

## **FLOOD CONTROL DISTRICT BOARD MINUTES**

The Pima County Flood Control District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, October 5, 2021. Upon roll call, those present and absent were as follows:

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

Also Present: Chuck Huckelberry, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Juan Carlos Navarro, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 9:09 a.m.

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

Staff requests approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal in the amount of \$3,700.00 for placement of an addition to an existing garage at 3456 W. Calle Dos, located within Regulated Riparian Habitat classified as Xeroriparian Class C. (District 4)

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

### **2. CONTRACT**

Gus Amado Jr. and Roberta Lehman, to provide a Ground Lease Agreement for agricultural use, for property consisting of 9.57 acres located southwest of West Elephant Head Road, northwest of Union Pacific Rail Road, southeast of 1-19, Amado, AZ., in Section 29, T19S, R13E, contract amount \$3,600.00 revenue/5 year term (CTN-RPS-22-31)

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

### **3. CONTRACT**

United States Department of the Interior, U.S. Geological Survey, Amendment No. 1, to provide an Intergovernmental Agreement for water resource investigations and amend contractual language, Flood Control Ops Fund, contract amount \$100,000.00 (CT-FC-18-393)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:14 p.m.

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CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

DRAFT

## BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met remotely in regular session through technological means at 9:00 a.m. on Tuesday, October 5, 2021. Upon roll call, those present and absent were as follows:

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

Also Present: Chuck Huckelberry, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Juan Carlos Navarro, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 9:09 a.m.

### 1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

### 2. INVOCATION

The invocation was given by Pastor Demetrius Miles, Tucson Church International.

### 3. MOMENT OF SILENCE

Chair Bronson observed a moment of silence for the Drug Enforcement Agent killed and the officers injured on October 4, 2021.

### 4. POINT OF PERSONAL PRIVILEGE

Chair Bronson, Chuck Huckelberry, Amelia Cramer, former Chief Deputy County Attorney, and Debbie Straub paid tribute to Chris Straub, Deputy County Attorney. Supervisor Grijalva offered her condolences.

### 5. PAUSE 4 PAWS

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

### PRESENTATION/PROCLAMATION

### 6. Presentation of a Certificate of Recognition to Pastor Demetrius Miles, for his outstanding contributions to the citizens of Pima County. (District 3)

Chair Bronson read the Certificate of Recognition.

Pastor Demetrius Miles thanked the Board and expressed his gratitude. Jane Carter, Coordinator, Pima County Interfaith, thanked the Board for recognizing Pastor Miles.

## 7. **CALL TO THE PUBLIC**

JoAnn di Filippo expressed concern regarding Fiscal Year 2021/2022 Employee Compensations. She opposed compensation increases and employees being penalized over the COVID-19 vaccine. She questioned funding for CT-HD-22-3 and asked that federal COVID funding be accurately tracked.

Stephanie Kirk expressed her opposition to COVID-19 mandates. She stated that vaccines and masks should not be mandated for children.

Heidi Miller asked that the Board revise its telecom ordinance and hold a public forum for equal representation. She expressed concerns with 5G and cell towers being located in neighborhoods.

Sarah Hiteman addressed the Board in support of Bravo Leon Cemetery road maintenance and asked that roadway accesses be protected.

Evelyn Alvarez read a letter of support for a county wide K-12 mask mandate. She stated that masks reduced transmission and schools without mask mandates were likely to have outbreaks.

## **BOARD OF SUPERVISORS**

### 8. **In-Person Board of Supervisors Meetings**

Discussion/Direction/Action regarding the resumption of in-person Board of Supervisors Meetings. (District 4)

It was moved by Supervisor Bronson and seconded by Supervisor Christy for discussion only.

Supervisor Christy commented about Board meetings not being conducted in-person. He asked what criteria was needed to resume in person meetings. He added that the public was frustrated because they were unable to address the Board in-person.

Supervisor Grijalva indicated her support for in-person meetings as long as social distancing and masks were enforced. She stated that it was important that all Board members be in attendance.

Chuck Huckelberry, County Administrator, indicated that masks were required within all County buildings.

Supervisor Grijalva commented that should in-person meetings resume, call-in options should continue to be available to the public.

Mr. Huckelberry stated that it was at the Board's discretion to determine the conditions for in-person meetings.

Chair Bronson suggested that the County Administrator develop guidelines for in-person meetings and present those to the Board at the next meeting.

Supervisor Scott stated that in-person meetings should resume immediately and the public, as well as Board members, should abide by existing COVID mandates.

Supervisor Heinz indicated that he would not be attending in-person until there were no significant COVID cases. He commented that he was already at risk through his employment at the hospital.

Supervisor Christy also indicated that he would not be attending in-person while masks mandates were in place. He concurred that in-person Board meetings should begin immediately.

Supervisor Grijalva reiterated the importance of each Board member being present so that the public could speak directly to Supervisors. She indicated that the meetings should remain virtual until all members were able to attend. She added that hybrid meetings were difficult to follow.

Supervisor Scott stated that the Centers for Disease Control, the Arizona Department of Health and the Pima County Health Department recommended masks be worn in all congregate settings. He stated that Board members should abide by the rules expected of County staff and visitors.

Supervisor Christy stated that hybrid Board meeting models were used successfully in the past. He reiterated his refusal to wear a mask and stated that his participation would be virtually.

It was moved by Supervisor Christy and seconded by Supervisor Scott to implement hybrid Board meetings. No vote was taking at this time.

Supervisor Scott explained that he had seconded the motion because successful hybrid models were previously used for conducting Board meetings.

Supervisor Grijalva opposed hybrid meetings since they were difficult to follow. She indicated that the meetings should remain virtual until all Board members followed the County's COVID mandates.

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

9. **Recruiting and Retaining Top Legal Talent at the County**

Discussion/Direction/Action regarding recruiting and retaining top legal talent at the Pima County Attorney's Office and within all divisions of Pima County's Public Defense Services. Specifically, I'd like to hear from the County Attorney and from the Director of Public Defense Services, as well as from County Administration, regarding the steps being taken to implement appropriate job classifications for all attorney positions, along with updated, more competitive salary ranges for all classifications. (District 2)

(Clerk's Note: See Minute Item No. 12 for discussion and action on this item.)

**COUNTY ADMINISTRATOR**

10. **Updates and Action on COVID-19**

(Clerk's Note: See the attached verbatim for Minute Item No. 10 for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstances related to COVID-19.)

**CLERK OF THE BOARD**

11. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), The River, A Calvary Chapel, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for the following: Parcel No. 401-13-1510, for tax year 2016.

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

**HUMAN RESOURCES**

12. **Classification/Compensation**

The Public Defense Services and the Pima County Attorney's Office requests approval to create the following new classifications, associated costs will have a cost impact to the General Fund:

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

7670/ Attorney I - Unclassified/ R1 (\$68,000 - \$95,200)/ 2/ E\*\*

7672/ Attorney II - Unclassified/ R2 (\$79,000 - \$110,600)/ 2/ E\*\*

7674/ Attorney Supervisor - Unclassified/ R3 (\$92,000 - \$128,800)/ 2/ E\*\*

7676/ Attorney Bureau Chief - Unclassified/ R4 (\$110,000 - \$154,200)/ 1/ E\*\*

\*\*E = Exempt (not paid overtime)

Chuck Huckelberry, County Administrator, explained that the 5% increase included all employees at the County Attorney's Office and Public Defense Services. He stated that he was working with the County Attorney's Office and Public Defense Services

to segregate classification for Attorneys. He added that the County was the only County in Arizona with one classification for attorneys. He stated that the additional classifications were approved by Public Defense Services, however, he was still waiting for a response from the County Attorney's Office.

Chair Bronson inquired whether the Board should move forward with the classifications and compensations as presented.

Mr. Huckelberry responded in the affirmative.

Supervisor Grijalva stated that she preferred waiting for both departments to respond before approval.

Chair Bronson inquired whether the decision could be delayed until the next meeting.

Mr. Huckelberry responded that Public Defense Services' classifications would receive an adjustment of \$700,000.00, and adjustments for the County Attorney's Office would be higher. He stated that parity was needed between the departments regarding classifications. He stated that if the Board decided to approve, without the County Attorney's response, there was a possibility that additional compensation adjustments would be needed for Public Defense Services.

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

Laura Conover, County Attorney, stated that the County Attorney's Office had started the classification and compensation process in August of 2020. She explained that Public Defense Services and the County Attorney's Office were not identical. She stated that she was comfortable moving forward with the six classifications presented.

Chair Bronson disagreed and indicated her preference was waiting until the next meeting to take action.

Mr. Huckelberry indicated that only four classifications were being presented and the other remaining two classifications would be presented at the next meeting.

Supervisor Heinz commented about the difficulties the County had with recruiting and retaining legal talent and how it affected public safety. He expressed the importance of staying competitive.

Dean Brault, Director, Public Defense Services, indicated that the department and the County Administrator had made distinctions between Attorney I, Attorney II, Attorney Supervisor and Attorney Bureau Chief that would not cause disparities between Attorneys.

Ms. Conover explained that this was a matter of public safety and waiting could affect job offers. She indicated that there were inequities and disparities from past budgets and the last raises were received in 1997. She stated that additional information would be provided at the next meeting.

Supervisor Christy commented about priority concerns and expressed concern with funding being provided from the general fund. He stated that if the County Attorney wanted to "reimagine" its relationship with law enforcement, the County Attorney should not consider pay increases unless Sheriff Deputies also received an increase. He added that deputies were having the same concerns as the attorneys, but the Board was not considering those concerns. He stated that he would not support the motion until the deputies received the same treatment.

Supervisor Grijalva inquired whether the job classifications would be applied to both the Public Defense Services and the County Attorney's Office.

Mr. Huckelberry responded that Public Defense Services was estimated at \$700,000.00 and the County Attorney had referenced a cost of \$2.7 million. He indicated that once he received the two new classifications from the County Attorney's Office, a final determination could be made.

Ms. Conover explained that Public Defenders were generalists and worked a variety of cases. She stated that the County Attorney's Office required specialized skills that were distinct between the departments.

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

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### **13. Talavera Apartments Project**

RESOLUTION NO. 2021 - 68, of the Board of Supervisors of Pima County, Arizona approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$15,000,000.00 multifamily housing revenue bonds (Talavera Apartments Project, 1355 W. Roger Road, Pima County, Arizona), Series 2021 and declaring an emergency.

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

## **REAL PROPERTY**

### **14. Sale of Real Property - Lot 387**

RESOLUTION NO. 2021 - 69, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0033, Tax Parcel No. 301-69-3870. (District 3)



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

**15. Sale of Real Property - Lot 386**

RESOLUTION NO. 2021 - 70, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0033, Tax Parcel No. 301-69-3860. (District 3)

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

**16. Sale of Real Property - Lot 4**

RESOLUTION NO. 2021 - 71, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0011, Tax Parcel No. 121-11-0430. (District 5)

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

**17. Abandonment by Vacation**

RESOLUTION NO. 2021 - 72, of the Board of Supervisors, for the vacation of portions of Woodward Street, Chatfield Avenue, Willis Avenue, Turney Place and Nedra Place, planned development roadways, as Pima County Road Abandonment No. A-0053 located within Section 23, T17S, R15E, G&SRM, Pima County, Arizona. (District 4)

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

**FRANCHISE/LICENSE/PERMIT**

**18. Hearing - Liquor License**

Job No. 157483, Paul Bear, La Osa Cantina, L.L.C., 1 La Osa Ranch Road, Sasabe, Series 6, Bar, Location Transfer and Person Transfer.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Zoning Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

19. **Hearing - Liquor License**

Job No. 155624, Angel Xavier Robalino Guzman, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, Series 6, Bar, Person Transfer.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

20. **Hearing - Liquor License**

Job No. 143990, Joshua Cain Bishop, Wildfire Wing Company, 15318 N. Oracle Road, No.180, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**DEVELOPMENT SERVICES**

21. The Board of Supervisors on September 7, 2021 continued the following:

**Hearing - Plat Note Modification**

Co12-71-41, BEL AIR RANCH ESTATES (LOTS 308, 309 & 310)

Sarah and Blake Ourso, et al., represented by Sarah and Blake Ourso, request a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of the Bel Air Ranch Estates (284-375) Subdivision (Bk. 22, Pg. 57). The subject properties are zoned CR-1 (Single Residence) zone, located on the north side of E. Quick Draw Place, approximately 150 feet east of N. Melpomene Way, addressed as 11121, 11141 and 11161 E. Quick Draw Place. Staff recommends APPROVAL WITH A CONDITION. (District 4)

Transportation conditions

1. The one-foot no-access easement shall be abandoned within the limits of the existing driveways. The abandonment shall be processed with Pima County Real Property Services.
2. One connection point per lot into Prince Road shall be allowed.
3. A right-of-way use permit shall be required for any improvement in the Pima County right-of-way.
4. Business use is subject to a code violation.

The following speakers addressed the Board in opposition to Co12-71-41:

- Jeff Brei, Brei Law Firm
- Jennifer DeGrave

- Miraj Wallace
- Judith Polheber
- Laura Luciani
- DeRose Yuhuru-Ohana

They offered the following comments:

- The applicant wanted to use the property for commercial purpose.
- Children would not be safe.
- The front of the property could be used to access the rear.
- There were safety, noise and environmental concerns.
- Increased school enrollments added to traffic concerns.
- Detrimental to property values.
- Owners did not meet with all the neighbors.
- Foul smells, horse flies and loud noises emanated from the properties.

The following speakers addressed the Board in support of Co12-71-41:

- Sarah Ourso, applicant
- Damon McLaughlin,
- David Hindman, Mesch Clark & Rothschild

They offered the following comments:

- Access from Prince Road was a selling point for the lots.
- Required no vegetation removal.
- Access had existed for over 20 years.
- Applicant walked door to door to explain intentions.
- Applicant had agreed to comply with the conditions.
- Applicant stated that no commercial business was being conducted.

Supervisor Christy requested a report detailing issues raised in opposition.

Chris Poirier, Deputy Director, Development Services, indicated that the Department of Transportation had recommended approval with conditions. He stated that he visited the site and did not observe pedestrians and reiterated that the application was for the back yard of the homes.

Supervisor Christy inquired whether a condition could be added to the approval process.

Mr. Poirier responded that an additional condition could be included with the motion.

It was moved by Supervisor Christy and seconded by Chair Bronson to close the public hearing and approve Co12-71-41, subject to conditions, as amended, and an additional condition that if business activity occurred on the area, it would be a code violation. No vote was taken at this time.

Supervisor Christy commented that the Homeowners' Association had remained neutral and the Department of Transportation had approved the request.

Supervisor Heinz inquired whether the conditions addressed the concerns of those opposed to the request.

Mr. Poirier responded that the condition limited lots to one driveway, increased visibility and alleviated bicycle and pedestrian safety concerns.

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

## **BOARD OF SUPERVISORS**

### **22. Legislative District 10**

Appointment to fill the vacancy in the Arizona State Senate, Legislative District 10.

It was moved by Supervisor Scott and seconded by Chair Bronson to continue the item to the Board of Supervisors' Meeting of October 19, 2021, so that additional review of the three applicants could be conducted. No vote was taken at this time.

Supervisor Grijalva expressed concern that this was time sensitive. She stated that the appointee needed time to learn the position.

Supervisor Scott stated that a delay would be beneficial and would allow for a well thought out decision.

Supervisor Heinz reiterated the importance of allowing the appointee substantial time to gain as much experience as needed.

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

It was then moved by Supervisor Grijalva and seconded by Supervisor Heinz to approve the appointment of Representative Stephanie Stahl Hamilton. Upon roll call vote, the motion failed due to lack of a majority 2-0, Chair Bronson and Supervisors Christy and Scott abstained.

Supervisor Heinz inquired about the reasoning for the motion's failure.

Chair Bronson responded that the motion did not have a majority vote.

Supervisor Heinz asked that the County Attorney provide a ruling.

Sam Brown, Chief Civil Deputy County Attorney, responded that a majority quorum was needed to pass the motion in accordance with Board of Supervisors Rules and Regulations.

The Chair continued the item to the Board of Supervisors' Meeting of October 19, 2021.

**23. Broadband High-Speed Internet Access**

Discussion/Direction/Action regarding the Pima County Information Technology Department's preparation of a matrix and report to the Board on Broadband High-Speed Internet access for all Pima County residents, as directed on May 4, 2021 and as per Board Resolution No. 2021-19. (District 4)

Supervisor Christy expressed concern with the unavailability of broadband in areas of the County. He questioned the correlation between libraries and broadband and what problems contributed to the availability of broadband to all County residents.

Chuck Huckelberry, County Administrator, responded that there were concerns with franchise agreements with various internet providers. He indicated that some areas were too dense to be profitable for private providers. He indicated that libraries served areas where there were no private providers.

Supervisor Christy asked Board members for their input.

Supervisor Grijalva indicated that certain areas were equipped with hotspots provided from grants. She stated that Cox Communications had expanded in some areas, but did not know what could be provided by private providers. She stated that progress was occurring and further discussion should be conducted.

Supervisor Christy inquired whether additional information would be provided.

Mr. Huckelberry responded in the affirmative. He indicated that Cox Communications had shared data which indicated that infrastructure was needed to resolve the issues.

Chair Bronson asked when updates would be provided.

Mr. Huckelberry responded that updates would be provided by the end of the fiscal year. He indicated that the libraries' Wi-Fi extended into parking lots and staff was looking into further expansions.

Chair Bronson requested a map of private service expansion, if the information was not proprietary.

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

**24. K-12 Mask Mandate**

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a mask mandate for all students, staff and visitors at all K-12 public and private schools within Pima County, effective immediately, as an emergency measure

necessary for the immediate preservation of the peace, health or safety of Pima County. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item No. 24, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

25. **Vaccine Mandate for All Pima County Employees**

Discussion/Direction/Action: Directing the County Administrator and County staff to propose a workable COVID-19 Vaccine Mandate, ensuring that all Pima County Employees who do not receive a medical or religious beliefs exemption are fully vaccinated by November 30, 2021. The mandate language should include the Administration's recommended consequences for non-compliance, which may include re-assignment to a non-public facing position, weekly or bi-weekly testing requirements, suspension without pay until vaccinated, or termination - with the dual goals of keeping our workforce and the public safe while maintaining the level of County services our constituents have come to expect. The proposed mandate shall be placed on the October 19, 2021 Board of Supervisors meeting agenda for discussion and action. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item Nos. 25, 27 and 29 for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

26. **Employee Policy Requiring Cooperation with Pima County Health Department (PCHD) Contact Tracing**

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a personnel policy mandating that all Pima County employees cooperate fully with, and respond in a timely manner to, any contact tracing inquiries or requests made of them by Pima County Health Department staff. Specifically, an employee must respond to a contact-tracing request from the PCHD within 24 hours or face immediate consequences including possible suspension. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item No. 26 for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

27. **Prohibiting Unvaccinated Employees from Entering the County Jail Complex**

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a policy prohibiting the entry of unvaccinated County employees into the County Jail complex, a congregate setting in which spread of airborne viruses such as SARS-CoV2 is more likely than in the general population. Such internal policy shall be implemented effective immediately, as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item Nos. 25, 27 and 29 for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

## **COUNTY ADMINISTRATOR**

28. **General Fund Ending Fund Balance Contingency Transferred to the Department of Transportation**

Staff recommends authorization of the use of General Fund Ending Balance Contingency Funds for paving of a permanent access road to the Bravo Leon Cemetery.

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

29. **Fiscal Year 2021/2022 Employee Compensation**

Discussion/Action regarding Fiscal Year 2021/2022 Employee Compensation effective October 10, 2021.

It was moved by Chair Bronson and seconded by Supervisor Grijalva to withhold the 5% increase to all unvaccinated employees. No vote was taken at this time.

Chair Bronson withdrew her motion.

It was then moved by Supervisor Scott and seconded by Chair Bronson to approve the employee compensation as listed in the County Administrator's memorandum dated September 29, 2021, which included Superior Court and Justice Court employees. Upon the vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

(Clerk's Note: See the attached verbatim for Minute Item Nos. 25, 27 and 29 for additional discussion on this item.)

## **COUNTY ATTORNEY**

30. **Attorney Salary Adjustments and Staff Pay Parity Adjustments**

Discussion/Action regarding approval of additional funds for attorney salary and staff pay parity adjustments.

(Clerk's Note: See Minute Item No. 12 for discussion and action on this item.)

## **SUPERIOR COURT**

31. **Court Commissioner Appointment**

Appointment of Juvenile and Superior Court Commissioner: Bunkye Chi Olson

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

**32. Justice of the Peace Pro Tempore Appointment**

Appointment of Justice of the Peace Pro Tempore of the Pima County Consolidated Justice Court: Sarah R. (Sally) Simmons

Supervisor Scott requested a list of all Pro Tempore Judges and the functions they performed.

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

**CONTRACT AND AWARD**

**HEALTH**

33. Arizona Board of Regents on behalf of The University of Arizona Department of Mexican American Studies, to provide for evaluation services for the Advancing Health Literacy Project, Advancing Health Literacy Grant from HHS Fund, contract amount \$219,958.00/2 year term (CT-HD-22-84)

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

34. Partners in Health, to provide for prevention of COVID-19 infection among high risk populations, Grant from HHS, CDC Fund, contract amount \$500,000.00/2 year term (CT-HD-22-57)

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

35. SJM Premier Medical Group, L.L.C., Amendment No. 2, to provide for COVID-19 medical support for Refugee populations, amend contractual language and scope of services, Health Special Revenue Fund, contract amount \$398,750.00 (CT-HD-22-3)

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

Supervisor Christy inquired whether additional Red Roof Inn locations were being utilized for housing COVID positive asylum-seekers. He also asked for the total number of facilities being utilized, where they were located and whether there were facility concerns.



Chuck Huckelberry, County Administrator, responded that there were two locations, Casa Alitas, which had a mobile unit, and Red Roof Inn. He stated that testing and medical surveillance was provided at each facility.

Supervisor Christy inquired where in-person care of COVID positive asylum-seekers was being conducted.

Mr. Huckelberry responded that medical surveillance was provided at the Red Roof Inn.

Supervisor Christy commented that the cost exceeded the \$2 million designated for the Red Roof Inn.

Mr. Huckelberry indicated that the medical services contract was paid through the Federal Food Emergency Management Agency and Shelter Act.

Supervisor Christy inquired whether an additional \$399,000.00 would be added, bringing the total to \$650,000.00.

Mr. Huckelberry responded that the costs were for two different items. He stated that one was for services provided at Casa Alitas and the other was for medical surveillance at the Red Roof Inn.

Supervisor Christy commented about contractor negotiations conducted in September where it was discovered that the budget was inadequate due to a surge in asylum-seekers. He indicated that there was no mention of a surge in asylum-seekers and that he was advised that there were no concerns with asylum-seekers. He expressed concern with allocating an additional \$700,000.00 for healthcare services. He conveyed concern that surges and prices were being hidden from the general public. He inquired whether surges and prices were being concealed.

Supervisor Scott commented that the document that Supervisor Christy quoted from, under the heading "Public Benefit", indicated that refugees, who had come legally, came from high-risk COVID areas and it was important that be controlled. He indicated that Pima County had been dealing with the ramifications of federal immigration policy for the past two administrations, with the largest surge occurring during the previous administration. He stated that as a public health authority, it was the County's job to take appropriate action to contain the virus. He added that if the item was being hidden, it would not be on the agenda.

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

## **GRANT APPLICATION/ACCEPTANCE**

### **36. Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for the Enhanced Detection, Response, Surveillance and Prevention - COVID-19, amend grant language and scope of work, \$2,000,000.00 (GTAM 22-25)

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

### **37. Acceptance - Office of Sustainability and Conservation**

Arizona State Parks Board, to provide for the Cienega Corridor Cultural Resources Survey, \$20,000.00/\$25,000.00 County Archeology and Conservation Fund match (GTAW 22-22)

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

### **38. Acceptance - Pima Animal Care Center**

Petco Love (formerly Petco Foundation), to provide for the Petco Love Vaccine Campaign, \$5,000.00 (GTAW 22-20)

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

### **39. Acceptance - Sheriff**

State of Arizona - Department of Public Safety, Amendment No. 3, to provide for the Border Strike Force Bureau, extend grant term to 6/30/22 and amend grant language, \$253,900.00/\$124,892.00 General Fund match (GTAM 22-23)

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

## **CONSENT CALENDAR**

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

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

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## **CONTRACT AND AWARD**

### **Behavioral Health**

1. Sonora Behavioral Health, to provide for inpatient court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5, General Fund, contract amount \$1,653,723.46/3 year term (CT-BH-22-88)

### **County Attorney**

2. Squire Patton Boggs, L.L.P., Amendment No. 5, to provide for bond counsel services, extend contract term to 1/1/23 and amend contractual language, GO, HURF or COPS Funds, contract amount \$250,000.00 (CT-FN-18-187)
3. Bosse Rollman, P.C., Amendment No. 5, to provide for Pima County Sheriff's Department employee disciplinary matters and amend contractual language, County Administrator's Contingency Fund, contract amount \$25,000.00 (CT-FNC-21-197)
4. Audilett Law, P.C., Amendment No. 6, to provide for legal services regarding Rivers v. Pima County Adult Detention, et al., Case No. 4:13-CV-00108-FRZ, extend contract term to 10/26/22 and amend contractual language, no cost (CT-FN-17-158)

### **Office of Emergency Management and Homeland Security**

5. Pinal County Flood Control District, to provide an Intergovernmental Agreement for installation, operation and maintenance of an ALERT 2 Repeater Station located on Mount Lemmon, no cost/5 year term (CT-OEM-22-94)

### **School Superintendent**

6. Arizona Association of County School Superintendents, to provide an Intergovernmental Agreement to join the Arizona Association of County School Superintendents, no cost/10 year term (CTN-SS-22-28)

## **GRANT APPLICATION/ACCEPTANCE**

7. **Acceptance - Health**  
Food and Drug Administration/Department of Health and Human Services, Amendment No. 2, to provide for achieving conformance with the FDA Standards 3 and 5, extend grant term to 6/30/22 and amend grant language, no cost (GTAM 22-17)

8. **Acceptance - Health**  
Arizona Department of Health Services, Amendment No. 3, to provide for STD Control services and amend grant language, \$183,669.00 (GTAM 22-21)
9. **Acceptance - Health**  
Early Childhood Development and Health Board (First Things First), Amendment No. 4, to provide for training to child care providers in Pima County and amend grant language, \$309,765.00 (GTAM 22-22)
10. **Acceptance - Information Technology**  
Arizona Department of Homeland Security, to provide for the FY2021 Homeland Security Grant Program/Cyber Protection for Local and Tribal Governments-Urban Area Security Initiative, \$146,212.00 (GTAW 22-19)

#### **BOARD OF SUPERVISORS**

11. **Meeting Schedule**  
Approval of the Board of Supervisors' Meeting Schedule for the period January through May, 2022.

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

12. **Tucson-Pima County Bicycle Advisory Committee**  
Reappointment of Eric Post. Term expiration: 9/30/23. (Commission 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**

13. **Special Event**
  - David Tibbitt, Ajo Gibson Volunteer Fire Department, Inc., Recreation Hall/ISDA Building, 38 N. Plaza Street, Ajo, October 15 and 16, 2021.
  - David Tibbitt, Ajo Gibson Volunteer Fire Department, Inc., Grass Park of Plaza, No. 10 Plaza Street, Ajo, October 16, 2021.
  - Jordyn Elizabeth Carter, TRAK - Therapeutic Ranch for Animals and Kids, 3250 E. Allen Road, Tucson, October 16, 2021.
14. **Temporary Extension**  
06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, October 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, November 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, December 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31, 2021, January 1 and 2, 2022.

## ELECTIONS

### 15. Precinct Committeemen

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

#### RESIGNATION-PRECINCT-PARTY

Tiffany Tom-075-DEM

#### APPOINTMENT-PRECINCT-PARTY

Michael E. Comerford-031-DEM; Margaret "Peggy" J. Turk-Boyer-061-DEM; Brande C. Kitzberger-068-DEM; Andres A. Portela-098-DEM; Rosa I. Chaidez-227-DEM

## FINANCE AND RISK MANAGEMENT

### 16. Duplicate Warrants - For Ratification

Brandon Kimmel \$28.08; Glendale Industrial Supply, L.L.C. \$76.91; HASA, Inc. \$3,000.42; Haruko N. Holmes \$3,450.00; G & G Financial, Inc. \$1,450.00; RoseAnn Murillo \$50.00; ARAG Insurance Company \$7,075.96; ARAG Insurance Company \$7,139.04.

## RATIFY AND/OR APPROVE

17. Minutes: August 10, 2021  
Warrants: September, 2021

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### 41. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 2:14 p.m.

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CHAIR

ATTEST:

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CLERK

## COUNTY ADMINISTRATOR

### 10. Updates and Action on COVID 19

Verbatim

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

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SB: Okay, we have, moving on to Item 13 now, which is COVID updates and our COVID emergency Items. This is Updates and Actions. I think we can take those in conjunction, on the Addendum Agenda, Items 3, 4, 5 and 6, which have all been placed on the Addendum Agenda by District 2, if I am not mistaken. Is there any objection by Board members?

SC: Madam Chair, I normally like to do that, as you well know, but these are a lot of items and they cover a lot of different areas and a lot of different mandates and issues. I would ask that we deal with them separately.

SB: Well, we will under this item. They will be dealt with, but it will be under the COVID discussion. So, we are dealing with them.

SC: But, you will go in order? You will go in order?

SB: Yes, yes, yes, yes.

SC: That is fine. Thank you.

SB: With that COVID updates, Mr. Huckelberry, how do you wish to proceed?

CH: Chair Bronson, members of the Board, we did not provide any written memorandum for this update. We do have communication coming out probably tomorrow or the next day and it will highlight the plan for the delivering the booster vaccine to Pfizer. As well as, obviously, once the booster vaccines are approved for Moderna, as well as Johnson and Johnson, should be somewhat similar. I don't think we need to, as staff, dwell too much on this, other than if the Board has questions. I know that we have Dr. Garcia available.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I did just want to ask about how the communication is going to be for the boosters and how, I know that it is on our website, but are there going to be graphics and those kinds of things, so people understand when you are eligible? Because there was some confusion, you know, as to if it has to do with age and how long ago I was vaccinated and so you could just publicly say that and then kind of let me know, or let us all know, what the roll out process is going to look like.

SB: Mr. Huckelberry.

CH: Chair Bronson, let us let Dr. Garcia give that information to the Board.

FG: Absolutely.

SB: It is showing that you are muted, but you are not. Okay, you are fine.

FG: Chair Bronson, members of the Board, Mr. Huckelberry has articulated the fact that we will be, in the next day or so, sharing with the Board of Supervisors, our plan for the booster roll out. It is complicated from a couple of standpoints. To answer the direct question that has been posed by Supervisor Grijalva, the main reason being, that at this point, the only single booster that has been approved for use, is the Pfizer formulation. We do know that some people are getting boosters of other stuff that has not been approved for booster use at this time, but we, as the Health Department, we as Pima County, need to sort of follow the federal guidance in terms of what boosters to make available. So, even though our plan will cover, not just the Pfizer product, but we will also sort of talk about Moderna and J and J, for when those are approved for booster use, for third dose use. The initial component is really focused on the Pfizer product. The approval currently stands for anybody who is over the age of 65, who has received their two prior doses. As well as anybody who has a complicated medical condition and in the booster plan we have this kind of long litany of complicated medical conditions. The bottom line with regards to those chronic diseases, anybody who sort of self identifies with having these things, becomes eligible for that booster. Then the final group is folks who are frontline workers of various types. That was added by the Centers for Disease Control. That is a component of what our plan reflects. The second question was, with regards to the communications piece, and that is indeed an evolving scope of work. The primary communications piece will be, will go along with this booster plan. We do need to be flexible and be nimble because it is clear that the retail pharmacies will continue to be major players in this area, and they should be. They are contracted to the federal government, they are very well delivering, very large volumes of vaccines to date. The other sort of partner in this are the federally qualified community health centers and the large medical practices and hospital entities. And each of those will be kind of messaging, initially, towards the group that they initially vaccinated, right? TMC and Banner, all of the hospitals, actually, got out fairly early and

vaccinated a bunch of their own workers. They are in the process of rolling out that internal communication that is really about their healthcare workers. Then we will be relying on our website and our media releases in order to amplify that. One of the things we want to do, however, is we want to make sure that we retain the ability to do our mobile vaccine efforts. I think that this is a really, really important part. Part of the reason why Pima County has been able to achieve such a high degree of vaccine penetration, which today is, let us see, today is at 76.4 for 12 and over population for the first dose, it is 67 for both doses for the 12 and over population. Part of the reason we have been able to achieve such a high vaccine coverage rate has been precisely because we have been willing to meet people where they are at and bring vaccines to them. To decrease all the administrative barriers and all the logistical barriers so that vaccinations become something that is very simple and it requires no, you know, not a lot of planning. That continues to be our plan and I am happy to take further questions.

AG: So just a follow-up, Chair Bronson, if I can?

SB: Yes.

AG: So, 65 and older, fully vaccinated, is there a period of time from the time that they were full vaccinated? Or is it, like I have heard eight months and then six months.

FG: This is not going to, six months. But realize there is a big sort of buffer in there. So that just because you missed the six month period, because life got in your way does not mean you should not get your booster. Boosters are particularly, particularly important for our elder population and for folks who are immune compromised, whose immune system is not working well, for whatever reason. Those are the folks that we really are trying to make sure get the message about boosters. At the same time, Supervisor Grijalva, we need to continue to reiterate the fact that we are still not at the good level of, or at the highest level of coverage that we want for the entire population in terms of vaccination. We need to deliver both of those messages, which is boosters are important, but if you have not been vaccinated, you cannot, you have got to act now.

AG: Yeah, and then can you just speak to the changes in the testing, COVID testing, protocols?

FG: Chair Bronson, Supervisor Grijalva, so the biggest and most substantive change has been because of the abundance of testing, because it is available, whether it is at CVS or Walgreens, you can even buy self-collection kits online, it is a pretty ubiquitous resource now. You can get it at any one of your healthcare providers, rapid, P.C.R., et cetera, et cetera. Very early on, when we were responding to the pandemic, the County had to stand up testing capacity, and we had no choice. There were no tests, in fact, there were no supplies to collect specimens at that time. The County really faced a very tough situation where either we invested in it, or we waited for the market to catch



up, which it did about six months later. We made that, the Board of Supervisors made that decision and directed Mr. Huckelberry to execute on that decision and that has been how we have been laboring. At this point however, we do have a subset of folks who are testing very, very frequently for their own sake, for their own piece of mind because they have some sort of occupational requirement and those folks are no longer eligible for free testing on the County's dime. Can they get testing at their Doctor? Absolutely. Can they go to CVS? Absolutely. Will we give them Binax tests even at our County site? Absolutely. We will give you the self-administered test, but we are not able to use County resources, precious County resources, for that kind of repeated testing. I think the reason that we continue to maintain some footprint for free testing is because our contact tracing relies on our ability to get those folks who are close contact into testing really, really quickly. The only way that we can guarantee that is if we are providing that testing resource. So that they do not have to wait for their doctor's appointment. They can just show up at Abrams and get a quick test. That is why we continue to have a footprint that we will continue to maintain in the testing space, but we have significantly scaled it back from the initial investment that the Board of Supervisors made.

AG: Thank you.

SB: Alright, any further questions for Dr. Garcia before we move on?

SC: Yes, Madam Chair.

SB: Supervisor Christy, I think it was.

SC: Yes, thank you Madam Chair. Good morning Dr. Garcia. How are you?

FG: Hi, I am doing terrific Supervisor Christy.

SC: Great. I have a number of questions I would like to hear for the record, your position on. We are hearing so much in the community and in the Country actually, about nursing and staffing shortages in hospitals. In your opinion, do area hospitals have a bed shortage or a staffing shortage?

FG: Supervisor Christy, that is a very wise question. The issue of capacity really is about staffing and we contact our hospital partners on a daily basis. We are literally talking to them on a daily basis to try to assess the situation. Right now, it is mostly a staffing shortage. That is the challenge that they are having. At this point here in Pima County, we have not been impacted adversely. That is even though our, for instance, our I.C.U. bed capacity is less than it used to be, we still have about 5% of our, 5% to 7%, 5 to 8% of our I.C.U. beds are staffed and available to meet the needs of the community. Is it enough to take care of a plane crash? It depends on the day, right? Because this staffing and this bed availability, or capacity availability, are something that change on a day-to-day basis.

- SC: But no doubt, the staffing issue is a significant issue?
- FG: Chair Bronson, Supervisor Christy, staffing issue is the principle issue at this point for all of our healthcare providers, as it is across the labor market.
- SC: Taking it a little bit further than that, for the record, in your estimation and in your position, do you feel that is it prudent and wise for hospital administrators to mandate to their nursing staff, that they be required to be COVID vaccinated or be terminated?
- FG: Chair Bronson, Supervisor Christy, as a physician there are a lot of requirements I have to meet in order to have hospital privileges and in order to take care of patients in a clinic setting. I have to have a P.P.D., I have to have the measles test. I think that it is not unreasonable to require a COVID vaccination. I think that a patient when she walks into a clinical encounter, whether it be an emergency room or at her gynecologist's office, has the belief that she will be safe in that environment. Part of increasing that safety or maximizing that safety has to be the ability to assume that her care providers, nurses, physicians, et cetera, are indeed vaccinated.
- SC: It would be, in your opinion, that the risk is greater that there be unvaccinated healthcare workers attending to beds and attending to patients. That is more important that they not be there unvaccinated as opposed to reducing the healthcare workers given the critical staffing shortage. Which is more important? Having unvaccinated nurses attending patients or removing those unvaccinated nurses and exacerbating the bed shortage?
- FG: Chair Bronson, Supervisor Christy, as I mentioned earlier, even though the staffing issue is an issue that we are following super closely with our hospital and health care sectors partners. At this point it is not at a crisis standpoint, like it is in some states where things are crazy bad in terms of hospitalizations. Therefore, I think it is a very reasonable tactic to want to make sure that every time a patient comes into a patient care setting, she or he is maximally protected in the way that we would expect them in any other setting.
- SC: Just to hear your opinion, frontline healthcare workers, the nurses, the attendants, who were not too long ago referred to as heroes in our community, who fight COVID for a living, many are refusing the vaccine. What does this refusal of the vaccine say, or indicate to you, by these healthcare workers?
- FG: Chair Bronson, Supervisor Christy, you are asking me to speculate about this whole segment of unvaccinated individuals, both in the general population or in the healthcare staffing.
- SC: Just the medical.
- FG: In terms of, it is still speculation, Supervisor Christy. I believe that there are segments, that just like every other industry and just like every other sector of

society, there is a residual percentage of individuals who for a variety of reasons, some of them reasonable, some of them not, are refusing to get vaccinated. That reflects their own personal assessment of the risks and the benefits. The question then becomes, is that sufficient to override the expectation that I have as a patient when I walk into a clinical encounter. That I be taken care of safely. These people are indeed heroes. These people who are delivering care at besides are wonderful people. My wife is one of those wonderful people.

SC: Yet they are in danger of losing their job?

FG: Some of them will.

SC: Moving on to another issue. I did not receive an answer that I asked the County Administrator at the last meeting about the daily average of inhabitants of unvaccinated or I should say infected COVID patients who happen to be asylum-seekers at the Red Roof Inn. Do you know by any chance what the daily average is at this point Dr. Garcia?

FG: I can tell you that the positivity rate of our asylum-seekers is about 2.5%.

SC: How many in numbers does that equate to?

FG: Less than the positivity rate for the rest of the County. I do not have it right in front of me, what the number is on a daily basis, how that 2.5% rolls up, but the math is pretty simple. I know that in the month of September we had approximately 3,000 asylum-seekers total that were processed through Casa Alitas, through their various different channels.

SC: Well, I am going to ask again, either from the Health Department or from the County Administrator if I could get an update on the daily average since the Red Roof Inn was put into effect of infected asylum-seekers. I would appreciate that information. At the last Board of Supervisors' meeting Dr. Garcia, you stated that the numbers of asylum-seekers infected with COVID were so few that they posed an insignificant community spread, in your opinion. We only in Pima County have less than 6,700 Pima County employees total. Even a much smaller amount, roughly less than 25%, or less than 1,500 Pima County employees are not vaccinated. Which, is an amount far less than any monthly inflow average of asylum-seekers at Casa Alitas. Does this small amount of Pima County unvaccinated employees cause a significant community spread and risk? Is it in the same area of significance as asylum-seekers? Which you said was not an area of significance.

SB: Supervisor Christy, Mr. Huckelberry had his hand raised.

SC: I appreciate that, and he can talk as soon as I...

SB: I think he had it in relation to what you were saying.

- SC: Well I am asking this to Dr. Garcia and then I would be glad to listen to Mr. Huckelberry. Go ahead Dr. Garcia, please.
- FG: Chair Bronson, Supervisor Christy, the difference being, between folks who work for us, folks who are here in our community, is that these folks who are in the asylum process, their movement is restricted. Their limited where they can be. Are they milling about at the mall? No. Are they cleaning our homes? No. Therefore, are they serving costumers at our public counters? Are they delivering services within the County or other services? No. Therefore, I think it is an apple to peanuts kind of comparison. I do think that there is a qualitatively different risk. I will not speak to the policy decision. However, I will say that one is the risk we take as employers of these individuals and the other one has to do with kind of the risk that is being posed by individuals who are circulating in the community.
- SC: Yet, there are no funds of two million dollars of tax payer money to house and quarantine asylum-seekers yet, the small amount much smaller amount of unvaccinated Pima County employees is being vilified as some sort of criminal act. I think there is apples to apples here and I think it is significant. Then the last question I have is, thank you Madam Chair for allowing me to finish. It was brought up earlier that all of a sudden Pima County is not going to allow employees to be continually tested for COVID because I guess the theory is the cost involved? It never was much of a cost for all of this testing before, but now that people are trying to exercise their freedom of not wanting to be vaccinated and complying with the requirements of not being vaccinated, which includes regular testing. All of the sudden that regular testing is being charged to the individuals own pocket book. There is a disconnect there. Either you test or you do not. You pay for it or you do not. Everybody pays for it or nobody pays for it. How do you justify someone who wants to make sure that they do not have COVID, yet not get the vaccine, has to come out of their own pocket?
- FG: Chair Bronson, Supervisor Christy, as I stated previously, the reason we will maintain some footprint, although reduced in size with regards to testing, has to do with our ability to do contact tracing and has to do with our ability to make sure that folks who are reasonable contacts of a potential case can quickly get into testing. That is what the interest of the County is with regards to maintaining that capacity. Testing is now largely abundant in this community and is available in a variety of settings. Meeting that need for serial occupational testing, I do not believe, necessarily, is a public health need but, rather an occupational and personal choice.
- SC: Does that apply to all of those who do the quote on quote “serial testing?” I remember a certain elected official mentioned that she was tested several times. In fact, more than several times. Does that include that type?
- FG: Chair Bronson, Supervisor Christy, it certainly does.

SC: Thank you Dr. Garcia, thank you Madam Chair.

SB: Mr. Huckelberry, did you wish to speak?

CH: Chair Bronson, I just can point out that the whole issue with the healthcare workers and vaccinated, you might look at the healthcare industry, their percentages of workers who are vaccinated are significantly larger than the general population as well as the percentage of County employees. Now that should tell you something as opposed to how many are not vaccinated. We do have the data and we can provide it almost on a daily basis with regard to asylum-seekers. How many are delivered, how many test positive, on the 29th of September, 145 were tested, one was positive, we had then the day before about 185 delivered, twelve positive. It varies significantly from day to day. The total number of rooms now occupied by COVID positive patients, asylum-seekers is 40. Those individuals obviously are confined to those rooms until they are negative and then they are then processed to their final point awaiting an asylum hearing in a federal court. Asylum-seekers are closely controlled with regard to their intermingling with the general population therefore they do not pose the same risk as employees who are not controlled at all. With regard to employee testing, it is a requirement that employees be tested, however no rules have been written at this point in time as we are just now beginning, obviously, to determine exactly who is vaccinated, who is not vaccinated. The deadline was October the 1st, it is now October the 5th. We will begin making the deductions for the disincentive for health insurance purposes in November and by that time I will have particular rules with regard to testing. They will likely be that if you are symptomatic you can be tested without cost. If you are non-symptomatic and unvaccinated, you will need to pay for that test.

SB: Thank you Mr. Huckelberry. Alright, I have been reminded. Is there further discussion before we move on? I have been reminded by the Clerk. I am going to, I was going to go to Items 3, 4, 5 and 6 on the addendum agenda. I have been reminded by Madam Clerk that we have a number of people on our regular, a number of individuals who want to speak particularly to Item 24 on our regular agenda. I am going to move to this point back to our regular agenda.

## BOARD OF SUPERVISORS

### 24. K-12 Mask Mandate

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a mask mandate for all students, staff and visitors at all K 12 public and private schools within Pima County, effective immediately, as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County. (District 2)

#### Verbatim

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SB: Chair Bronson  
MH: Supervisor Heinz  
AG: Supervisor Grijalva  
SC: Supervisor Christy  
RS: Supervisor Scott  
CH: Chuck Huckelberry, County Administrator  
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services  
JC: Julie Castañeda, Clerk of the Board

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SB: Let us move on now to Item 3, K-12 Mask Mandates. District 2 put this on. Arguably he was not on the prevailing side. This does not, there does not seem to be anything substantially different about this item than the previous item, but I will defer to Board members. Do you want to have a discussion here? Or I can rule from, I can rule as Chair and Parliamentarian that this item can only be brought on by somebody who voted on the prevailing side. Again I will defer to my colleagues, what is your pleasure?

SC: Madam Chair?

AG: Go ahead.

SB: Supervisor Grijalva or Supervisor Christy, you both kind of.

SC: Go ahead Supervisor Grijalva.

AG: I will go ahead and I am happy to speak about it. I do think that in light of the report from the CDC that the Pima County Health Department contributed to. There is a clear, clear support for masks in our schools, but I was also, I was not on the prevailing side of the vote when it came, when this item came up before.

SB: Supervisor ok, thank you, I am sorry. You did not mean to. Supervisor Christy.

- SC: Madam Chair, we have policies and Board rules and they are all kind of framed with Robert's Rules of Order. If we do not adhere to those rules we will have disorganization and chaos even more than we do have at times. It is essential that the Supervisors, my colleagues, understand the processes of bringing things up to the Board and then after they are voted down, about the inability to reconnect with the Board on the same item. This clearly, this is like the never-ending resolution that comes before the Board and it has come a couple times and I think in that process it could have been ruled out of order before. I sincerely believe that this has been discussed and adjudicated on a couple of occasions maybe when it should not have been, but clearly this is not one of those times that it should be allowed to come back before the Board. It is in clear violation of procedure and I think it is incumbent upon us, if we are going to have confidence given to us by the community, that that community know that we follow and adhere to regular rules of this organization and of this Body and therefore I ask that this be ruled out of order and not allowed to be discussed or adjudicated before the Board.
- SB: Thank you. Supervisor Scott did you want to weigh in?
- RS: Madam Chair, the ground has shifted because of the ruling made by Judge Cooper in the lawsuit that was brought by ASVA. Which invalidated the action of the legislature saying that local governments, including school districts, could not impose mask mandates. As someone who was on the prevailing side last time, I think given the fact that the ground has shifted because of the ruling she made and also because of the great amount of interest that we have received in this issue, as indicated by emails and phone calls to the District 1 office, which I am sure have also been at the same level in all of your offices, I am fine with discussing it today.
- SB: Okay, I really am tempted to rule it is out of order, but I will defer to my colleagues. What is the pleasure of the Board?
- SC: Madam Chair, do you need a vote for the ruling or how?
- SB: No, I am going to defer and let it proceed since the majority appear to want to. Especially Supervisor Scott, who was on the prevailing side.
- AG: Do you want to make a, Supervisor...
- SB: No, I do not, I am not. I said we were discussing it. I am not ruling.
- AG: Okay.
- SC: Madam Chair, you are allowing, you are allowing this to be brought back before the Board?
- SB: That is correct.

MH: Chair Bronson, may I proceed?

SB: Proceed.

MH: Thank you and thank you colleagues, I do think that things have definitely changed in terms of the legal situation. Also, I would call your attention to the fact that this is not a resolution anymore so there are some substantive changes in terms of what motion I think we could be discussing here as reflected in the materials that are appendage of this agenda item. I think the Board, I think we have done a pretty good job of supporting school districts and giving them some time to implement mitigation efforts and mitigation strategies including mask requirements for, to protect the children, obviously, staff and other visitors to these campuses. Then our own Dr. Terry Cullen and also Pima County Health Department staff, helped to participate in this study, which I think you probably all read, but I mean Dr. Cullen is literally like a co-author, right, two of our staff are. Which I think is really great, that Pima County and Maricopa County have been able to add to the, really the proof of how well mask requirements work. This study, just to really quickly give a synopsis, basically shows that in any school where there is not some kind of universal mask requirement. Those schools are three and half times more likely than schools with such requirements, to experience some kind of outbreak of COVID. In light of that information that came literally from this County, as well as Maricopa County in Arizona and the CDC and their continued recommendations for these mask requirements as part of a multilayered mitigation strategy to protect our children and of course there, in some cases, unvaccinated parents at home. I think it makes a lot of sense for us to take a look at this again. I do believe the even without any specific enforcement.

SB: Could I get a motion on the floor so we can actually begin the discussion?

MH: I am presenting the item. I have not made a motion as yet, but I am happy to move my item as I submitted it.

AG: I will second.

SB: I am sorry. What was the motion?

MH: The motion, it is specified in the agenda very clearly, but it is to enact a requirement for masks to be worn by anybody in a K-12 school campus across Pima County, in a nutshell.

SB: The motion is to have the Pima County Health Department, what you are essentially saying is Pima County Health Department would be the enforcer and that we are making a Countywide mask, we are mandating K-12 students and teachers wear a mask, just for purposes of clarification. Is that your motion?



MH: That is correct, though there is no specific enforcement section, so that part is not accurate it is just an ordinance for the County.

SB: If there is no enforcement then how, what is the point?

MH: Because it is the right thing to do and it would very likely induce some of the school Boards that are debating.

SB: Okay, we do have a motion on the floor and we do have a second. Let us go to discussion.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Can I ask either Mr. Huckelberry or Dr. Garcia to share with the Board what we have heard from the school districts with regard to the impact of this agenda item?

CH: Chair Bronson and members of the Board, I believe that Dr. Garcia has been in conversation with the superintendents this last week. He can provide their discussions that he had with those particular districts.

SB: Dr. Garcia.

FG: Absolutely. Chair Bronson, at the direction of Mr. Huckelberry, I have been in conversation with all 12 of the superintendents on Friday, Saturday and the last one yesterday, or the last two yesterday. With the goal of trying to assess what their take was on a potential mandate and whether it would have a useful function. Let me sort of preface this by saying that the data are incontrovertible. That masking in school settings is absolutely beneficial, there is no argument about that. The question that I discussed with the individual Superintendents was whether the action of the Board, of this Board, of your Board making this a mandate would be helpful or harmful in terms of their implementation of what they are already doing in schools. As Supervisor Heinz correctly stated, we have worked furiously with all our schools and school district partners with regardless of whatever policy decision their Board has made or their leadership has made because we are interested in supporting them and we are interested in mitigating risk. Having said that, of the twelve school district superintendents that I spoke to only two were supportive of the mask mandate that is being offered by the Board, being offered up for consideration by the Board and those two were in school districts that already had mandates in place. There was a range of discussion that I gave with the superintendents trying to understand the perspective that they were coming from. Among the folks who felt that this would not be useful, a big concern was that for the most part they have figured out how to manage sort of the political demands on their school Board and how to manage and mitigate even within that reality. For them, to put it in the words of one of the, to put it in words of one of the

superintendents, “this just kicks the hornet’s nest” in terms of getting folks who are opposed to masking and opposed to anything, it gets them out in force again at a time where we have been experiencing less of that kind of feedback. The other piece that the superintendents brought up to me, at least two of the superintendents brought up to me. Was the issue that they anticipate that as we move towards vaccinating children in the 5-12 range, they anticipate that there will be political discussions to be had with their Boards, and with their communities and with their families. That they would rather use that political capital to advance those discussions because there is a general agreement, across all of the superintendents, that schools will have a very major role to play in terms of the vaccination of 5 to 11 year olds and those families. It is based on those conversations that the sense that was conveyed to me was that of the twelve school districts, only two of them would find this action of the Board as being something that would be helpful. I will conclude my remarks with that and I will take your questions if you have any.

MH: Dr. Garcia?

SB: Thank you, Dr. Garcia. Supervisor Heinz, I think?

MH: Yes, thank you Chair Bronson and Dr. Garcia, I just wonder, I am not sure how interested I am in their opinion, but I do want to be clear here. Are the school districts that do not have any kind of universal masking requirements for their campuses, like Vail, like Sahuarita, Palo Verde and I guess now Marana has let theirs lapse and I believe others are considering the same. Do the numbers reflect that whatever non-mandate sort of things they are doing, that we do not seem to be able to see, but are they having an effect on the K-12? Because last I checked we had some pretty significant numbers of infections and outbreaks in the districts specifically like Vail, and Sahuarita, and Palo Verde and others that do not have a mask requirement. Have those numbers shifted? Because I would love to hear an update on that.

FG: Chair Bronson, Supervisor Heinz, you ask a very important question. The number of infections in any of our schools reflect the underlying number of infections that are in our community, and that is a truism. But the question that you are getting at is in terms of our community, are schools that have implemented mask mandates having more frequent outbreaks that require whole classrooms to be sent home? You are indeed correct that the trend is very much in favor of those schools that have implemented rigorous mitigations, inclusive of masking, having lower rates of outbreaks. That is, you are correct about that.

MH: Thank you.

RS: Madam Chair?

SB: Supervisor Scott.

RS: You know, I want to reiterate something that was said earlier. Which is that the Centers for Disease Control, the Arizona Department of Health Services and the Pima County Health Department all advise that there be masks worn in K-12 settings because at this point in the pandemic, the people who are most at risk are unvaccinated and children under 12, although they can start getting the vaccine soon, they are the largest block of unvaccinated people. I absolutely, 100% hope that everybody who works in a school will wear a mask, that everybody who sends their child to school will tell that child to wear a mask, if they visit a campus, that they will wear a mask. But the issue with this matter, and it speaks to what Dr. Garcia heard from the superintendents, is enforcement. There is a reason why, around the Country, when these mask mandates have been put in place, Supervisor Heinz, they have not been put in place by local governments, for the most part. They have been put in place by school districts. Because as Supervisor Grijalva can attest as a governing Board member, when she and her colleagues voted for the mask mandate in Tucson Unified, it became a matter of governing Board policy. You are obliged to follow governing Board policy when you are an employee, when you are a student, when you are a visitor to a campus. So for those districts that have put those mask mandates in place, they have that weight of ability to enforce that the other districts do not and they will not have that weight anymore if we put in a mandate. They will not. What you are hearing from the people on the ground, and I think you should care about their opinion Supervisor Heinz. I know you said a few minutes ago that you are not sure if you do. But remember, superintendents are not just speaking for themselves. They are speaking for their principals, they are speaking for their teachers and all of their other employees who have to enforce our mandate. I was willing to have this matter discussed for the reasons that I stated, but I am going to vote against it again because we cannot say that we are demonstrating leadership or that we are helping to advance the cause of public health if we are telling other governments to enforce our mandate. In some of these districts, notably the ones where their Boards have actually voted down mandates, that is a significant undertaking and what we are telling them is we are making the decision now you go enforce it. I can tell you, as somebody who worked in schools for close to thirty years, that is a significant undertaking and that is what you are hearing from these superintendents. I appreciate the motivation that brought this back on the agenda, I was willing to discuss it again, but I think when we are hearing loud and clear from the people who would have to enforce our decision, we ought to take that into strong consideration. Thank you Madam Chair.

SB: Thank you Supervisor Scott.

SC: Madam Chair?

SB: I think that was Supervisor Christy.

SC: Yes, thank you Madam Chair. You know it is funny when this whole issue ended up with the legislature passing the mandate issue. That was a result of

the frustration that parents were feeling. That they could not get any kind of reaction or any kind of acknowledgment from their local school Boards. The only form of relief was to go to the legislature to ask for that relief and ask for that help. The legislature responded, they put it into the final budget with a number of other issues and they found some judge that ruled that this was illegal and I was getting questions all of the time like "well you are a republican, conservative. Do you not believe in local form of government and local say in government? How can you justify that it is going up to the legislature now since you are a Republican wanting local government? Well, it went there because people were not getting the relief they were looking for and then when it was struck down by some judge, it did not take two seconds before we have this mask mandate before us now. I find it that that is kind of troubling and telling in so many different ways. We also like to talk about a Democrat that I think everybody would know who that is, Tip O'Neil, he said "All politics is local." I think that is what Supervisor Scott was reinforcing here. That this is a local issue and it should be a local issue. Then Dr. Garcia's analysis that of the twelve superintendents, and by the way not one of the superintendents are elected, but out of the twelve, ten did not want the mask mandate to be reinstated. That to me, I think says volumes. Enforcement has been talked about. We are going to make teachers, administrators who should be centering and focusing on the classroom and giving instructions to our children are now going to be forced to be mask police. This is an unhealthy, insidious environment that really has got no traction and is overwhelmingly opposed by parents and it all needs to be at the local level. Even Dr. Garcia, who was quoted on a radio station, I believe up in Phoenix. He says while the paper did not look at cases, Dr. Garcia apparently did look at cases in his analysis, and he mentioned it during a September 3rd press conference. He also concluded that kids were not getting infected in classrooms. His actual quote was, most of these quotes, and I am quoting Dr. Garcia, "Most of these kids that are being reported to us from schools are actually getting infected in their homes and are getting infected in their communities, in their afterschool activities. They are not actually getting infected in classrooms." So all of these issues point back to the fact that this needs to be decided by parents, this needs to be decided by local school Boards and that it needs to be out of the purview of the Board of Supervisors. We are a layer of government that does not get into these issues and that is there for a reason and that should be respected. The only other question I have is to Dr. Heinz. Supervisor Heinz, who put this before us. At one-point Dr. Heinz, Supervisor Heinz, you made the statement that parents are not qualified to make decisions regarding items like this for their children. I ask Supervisor Heinz, do you still feel that way today? Thank you Madam Chair.

SB: Thank you Supervisor. Alright, any further discussion?

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I do want to say, I understand and completely support local control. I think that I was responding and I am assuming that Dr. Heinz was also responding to the parents and staff members from Sahuarita, Tanque Verde, Vail and Marana do not have mask requirements and are begging for us to help them. Because their Boards have either decided not to have any action, or have unanimously voted down mask mandates in one case, narrowly lost a mask mandate in Sahuarita and Tanque Verde had one Board member that was standing up for them. I understand the concern because it is a concern for the health for our entire community and when we make things optional, we saw it in a bunch of different situations, if you make it optional it is a little bit of peer pressure where one student sees one student without a mask and it sort of all comes off. I am glad that in the districts, in District 5, all of the districts have mask requirements because I think that it is absolutely going to keep us safer and that is based on the data. But you know, it seems to me that it is pretty clear that we do not have the support to move forward with this so, I think we need to move on.

MH: And Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you. Just really quickly to close here, I pointed out that I think it is important that what our Board has done is to allow the local school Boards to take action or not on this issue. Then we waited for the study before bringing this item back because the Boards that have not put forth or put into place any kind of mask requirement are not doing their job to protect their children, their district and frankly, the unvaccinated parents that are in these districts. That is why I felt the need to bring this back for discussion. I am sad that it does not feel like it is going to move forward, but our job is to help to protect the people and these unvaccinated students and their parents and so that is why we are talking about this right now.

SB: Thank you Supervisor. Any further comments? Let us go to the question then. Roll call.

JC: Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: No.

JC: Chair Bronson?

SB: No. Motion fails.

DRAFT

## BOARD OF SUPERVISORS

### 25. Vaccine Mandate for All Pima County Employees

Discussion/Direction/Action: Directing the County Administrator and County staff to propose a workable COVID-19 Vaccine Mandate, ensuring that all Pima County Employees who do not receive a medical or religious beliefs exemption are fully vaccinated by November 30, 2021. The mandate language should include the Administration's recommended consequences for non-compliance, which may include re-assignment to a non-public facing position, weekly or bi-weekly testing requirements, suspension without pay until vaccinated, or termination - with the dual goals of keeping our workforce and the public safe while maintaining the level of County services our constituents have come to expect. The proposed mandate shall be placed on the October 19, 2021 Board of Supervisors meeting agenda for discussion and action. (District 2)

(Clerk's Note: See further discussion under additional verbatim for Minute Item No. 25.)

#### Verbatim

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SB: Chair Bronson  
MH: Supervisor Heinz  
AG: Supervisor Grijalva  
SC: Supervisor Christy  
RS: Supervisor Scott  
JC: Julie Castañeda, Clerk of the Board

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SB: We are moving back to the Addendum Item 4, Vaccine Mandates for all County Employees. You put the item on, what is your pleasure?

MH: I move the item.

SB: Is there a second? Is there a second?

AG: Second.

MH: Motion and a second. Discussion?

SC: Madam Chair?

SB: Supervisor Christy.

SC: I guess we established earlier that if an employee does not wish to be vaccinated, but is going to be forced to submit to regular testing, that testing will come out of he or she's own pocket. You know, I look at what has been

going on and I see a number of factors that are very troubling and it seems like there has been kind of a direct attack on the law enforcement community in this whole issue. Between deputies, corrections officers, even Dr. Heinz noted in his statements at the last Board meeting that even though he did not know what the Constables do in Pima County, he did not see the need for them and he felt that they should be removed. There seems to be this underlying anti-law enforcement type of issue, the deputies have the lowest rate of vaccination. We are talking about, through his initiatives earlier, to keep unvaccinated people out of jails and jails are of course is an integral part of law enforcement. I would say that not only is this a direct assault on the law enforcement community, as the deputies as I pointed out are the most unvaccinated community, all of these other issues are coming to forefront. These targeted Pima County employees have again, have been the frontline essential workers and the heroes in our community. I have to say, is our community safer and stronger without them? Again, do we believe that these unvaccinated Pima County employees are bad people? If we do believe they are bad people then, if we do not believe they are bad people, why are we treating them this way? This is punitive and again it really is not getting to the core of the matter, which is an ability for a private individual to make a decision for medical treatment based on his or her own beliefs. I would urge that this, like the other ones we have dealt with today, be voted down. Thank you Madam Chair.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I do want to say, you know, I have looked at a lot of studies regarding law enforcement, first responders and COVID is wreaking havoc in those communities. We have whole departments that have been affected, we heard from Sheriff Nanos and so I really, they are exposed to more people and they are more likely to contract COVID based on statistics. But they are also, because more of them are unvaccinated, they are sharing it amongst their colleagues, their supervisors, their community, their family. That is where my concern lies. This is not an attack, not on my behalf, I do not think it is on Dr. Heinz behalf, against law enforcement at all. It is incredibly concerning to me that our public servants, that we rely on in order to, in any kind of crisis, could be, very well, coming in and sharing this deadly virus to the people that they are serving. That is my concern and I do not know how else to address it. One of the things that I think that has been done in other communities is that there is a requirement, if it does not happen then you have to do testing, there are, there things and I think that we have tried everything that we can. I am just not sure how else to convey the urgency. That if it was anything else that was attacking our law enforcement and first responders this way, we would be doing everything we could to protect them. That is why we invest in cameras, invest in, you know, vests, protective vests for all of our law enforcement. This is just, it is, it is very troubling to me and it is interesting because when we have these conversations about mandatory, I hear you singling out our



asylum-seekers and those that are in our migrant community. But here we have a group that is an actual threat to our community at large, the public health of our entire community and yet there is a lot of resistance in asking for these individuals to have.

SC: Madam Chair, just to let me respond to that Madam Chair.

SB: Okay.

SC: Very quickly.

SB: Wait, wait. Supervisor Grijalva were you finished with your remarks?

AG: I am, thank you.

SB: Okay, Supervisor Christy.

SC: If there is no attack, Supervisor Grijalva, that is being made, then would you agree with Dr. Heinz that unvaccinated Pima County employees are as he stated "Typhoid Marys"?

AG: I did not say that. What I did say is that there are.

SC: But would you agree with him, with Dr. Heinz?

AG: I would not agree with the terminology, but I would say that there is a, there might be a more delicate way of saying that they are more likely to spread COVID based on the statistics that we have within the County Administrators, within our own database.

SC: I would just say that if there are any attacks being made, I am not the one that used the term, "Typhoid Mary" so thank you ma'am.

MH: Chair Bronson?

SB: Just a minute. We are getting combative here. We are not being civil. I think we need to just stop this kind of behavior now. We are not being civil with one another. Supervisor Heinz.

MH: Thank you. I just think to clarify for everyone what I am proposing, I am just going to very quickly read the motion so that those who are listening at home can understand what it is that I am asking to do. This is a motion to direct the County Administrator and staff to develop a COVID-19 vaccine mandate that ensures all Pima County employees who have not received a medical or religious exemption are fully vaccinated by November 30, 2021. This mandate language should include the Administration's recommended consequences for non-compliance, which may include re-assignment to a non-public facing position, weekly or bi-weekly testing requirements, suspension without pay

until vaccinated, or ultimately termination with the goals of keeping our workforce and the public safe while maintaining the public, while maintaining the level of County services our constituents have come to expect. That is what we are discussing right now. I think it is important to listen to what the sheriff just said. He asked us to help him, right? We completely ignored what he asked us to do with regard to the salary situation and then now the other thing he asked for is for us to potentially look at a requirement to have all of the County employees, including correctional officers, required to have this vaccination. That is now what we are discussing. If we ignore him again here, we, this Board is liable, we are absolutely liable for the next person that one of our correctional officers inadvertently infects and leads to the demise of. We cannot have that happen anymore and so we really need to look at this very seriously.

SB: Thank you Dr. Heinz.

RS: Madam Chair?

SB: Supervisor Scott, I think?

RS: Yes, thank you very much. I know that this item asks that the County administration come back to us at the next meeting with a policy, but I want to reiterate something that I said when we were talking Addendum Item No. 8, which is not that I am not going to support any policy that calls for suspensions or terminations. I also would like us to strongly consider that if we go to a weekly or bi weekly testing, that the cost of that testing be borne by the County and not by the employee. Everything else I think, I am very willing to discuss, but those items, suspension termination, I am not and weekly and bi-weekly testing I would like to have more discussion about who bears that cost. Thank you Madam Chair.

SB: Thank you Supervisor Scott. I am going to call the question now on the motion on Item 4. Roll call.

JC: Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: Yes.

JC: Chair Bronson?

SB: Do you know what you are voting yes on?

RS: I am voting on the Administration bringing the policy back to us on the 19th. That is why I stated my caveats.

SB: Okay, alright.

JC: Chair Bronson?

SB: Okay, just a minute, I need a. Okay, so what you are voting on is not the bi, well, your concern here, just as a clarification, is you just want to discuss this October 19th?

RS: The language of the Addendum Item, Madam Chair, is that a policy will come back to us for discussion on the 19th, but I am sharing with Supervisor Heinz and with all of my colleagues, aspects of such a policy that I could not support.

SB: Got it.

RS: Thank you, I appreciate the question.

SB: Alright, thank you. I am sorry, I interrupted you, Madam Clerk.

JC: Chair Bronson?

SB: I will vote yes to bring it back, but I share Supervisor Scott's concerns.

## BOARD OF SUPERVISORS

### 26. Employee Policy Requiring Cooperation with Pima County Health Department (PCHD) Contact Tracing

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a personnel policy mandating that all Pima County employees cooperate fully with, and respond in a timely manner to, any contact tracing inquiries or requests made of them by Pima County Health Department staff. Specifically, an employee must respond to a contact-tracing request from the PCHD within 24 hours or face immediate consequences including possible suspension. (District 2)

#### Verbatim

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SB: Chair Bronson  
MH: Supervisor Heinz  
AG: Supervisor Grijalva  
SC: Supervisor Christy  
RS: Supervisor Scott  
CH: Chuck Huckelberry, County Administrator  
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services  
JC: Julie Castañeda, Clerk of the Board

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SB: Moving quickly to Item 5, and this is Contact Tracing. Supervisor Heinz.

MH: Thank you, Madam Chair, and this came about because in my own personal investigation in to how this gentleman in our custody unfortunately lost his life after being extradited from Maine to Tucson. It has become very difficult for the Health Department in some cases, to get the proper information in a timely fashion. As you all know contact tracing relies upon the speed with which you can obtain good information as to people that potentially have been exposed, who they have been exposed to and who they came in contact with. It needs to be very, very clear for County employees, especially if we are looking at the situation in the jail, they have to respond within a reasonable amount of time, within 24 hours, to the Pima County Health Department's contact tracing staff members so that we can do these investigations. That is why I am moving this item.

AG: Chair Bronson?

SB: Supervisor. Is there a second?

AG: Well I had a question. I just wanted to understand how prevalent the problem was, from Mr. Huckelberry, to necessitate, you know, a policy? I am wondering how prevalent it is?

RS: If I could add a question?

SB: Ah yeah, I am going to second for purposes of discussion. Does not mean I am going to vote for it. Second to have the discussion. I actually have to leave fairly soon. Mr. Huckelberry?

CH: Chair Bronson and members of the Board, initially in my discussions with Dr. Garcia we were having difficulty, I believe, getting responses from 5 of the 7 infected correction officers. I believe that they did ultimately get some responses. I think one of the things that we probably need to be very clear on, and we have not been to date, is the employee's responsibility to actually respond to a contract tracing investigation if they are an employee and they are infected because it effects our ability to protect the balance of our employees. We have not made disciplinary action very clear, for those who do not respond. Typically, it would be a letter of counseling, letter of reprimand and then termination. Particularly if they fail to cooperate in a contact tracing investigation that would endanger their employees who work with them. I think, perhaps, we can handle that from a policy perspective and a directive, but to date it has not been that clear and it was brought to my attention that we were having difficulty getting the correction officers to respond to contact tracing.

SB: Mr. Huckelberry, just to make sure I understand your comments just now. Rather than vote on this in this situation, you could come back to us on October 19th with perhaps some recommendations?

CH: Chair Bronson, if that is the desire of the Board I would be happy to do so. It would be outlined simply, very, very, very similar to what my oral discussion, which is what we just had.

SB: Alright, I needed the clarification. Any other comments?

SC: Madam Chair?

SB: Supervisor Christy.

SH: This really sounds punitive and it is almost startling in its intended severity. I am not certain that there is a problem here. Maybe it is a solution looking for a problem, but I do not see any science or data or anything backing any of this up. Mr. Huckelberry just noted that this seems to be particular in the corrections department under the Sheriff's direction. I think there is a problem in the Correction's Department which answers to the Sheriff's Department, the Sheriff ought to be making the policy and making the procedures on how this should be addressed and not the Board of Supervisors. Once again I think this is an area that the Board of Supervisors should let the Sheriff handle. It is his

department, he is a duly elected official, it is a problem that he is experiencing with his staff, he needs to correct it. Thank you Madam Chair.

SB: Thank you Supervisor Christy. Mr. Huckelberry, just quickly, do you need to come back to us on the 19th, on our next Board meeting or can we just do this through some policy procedure. Again, just clarification.

CH: Chair Bronson, I indicated what my position would be and I can implement it administratively or we can bring it back for Board policy.

SB: Alright, thank you. Supervisor Heinz.

MH: Yeah, thank you Chair and colleagues. If I could, really quickly, just hear from Dr. Garcia. I know we talked about this a little bit, about the, I guess to what degree, or Dr. Cullen, do you believe that your staff have been frustrated by delayed response or lack of response? Regardless of the specific subsection of the County it does not have to be just within the Sheriff's Department, but in general. I understand that this has been a significant issue, which is why I brought the item forth. I would like to hear your comments on this as well.

FG: Chair Bronson, Supervisor Heinz, so contact tracing is a team sport. It requires somebody picking up a phone and the person on the other end answering it. We have consistently had about, you know, 30 to 30 plus percent of folks not answering that phone call. That is irrespective of kind of the sector that they come from. This is, this is serious because it does not allow us to be able to do the kind of education, and testing and mitigation that is required, associated with these high risk exposers. But to reiterate what the County Administrator said, this is something that is very much kind of an ongoing challenge for us and is something that is just the reality and one of the shortcomings of the contact tracing process.

SB: I am going to follow up with Dr. Garcia. This is an, it sounds like what both you and Mr. Huckelberry are saying this is an ever evolving process and it is a work in progress, I guess is the best way to say it.

FG: Chair Bronson, you are indeed correct. Every day we are kind of this making this up and we have tried a variety of different strategies. We have changed our phone number so it always appears as a 724 prefix. We have done a variety of other interventions. We have done some communications and marketing around that. Again, it will be something that we will be working on as long as we are doing contact tracing.

SB: It sounds like then it is better to adopt as a policy as opposed to, as Mr. Huckelberry originally suggested, because policies can evolve. Supervisor Heinz and then I am going to call the question.

MH: Oh, I am done, thank you.

SB: You are done? Okay.

RS: Madam Chair?

SB: Supervisor Scott, quickly.

RS: I just wanted to note we could move to continue the item based on what Mr. Huckelberry said, because what I hear him saying is there is a question, an H.R. question, that he wants to follow up. Perhaps not just with Sheriff Nanos, but with Ms. Boland as to whether or not we need a new policy or whether our existing policy dealing insubordination would address this. He is nodding his head. I am wondering if we could just continue this?

SB: I am not sure continuing. We could ask Mr. Huckelberry to put the item on as he sees, rather than continuing this.

RS: That is better, yes.

SB: Okay, so we can do that by way of direction.

RS: Thank you Madam Chair.

SB: Okay, I am calling the question now and the motion before us.

JC: Madam Chair, just for clarification, the motion is to approve the implementation of a personal policy mandate all Pima County employees cooperate fully.

SB: As written by Supervisor Heinz, yes.

JC: Okay. Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: I am going to say no based on the discussion we just had.

JC: Chair Bronson?

SB: No, by your vote of 3-2 motion fails. Then, Mr. Huckelberry will have something on the agenda.

AG: To bring back.

SB: For our next Board meeting, yep.

DRAFT



## BOARD OF SUPERVISORS

### 25. Vaccine Mandate for All Pima County Employees

Discussion/Direction/Action: Directing the County Administrator and County staff to propose a workable COVID-19 Vaccine Mandate, ensuring that all Pima County Employees who do not receive a medical or religious beliefs exemption are fully vaccinated by November 30, 2021. The mandate language should include the Administration's recommended consequences for non-compliance, which may include re-assignment to a non-public facing position, weekly or bi-weekly testing requirements, suspension without pay until vaccinated, or termination - with the dual goals of keeping our workforce and the public safe while maintaining the level of County services our constituents have come to expect. The proposed mandate shall be placed on the October 19, 2021 Board of Supervisors meeting agenda for discussion and action. (District 2)

(Clerk's Note: See further discussion under additional verbatim for Minute Item No. 25.)

### 27. Prohibiting Unvaccinated Employees from Entering the County Jail Complex

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a policy prohibiting the entry of unvaccinated County employees into the County Jail complex, a congregate setting in which spread of airborne viruses such as SARS-CoV2 is more likely than in the general population. Such internal policy shall be implemented effective immediately, as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County. (District 2)

### 29. Fiscal Year 2021/2022 Employee Compensation

Discussion/Action regarding Fiscal Year 2021/2022 Employee Compensation effective October 10, 2021.

#### Verbatim

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SB: Chair Bronson  
MH: Supervisor Heinz  
AG: Supervisor Grijalva  
SC: Supervisor Christy  
RS: Supervisor Scott  
CH: Chuck Huckelberry, County Administrator  
JC: Julie Castañeda, Clerk of the Board  
TG: Taylor Green, Information Technology Department

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- SB: Moving on to Item 4, Vaccine Mandate for all Pima County Employees. I am wondering, I am just asking the Clerk. Have we been able to contact Sheriff Nanos?
- JC: Madam Chair, he is available. He is on the screen.
- SB: Okay, since he is on the screen I am going to move to Item 6 and then Item 8 on the Addendum Agenda, which I think are related. Item 6 is Prohibiting Unvaccinated Employees from entering the County Jail Complex and then Item 8 is Fiscal Year Employee Compensation. Which I think if you read the memo, has, is reflected by some of the items, some of the policies related to the County jail complex. Supervisor Heinz put Item 6 on the Agenda and the Item 8 was put on by the County Administrator. Mr. Huckelberry, I am going to let you weigh in first and kind of pull together how Item 6 and Item 8 could be related.
- CH: Chair Bronson and members of the Board, what I have done is indicated to you, the employees who would be available to receive the 5% pay adjustment that has been provided by the Board previously, and to make that compensation effective the 10th of October, 2021. In conversations with the Sheriff there were some concerns particularly with regard to the COVID outbreak in a particular unit and the detention center that perhaps an additional incentive to become vaccinated would be to withhold the 5% pay increase for those employees who are not vaccinated until they are and become vaccinated and at that time they would receive the 5%. That is purely a policy decision that is up to the Board.
- SB: Thank you, Mr. Huckelberry and then Sheriff Nanos, you have joined us. Did you want to comment on Item, well Item 6, which is Unvaccinated Employees from entering the County Jail and then you may want to comment peripherally on Item 4, which is a Vaccine Mandate for all Pima County Employees? Would you like to weigh in Sheriff? Is the Sheriff available?
- JC: I believe he might be muted Madam Chair.
- SB: Sheriff Nanos, you may be muted. Can our host, is the Sheriff muted?
- JC: Matt, do you have the Sheriff muted?
- SB: Matt, do you have, Matt or Taylor, either one of you have you muted the Sheriff?
- TG: Sheriff Nanos is not muted.
- SB: Sheriff, can you hear us? Okay, well, let us move to Item 6 then. Supervisor Heinz, you put this item on.

MH: Yes, thank you Chair Bronson and colleagues. Some of these are all related, but after finding out that unfortunately, on our watch, one of the, one of our wards in the Pima County Jail died as a result of COVID that he contracted while in the County jail. That is what prompted this item in specific. Also, the just abysmally low uptake of COVID vaccination among the Sheriff's Department and that is the correctional officers as well as the deputies. This cannot be tolerated. We are there to protect the people in jail. They are not there on capitol offense charges typically, and even if they were, they deserve their time in court. We cannot be having these situations occur where someone dies, who arrived from another state, two weeks was in quarantine, showed no signs of infection, tested negative for COVID and then on September 25th the man dies in the local hospital. That was on our watch. That happened on our watch and I believe as a direct result of the low vaccination rate in part, because primarily the gentleman came into contact with correctional officers. So, I believe that we did this and we are responsible for this and we cannot have it happen again. That is why I proposed the prohibition of any unvaccinated staff from entering the County jail complex as well as the other items we are about to discuss.

SB: The challenge there is, we are talking, Sheriff is an independently elected row officer and enforcing policies can be challenging since he is an independent elected official. Sheriff? I see that Sheriff is showing, but we still have not been able to.

JC: Madam Chair, it appears he may be rebooting his machine.

SB: Okay, got you.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Do you want to wait for the Sheriff or may I make a statement?

SB: Proceed.

SC: You know, here is another example of the hypocrisy involved in this whole discussion. These employees, these corrections officers, these professionals, have been always designated as frontline, essential, law enforcement heroes. They received hazardous pay. What happens if there is a jail crisis or a riot? We are not going to allow experienced, professional corrections officials to quell or stop such an event. Is our community more peaceful, healthier or safer if you stop corrections officers from protecting our residents during a crisis? Are we better off if unvaccinated corrections officer go in and quell a disturbance that could literally upend our community, just because they are unvaccinated? Is it better that the jail population be allowed to run rampant and escape and go into our community? Rather than to allow unvaccinated corrections officers to do their job that they have been doing, for decades in

many cases, with admirable results and commitment and career minded people? All I can ask of Dr. Heinz, Supervisor Heinz on this, given the, given the importance of these functions to protect us, to keep us safe, of these corrections officers who put their life on the line daily for all of us. Supervisor Heinz, are these unvaccinated corrections officers, are they bad people?

SB: I see that Sheriff Nanos may have joined us.

SC: Thank you Madam Chair. Thank you Madam Chair.

SB: I guess he is still, he is not showing that he's got a mike on yet. Supervisor Heinz, did you want to say something?

MH: No.

SB: No, okay. We are on Item 6. What is the pleasure of the Board on this item? Is there a motion on the floor?

AG: Chair Bronson, I know that it is difficult, but I would really like to hear from Sheriff Nanos. Maybe he could call in versus trying to use?

SB: He is showing, yes, he is showing. So, yeah, I want to hear on, yeah, we need to hear from him.

AG: I think if it possible maybe we could skip on and come back?

SB: Yeah, let us come back. We can come back to the Items 4, 5, and 6 and then Item 8 when Sheriff Nanos joins us. Let us move on to the remaining items on the Agenda.

**Discussion on these items was postponed until Sheriff Nanos was able to join the proceedings. Discussion resumed as follows under Minute Item Nos. 27 and 29. See additional discussion under verbatim for Minute Item No. 25.**

## BOARD OF SUPERVISORS

### 27. Prohibiting Unvaccinated Employees from Entering the County Jail Complex

Discussion/Direction/Action: Directing the County Administrator and County staff to implement a policy prohibiting the entry of unvaccinated County employees into the County Jail complex, a congregate setting in which spread of airborne viruses such as SARS CoV2 is more likely than in the general population. Such internal policy shall be implemented effective immediately, as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County. (District 2)

### 29. Fiscal Year 2021/2022 Employee Compensation

Discussion/Action regarding Fiscal Year 2021/2022 Employee Compensation effective October 10, 2021.

Verbatim

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SB: Chair Bronson  
MH: Supervisor Heinz  
AG: Supervisor Grijalva  
SC: Supervisor Christy  
RS: Supervisor Scott  
CH: Chuck Huckelberry, County Administrator  
JC: Julie Castañeda, Clerk of the Board  
CN: Chris Nanos, Pima County Sheriff

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SB: Let us move on to, Sheriff, I am respectful of your time. Would you like us to, we have got Item 6, which is Prohibiting Unvaccinated Employees from entering the County Jail Complex and then I know you had some comments on Item 8, which is Employee Compensation. Where would you like to go first?

CN: Where I would like to go is, I have listened to you all morning long and thank you Madam Chair, Mr. Huckelberry and Board members. I apologize for the technical issues we have struggled through here. I just wanted to say to you, give you a little historical perspective here because I think it is important that we clearly understand the conversation myself and Mr. Huckelberry had and where this is going and headed to. I want to stay in my lane, as you all have tried to keep me there for several times on different issues and I respect that. But what happened was on September, in early September we, first of all, everywhere in this County and in this Country businesses opened up, ballparks, football stadiums, bars, restaurants, everywhere you go you can go in and it is all opened up. Even our courts have opened up, started dealing with the backlog of cases they have had, which has impacted that jail. But what never opened up, and for a good reason, is our jail. It is only because it is a petri dish for COVID, we know that. You have individuals who are locked in

there and they have no options. This is where they are. We have put into place protocols that says when you are booked into our jail you will be quarantined for 14 days straight. These are inmates who are locked down 14 days and after the 14 days they clear them. All the protocols are there, they are clear to go, we then house them into general population. In this case, where we lost a young man, on September 15th, what happens is I get a call that this man, who was in there for probation violation for substance abuse. If you check his background you will see he is just really an addict. He was extradited back on a probation warrant put in by the County probation from Maine, in July 25. He comes here, he is booked into our facility on August 10th, he is now released from the 14 day quarantine, he is cleared and he is put into general population. It is less than a month later, he goes into seizures because he is on methadone and something happened in the methadone, the administration of that and he went out, he went unconscious. He is transported to the hospital and it is not until that time that we learn that he is also positive COVID. So he, what you have to think about is, he is locked in a pod of people who have been with him for the whole time he has been there. They went through all of the protocols. He was cleansed. That whole pod was okay. On the 15th of September he passes away. On Monday morning, the 17th, I get word that we had an increase of some 500% of COVID cases in those pods. In other words, we went, and that is to include our CO's, we monitor this weekly, daily. The previous week we had two CO's test positive that Monday morning we had ten. The previous weeks we had five inmates positive, we had twenty-five, today we are at forty. It is pretty clear, and we know that the pod officer in that pod was tested positive. It is pretty clear how this individual received COVID. Everybody in that jail cell is locked in, they are safe, they are cleared of COVID and had been for quite some time. The only introduction to that pod from outside the open world, where we can go everywhere, is the CO. I cannot have, this is the third death we have had. We had, when we came into this role in January we were told the jail was clean, there are no problems, what a great job they had done. We walk in and we find 456 cases, of which almost 451 of them came on November 17th. It strikes me as odd, but we just went to work. Through Dr. Garcia's help, others help, we got in there and put things down, put the protocols to work, practiced strong policies, and made the right choices, and got those numbers by summer to zero. We have seen the number go up to one or two, which was fine. But then all of a sudden it gets to 500. I am sorry it gets to a 500% increase. I do not have an answer for you other than it is my employees who are bringing that in. I only know that from Mr. Huckelberry's report and I do not have his current numbers, but I believe I have been hearing we are, at our, at the Sheriff's Department we are at 45% people who have actually gone and been vaccinated. There are 55% of us, I guess, that have not received that vaccine. We believe the numbers at the jail could be as high as 80%. I am not sure which number on your agenda is, and I have spoken with Dr. Heinz on this too, although my personal beliefs and opinions, with regards to vaccines may vary from yours. I believe in the vaccine, I got my vaccine. That is an individual choice, except if you are locked in my jail. I cannot stress enough, that environment there, is a petri dish. It is different than the rest of the outside world. Whether you decide to make the County, all of its

employees, become vaccinated. Whether it be a mandate or as I suggest, we just increase that incentive. The carrot rather than the stick and say to those employees hey, we want you to have this 5% raise. I think I have spoken to all of you Board members, everybody knows there is nobody that wants our agency to get the pay that they deserve, the pay that makes them competitive with our agencies more so than I, but I also want them to be safe. I want them to be responsible for what it is they do for their jobs, their communities, their families, those they are in charge of, that jail. We all took an oath here. This is public safety. There is no bigger public safety issue out there today than the pandemic. We want our, we as public safety officers want to address the violence that is out there. All of those things. We also want to recognize clearly now, that the number one killer of cops is not guns, it is COVID. So, I want my team to be vaccinated, I want them to be safe for each other, but we also need to be safe for the public because when we speak about "to protect and serve" if you are not vaccinated, who are you really serving? Who are you protecting? That is the message we try our best to transmit to our staff at all levels. I would say to you, I would urge you to pass something that says if you are going to be at our facility, a correction officer and you want that 5% increase, we want you to get it too, but just get a vaccination. Make that a, make that a, we can make it semantics, is it a mandate, is it an incentive, I do not know. I just know that my deputies in the field, I want them too, but I leave that to you. Whether you make all of the County employees get vaccinated, that is something you have to struggle with. That is your decision, I just need something done at my jail.

SB: If I understand you, Sheriff Nanos and I appreciate the information that you shared with us. It sounds like on Item 8, which is Employee Compensation, that you are in favor of, you said you wanted the carrot approach, you are in favor of withholding the 5% raise unless they are vaccinated. Is that correct?

CN: That is correct. Yes ma'am, for my CO's.

SB: CO's

CN Everybody else is up to you all, yes.

SB: Okay, gotcha.

CN: I am telling you, we have some great corrections officers there who have done this. I was at the academy last week. 26 new CO's, young men and women who want to do this job and guess what? Every one of them, to get this job, had to be vaccinated. If they have to be vaccinated, what makes the officer who has on one year, ten years, ten days any different? We should be getting them all vaccinated. Again, I like that approach of "here is a carrot". I think the \$300 dollars and three-day thing may have worked. I do not have those numbers, Mr. Huckelberry does. I think a number of people, in fact, I heard some say that is only \$0.17 an hour and I do not know what to say to that.

MH: Chair Bronson?

SB: Let him, he is talking.

MH: I am sorry.

CN: No, I am good. I am ranting. My apologies.

SB: No, and then I just need clarification from you. Okay, I understand your position on Item 8 on our Regular Addendum Agenda.

RS: Madam Chair?

SB: What is your position on prohibiting unvaccinated employees from entering the County jail complex?

CN: Yes ma'am. So here is the other issue with me, that, and I believe I spoke with Dr. Heinz on this. That kind of mandate, where anybody who is employed there has to be vaccinated is a real challenge to us because we also have an operation we have to get by. Today, I am 70 some correction officers short. We just do not have them. We hope to get those 26 on Board and that will help and hire more, but if our numbers are right and we believe, even if we believe 55% of them are not vaccinated, that makes running that jail a tough job. We might find ourselves so short staffed if we make such a mandate. That is why I think the carrot approach, let us see how that does for us. Let us see if we cannot get some people to sign up and say hey, I think the Sheriff is right. I think we need to be more responsible and take on this job and do these things. You know, the positivity rate at that jail, so across the County I think Dr. Garcia knows these numbers, but I was told this morning that the numbers across the County are about 10%. Our inmates are about 8%. So we are doing well there, keeping them under even with this recent surge. My employee rate, civilians are 26%, almost 2 ½ times that of the County populace and my corrections officers, the uniformed officers are at 43%, 4 ½ times greater than our community. I really need, I think, not a mandate that you cannot go in there if you are not vaccinated, but by God if you want this 5%, we want you to have it. Get your vaccination. I am hoping that would work.

SB: Thank you Sheriff.

SC: Madam Chair?

SB: Was that Supervisor Heinz or?

MH: Yes, I was going to finish talking.

SB: Go ahead.



MH: Thank you and thank you Sheriff for being here, I appreciate that. I wanted to clarify two things that I think I heard you say. Did you say that newly hired, the 26 newly hired corrections officers, they cannot start their work until they are vaccinated? I just wanted to make sure I heard that correctly.

CN: Correct. With what is in place today, and it was probably within the last two months. I think it was in August. Mr. Huckelberry put this out, that if you want, if you are going to be promoted or newly hired, you will be vaccinated. To accept a job or promotion you have to have proof of vaccination.

MH: And then the second thing.

SB: And that is, Supervisor Heinz, that does not only apply to the Sheriff. That applies across the Board to all of our hires.

MH: Excellent. Very good. Thank you for that. The second thing I want to clarify from your remarks is that, I think you reflected accurately that I believe 76% of all County employees at this point we have determined have been vaccinated, but less than 50%. It is 45% or 48% within your staff specifically, but then I think you said that you, and maybe you can expand on this a little bit. Did you say it could be 80% of correctional officers, potentially in the jail, that you believe are maybe not vaccinated?

CN: Dr. Heinz, Supervisor Heinz, one of the things we had going early on was we tracked numbers of people who told us that for whatever reasons medical, religious, whatever, were not going to be. We felt that those numbers were pretty high. It was not until Mr. Huckelberry came out with his numbers, which are going to be a lot more accurate than ours. I would lean on him. We actually believe that the jail may have been as low as 18%.

MH: Vaccinated?

CN: Yes sir.

MH: Wow, okay. In light of what we have discussed and understanding your real staffing issues. I am certainly happy to withdraw my Agenda Item No. 6 with regard to a prohibition of unvaccinated employees of the County jail complex, potentially to be, you know, heard or discussed at a future meeting, but I am happy to do that in light of this discussion.

CN: Appreciate it.

SB: Thank you Supervisor Heinz. Are there any further questions of Sheriff Nanos? Thank you.

SC: Madam Chair, I do.

SB: Okay, Supervisor Christy.

SC: Just to be clear. Addendum Item No. 6 is off of the Agenda correct?

SB: Correct.

SC: Sheriff Nanos, I think my past stance of supporting law enforcement is clear and unwavering and it still is. I would just ask you to consider in this discussion, particularly when it come to a Countywide mandate or Board of Supervisors policies, or any kind of directive from the Board of Supervisors, you are a duly elected, independent office and department. You run the law enforcement. You are the chief law enforcement agent. I think that it is important that that be the forefront of your approach to any of these items, that you do not look for, and I am not saying that you are, but that you do not look for direction or help from the Board of Supervisors because once that begins, once they get the nose in the camel's tent, or the camel in the nose, the camel's nose in the tent.

SB: Tent!

CN: I understand.

SC: Do you understand what I am saying? Now it is going to keep that door opening and opening and opening for more intervention, for more interference, for more direction into your department and that is going down a very slippery slope. And if you want to institute.

CN: I agree.

SC: Policies that involve your personnel, be it COVID vaccinations or not, or pay or not, or anything, it is up to you to be the one to bring that forward and not to rely on the Board of Supervisors to do it for you. That is all I am saying.

CN: Supervisor Christy, I appreciate your comments and I believe in all of them except the issue of pay. That is not in my control. Some days I wish it were, but if I understand it right, the reason I came to you today was, in talking with Mr. Huckelberry, my choice was not about a mandate. My choice was about I need these individuals, these CO's to get vaccinated. I liked the idea of we gave you a carrot out here of \$300, but like I say some of the reacted to it as that is pretty paltry. I knew that at the back end, at the back of all this, there was a 5% raise coming. I do not think I have the power or the authority, I can certainly research it, when it comes to pay to tell my staff you cannot receive this pay unless you do this. I think that comes back to you.

SC: I am certain you are correct in that assumption when it comes to pay. That definitely does come under the Board of Supervisors purview.

CN: That is what I was asking from you today, was more of an incentive.

- SC: As far as policy and as far as you running the operation, that needs to be kept sole and separate from the day to day operation that the Board of Supervisors could very easily interfere with your efforts with. That is all I am concerned with.
- CN: I appreciate that, thank you.
- SB: Are there any further questions for Sheriff Nanos? Well, thank you for bearing with us, Sheriff, and we definitely appreciate your taking the time and I think it was time well spent. Thank you for all of the information.
- CN: Thank you ma'am and if you need something call me. Thank you all, thank everyone, thank you.
- SB: Okay, moving on and I actually have to leave by 2 o'clock. So, we have got several more items. Item 4 is Vaccine Mandates or do you want to go to Item 8 Fiscal Year. Yeah, let us do Item 8, Fiscal Year 2021/2022 Employee Compensation. We have a report from the County Administrator. I think the question then becomes, I will defer to Mr. Huckelberry quickly, part of your recommendation is withholding, at, I believe, at Sheriff Nanos suggestion, the 5% raise, but Mr. Huckelberry proceed.
- CH: Chair Bronson, members of the Board, I think in the last paragraph of my memorandum I discuss the issue and communication that I had with the sheriff and I indicated that if the Board were inclined to withhold the 5% raise as an incentive to have unvaccinated employees become vaccinated, therefore corrections officers, that you should also apply it to all unvaccinated employees.
- SB: Alright, I will move that item as Mr. Huckelberry presented. Do I have a second?
- AG: I will second.
- SB: There is a motion and a second. I am sure we want some discussion. What is the pleasure of the Board?
- RS: Madam Chair?
- SB: Supervisor Scott.
- RS: You know, I support the incentives that we put into place. The \$300 one-time payment, the three days of leave. I supported the disincentives that impacted health insurance and I really appreciated when Mr. Huckelberry came back to us and asked us to withdraw the disincentives that were not directly related to whether or not someone was vaccinated, but were instead related to their other healthy behaviors for which they got credit. I genuinely appreciated that. But, to me, all of our employees deserve this 5% raise. Whether they are

vaccinated or not and I think when it comes to incentives and disincentives, we need to walk a very fine line. In terms of the things that are warranted and the things that are just overly punitive and denying a raise, I think is overly punitive. Moreover, look at the data that we got from the survey that was done of employees who were not vaccinated. This is not something that is likely to motivate their actions based on that survey data. That survey data is consistent with what we have heard around the Country, which is that unvaccinated people, the best likelihood of them getting vaccinated is if somebody who they trust and respect in their life, gets them to take that step. So, there are certain incentives and disincentives that I am going to be supportive of, but denying employees a raise does not fall under that category. By the way, while I am on the subject, neither does suspensions nor terminations. Thank you Madam Chair.

SB: Thank you, as always, well spoken. Any other discussion on this item?

AG: Chair Bronson?

SB: Supervisor.

AG: I guess my concern is, you know, we heard from Sheriff Nanos that we have done what we can as far as incentives. It moved the pendulum a little bit, but it is still significantly low and that this was actually one of the departments when we first started talking about mandatory vaccines, that Mr. Huckelberry highlighted and we had a conversation about it, during these public meetings, that, you know, people that are coming into our jails do not have the choice to social distance. Do not have the option of being able to put masks on and so it is a different environment in that we are, we have to care for these individuals that are in our custody and we cannot do that if we cannot guarantee, at least a better guarantee, of their safety. We also, you know, I see our deputies out in the community a lot, very rarely wearing a mask. Walking around on school campuses and do not have masks on. That is the same for other law enforcement agencies and so I have heard the same about our corrections officers in the jail. I do not know how else to motivate and help create a safer environment and I think Sheriff Nanos is asking us to be able to help support him in some way because I do not think, I think they have tried what they know how to do. I would love to hear some other suggestions because while we have moved up incrementally, they still are the department that has the lowest number of vaccines and the highest rates of COVID.

SC: Madam Chair?

MH: Chair?

SB: Supervisor Heinz. Were you finished Supervisor Grijalva?

AG: (signaled she was finished).

SB: Supervisor Heinz.

MH: Thank you Chair Bronson and colleagues, I actually do not really love this option, I could support it. But I just think the better way to do this is to do what the public health experts request and just say if you are going to be a County employee you need to be vaccinated. That is what we have done for healthcare workers. That is what the City of Tucson has done. That is what the court ruling recently here in Arizona in Maricopa County allows this Board to do and I think it would be great to hear from the family of the 42 year old who died in our custody. I wonder if, you know, that family thinks that our correctional officers who potentially infected this man, who is now dead because of it, should they get a 5% raise? Should they be allowed to work without being vaccinated? I suspect I know the answer that they would provide. So, I hope that we will all be thinking about this on Item 4. I may vote for this as well though.

SB: Thank you.

SC: Madam Chair?

SB: Supervisor Christy, I think?

SC: Yes, I cannot support the County Administrator's recommendation because once again we are targeting the first responder, professional community. They are heroes that received, just not too long ago, hazardous pay, benefits, and acclamation from our communities as the saviors of all of the things that we were suffering from. Then all of a sudden to turn right around and hit them punitively, punishing them derisively for exercising their personal freedom and rights and by doing so risk losing them as employees and I ask my colleagues, is our community better off with or without these experienced career-minded professionals? I ask again, are they bad people? If your response is no, they are not bad people, why are we as a Board treating them as such with these mandates, these policies, these punitive actions without recognizing the fact that they are needed, respected and wanted in our community. I cannot support this and I ask my colleagues to do as well, to not support it as well. Thank you.

SB: Alright, I have a quick question for Mr. Huckelberry. If this action, the motion I made, fails. What action do you need from us? Regarding, I mean the part that seems to be the sticking point, in particular, is the withholding the 5% raise. If this motion fails, what becomes of the fiscal year 2021/2022 employee compensation?

CH: Chair Bronson, my interpretation is that the Board is approving all of the classifications that are listed for exclusion or modification, as well as include both Superior Court and Juvenile Court and the only effect of the motion is related to the timing of the 5% raise. Which would mean that if the motion, I believe, is to withhold it, it is that that particular employee who is unvaccinated

will not receive the 5% of additional compensation until they become vaccinated.

SB: Got it. Okay, I am going to withdraw my motion. Is there another motion on the floor?

SC: Madam Chair, Supervisor Scott seemed to be in a position where his discussion was kind of generating a motion. I would ask him maybe to look into his past words and perhaps offer a motion?

RS: Madam Chair.

SB: Supervisor Scott, yeah, I think the motion would be to eliminate that section, but Supervisor Scott.

RS: I think the County Administrator sent us a comprehensive list of people who would be excluded from the 5% raise. Note that elected officials were right at the top of that list. I would just move that we accept the list as submitted and that would be my motion and it speaks to what Mr. Huckelberry said would be the practical effect of your motion, which was withdrawn anyway.

SC: So there will be no strings attached?

RS: Correct.

SC: No incentives, or disincentives, or penalties if unvaccinated?

RS: That memo just spoke to the list of people who are not eligible for the raise and what the Chair had purposed was that unvaccinated employees not get the raise, but she withdrew that motion.

SB: I will second Supervisor Scott's motion, which I think you just made. Correct, Supervisor Scott?

RS: I do not know that I even needed to make it because of what Mr. Huckelberry.

SB: Well it says discussion, action.

RS: Right.

SB: So we need something.

RS: I think what Mr. Huckelberry said in reference to your question Madam Chair, is that the list of excluded employees that he forwarded to us would just move forward and that was because of ramifications from.

SB: Okay, I am going to need clarification from Mr. Huckelberry. Mr. Huckelberry?

CH: Chair Bronson, members of the Board, Supervisor Scott, yes, you are correct with one exception. You called the original motion on granting the 5% excluded Superior and Juvenile Court. The last sentence of the second to last paragraph says please note this communication now includes Superior and Justice Court employees.

SB: So we need a motion so that we can include them?

CH: Correct.

RS: Okay well, so moved.

SB: Second. Let us do a roll call vote.

AG: Chair Bronson, just to clarify.

SB: Supervisor.

AG: This is to effect the employee compensation and adjustment and it just lists the job classifications that are eligible and ineligible.

SB: Correct.

AG: Okay, and I voted for that increase and I was in favor of it before. So all this is doing.

SB: Is bringing in the Superior Court. It is bringing in two others.

AG: Yeah, okay, thank you.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Just for clarification, what we are about to vote on, there is no element of vaccinations or requirements or any kind of vaccination mandate at all? It is just a clear increase.

RS: Yes sir.

SC: And no vaccinations?

RS: Correct.

SC: Thank you.

SB: Alright, is there anyone in opposition to this motion at this time?

MH: Oh yes.

SB: Oh yes came from Supervisor Heinz? Is there any further objection? Hearing none the motion carries.

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: I do have an additional motion that I would like to make on Item 8 that is separate from the one we just discussed.

SB: I am sorry, related to which item?

MH: 8, a different aspect of 8.

SB: We just voted on that item.

MH: Well...

SB: No, we are moving on.

MH: Right, no.

SB: No, we voted on that item. That item is over.

MH: That is a very broad...

SB: The discussion is, the discussion is over. No, Supervisor, the discussion is over.