Management, and Supportive Services, which had a combined total of \$10 million. He questioned what the difference was between the two projects.

Ms. Leshar responded that one project dealt with legal support to prevent evictions and the other project dealt with housing.

Supervisor Christy asked if ARPA interest had spending restrictions.

Ms. Leshar responded in the affirmative. She explained that as part of the overall ARPA plan there was general guidance and direction and numerous rules that governed the expenditures. She added that although it was ARPA funding, it had more lenience regarding allocations and that was why it was a line item on the budget for the Board's consideration.

Supervisor Christy stated that his concern was that it not become like a slush fund to compensate any gaps in funding with the interest accrued or it being placed in any policy.

Ms. Leshar replied that for this reason, much like Contingency Funds or Fund Balance, they called it out in a line item so that it would be easily identified in the new budget to show how it would be tentatively projected to be utilized.

Supervisor Christy stated that he heard about the term "flexible spending" and asked if it had any application to the interest.

Ms. Leshar reiterated that there were less rules from the federal guidelines related to the interest than there were for regular ARPA funds and that she could provide additional granularity. She explained that when the County moved through other ARPA allocations in the past, they learned what could or could not be done and clarified that they were not looking to supplant other activities. She added there were a variety of other issues that needed to be reviewed through the grants management process with the program. She stated there was very limited flexibility within the guidelines established by the federal regulations and that flexibility was subject to the determination by the Board.

Supervisor Scott referred to the County Administrator's April 10, 2024 memorandum and commended her and the Deputy County Administrators for following the direction and guidance of the Board in terms of how to make use of the pandemic relief funds, however, he requested additional information regarding the content of the discussions that led to the recommendations regarding the proposed budget reductions and the additional staffing not being approved for Vector Control.

Ms. Leshar stated that she could provide that information to the Board and clarified that the conversations occurred with directors for an opportunity to learn from their feedback and not to provide it as an edict.

Supervisor Scott asked whether they anticipated the \$3.2 million to continue the operations of the EELS team would be sufficient to cover their operations for the upcoming fiscal year or if additional resources be needed.

Ms. Leshar believed that it would cover the continuation of those services.

Chair Grijalva stated that there was list of projects attached to the item that were labeled as complete or in progress, and she wanted to ensure that these departments, with a few exceptions for the Curley Gymnasium in Ajo and JobPath, changes to the allocations could not be made past December 31, 2024 and funding needed to be expended by December 31, 2026. She stated that many of the programs were important to Pima County, and she wanted to understand how the County would continue to provide support for the services and projects when there was no longer available funding. She stated that when the time came, she knew hard decisions would need to be made and questioned whether grant funds would be sought out. She requested that GMI provide information regarding whether the programs met all requirements for federal funding. She stated that she was concerned whether requirements had been met and wanted to ensure that the County was not putting itself in jeopardy or financial liability because information was not provided by the departments or organizations.

Ms. Leshar stated that as part of the ongoing analysis and review they worked to ensure that federal dollars were being used appropriately and felt strongly that any dollars provided to any other organizations, Pima County would remain on the line as the fiscal agent with the federal government and that any claw back could occur if requirements were not met. She stated that they had been monitoring those issues very closely and would provide an update to the Board.

Supervisor Christy requested clarification whether the money needed to be spent by December 31, 2026, and asked what would happen if it was not spent.

Chair Grijalva gestured that it would be returned.

Ms. Leshar responded in the affirmative.

Supervisor Christy questioned if they would have to be sent back then why not send them back now.

Supervisor Heinz reminded the Board that Economic Development was one of the main charges as a local government and tourism being a part of that was the reason the County was able to spend certain parts of the ARPA funds, which at times were one-time funds. He stated that Mr. Stratford and his team had made great progress on the County-owned building, the Teatro Carmen, but that it required approximately \$3 million more to complete the project and that construction delays were an added expense. He stated that by not doing everything possible to ensure completion as soon as possible, it would be costly to the County taxpayer and deprive the region and the nation of the amazing historic property being a fully

functional event space. He stated that there was national news about the anticipation surrounding the completion of the project and was in line with a one-time expenditure that was tourism and economic development focused and that some of these funds could be directed to this effort and he could endorse it. He stated that there was time for further discussion on the topic, but felt it was important to mention because it fit well in the same space.

Supervisor Lee commented that due to the amount of funds left and a deadline of December 2024 to make changes, the County would be at risk of losing the funds. She asked whether there had been any findings of noncompliance on the projects there were in progress.

Ms. Leshar responded that no findings had been issued as it related to the programs administered by the County, but there had been discussions and concerns with some of the outside agency dollars and that Mr. Holmes may have the information available, but if not, she could provide a report to the Board.

Steve Holmes, Deputy County Administrator, explained that external agencies were being constantly monitored by an internal monitoring team from GMI and an external consultant completed yearly monitoring. He added that it was an exhaustive monitoring process and felt confident in the compliance requirements that were set forth for the projects and programs. He stated that some of the discussions were tense because there was an expectation of meeting timelines and compliance requirements and that at times, disagreements were had between departments and GMI regarding whether the spend down was there, but that they still had to show the numbers and allocations. He stated that there were a couple of external agencies that the County worked with, such as JobPath, and that he and GMI had been working extensively on a finding with JobPath. He further explained that there were certain expenditures when working with the General Funds versus Grants and sometimes they did not align and with an organization using both dollar amounts it could be confusing for the organization. He stated that there was a good pathway forward with them, there was a meeting and a compliance report issued to JobPath and GMI confirmed that they were well underway of meeting those compliance requirements.

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

## **CLERK OF THE SUPERIOR COURT**

### **26. Document and Digital Evidence and Retrieval Conversion Fund**

Pursuant to A.R.S. §12-284.01, staff requests approval to expend \$44,649.19 (tax included) from the Document and Digital Evidence and Retrieval Conversion Fund, to purchase scanning equipment.

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

## **FINANCE AND RISK MANAGEMENT**

### **27. Monthly Financial Update**

Discussion/Direction/Action regarding a monthly financial update on the County's financial performance.

Ellen Moulton, Director, Finance and Risk Management, stated that the Period 8 forecast formed the cornerstone of how the recommended budget was put together and that it provided the projected fund balance for the General Fund that was used in the recommended budget. She noted that the report showed approximately \$15 million in increased revenue than what was originally budgeted for and it was due to three items; one was increased state shared sales tax revenue of about \$5 million; two was a slight increase in the amount of interest income that was anticipated; and three was a \$6 million refund from Altex, that was not budgeted. She stated that the expenditures showed that the County came in slightly below budget, approximately \$8.5 million, and that was partially due to being closer to the end of the year and departments' prognostication ability was much more in focus and additionally, the County Administrator requested that departments refrain from unnecessary spending. She indicated, that at the end February the General Fund Balance was approximately \$125 million, which included \$97 million for the General Fund - Fund Balance Reserve.

This item was informational only. No Board action was taken.

### **28. Public Safety Personnel Retirement System (PSPRS) and Correction Officer Retirement Plan Reserve**

Staff recommends authorization for the Director of Finance and Risk Management to take appropriate steps to transfer \$10 million from the Pension Fund Reserve to PSPRS in FY 2023/24, to reduce the unfunded liability in the PSPRS plan.

Ellen Moulton, Director, Finance and Risk Management, explained that this was a request to use some of the Public Safety Personnel Retirement System (PSPRS) Reserve money to pay down some of the unfunded liability that existed within the PSPRS retirement system. She stated that a few years prior the Board sold \$300 million worth of bonds debt to buy down the unfunded liability. She stated that in June 2020, it was funded at 41% and after the County had used the proceeds from the obligations the retirement system was funded at 93%. She explained that in the pursuing years the funding level had dropped to 83% and this request was to use money that the Board had set aside to fund the PSPRS Reserve for that reason. She stated that there was currently \$25 million in the Reserve and requested that \$10 million be used to increase the funded portion of the retirement system for PSPRS.



Chair Grijalva asked if the funding was coming out of the PSPRS Reserve Fund.

Ms. Moulton responded that it was the County's Reserve that had been set aside to fund the PSPRS.

Chair Grijalva questioned if it was specific for PSPRS or if it was for the County's Contingency Fund.

Ms. Moulton responded affirmatively and stated that it was separate from other funds.

Supervisor Christy inquired about the percentage if the \$10 million was funded.

Ms. Moulton responded that she believed once the actuarial had the opportunity it would increase the funded percentage to 88%, which was a 5% point increase.

Supervisor Scott asked that if the Board had not made the decision to use \$300 million in debts sold to buy down the unfunded liability, what would have been the implications, both short and long term, for the County's budget and the employees retirement.

Ms. Moulton responded the PSPRS retirement system was drastically underfunded throughout the State and the PSRPS Board had put together a plan to fund it, which would cost the County 7.3% in interest on that funding. She stated that when the Board decided to sell obligations, they were able to borrow the money at 1.9%, a significant reduction and at the time projected to save more than \$180 million worth of interest costs over time. She stated that in the first two years they achieved roughly \$40 million worth of projected savings by moving forward with that debt deal.

Supervisor Scott stated that when this was first presented to the Board, the long-term goal was that when it got to the mid 2030's, the results of the arrangement would be less cost to the County if it had not been done. He asked if the County was still on track in reaching this long-term goal.

Ms. Moulton responded in the affirmative and stated that the current plan was for the County to be in the 90+% range of being funded in year 2038, which was still on track and one of the reasons this item was brought to the Board was due to a decrease in the funding percentage and the goal to bring the County back to a fully funded retirement system in the 90% range.

Supervisor Scott indicated that the Reserve was set up when the plan was first drafted with the anticipation that financial reallocations might need to take place.

Ms. Moulton concurred and explained that the Board policy was brought to the Board in May of every year for renewal when they had the actuarial analysis. She stated that an update would be provided in May and that part of the Board policy called for any savings at the Sheriff's Department were to also be put aside for the

Reserve, but there had not been any budgetary savings in the last few years so what the County had was the \$25 million set aside in the beginning and any accrued interest.

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

## **HUMAN RESOURCES**

### **29. Classification/Compensation**

The Human Resources Department requests approval to create the following new classifications, associated costs will be borne by the department from within its current budget.

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

2010/ Assistant Director - Development Services/ 19 (\$102,213 - \$153,320)/ 1/ E\*  
6012/ Engineering Assistant III/ 15 (\$66,536 - \$93,150)/ 2/ E\*  
2011/ Engineering Division Manager/ 19 (\$102,213 - \$153,320)/ 2/ E\*  
2013/ Epidemiology Program Manager/ 15 (\$66,536 - \$93,150)/ 2/ E\*  
6016/ Groundskeeper II - KSC/ 5 (\$39,820 - \$53,757)/ 8/ NE\*\*  
6009/ Licensed Master Social Worker/ 11 (\$52,251 - \$73,151)/ 2/ E\*  
2014/ Real Property Services Chief Real Estate Appraiser/ 17 (\$80,508 - \$112,711)/ 1/ E\*  
2015/ Real Property Services Manager/ 16 (\$73,189 - \$102,465)/ 1/ E\*  
6020/ Property Appraiser III/ 12 (\$54,863 - \$76,809)/ 1/ E\*  
6021/ Property Technician III/ 12 (\$54,863 - \$76,809)/ 6/ NE\*\*

\*E = Exempt (not paid overtime)

\*\*NE = Not Exempt (paid overtime)

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

Supervisor Christy questioned the purpose for the creation of the listed positions.

Jan Leshner, County Administrator, responded that while staff worked through the Classification and Compensation system there were some departments that did not have positions that had a clear path forward or did not have job descriptions that accurately reflected the work done in those positions. She explained that these positions were part of the modification of job descriptions that more accurately reflected the work done by employees.

Supervisor Christy asked if this was a direct result of the Classification and Compensation Study.

Ms. Leshner responded in the affirmative. She stated that staff continued to work with departments and directors to ensure that they had all the positions that were needed in order to conduct the work done in each department.

Chair Grijalva stated that departments were looking for positions that were more delineated and that some of the changes were a result of the appeals process.

Ms. Leshar concurred.

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

## **CONTRACT AND AWARD**

### **Community and Workforce Development**

30. Amendment No. 2, to provide for Summer Youth short-term work experience and basic education, extend contract term to 5/14/25, amend contractual language and scope of services, General Fund, for the following:

**Vendor/Contract Amount/Contract No.**

Altar Valley School District/\$73,732.50/CT-CR-22-318

SER-Jobs for Progress of Southern Arizona, Inc./\$237,793.35/CT-CR-22-320

Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf/\$48,517.26/CT-CR-22-324

Goodwill Industries of Southern Arizona, Inc./\$150,226.27/CT-CR-22-325

Tucson Youth Development, Inc./\$127,251.08/CT-CR-22-339

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

31. Tucson Clean & Beautiful, Inc., Amendment No. 1, to provide for growing climate resilient communities, extend contract term to 3/31/25 and amend contractual language, no cost (CT-CR-23-369)

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

### **County Attorney**

32. CBS Consulting Group, Amendment No. 4, to provide for professional grant writing services, extend contract term to 6/30/25, amend contractual language and scope of services, Anti-Racketeering Fund, contract amount \$85,000.00 (CT-PCA-22-375)

Chair Grijalva inquired why these services were not being provided in-house within the Grants Management and Innovation (GMI) Department.

Jan Leshar, County Administrator, responded that this amendment was a continuation of the contract as the County Attorney's Office continued to look for a variety of grants on their own and believed that there was some support services that could be provided by GMI.

Chair Grijalva stated that GMI was a robust department that could provide these services in-house and she wanted to see the County move away from outside organizations as much as possible, when the services could be provided within a County department.

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

33. Audilett Law, P.C., Amendment No. 2, to provide for legal representation of Pima County and Sheriff Nanos in the Branden Roth Matter, Walker v. Napier, et al., C20181773, extend contract term to 5/7/25 and amend contractual language, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-22-450)

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

### **Health**

34. Pause for Change, L.L.C., Amendment No. 3, to provide for a Public Schools Task Force Group, extend contract term to 4/20/25, amend contractual language and scope of services, no cost (CT-HD-21-336)

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

35. Partners in Health, Amendment No. 1, to provide for consultation for Vaccine Equity Program, extend contract term to 6/30/25, amend contractual language and scope of services, CDC/ADHS Fund, contract amount \$97,613.00 (CT-HD-22-203)

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve this item. No vote was taken at this time.

Chair Grijalva stated that there was an Equity Division within the Health Department and inquired why these services were not provided in-house.

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

### **Natural Resources, Parks and Recreation**

36. Aztlan Youth Program, Inc., Amendment No. 4, to provide for operation of Centro Del Sur Community Center and Boxing Gym, extend contract term to 5/4/25 and amend contractual language, no cost (CTN-PR-20-111)

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

### **Procurement**

37. **Award**

Amendment of Award: Master Agreement No. MA-PO-19-183, Amendment No. 10, AccuSource, Inc., to provide for AccuSource employment screening services. This

amendment extends the termination date to 3/31/25 and increases the not-to-exceed contract amount by \$120,000.00 for a cumulative not-to-exceed contract amount of \$615,000.00. Funding Source: General Fund. Administering Department: Human Resources.

Chair Grijalva commented that she felt these services could be provided in-house.

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

**38. Award**

Award: Master Agreement No. MA-PO-24-158, Sierra Auction Management, Inc. (Headquarters: Phoenix, AZ), to provide for auctioneering services. This master agreement is for an initial term of one (1) year in the estimated annual revenue amount of \$861,484.50 and includes four (4) one-year renewal options. Administering Department: Fleet Services.

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

**39. Award**

Amendment of Award: Master Agreement No. MA-PO-20-204, Amendment No. 6, Ancon Marine, Inc. and Riley Industrial Services, Inc., to provide for pipe and tank cleaning Vactor truck services. This amendment is for a one-time increase in the shared amount of \$280,872.00 for a cumulative not-to-exceed contract amount of \$894,872.00. Funding Source: Wastewater Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

**40. Award**

Amendment of Award: Master Agreement No. MA-PO-24-3, Amendment No. 1, Pencco, Inc., to provide for ferric chloride. This amendment is for a one-time increase in the amount of \$400,000.00 for a cumulative not-to-exceed contract amount of \$637,500.00. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

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

**41. Senergy Petroleum, L.L.C., to provide for motor vehicle fuel, Fleet Services Ops Fund, contract amount \$2,700,000.00 (MA-PO-24-154) Administering Department: Fleet Services**

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

42. Flyers Energy, L.L.C., to provide for motor vehicle fuel, Fleet Services Ops Fund, contract amount \$700,000.00 (MA-PO-24-155) Administering Department: Fleet Services

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

43. Hunter Contracting Co., Amendment No. 4, to provide for Construction Manager at Risk Services - Tres Rios Headworks Biofilter Odor Control (3THBOC), extend contract term to 4/30/25, amend contractual language and scope of work, no cost (CT-WW-21-463) Administering Department: Regional Wastewater Reclamation

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

44. International Business Machines Corporation, d.b.a. IBM Corporation, Amendment No. 5, to provide for enterprise resource planning (ERP) system implementation services, amend contractual language and scope of services, Non-Bond Projects Fund (Capital Project Funds), contract amount \$891,000.00 (MA-PO-23-125) Administering Department: Analytics and Data Governance

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

Supervisor Christy stated that this was the fourth amendment of revisions and was overbudget, since the original budget amount was \$17.5 million and was currently at \$20 million and had a delayed implementation date. He asked about the expected return on investment after \$20 million was spent.

Jan Leshner, County Administrator, responded that the County had no choice due to the current Enterprise Resource Planning (ERP) system coming to its end of life and many of the current County programs would not be able to be continued. She stated that the County could not renew the current systems, so they had to start a new process. She explained that over a decade prior the County had gone through the same process for the current system and explained that these were the County's enterprise resource processes and were the backbone for the County's Information Technology (IT) programs, which would come back to be rebooted every ten years.

Supervisor Christy asked if the County saved money with this process.

Ms. Leshner responded that the County spent money to continue to have an IT system.

Steve Holmes, Deputy County Administrator, stated that when the cost of implementation was added up, there was an equivalent charge that the County paid for the previous ERP system, but that the County would not be paying more over the long term for this system as a replacement and it would be a better, safer system that was more integrated. He stated that over time and once the project was implemented, the County was projected to save more than what they had in the past. He stated that the initial upfront costs were significant and had exceeded the original projections, however, the County chose not to go with the company suggested system and the County had a variety of different programming and special requests to ensure that the County's finance system had all the necessary pieces. He stated that the current amendment was for the County Human Resources (HR) system, which was set to launch by January 1, 2025. He explained that the costs were totaling for additional expenditures that were budgeted for, but it was brought back to the Board to ensure that any changes were reviewed and approved by the Board. He stated that the County had the budget capacity for it which was needed for moving a large organization into a new system for HR and Finance.

Supervisor Christy expressed his hesitancy for the item due to the delayed implementation and being overbudget, and inquired about an estimated completion date.

Mr. Holmes responded that it was in the final stages for the finance portion of the system, which included many discussions between the IBM team and their consultants. He stated the goal for the completion of the financial portion was still June and January 1st for the delivery of the HR portion. He reiterated that the Finance ERP system was in its final stages with some last integrations that were being worked on and once the Finance director gave her approval on the financial portion it should take place between June or July 1st.

Chair Grijalva stated that there was so much information and suggested that a presentation be provided to the Board regarding the ERP projects. She stated that it would be easier to understand if the Board could understand why it was important, what was currently being spent compared to what would be spent and how it would save the County money in the long run. She acknowledged that it was not a short-term savings and was frustrating to continue to receive bills, but there was an end game. She explained that it was important because at one point the County's information was not as safe as it should have been, and Director Baca suggested implementing better systems and a presentation would be helpful to the Board.

Supervisor Christy asked if there would be a presentation provided to the Board.

Chair Grijalva responded yes and that the presentation could be provided at the May 21, 2024 Meeting.

Supervisor Christy commented that he would abstain until the presentation was provided to the Board.

Upon the vote, the motion carried 4-0, Supervisor Christy abstained.

### **Real Property**

45. Arizona Department of Environmental Quality, to provide for Pima County License (Lic-0372) Monitoring Wells, total contract amount \$875.00 revenue/5 year term (\$175.00 per year) (CTN-RPS-24-159)

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

46. C-2 Area Company, L.L.C., to provide for Acquisition Agreement Acq-1199 and Deed of Easement for participation in the Readiness and Environmental Protection Integration (REPI) Program, REPI Agreement Fund, contract amount \$1,707,000.00 (CT-RPS-24-416)

Chair Grijalva requested more information about the easement.

Carmine DeBonis, Jr., Deputy County Administrator, explained that these were federal dollars that were provided to eliminate encroachments with military installations like the Davis-Monthan Air Force Base (DMAFB). He stated that these were not County dollars, and the County was acquiring using those federal dollars for an easement in exchange for property owners to not develop their property, which would eliminate encroachments around the Air Force Base by applying an easement that indicated the property would remain undeveloped.

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

Supervisor Christy stated that he was conflicted due to the lack of information he had regarding this item and would probably request a continuation until he received more stakeholder information. He asked if this was part of the "paddle."

Mr. DeBonis, Jr. responded that it was in the same general vicinity of the paddle area.

Supervisor Christy asked if the Board knew what the "paddle" was and asked for an explanation.

Mr. DeBonis, Jr. explained that Pima County and other jurisdictions throughout the nation adopted land use regulations that limited the type of development that could occur within the approach and departure corridors of airports. He stated those could be military installations or commercial aviation airports. He added that these dollars were part of this program and from the federal government to ensure that incompatible development did not encroach within those areas where aircraft took off and landed. He stated that the program had been in existence for at least 10 years and that a report could be provided to the Board. He stated that after this easement acquisition, the County had an additional acquisition that would fully



utilize all the money that had been provided by the federal government to protect DMAFB from encroachment. He clarified his earlier statement that this eliminated any development, rather it restricted or reduced the amount of development that could happen on the property. He explained that there were some compatible uses that the property could be put to, but not to the full extent that would be allowed by code requirements if this easement were not acquired.

Supervisor Christy confirmed that he would ask for a continuation on the item to ensure stakeholder input. He stated the issue with this encroachment was that it was in his district and the paddle had been in place for years and it limited and restricted the development that could be done because of the base's flight path. He stated that he wanted to support the base and explained that their idea of the paddle was in anticipation of a new F35 mission that required more restrictive use in the flight path. He asked if there would be a new mission at DMAFB or would it be for the same flight path and mission, if so, then why the need to expand the paddle and restrict development. He stated that another issue was that there were developers that were looking at properties to create more housing and amenities for that community, but the paddle was very restrictive and asked if more restrictive land use was needed, if there was not going to be a new mission or would there be a new mission coming with more restrictive land use. He stated that there was the possibility to receive input from stakeholders like DMAFB informing the County of a new mission or need for more land in the paddle and input from builders and developers that might have an interest in that land and whether they thought it was too restrictive for them to deal with the paddle. He wanted to ensure that the paddle was justified in this item or whether it would cause a problem with growth and development in his district.

A substitute motion was made by Supervisor Christy and seconded by Chair Grijalva to continue the item to the Board of Supervisors' Meeting of May 21, 2024, and directed County Administration to gather stakeholders such as DM50, the Air Force leadership, and some of the major developers in his district to provide input. No vote was taken at this time.

Supervisor Christy asked if there was a timeframe for the approval of this contract.

Mr. DeBonis, Jr., stated that given the various aspects of the conversation, it would be beneficial to come back to the Board with a detailed summary of the different elements being discussed.

Supervisor Christy asked what a good timeframe would be to come back with all of the requested information.

Mr. DeBonis, Jr., responded that if they were being asked to come back to the Board and provide additional information from which to decide to move forward with this item or provide further direction, the land use regulations adopted into the County code, Airport Environs, were added decades ago based on a joint land use study that involved the military installations. He explained that DMAFB was part of that and had set the framework of the approach and departure corridors, safety

zones that existed around the airports and military installations. He stated that would not change with this item and was not adding or removing anything from the regulations that were in place. He stated that this was intended on a willing property owner basis to reduce the amount of development that happened on this property, as well as other properties that the Board had previously approved to ensure that there was not incompatible land uses. He stated that this item was very specific to a reduction in the development potential of that property via an easement to avoid encroachment and incompatible uses and reiterated that it did not expand any of the regulations that were already adopted into the Pima County Code in the Airport Environs ordinances. He stated that he could provide more information at the Board's discretion whether the Board decided to move forward with approval or with a continuation to provide a detailed explanation of how all the pieces worked together.

Jan Leshar, County Administrator, stated that a full report on what existed and what had been occurring could be provided to the Board by the second meeting in May and asked if it required community meetings and outreach.

Supervisor Christy responded no. He stated that anecdotally during his first term on the Board there had been issues with expanding the paddle in the same general area and he was told by the former County Administrator that the reason the expansion was needed was because there was a new F35 mission coming, but it never came to fruition. He reiterated that if it was not coming to fruition, then why the need for more restrictive use of the land or if staff could find out if a new mission was coming.

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

Chair Grijalva commented that her preference would be to restrict that kind of construction before displacing people and she appreciated the need for more information so that the Board could make an informed decision.

### **Sheriff**

47. City of Tucson, Arizona Board of Regents and Town of Marana, to provide an intergovernmental agreement for the Pima County/Tucson Metropolitan Counter Narcotics Alliance, no cost/5 year term (CTN-SD-24-154)

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

### **Transportation**

48. City of Tucson, to provide an intergovernmental agreement for the Roger Road Pedestrian and Walkability Improvements Romero Road to Oracle Road, no cost/20 year term (CTN-TR-24-128)

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

## **GRANT APPLICATION/ACCEPTANCE**

### **49. Acceptance - County Attorney**

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Amendment No. 1, to provide for the Pima County Consolidated Misdemeanor Problem-Solving Court Enhancement, no cost (GTAM 24-60)

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

Supervisor Christy stated that his question also pertained to Minute Item No. 49. He indicated that the background material stated the items were postponed due to employee turnover and inquired if the turnover was in the County Attorney's Office or the Grants Management Department.

Jan Leshner, County Administrator, responded that she was unsure which department had the turnover.

Supervisor Christy commented that the item went back to May 2023.

Ms. Leshner stated that she would provide that information to the Board.

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

### **50. Acceptance - County Attorney**

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Amendment No. 1, to provide for the BJA FY2022 Justice and Mental Health Collaboration Program, no cost (GTAM 24-61)

(Clerk's Note: See Minute Item No. 49, for discussion related to this item.)

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

### **51. Acceptance - Health**

Arizona Department of Health Services, to provide for the Well Woman Health Check Program, \$719,891.00 (GTAW 24-130)

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

52. **Acceptance - Public Defense Services**

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 16, to provide for the Title IV-E Foster Care Matching Funds Project and amend grant language, \$392,932.21 (GTAM 24-64)

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

53. **Acceptance - Sheriff**

State of Arizona - Department of Public Safety, to provide for Border Crimes and Human Smuggling Enforcement, \$350,000.00/\$87,500.00 Pima County Sheriff's General Fund match (GTAW 24-132)

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

**DEVELOPMENT SERVICES**

54. **Hearing - Comprehensive Plan Amendment**

P23CA00004, VICKERY - S. OLD SPANISH TRAIL PLAN AMENDMENT

Christopher and Lori Vickery, represented by KAEKO, Inc., request a comprehensive plan amendment on approximately 6.13 acres (Parcel Code 205-65-009A) from the Resource Sensitive (RS) to the Rural Crossroads (RX) land use designation. The site is located northwest of the intersection of S. Old Spanish Trail and E. Saguaro Crest Place, and addressed as 5400 S. Old Spanish Trail, in Section 5, T15S, R16E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 9-1 (Commissioner Cook voted NAY.) to recommend APPROVAL SUBJECT TO A REZONING POLICY. Staff recommends APPROVAL SUBJECT TO A REZONING POLICY. (District 4)

At the request of the applicant and without objection, this item was continued to the Board of Supervisors' Meeting of May 21, 2024.

**BOARD OF SUPERVISORS**

55. The Board of Supervisors on March 5 and 19, 2024, continued the following:

**Board of Supervisors Policy**

Proposed adoption of Board of Supervisors Policy No. D 22.16, Vacant Positions. (District 1)

Supervisor Scott encouraged his colleagues to look at the revised policy dated April 11, 2024, and the County Administrator's Memorandum dated April 15, 2024, which outlined the draft Administrative Procedure (AP) for implementing this policy if it was adopted. He stated that he believed the draft AP had been drafted after discussions between the County Administrator, Deputy County Administrator Holmes, individual Supervisors and Elected Officials like the County Attorney. He stated that sections D and E of the AP dealt with communication and the appeals process. He explained that his two overarching goals with the discussion of this policy had been to decrease the chronic number of 900 to 1,000 vacant positions and to do that in the right way. He explained that his goal was not to cut "hard to fill" positions or to inconvenience any department or Elected Officials' office. He stated that he believed the changes to the policy and the AP had accomplished that and read the recommendations listed in County Administrator's memorandum.

It was moved by Supervisor Scott and seconded by Supervisor Christy to approve the following recommendations, as outlined in the County Administrator's Memorandum dated April 11, 2024:

1. Immediately eliminate all unbudgeted positions which have been vacant for 540 days or greater.
2. Instruct Grants Management and Innovation to review all grant positions which have been vacant for more than 240 days to determine, in conjunction with the Department, if those positions are still needed for the fulfillment of the grant's objectives. Any positions no longer needed will be eliminated by July 1, 2024.
3. Continue to design a data driven methodology to identify hard-to-fill job classifications.
4. Implement the Vacant Position policy as written with an effective date of July 1, 2024.

No vote was taken at this time.

Supervisor Christy stated that he agreed with Supervisor Scott, but had some concerns. He read from the background material regarding unique circumstances where a job that had been posted for more than 240 days may still be kept for necessity and would not be eliminated. He asked why the need for a policy about eliminating positions if that policy could be broken and wondered if every position up for elimination would be considered a unique circumstance that would necessitate that it be kept.

Jan Leshner, County Administrator, responded that the goal of the policy was to ensure that the County did not have ghost positions or positions that were not funded. She stated that one of the challenges they faced was identifying hard-to-fill positions, for example Attorneys, Veterinarians or possibly by identifying them when they required a license or special education. She stated that they had reviewed if those things were required or if special accommodations needed to be made. She stated that what they realized was that across the County there were some hard-to-fill positions in Trades, like Locksmiths and Plumbers and reminded the Board that she was asked at a previous Board meeting to provide a list and how to define the

hard-to-fill positions. She explained that as each department was reviewed, they had been unable to compile the list due to the unique nature of some of the positions and that rather than indicating it would be for 240 days, unless it was for a specific position, because of the difficulty in identifying them. She stated that situations were unique by department.

Supervisor Christy stated that he did not want the unique circumstances to be used as a caveat.

Chair Grijalva stated that she thought it was important to allow flexibility and that had been her concern in creating a policy that had been addressed in administrative regulations and that had always been easier for administration to work around as opposed to a policy that gave direction. She explained that she understood some of the positions had been vacant for some time, but some of those positions were needed and she wanted to ensure those were open and available, for example HVAC Specialist and the County had four positions that had been vacant for 240 days or greater, but that did not indicate there was not a need for them.

Supervisor Christy commented that he understood the Chair's point and wanted to clarify that this was not an open door to be utilized whenever they wanted.

Chair Grijalva clarified that her concern was that a policy would be created that made it more restrictive for administration and that regulations were always easier to work around.

Supervisor Lee stated that she spent quite some time reviewing Full-Time Employee (FTE) data and referred to a Salary Comparison sheet she provided that was dated April 12, 2024. She stated that she requested her staff pull the data for her because of this policy and agreed that the County needed to be mindful of what was hard-to-fill and why. She provided an example for a Plumber and stated that the competition for that position was typically in the City of Tucson (COT), University of Arizona (U of A), private industry or small businesses. She went over the different named titles that each of the jurisdictions had for a Plumber. She stated that the U of A had 13 positions in the Facilities Management Department with a pay range from \$34,000.00 to \$159,000.00 which included Engineers. She explained that Pima County had 7 positions with a range from \$32,000.00 to \$87,000.00 and Plumber was in a separate category that could not be found at the U of A. She raised the point that the U of A and COT were the most competitive and both had higher starting salaries for Plumbers. She stated that if the County had trouble filling these positions perhaps the pay needed to be reviewed beyond what was done with the Class/Comp Study, starting with the private industry and small businesses. She also went over the position for County Attorney and stated that it was more telling across the Board. She stated Maricopa County had 6 positions for Attorney with a pay range from \$77,000.00 to \$190,000.00, however their Public Defenders were paid at a different high point up to \$148,000.00. She explained that Pima County had 2 positions for Attorney with a pay range from \$78,000.00 to \$173,000.00, COT had 10 positions for Attorney with a pay range from \$73,000.00 to \$168,000.00 and Pinal County had 3 positions for Attorney with a pay range from \$76,000.00 to

\$167,000.00. She reiterated that perhaps the County needed to re-review a number of position ranges offered because those were the hard-to-fill positions. She was unsure why there were so many vacancies in the County Attorney's Office, but it was important to hold on to ghost FTEs. She stated that her preference was that prior to any FTE sweeps, all department FTE vacancies at or nearing 120 days should be reviewed with the Department Director and the Deputy County Administrator, any that were with Elected Officials should be reviewed with the County Administrator and the Elected Official. She added that if there were valid reasons for vacancies over the 120 days, exceptions should be made and any dispute should be referred to the appeals process, which was new in this policy. She requested that the following be added to the policy, "All vacancies that have begun the process to fill an FTE with Human Resources (HR) shall not be swept." She stated that as she spoke with County directors some of the positions were being swept during the advertisement period, but the policy indicated otherwise and felt that should be backed up. She questioned if a department submitted paperwork to HR for a FTE to be filled, then why would it be swept. She stated they already started the process and felt it should start from that process. She added that she agreed with the policy, but reiterated the need to be mindful regarding the hard-to-fill positions before they were swept. She stated that staff should be having discussions with the County Attorney's Office and Facilities Management regarding those hard-to-fill positions.

Supervisor Scott stated that in terms of how the draft Administrative Procedures were put together, those concerns were addressed, specifically with Section 4.A.1.a., which he read aloud. He also read the Appeal Process as outlined in Section 4.E.1., and stated that the way the procedure had been drafted incorporated all those concerns. He added that the third recommendation provided by the County Administrator from her April 11th Memorandum, spoke to what they were doing to try to determine hard-to-fill positions including going beyond the first quartile in terms of what the County offered for starting salary.

Ms. Leshar stated that she hoped her office captured some of the thoughts regarding the communication piece and highlighted that rather than indicating four times per year to sweep those positions, it would be to identify the positions quarterly in a 30-day period during which the Deputy County Administrators would work with the directors, or she would work with the Elected Officials, to discuss whether that position should be swept or not and then the appeals process could be started. She explained that a concern expressed that related to the communication piece had been locked into the Administrative Procedure that the County did not just announce it and it would be swept, instead it would be announced which would engage the 30-day period for discussion.

Supervisor Christy asked if there had been an analysis or study completed regarding contracting labor for some of the positions as opposed to hiring them with all the perks and benefits and if there were any costs for it.

Ms. Leshar responded that there may have been, but was unsure if that had been done recently. She stated that she would look into it and provide more information to the Board.

Supervisor Christy asked if it would be prudent to have a study done on contracting outside services.

Supervisor Lee reiterated that her proposal would be to not sweep any positions that were in the recruitment stage of the hiring process instead of the interview stage.

Supervisor Scott asked whether what Supervisor Lee had requested was already incorporated into Section D of the Administrative Procedure regarding how the communication would be handled. He stated that it sounded like what Supervisor Lee had referred to would be something that would come up within the 30-day period.

Supervisor Lee stated that she was unsure about the timeframe, but it made sense to her that if the director and Deputy County Administrator agreed to fill the position and submitted the paperwork, but then was swept, that was concerning. She stated that if notification was provided ahead of time, then perhaps it addressed the issue.

Ms. Leshar stated that she would review the language and would finalize the Administrative Procedure if the Board approved the policy. She stated that it could be amended, but believed she understood what the intent was and that if the recruitment process had already started at some point, it would not be swept, but if it had not been started it might be swept.

Supervisor Heinz stated that his concern was that if a department selected a candidate after searching for a long time, the County would not get the official approval to hire for weeks that would deter the candidate from choosing Pima County. He asked how long the process would take if they were forced to go through exceptions if there were no carving out for folks with licenses or for Plumbers. He stated that if there was a candidate then the County needed to work swiftly to hire them instead of going through an appeals process and discussion that could prolong and potentially lose the candidate's interest.

Ms. Leshar stated that she understood Supervisor Heinz's concern and these were some of the positions being discussed. She stated the County needed to move swiftly and she provided an example of an offer made on a hard-to-fill position and how it had gone through Finance, HR and County Administration within two days. She stated they had let others know that if it needed to be fast tracked, they could request that, and they wanted to ensure that there was not a bureaucratic process that prohibited the County from being able to hire an individual.

Chair Grijalva believed a motion had been made and requested confirmation.



Melissa Manriquez, Clerk of the Board, confirmed a motion was made by Supervisor Scott and seconded by Supervisor Christy to approve the recommendations outlined in County Administrator's Memorandum dated April 11, 2024.

Upon the vote, the motion carried 4-0, Supervisor Heinz abstained.

56. **Arizona Supreme Court Decision Reinstating 1864 Near-Total Abortion Ban**

RESOLUTION NO. 2024 - 15, of the Board of Supervisors, regarding the Arizona Supreme Court decision reinstating 1864 near-total abortion ban. (District 2)

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

Supervisor Heinz read the Resolution for the record:

*PIMA COUNTY RESOLUTION REGARDING THE ARIZONA SUPREME COURT DECISION REINSTATING 1864 NEAR-TOTAL ABORTION BAN.*

*Whereas the Pima County Board of Supervisors is deeply concerned by the recent decision of the Arizona Supreme Court to uphold an archaic, near-total ban on abortions established by the Territorial legislature in 1864, which mandates prison time for any doctor providing abortion care except to save the life of the woman, and*

*Whereas Arizona Revised Statutes 11-251(17) explicitly empowers the Board of Supervisors in all Arizona counties to "adopt provisions necessary to preserve the health of the county," and*

*Whereas it is the role of the Pima County Health Department to provide comprehensive public health services that promote the health and wellbeing of all community members; and*

*Whereas the Board of Supervisors recognizes the importance of ensuring access to safe and legal abortion care as an essential component of healthcare and reproductive rights, and*

*Whereas the Board of Supervisors affirms that individuals have the right to make autonomous decisions regarding their bodies and reproductive health without interference from the state, and*

*Whereas the Board of Supervisors expresses grave concern that the Arizona Supreme Court's decision will immediately harm public health, particularly for people of color, marginalized communities and individuals with limited access to healthcare services, and*

*Whereas the Board of Supervisors reaffirms the Constitutional principle of equality before the law and the obligation of states to protect and promote the rights of all individuals within their jurisdiction,*

*Now, therefore, be it resolved that the Pima County Board of Supervisors hereby reaffirms Board Resolution 2022-40, which states that, "Access to legal, safe abortion, and comprehensive sexual and reproductive health more broadly, are critical to protecting and supporting the public's health," and supports continued access to reproductive health care in Pima County and across the state, including access to legal, safe abortion care;*

*Rebukes the 4-2 decision of the Arizona Supreme Court to uphold the 1864 territorial-era ban on abortions, which infringes upon the reproductive rights, human rights, and autonomy of all Arizona residents;*

*Calls on all county attorneys, law enforcement agencies, licensed medical providers and others across the state to do the right thing in supporting the human right of all Arizona residents to seek and receive appropriate medical care, including abortion care and other reproductive healthcare;*

*Recognizes Governor Hobbs' Executive Order 2023-11 centralizing authority over prosecutions under ARS 13-3603 within the office of the Arizona Attorney General, Kris Mayes, who has vowed to not prosecute healthcare professionals or individuals seeking abortion care; and Laura Conover, Pima County Attorney, who has voluntarily agreed to consult and potentially forward any relevant criminal referral; and*

*Calls upon the Arizona Legislature to repeal this 160-year-old near-total abortion ban, passed by an all-male legislature at a time when women lacked the right to vote and Arizona was not yet a state, and enact legislation instead that upholds the rights of individuals to access safe and legal abortion care without unnecessary restrictions.*

Supervisor Scott thanked Supervisor Heinz for putting forth the resolution and stated that he was proud to support it as the father of a daughter and uncle to several nieces of childbearing age and as someone who saw himself as an ally of everyone in his life.

Chair Grijalva stated that she was interviewed about the resolution and was asked if it was something that was symbolic. She explained that she believed that in their role as Supervisors, the Pima County Health Department and the health of the community was one of their main responsibilities. She offered a friendly amendment to the sixth whereas paragraph of the Resolution as follows:

*Whereas the Board of Supervisors expresses grave concern that the Arizona Supreme Court's decision perpetuates discriminatory practices that harm public health, the protection of which is a critical responsibility of County*

*Health Departments and particularly for people of color, marginalized communities and individuals with limited access to healthcare services*

She stated that the verbiage would not change anything significant and asked Supervisor Heinz if he accepted that change.

Supervisor Heinz accepted the friendly amendment.

Chair Grijalva stated that people would say their daughters had less rights than their granddaughters, but her own daughter had less rights than her great grandmother and was a show of trying to have possession and abortion was not an issue men dealt with, and it was exclusively for childbearing people.

Supervisor Heinz stated that it was incredibly important for County residents to know that they vote for judges and two of the four Justices that voted in favor of the abortion ban were up for retention. He stated that their names would be on the November 5, 2024 ballot and County residents needed to know so they could make the appropriate choice. He explained that Superior Court Judge Kelly Johnson was personally responsible for enacting the law and was also up for retention and it was important for everyone not to do this year.

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

## **COUNTY ADMINISTRATOR**

### **57. Duplication of Pima County Programs and/or Services**

Discussion/Direction/Action: Update on duplication of Pima County Programs and/or Services.

Chair Grijalva stated that this item was brought forth due to a comment made by Supervisor Lee that she endorsed and she wanted to understand what programs the County had and what programs and services were being funded specifically from the General fund.

Jan Leshner, County Administrator, responded that this item was for discussion.

Supervisor Lee stated that she spoke with departments to get some understanding on programs within Pima County and had asked departments what some of their challenges were and how the Board could help. She stated that because of her time at Pima Community College she was familiar with Pima County's One-Stop and JobPath services provided in higher education, tuition reimbursement and support. She stated that she challenged the Community and Workforce Development Department (CWD) to provide a report on whether there was a duplication between JobPath and CWD, and was aware that both programs provided similar services, but the difference was that JobPath did not have to adhere at all times to the federal guidelines for poverty, which was in the Workforce Innovation and Opportunity Act

(WIOA) funding mechanism that CWD had to abide by because Pima County provided \$750,000.00 to JobPath, so they could provide services beyond what Pima County One-Stop could offer. She stated that speakers at Call to the Public had expressed the excellent service and the reimbursements for childcare, car repairs and utilities, but those were County dollars. She had inquired if those dollars were provided to CWD, could they provide the same services and the answer she received was yes. She stated that the department did not provide those services because they did not have the funding and could only provide what was allowed by WIOA guidelines. She clarified that she did not want JobPath to end, but felt that after 20 years of service was it the right thing to continue if their services were nearly identical to what Pima County's One-Stop could provide. She stated that there were other areas of possible program duplication, such as Sun Corridor and Pima County's Economic Development Department, which were complimentary, the Metropolitan Education Commission (MEC) was nonduplicative, as well as Visit Tucson and Pima County's Attractions and Tourism Department. She stated that the only program that needed to be reviewed was JobPath because of the General Funds provided to them.

It was moved by Supervisor Lee and seconded by Chair Grijalva to have all the agencies that were outside of Pima County be funded through the County's Outside Agency Program, that JobPath's over \$1 million in ARPA funds be renegotiated so that all the issues raised by Deputy County Administrator Holmes regarding prior spending could be resolved, and to add CWD as an administrative partner so that all future JobPath spending was approved to ensure compliance; that the allocation of the \$750,000.00 in General Funds be removed for '24/25, and a portion of the amount be reallocated to CWD so that they could have the funding to serve above WIOA clients; that the CWD caseload be reviewed, and if needed employ more full-time employees if more JobPath clients migrated over time; that Sun Corridor's allocation for '24/25 be funded at \$500,000.00 instead of \$650,000.00, that MEC still be funded by the General Fund at the same level for '24/25, but for '25/26 it be moved to the Outside Agency funding in the competitive process; that Visit Tucson funding remain the same for '24/25 unless the Board approved across the board cuts. She stated that the \$1 million of ARPA funds currently in JobPath was enough to sustain them for more than one year which she would like it to remain, but to have an administrative partner with CWD. No vote was taken at this time.

Chair Grijalva stated that the issue was brought forth by Supervisor Lee and she asked the Chair the difference between the programs, and she suggested reaching out to the County Administrator. She stated that she valued the role for outside agencies because there was a process for applying for funds with the County. She explained that they were asked many questions to help develop their program greater because funding should not hinge on Pima County, but a larger financial diversity for every organization. She explained that there were numerous speakers in support of JobPath and she wanted to clarify her position on this issue. She expressed her frustration because she had asked eight questions at the last meeting to help her understand how some of the issues would be resolved, but had not received a response. She went over one of the questions, which was to explain JobPath's success rate and the documentation such as transcripts, diplomas, or

certificates that were used to determine the success rate. She stated that she was previously on a Board for 20 years and ran a Juvenile Diversion Program for 26 years, so she knew there needed to be data to determine the success rate of a program, but she still did not have the information. She explained that historically she supported these programs that helped students finish their educational journey. She asked how they were documenting the different accounting streams to ensure the County's compliance because she did not want the County funds or federal funds swept because of the different issues that went on with subrecipients that received funding. She stated that she had heard from the dais what the City of Tucson's (COT) role was and how they had contributed. She stated that in the upcoming fiscal year COT budgeted to provide JobPath \$100,000.00 and this year it was \$200,000.00 and Sun Corridor \$50,000.00. She stated that it was important for the County to review what other organizations were supporting with some of the initiatives and their reasoning. She agreed with Supervisor Lee regarding the MEC, and she stated that she was optimistic that for this year they were provided with a direct funding stream and not to have to compete this upcoming fiscal year was going to be helpful to diversify it. She stated that she valued MEC, but the County needed to review how they were working with other organizations that received funding and if they were applying for federal funds. She asked if they were not applying for federal funds, was it because they did not qualify for different reasons, which she felt was an important conversation to have. She explained that funding specifically for Sun Corridor, the COT had very strict parameters, but the County did not have the same relationship with Sun Corridor. She explained that in her first term, her office was actively involved in trying to understand how Becton, Dickinson and Company, a polluter in the community, was right in the heart of her district and Sun Corridor had proudly indicated they brought them to Pima County, and she was frustrated by that. She stated that reviewing the different funding streams, especially the ones involving the General Fund was really important for this upcoming fiscal year and was the reason why she supported Supervisor Lee's motion.

Supervisor Christy stated that his colleagues made good points about wanting to know more about the funding issues and accountability. He asked if there were any time constraints and if an analysis could be provided by County Administration, whether it be an economic impact study or a comparison of Supervisor Lee's suggestions with more time to review. He asked if the item could be continued to the next Board meeting or the meeting after that.

Ms. Leshar responded that they could provide additional analysis, but could not promise a full economic study, however, she was aware that JobPath had some of that information that could be collected and she could request information from Sun Corridor.

Supervisor Christy stated that it would be interesting to compare Supervisor Lee's outline and how it would affect what the County had now.

Ms. Leshar stated that she could provide that information to the Board prior to the next meeting and clarified that the County could not conduct a full economic impact study.

Supervisor Christy stated that there was no need for the economic impact study.

Ms. Leshar stated she could get information needed by JobPath and provide it to the Board.

Supervisor Christy asked if it would be a side-by-side analysis report.

Ms. Leshar responded in the affirmative.

Supervisor Lee stated that the information had been requested, but it was unverifiable, which was the difficulty they were having and was one of the eight questions that had gone unanswered. She stated that she believed JobPath had other funding from Cochise County and Pinal County, and if the Board agreed to the motion, they still had ARPA funds to get them through the year and then they could apply for Outside Agency funding and be viable. She stated that she believed that by providing them a blind item of \$750,000.00 yearly was not needed if it could be done internally and if CWD had the ability to go above the WIOA criteria, then JobPath would not need to adhere to them.

Supervisor Heinz stated that this was a lot of information and many things in one motion, he hoped that they could review them separately. He felt there was valuable information and that maybe more action was needed, but he was under the impression that the item was for discussion only and was not prepared to vote on it. He felt that it was not a direct comparison to compare JobPath to what CWD and Pima County One-Stop was able to do, and the support and services were different. He stated that he was not ready to support the item and would like more information, but could support certain aspects of it.

Chair Grijalva clarified that she seconded the motion to be able to continue discussion.

Supervisor Scott asked whether there would be a recommendation for County contributions for MEC, JobPath and Sun Corridor as part of the recommended budget.

Ms. Leshar explained that the Board would be considering a budget item later at this meeting and that what they have reviewed and proposed was a line item for Outside Agencies that would be all encompassing, but what they sought was feedback for a recommendation of a \$400,000.00 cut for Outside Agencies including the three programs mentioned by Supervisor Scott. She stated that they had not identified if it would be per agency, but would be proposed as a line item to be considered by the Board.

Supervisor Scott stated that he had quarterly meetings with the Economic Development (ED) Department who indicated they worked closely with JobPath on a variety of issues. He requested that additional information be provided regarding what those discussions entailed. He stated that he had already spoken with

JobPath and their consultants about the importance that the contract for next year speak to the need for further diversification of their funding base. He stated that he wanted to hear more from ED about the work being done with JobPath. He stated that since being on the Board he had never heard Dr. Garcia or Mr. Sullivan indicate that the County could provide the same services as JobPath. He stated that they may have felt that the programs and services were possible, but did not communicate that until they were prompted with the questions from Supervisor Lee. He expressed his concern that staff and County departments were currently reporting that they might be able to provide the same services as the ones being offered by an entity that the County had supported for over two decades. He stated that if the departments felt that way, he would have wanted to know that information a long time ago. He read from the County Administrator's Memorandum dated April 12, 2024, regarding Sun Corridor and the larger amounts of funding provided compared to other jurisdictions because it was a fundamental role of the Pima County government and he agreed with it. He stated that he had spoken with Sun Corridor's CEO and President, Mr. Snell, about funding and the possibility of budget cuts and Mr. Snell was understanding, but further discussion had not been provided. He pointed out that Sun Corridor's private sector members provided \$3.00 to support Sun Corridor for every \$1.00 provided by Pima County. He respectfully disagreed with his colleagues regarding the MEC. He stated that he had previously served on the MEC Executive Board and at that time the Board of Supervisor's liaison was the late Supervisor Elías, and the COT representative was Ward I Council Member Romero. He stated that both told the MEC Executive Board that they would move the MEC annual funding out of the competitive processes and the County moved forward with that commitment, but COT had not. He explained they were also informed that historically since the joint City-County Commission had been formed, the County had provided more funding than the COT. He stated that Council Member Romero stated that she would advocate for increased funding and continued to state that after being elected Mayor, but it had not happened and requested it be addressed. He explained that he did not believe that a joint City-County Commission should be a part of a competitive process because they were different than any other outside agency, but it was important for the COT to show more support to the joint commission and that the other concerns raised by Mr. Hanna and Mr. Perez in terms of the commission's operations and that Mr. Perez's credentials be addressed. He appreciated that Chair Grijalva seconded the motion for purposes of discussion and felt the Board had previously had a very robust discussion and hoped that it continued.

Chair Grijalva stated that this discussion would not have happened if the County was not faced with fiscal constraints and it was an opportunity to review the programs funded by the County. She clarified that the MEC had always been out of Outside Agency even if they had a line item amount. She stated that it was important to have case managers reviewing the financials and that they were comfortable with what nonprofits were doing, what they should be doing, the composition of the advisory board and how goals were met with the funding provided by Pima County. She explained that even if MEC had a specific line item in Outside Agency it was important for them to be part of that accountability system.

Chair Grijalva withdrew her second to the motion. She felt that the Board had a good discussion and felt like they needed to have more discussion. She stated that Pima County was currently 27% of Sun Corridor's budget and when she brought up an issue when the Board voted 4-1 to pass a resolution about polluters that was brought into the County by Sun Corridor that it not be funded with County dollars. She stated that if the County would be that big of a contributor to an organization than she would not want County staff to have to work hard to stop businesses from polluting the community.

The motion died for lack of a second.

Chair Grijalva stated that the item would be brought back in a month.

Supervisor Scott requested that more information also be provided to the Board regarding ED's involvement with the MEC.

Chair Grijalva clarified that this item was not a continuation, but it would be brought back as a new item to be able to split up votes for different items.

No Board action was taken.

## **COUNTY ATTORNEY**

### **58. Conflict of Interest Waiver**

Discussion/Direction/Action regarding DeConcini McDonald Yetwin & Lacy, P.C.'s request for a conflict of interest waiver.

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

## **FINANCE AND RISK MANAGEMENT**

### **59. Fiscal Year 2024/25 Recommended Budget Update**

Discussion/Direction/Action: Update on the Fiscal Year 2024/25 Recommended Budget.

Ellen Moulton, Director, Finance and Risk Management, provided a brief presentation and stated that the first slide was very similar to the monthly financial forecast, which included the adopted budget for 2024 and the Period 8 forecast and the requested budget as submitted by the departments with some review by County Administration. She explained that as of the current reporting the County was in the red by \$4.5 million and was currently at approximately \$771 million worth of revenues and \$803 million worth of expenditures. She stated that revenues were above expenditures by \$32 million, the fund balance at \$98 million for the reserve and a budgeted ending fund balance of \$93 million, which made it \$4.5 million shy of what was needed. She stated that there were a few ways to address the shortfall,



one was to reduce or eliminate expenditure requests and the second was to increase primary property taxes, which was the only revenue lever the Board had. She stated that one penny on the tax rate garnered approximately \$1.1 million in revenue to the General Fund on primary property tax rate and one penny on that tax rate equated to about \$2.24 to the average homeowner. She stated that at the last meeting, the Board requested different scenarios be provided and they chose to provide it based on Ms. Lesher's recommended budget in dollar amounts, including the amounts of taxes if changes were made.

Jan Lesher, County Administrator, referred to her memorandum dated April 15, 2024 regarding the creation of the Fiscal Year 24-25 Recommended Budget and stated that the last page showed how they went through the budget and what was recommended and how they were at \$4.5 million in the red. She stated that the memorandum included a variety of assumptions that were still included in some of the working drafts. She explained that there was a list of things, such as 3% budget cuts, 1% budget cuts for Elected Officials, etcetera and wanted to ensure that there was a connection on why those items were delineated. She stated that they had been using those sheets to craft the budget to get the budget from the \$40 million range down to about the \$4 million range. She clarified that was the connection between the overall budget, and these items and their values.

Chair Grijalva appreciated the clarity because she felt it was important when the Board previously discussed the deficit everyone would suggest to cut centrally, like administration. She felt it was very helpful that it was articulated what had been done to date to be at this point.

Supervisor Scott referred to the slide that showed supplemental requests were close to \$16 million and asked why department heads or Elected Officials had not taken these needs into account when they put their overall budget together.

Ms. Lesher responded that their current budget was their basic budget and anything over that request was considered a supplemental request.

Supervisor Scott stated that anything over their basic budget was something that Ms. Lesher and the Deputy County Administrators vetted and recalled in the past that Elected Officials addressed the Board with their own supplemental requests. He stated that moving forward, if the numbers stayed the same, he would request a breakdown of where they came from and why they were moving forward.

Ms. Lesher stated that she would keep track of the requests and clarified if it would be to show what populated the \$16 million in supplemental requests.

Supervisor Scott responded in the affirmative.

Ms. Moulton referred back to the slide and stated that there was a line listed for Unrestricted Ending Fund Balance equaling negative \$4.4 million and indicated that if no action was taken to reduce expenditures, etcetera, it would necessitate a \$0.0408 cent increase in the tax rate in order to fund that deficit. She explained they

tried to provide the Board options on what could be done. She referred to another line on the slide for Additional Expenditures at negative \$16.8 million, with General Fund Supplemental Requests at negative \$15.8 million, and Class and Comp Phase 3 at negative \$1 million. She explained that another \$17 million would be added to the \$4.4 million deficit in additional expenditures and the following section of the slide showed how they would fund that entire amount. She explained that the Board approved the ARPA reallocation for \$10.2 million, which was included on this list. She stated that there were also proposals for a 3% base budget reduction to County departments of \$7 million, Elected Officials at 1% for \$3.4 million and 3% reduction in Outside Agencies. She explained that the negative \$4.5 million plus the additional expenses, less the expenditures reduction would make a balanced budget. She added that if the Board wanted to change any of the line items, the dollar amounts in the tax increase column would reflect that change. She provided an example that if the Board did not want to make any changes to the expenditures, the County would need to increase the revenue to \$0.04 for the Unrestricted Fund Balance and another \$0.15 for the additional expenditures.

Chair Grijalva stated that there were earlier discussions about some of the Outside Agencies that were receiving General Fund monies and asked if there was any way to cut in other places to keep those funds whole for Outside Agencies.

Ms. Leshar concurred and stated that at this point they included an Outside Agencies line item for JobPath, the Metropolitan Education Commission (MEC) and Sun Corridor.

Chair Grijalva clarified that she wanted the funds that were used for the Outside Agencies competitive process to remain the same and asked what the current total allocation was and a list for Outside Agencies.

Ms. Leshar stated that if they removed JobPath, MEC and Sun Corridor from the Outside Agencies list, then the 3% reduction to Outside Agencies would total \$130,000.00.

Chair Grijalva stated that she did not hear if there were any changes needed to MEC, but it was for the other two agencies.

Supervisor Scott stated that there was a 3% base budget reduction for non-elected official General Fund departments and a 1% base budget reduction for Elected General Fund departments. He asked why there was a distinction between the two.

Ms. Leshar responded that historically Elected Officials were allowed more flexibility in the allocations of dollars in their budget and how much they chose to spend for staff, and they also allowed greater flexibility in Outside Agencies as an assumption going into the budget.

Supervisor Scott opined that what the County might have thought historically, they might want to consider other options given the current situation.

Ms. Leshar stated that the purpose of having this discussion was to ensure they were understanding and appropriately reflecting some of the elements.

Chair Grijalva stated that she would like to see a 2% budget cut across all departments, including Elected Officials. She asked what the number would be, and if that would get the County to where it needed to be.

Supervisor Scott agreed.

Ms. Leshar stated they made the assumption that the tax rate would remain flat. She explained that there had been discussions about the Board policy that the County would pass through increased cost from the State. She stated that the County had made up for that and provided a memorandum to the Board with the information about the County absorbing \$0.16 one year, etcetera. She stated that for example, if the Board did not want to make a 3% budget cut, then that resulted in a \$0.065 increase in the tax rate. She reiterated there were two ways to balance the budget and that was by decreasing expenditures or increasing revenues.

Chair Grijalva asked if the Board increased the primary tax rate would there be an increase to the secondary tax rate. She asked if the secondary tax rate was based on the primary tax rate.

Ms. Moulton responded that the primary tax rate was completely separate from the secondary tax rate and what was being discussed was any increase to the primary tax rate.

Chair Grijalva stated that in Fiscal Year 2022, the County incurred \$5.6 million in State Cost Shifts and in 2023 the County incurred almost \$16 million in State Cost Shifts. She wanted to publicly state this because the County should not be criticized for the Board not moving forward with their fiscal responsibility and due diligence when the County had \$21 million in cost shifts in the last two fiscal years.

Supervisor Heinz stated that it was important to remind everyone that the County did not follow its own policy of passing costs through and the County was \$0.067 lower than the County should be on the primary property tax rate. He stated that he believed the County should set their cap up to the increased level and to retroactively adhere to the policy, that the \$0.067 primary property tax rate increase would be \$14.94 for an average Pima County homeowner over the year and that it was de minimis. He stated that it was important the Board consider it to save County programs from being cut.

Supervisor Lee inquired about the last time the County increased primary taxes. She requested a report about the tax rate and the budget from pre-COVID in 2019 to present. She stated that she wanted to know when the tax was increased and whether the base budget had changed and that it could be laid out in a graph. She stated that she would not want to raise taxes unless it was a last resort, but was curious and asked if the County continued to take hits from the State, why the State would not take the additional monies that they were supposed to be garnered for

the current fiscal year. She reiterated that Ms. Moulton stated that the County was up on revenues from the State and asked if that money could be clawed back.

Ms. Moulton responded that the share of the State Shared Sales Tax was statutorily driven, and she believed it could not be clawed back, but she would have to validate it.

Supervisor Lee asked if the State done clawing back funds.

Ms. Moulton stated that the State had not passed their budget and so she had no other insight into it.

Ms. Leshar stated that remained a concern. She stated that the statutory amount they provided the County by law was one thing, but there were other dollars that remained a cause for concern that as long as the State remained in a deficit by \$2 billion it remained a concern of whether any additional dollars might be clawed back or if there would be additional cost shifts. She added that they reviewed the last decade of tax rates that they had in a chart and would be happy to provide it to the Board.

Ms. Moulton stated that at the last Board meeting she provided a slide that displayed the ten-year chart for tax rates. She stated that in the last fiscal year 2024, the County increased the primary property tax rate to \$3.96, and prior to that, the last increase was in 2017/18, which was increased by \$0.14. She explained that from 2015 through the current year, the County reduced the primary property tax rate slightly above \$0.61.

Supervisor Scott recalled that the previous year, the County increased the overall tax rate, and it was the lowest overall tax rate in ten years and the Board implemented the State Cost Shifts policy last year and he was in favor of continuing to implement the policy and clarified that it was only in the first year that the policy was not implemented.

Ms. Moulton responded in the affirmative.

Supervisor Scott reiterated what he stated at the Board's last meeting, that the County needed to do everything it could do to reduce County expenses before imposing an overall tax increase. He stated that the reduction suggested by Ms. Leshar and her team was very reasonable and there was also the suggestion made by Chair Grijalva for a 2% budget cut across county departments and Elected Officials and to take a more discerning look at the supplemental requests.

Chair Grijalva appreciated the conversations about providing services to the community and that the County was in this situation because of the State Cost Shifts. She explained that the County would not be having these conversations if they were not faced with \$16 million cost shifts in the last year. She asked if direction would be required for this item or if it was solely for discussion.

Ms. Leshar stated that she had heard different information and could put it together. She asked whether the Board desired any form of public hearing on the budget that could be provided the day the tentative budget was considered by the Board, as well as the final budget adoption rather than having multiple days of hearings.

Chair Grijalva stated that during the first year of her term, the Board had department budget hearings, they received three minutes to talk and then there was a Q&A after. She stated in her experience, it rarely produced any changes to what was approved by the Board. She stated that last year what she and her other colleagues had done was they met with individual departments that they had a lot of interest in to get a better understanding of their budget. She suggested that the Board move forward with what was done in the prior year and reach out to directors or vice versa regarding their budgets.

Supervisor Heinz asked when the Board would be voting on setting the cap to the highest level that they could set for the primary property tax rate.

Ms. Leshar replied that May 21, 2024 Tentative Budget was the day the Board would vote on setting the cap, and thereafter, the cap could not be increased, but it could be decreased.

Supervisor Heinz requested the creation of a scenario that showed the \$0.067 increase back into the tax budget. He strongly advocated that the Board set the cap to that level and perhaps the budget could be kept even. He stated that it was a dereliction of the Board's duty to the community if they did not entertain the potential of keeping it the same, not lowering it, or possibly increasing it. He stated that the Board needed to review all the options and that it would be presented to the Board and the public.

Supervisor Scott asked for clarification if on May 21st, the Board would set the expenditure limit and not the tax rate.

Ms. Leshar responded in the affirmative.

Chair Grijalva asked if the last date for any changes to the tax rate would be on May 21, 2024.

Ms. Leshar stated that it would set the expenditure limits.

Chair Grijalva stated that Supervisor Heinz wanted the opportunity to have a discussion about what a couple cent difference might make in the County's potential budget.

Supervisor Lee asked if the Board ever considered having a study session. She explained that in order to really understand the scenarios it would be best to have a study session.

Supervisor Scott stated that he seconded Supervisor Lee's suggestion and that the Board had previously discussed holding study sessions for other topics, but it had not happened. He stated that a study session would not be like the budget hearings where those were more one-sided with brief presentations and would be more interactive and involved, which he could support.

Chair Grijalva encouraged Board members to forward any scenarios to Administrator Leshner. She stated that based on her experience on the Board, if something had not been done before people tended not to want to try new things. She stated that she supported the study session and clarified that there would be no action taken by the Board during a study session, but it would contain robust conversations and information.

Ms. Leshner clarified if the Board wanted a special meeting prior to the date in May when they would set the budget for a study session to discuss the elements of the budget.

Chair Grijalva answered affirmatively and stated that it would be a special meeting for the study session and the only action items would be to start the meeting and end the meeting with no voting.

Ms. Leshner stated that she would follow up with Chair Grijalva regarding a date and time for a study session.

Chair Grijalva stated that it could be brought back soon.

Supervisor Heinz asked if there was going to be a call to the public item for the special meeting.

Chair Grijalva stated that with her previous Board, study sessions had no action items and did not include call to the public.

No Board action was taken.

## **BOARD, COMMISSION AND/OR COMMITTEE**

### **60. Transportation Advisory Committee**

Appointment of Norie Nelson, to replace John Winchester. Term expiration: 4/15/28.  
(District 1)

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

### **61. Board of Adjustment, District 4**

Reappointment of Steven C. Eddy. Term expiration: 3/31/28.

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

## **CONSENT CALENDAR**

### **62. Approval of the Consent Calendar**

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

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## **BOARD, COMMISSION AND/OR COMMITTEE**

### **1. Regional Wastewater Reclamation Advisory Committee**

Appointment of Alan Forrest, Citizens Water Advisory Committee, to replace Alison Jones. Term expiration: 3/1/26. (Organizational recommendation)

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

### **2. Special Event**

- Michael J. Kwinn, Corpus Christi Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, April 27, 2024.
- Norman Scheopner, St. Vincent de Paul of St. Rita, St. Rita in the Desert Catholic Church, 13260 E. Colossal Cave Road, Vail, April 20, 2024.
- Rev. Francisco R. Maldonado, Our Lady of the Valley Parish, Our Lady of the Valley Holy Family Center Hall, 505 N. La Cañada Drive, Green Valley, August 23, 2024.

### **3. Temporary Extension**

- 06100203, Jeffrey Craig Miller, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, May 17 - 19, 23 - 26, 30 - 31, and June 1, 2024.
- 14101009, Kevin Arnold Kramber, American Legion No. 109, 15921 S. Houghton Road, Tucson, June 22 and 23, 2024.

## **FINANCE AND RISK MANAGEMENT**

### **4. Duplicate Warrants - For Ratification**

West Publishing Corporation \$26,112.90; The University of Arizona \$4,000.00; The University of Arizona \$2,000.00; Lakewood 231, L.L.C. \$4,339.00; Julie Becker \$356.50; Jessica Paula Dalton \$111.88; Jeannette Montano \$72.55; Mountain Vista Mobile Home Community \$584.00; Alexys Jackson \$436.50; Villa Sorrento, L.L.C. \$4,646.96; Jenika Ann Ford \$123.50; Monica Jean Torralba \$125.00; Goodman Water Company \$241.97;

Goodman Water Company \$245.83; 5055 Tamarus Street, L.L.C. \$3,099.08; Anissa Aida Enriquez \$60.00; Gaines Investment Trust \$3,230.65; Sarah D. Eldridge \$2,000.00; Ocotillo Apartments Tucson \$4,315.00; La Lomita Apartments \$2,508.00; Gaines Investment Trust \$1,947.40; Mission Antigua \$2,849.00; Sherwood Manor MHP \$2,062.46; Lloyd Construction Company, Inc. \$53,001.70; Mission Tierra Owner, L.L.C. \$6,215.00; Casas Adobes Apartments \$3,552.00; AZ Tierra Ridge, L.L.C.-Alias/d.b.a. Tierra Ridge Apartments \$4,876.00; St. Thomas Properties, L.L.C.-Alias/d.b.a. Catalina Canyon Apartments \$6,625.76; Magali Lopez \$43.18; Rhonda R. Ellerd \$136.15; Christofer Robert Crull \$331.88; Top View Animation, L.L.C. \$5,680.00; Pacifica Brentwood, L.L.C. \$3,643.19; Mountain Vista Mobile Home Community \$1,269.00; Lakewood 231, L.L.C. \$1,478.00; BREIT SH District 5th, L.L.C. \$1,549.17; Norman Castillo \$123.00; Valley Income Properties \$4,984.99; Bridge WF II AZ Villa Bugambillas, L.L.C.-Alias/d.b.a. Catalina Ridge Apartments \$1,060.34; Bridge WF II AZ Villa Bugambillas, L.L.C.-Alias/d.b.a. Catalina Ridge Apartments \$2,641.26; Waste Management of Arizona, Inc. \$38,572.00; Catherine Tapia \$122.50; Mission Antigua \$6,583.00; Oracle 5921, L.L.C.-Alias/d.b.a. Arches At Oracle \$4,078.00; Yusuke Joshua Banno \$3,873.00.

## **COMMUNITY AND WORKFORCE DEVELOPMENT**

5. **Pima Vocational High School (PVHS) - Voluntary Surrender and Charter Termination Agreement**

Approval of the Voluntary Surrender and Charter Termination Agreement and authorization for a PVHS Charter Representative to sign the Termination Agreement.

## **TREASURER**

6. **Request to Waive Interest**

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$48.56.

7. **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 \$38,528.23.

## **RATIFY AND/OR APPROVE**

8. Minutes: February 6, 2024

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63. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:26 p.m.

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CHAIR

ATTEST:

\_\_\_\_\_  
CLERK