

## FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 21, 2023. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz participated remotely.

### 1. GRANT ACCEPTANCE

Arizona Department of Forestry and Fire Management, to provide for the post wildfire flood mitigation Finger Rock Wash at Skyline Drive Flood Control culvert improvement, \$2,630,000.00 (GTAW 23-90)

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

### 2. GRANT ACCEPTANCE

Arizona Department of Forestry and Fire Management, to provide for the post wildfire flood mitigation Finger Rock Wash at Skyline Drive Flood Control debris removal, \$98,450.00 (GTAW 23-91)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:21 p.m.

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CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

DRAFT

## LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 21, 2023. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz participated remotely.

### 1. **AWARD**

Amendment of Award: Master Agreement No. MA-PO-19-17, Amendment No. 7, BiblioCommons, Inc., to provide for BiblioCommons. This amendment incorporates the "Patron Measurement and Engagement" service into this agreement, increases the annual award amount by \$35,000.00 from \$270,000.00 to \$305,000.00 for a cumulative not-to-exceed contract amount of \$1,013,000.00, and appends the contract with the Forced Labor of Ethnic Uyghurs language pursuant to A.R.S. §35-394. Funding Source: Library District Ops Fund. Administering Department: Library District.

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

### 2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:21 p.m.

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CHAIR

ATTEST:

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CLERK

## BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 21, 2023. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz participated remotely.

### 1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

### 2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Roxanna Marquez, Deputy Director, Analytics Data and Governance.

### 3. PAUSE 4 PAWS

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

### 4. POINTS OF PERSONAL PRIVILEGE

Supervisor Bronson congratulated Pima County Animal Care Center (PACC) on their successful Pets on Parade Event. She acknowledged the sponsors and stated that PACC received 40% more donations than the previous year.

Chair Grijalva acknowledged the retirement of Lisa Josker, Director, Facilities Management, and thanked her for 20 plus years of service with the County.

### PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Rear Admiral Brad Rosen, Commander, Navy Region Southwest, proclaiming the week of February 20 through 26, 2023 to be: "U.S. NAVY WEEK IN PIMA COUNTY"

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

6. Presentation of a proclamation to MaRico Tippett, Chair, Board of Directors, American Red Cross - Southern Arizona Chapter, proclaiming the month of March 2023 to be: "AMERICAN RED CROSS MONTH"

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

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

The following speakers addressed the Board in opposition to the continued employment of Pima County Health Director, Dr. Theresa Cullen:

- Reese Rambaran
- Gisela Aaron
- Mike Aaron
- Jane Hubbard
- Cory Stephens
- Peter Norquest
- Dru Heaton
- Stephanie Kirk
- Melissa Conroy
- Diane Sanchez
- Beth McGwire

They offered the following comments:

- Dr. Cullen's right to continue her employment was terminated when she resigned in December 2022, and per Human Resources regulations, all open positions must be advertised.
- Students were illegally quarantined by the Health Director using Board policies for contact tracing in schools.
- The Board needed to understand the detriment her recommendations had on students and parents.
- The public was tired of being subjected to her health decisions and she should have researched early treatment of repurposed medicines on the COVID-19 virus.
- She should have made better decisions, but chose to blindly follow the dishonest Centers for Disease Control, Food and Drug Administration, Dr. Fauci and big pharma.
- Drs. Cullen and Heinz were personally responsible for the many vaccine injuries and deaths in the County.
- The public would not support someone who lied under oath.
- Since June 2020, Dr. Cullen's mandated masks, shuttered schools and prided herself on locking down the County during COVID, imposed an illegal voluntary curfew for residents and tried to force vaccines.
- Dr. Cullen was rejected by the Senate Nominations Committee and when questioned, shirked her responsibility for the decisions made at her recommendations and claimed that she was not responsible for the decisions made by the Board.

- Under Dr. Cullen's leadership and policies, thousands of jobs were lost and businesses were closed without any conversation with the Back to Business Community Committee.
- Dr. Cullen's policies led to spikes in depression, suicide and despair that skyrocketed during the pandemic.
- She closed classrooms, which had adverse health and education consequences and placed the blame on school districts.
- Her illegal curfew had an economic impact on many businesses and had cost the jobs of thousands of nurses, law enforcement and probation officers.
- The loss of jobs for law enforcement and probation officers increased the crisis at the jail and added to the number of deaths.
- Dr. Cullen admitted that school closures had negative results, but refused to admit the statistical data about the educational impacts and mental health issues it had caused and blamed the Board for those decisions.
- A huge bias existed in her selective use of data in her policy making decisions and COVID case numbers were inflated through a variety of means. Because of this, the primary danger to people was not COVID itself, but the policies used in hospitals regarding treatment that were overseen by Dr. Cullen.
- Her involvement with the creation and integration of a global digital health system and her work on data aggregation surveillance was concerning and considered a form of centralized population control.
- She infringed on the civil liberties of the citizens of the County with her dictatorship and unwillingness to follow the Constitution.
- If she was reinstated as the Health Director, she would continue pushing mandates that provided the community with a false sense of security.

Janet Marcotte acknowledged the Board, Dr. Cullen and the Health Department for their leadership and expertise that was provided to the community during the COVID pandemic.

Mike Humphrey expressed his support for the continued employment of Dr. Cullen as the Health Department Director.

Anastasia Tsatsakis commented on the absence of Supervisor Heinz during certain voting periods at the last meeting and demanded that those votes be nullified.

Tracy Toland addressed the Board regarding Supervisor Heinz's poor attendance at Board meetings and expressed concerns with the homeless and fentanyl crisis in the County.

David Hathaway, Sheriff, Santa Cruz County, indicated that he had attended the meeting to get a different perspective of how other jurisdictions handled their Board meetings. He commented that from his experience, standing up for individual rights and not enforcing mandates was a message that resonated with both Democrats and Republicans.

Mathew Levitt spoke about the I-10 hazardous materials spill and offered the following three recommendations to the Board: civil defense sirens should be reinstalled countywide; billboards should be placed across the County to provide updated messages on the County's behalf; and two-lane connecting roadways should be widened and modernized for adequate evacuation.

Brook Doty addressed the Board regarding Board of Supervisors Policy No. D 23.1, Preventing, Identifying and Addressing Workplace Bullying, and commented that they were not enforcing their own policy.

Carl Maness expressed his opposition to COVID-19 vaccinations and mandates and the new election process. He indicated that open borders contributed to the fentanyl crises.

Andrew Perkins read a verse from the Bible and stated that the Board had not listened to the requests of their constituents, but they could still repent and be forgiven.

Roger Score spoke in opposition to mask mandates and expressed his displeasure with the Chair's decision to restrict the public's first amendment rights by not allowing them to hold up signs during the meeting.

Julia Strange, Vice President, Tucson Medical Center, addressed the Board in support of Dr. Cullen and stated that she had been a trusted partner during the hospital's most challenging time, had facilitated federal staffing resources for continued patient care and helped bring forward one of the country's first monoclonal antibody treatment centers that included testing and vaccinations.

Tim Laux expressed his displeasure with the idea of using no trespassing signs as a method of dealing with the homeless and crime crisis in the community. He indicated that asylum seekers were a part of the population problem.

Stephanie Kirk spoke in opposition to COVID-19 vaccinations, the sign usage restriction imposed by Chair Grijalva and the approval of Minute Item No 18.

Shirley Requard expressed her opposition with the continued aid for asylum seekers and indicated that the growing homeless population and crime crisis could be curtailed with a fully funded and staffed police force.

Beth McGwire spoke in opposition to COVID-19 vaccines and the approval of Minute Item Nos. 17 and 18.

Katya Peterson addressed the Board in support of Minute Item No. 38.

Rogert Pfeuffer expressed his support for Minute Item No. 38 and urged the Board to approve the item.

Lynn Blankinship expressed concerns with the lack of civility and disrespectful behavior of Supervisor Christy.

Supervisor Scott acknowledged and recognized Mike Humphrey on his continued appointment to the Board of Health. He also noted to the members of the audience who spoke about the need to hire additional deputies and corrections officers that the Board had voted unanimously to approve salary increases for both starting and continuing employees of the Sheriff's Department.

## **COUNTY ADMINISTRATOR**

### **8. Update on County Initiatives to address Homelessness and Public Safety**

Jan Leshar, County Administrator, stated that a written update and regular updates from staff were provided to the Board on this effort. She explained that sign placement was currently in process and reiterated that it was only one of the elements being worked on by staff. She stated that staff was looking into facilities and locations where wraparound and detox services could be provided and were meeting regularly with members of Pretrial, Probation, Superior and City Courts for the whole myriad of services involved.

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

### **9. Pima County Adult Detention Facility Blue Ribbon Commission**

Staff recommends approval of the proposed Commission members, charter and work timeline as detailed in the County Administrator's memorandum dated February 8, 2023.

Jan Leshar, County Administrator, explained that when this item was initially brought forward for the creation of the Commission, staff had indicated that a work plan, charter and list of the proposed commission members would be returned to the Board for approval.

Chair Grijalva requested clarification that this item was for the approval of the proposed Commission members.

Ms. Leshar responded in the affirmative and stated that the charter and work timeline were also included.

Chair Grijalva read the following names of the proposed members of the Commission members:

Daniel Sharp, (serving as Chair) former Oro Valley Police Chief

India Davis, former Pima County Sheriff's Department (PCSD) Corrections Director

Frank Hecht, PCSD Civilian Advisory Review Board/retired Corrections Captain

Jack O'Brien, Pima County Public Defender's Office

David Ollanik, Sundt Construction



Wendy Petersen, retired Pima County Justice Services Director  
Grady Scott, Pastor, Grace Temple and Missionary Baptist Church  
Chris Sheafe, Real Estate Development/Rio Nuevo Board member  
Roberto Villaseñor, former Tucson Police Department Chief of Police  
Paul Wilson, former PCSD Bureau Chief

It was moved by Supervisor Scott and seconded by Chair Grijalva to approve the proposed Commission members, charter and work timeline. No vote was taken at this time.

Supervisor Christy clarified that he was not opposed to a new jail, or the idea of one, but felt that the Board was moving in the wrong direction with the creation of a commission. He indicated that the focus should be on the current conditions of the jail and information should be gathered regarding repair or rehabilitation costs rather than demolishing and rebuilding and stated that no justification for either had been received by the Board. He suggested the structure of the jail be examined by 5 or 6 local construction and engineering consultants to determine what the costs would be for repair and was concerned that only one of the proposed members was from the construction industry. He indicated that some of the tasks of the commission were actually responsibilities of the Sheriff and was concerned that they would try to dictate how the Sheriff operated his jail.

Ms. Leshar responded that one of the committees that was being looked at was a Finance Committee, to understand what the financial implications might be, with a very clear work plan and 180 days to provide recommendations about what might be needed for either infrastructure repairs and maintenance or a new facility. She assured the Board that regular updates would continue to be provided and that the purpose of the commission was not to dictate operating functions of the jail, but to understand what the various parameters might be and present those to the Board.

Supervisor Bronson shared Supervisor Christy's concerns and commented that the first priority that needed to be determined was whether the jail could be rehabilitated or a new facility was required, and indicated that she would be voting in favor of the item.

Supervisor Scott stated that he appreciated his colleagues' concerns, but made note that Sheriff Nanos had been present when the Board voted to begin the deliberations of a Blue Ribbon Commission and he supported its formation with all of the other recommendations the County Administrator had made with his consultation. He indicated that contained within the charter, the very first responsibility for this commission was to look at "the current condition of the Pima County Adult Detention Facility to determine the need and feasibility for design and capacity improvements and or construction of a new facility." He stated that the second responsibility was "best practices and standards and other factors impacting operations given industry changes since the County facility was built," and the third was "funding options available to the County for facility improvements and or construction of a new facility and related services," and commented that the

commission could not only recommend moving forward with a new facility, but could also make recommendations about improvements to the current facility. He indicated that he would be voting in favor of the item, since he did not anticipate the commission would stray beyond those three stated responsibilities.

Chair Grijalva commented that it was important for the Commission and the Board to understand why a portion of a 16 year old facility might be considered structurally unsound. She asked that the Board be provided with an assessment of its condition and a determination of any recourses available to the County.

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

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

10. The Board of Supervisors on January 24 and February 7, 2023, continued the following:

#### **Fair Horse Racing Commission**

Reappointment of Allen "Russell" True. Term expiration: 1/20/25. (District 3)

At the request of the County Administrator and without objection, this item was removed from the agenda.

### **COUNTY ATTORNEY**

11. **Revisions to Board of Supervisors Policy**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy C 6.3, Procedures for Board Approval of Applications for Monies from the County Attorney's Anti-Racketeering Revolving Fund.

At the request of the County Attorney's Office and without objection, this item was continued to the Board of Supervisors' Meeting of March 7, 2023.

### **ELECTIONS**

12. **Recommendation of Appointment of the Election Integrity Commission Chair to Serve on Governor Hobbs Elections Task Force**

The Elections Integrity Commission recommends the appointment of Brian Bickel, Commission Chair, to serve on the Bipartisan Elections Task Force administered by Governor Katie Hobbs.

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

## **FACILITIES MANAGEMENT**

13. The Board of Supervisors on February 7, 2023, continued the following:

### **Contract**

American Indian Association of Tucson, Inc., d.b.a. Tucson Indian Center, Amendment No. 4, to provide for a promissory note related to the Purchase and Sale Agreement of 160 N. Stone, extend contract term to 1/1/38 and amend contractual language to approve total contract amount of \$1,484,141.00 revenue (\$29,041.00 revenue decrease) (CTN-FM-17-14)

At the request of the County Administrator and without objection, this item was continued to the Board of Supervisors' Meeting of March 21, 2023.

## **CONTRACT AND AWARD**

### **Community and Workforce Development**

14. City of Tucson, to provide an intergovernmental agreement for an Interagency Resource Coordinator, General Fund, total contract amount \$115,419.20/2 year term (\$57,709.60 per year) (CT-CR-23-316)

Jan Leshar, County Administrator, stated that this item had been discussed prior to the contract and explained that the individual would help coordinate a variety of activities related to issues that dealt with the homeless community and would report jointly to the City of Tucson (COT) Manager and the County Administrator.

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

Supervisor Christy indicated that he would be voting against the item for various reasons. He questioned the need for the position, including the additional cost to the County since the individual would be a COT employee. He stated that the Community and Workforce Development Department had existing staff capable of performing the duties and inquired whether other community partners would be participating financially, as specified in the background materials.

Supervisor Bronson stated that she partially agreed with Supervisor Christy's comments and felt that the duties could be coordinated with existing employees within the COT and County, and questioned the need for a new position. She indicated that she would be voting against this item as well.

Ms. Leshar explained that there were a number of employees from both the COT and County that served on a joint task force and met regularly, primarily from Community and Workforce Development. She stated that as they looked at the complexity of the issues during the final analysis, it was determined that one

individual was needed who would ultimately be responsible for all of those efforts and to ensure there was a cooperative arrangement with the COT. She stated that staff had looked at individuals that could be provided within this intergovernmental agreement (IGA). She explained that a similar arrangement and model had been used for a County employee that was in the Pima County Integrated Network, which was paid by a variety of jurisdictions, but needed to be placed within one of the systems for the purposes of employee benefits.

Chair Grijalva clarified that this was for a position that currently existed and was for an extension of a two-year term.

Ms. Leshar responded in the affirmative.

Supervisor Scott referred to the description of the seven essential functions of the multi-agency resource Coordinator. He inquired about the initial projects or priorities and how they aligned with the essential functions of the position.

Steve Holmes, Deputy County Administrator, responded that a clearer definition of how housing was coordinated between the COT and County was an initial step that needed to occur and indicated that many gaps existed in the way housing was provided, specifically in the street living homeless area. He stated that staff was trying to coordinate efforts between the two entities and the Tucson Pima Coalition to End Homelessness Program, a funding authority under HUD, which was staffed by the COT. He stated that one of the primary issues, outside of criminality in the homeless community, was where they would go. He added that some of those gaps in services needed to be outlined, funding acquired and a priority to funding the services.

Supervisor Scott questioned whether it was envisioned that this position would play a key role in working on the strategic blueprint outlined in the County Administrator's memorandum dated February 17, 2023. He inquired what other projects or priorities would be assigned to the position and how direction would be given to the Coordinator in collaboration with the COT and County.

Mr. Holmes confirmed that the position would play a key role in working on the strategic blueprint. He stated there was another element of court involved homelessness that required a coordinated effort between the COT and County. He stated that since Pretrial Services was a function of the Superior Court, County Administration had no direct oversight and the initial appearances being coordinated by the IGA that were being revisited were run through the COT. He added that all initial appearances for individuals released from the jail were run through the COT and those two systems needed to work in tandem to create a seamless experience for individuals coming through the system in need of services. He indicated that a primary issue was when individuals had conditions of release that were not being followed, warrants were issued, and individuals were returning in this cyclical pattern that happened with initial appearances and what may be happening through Pretrial

Services, which was another coordinated effort that this position would be expected to outline and work on.

Ms. Leshar stated that direction given to the Coordinator in collaboration with the COT and County would be discussed on a weekly basis with the COT Manager to jointly address oversight of that individual.

Supervisor Scott requested that if similar items that addressed County initiatives to homelessness and public safety were received that the Board be provided with regular activity reports for this employee.

Chair Grijalva commented that the goal of the current employee was to present information to the Mayor and Council on a regular basis and it had been requested to provide the exact presentation to the Board for transparency. She indicated that regular updates would be informative to both the Board and the community and stressed the need for continued collaborations with the COT, since these were issues that could not be resolved solely by one entity.

Supervisor Christy commented that he wished he shared that same optimism, but was not confident in the COT's credibility and felt it was a waste of County funds.

Chair Grijalva indicated that regular updates might be helpful in alleviating Supervisor Christy's concerns.

Supervisor Bronson commented that those efforts should be regionally collaborated with all jurisdictions included and stated she had concerns with the County Administrator and COT Manager providing policy recommendations, since the Board set policies.

Ms. Leshar assured the Board that no policy direction would be provided and stated that only procedural direction would be given in support of policies as passed by the Board. She added that she would address any incident of concern with policy direction.

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

15. Watershed Management Group, Inc., Amendment No. 1, to provide for the Green Stormwater Infrastructure for Neighborhood Cleanup HUD CDBG Community Public Infrastructure Activity, extend contract term to 1/31/24 and amend contractual language, no cost (CT-CR-22-257)

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

16. TMM Family Services, Inc., Amendment No. 1, to provide for the Whole Home Rehabilitation Program HUD CDBG Owner - Occupied Housing Rehabilitation, extend contract term to 9/30/23 and amend contractual language, no cost (CT-CR-22-180)

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

### **Economic Development**

17. Stiletto Consulting, Ltd., Amendment No. 1, to provide for Economic Development Strategic Plan update, extend contract term to 12/31/23, amend contractual language and scope of services, General Fund, contract amount \$10,000.00 (CT-CA-22-394)

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

Supervisor Scott asked for more details about the additional input from the business community and regional stakeholders that was requested and asked staff to expand on the activities that were noted in the metrics, such as why those metrics were used and asked to be provided with details about the important sector of the regional economy that was consulted.

Heath Vescovi-Chiordi, Director, Economic Development, responded that this contract was an expansion of the original scope for the additional inclusion of small and medium sized businesses within the community. He stated that staff requested that the third party consultant engage with the businesses further to determine what additional services might be needed and indicated that Attachment A in the contract elaborated on what that scope was and explained what had effectively been added to the existing scope. He explained that additional focus groups were conducted, previously from the completion of 2 to 7, along with a business and community survey that was offered in both English and Spanish. He stated that additional one-on-one interviews were held and facilitated directly through the third party consultant in tandem with the U of A Tech Park and the University of Arizona Center for Innovation because of their access to those businesses, which added 12 to the interview totals, which went from 25 to 37. He indicated that an additional half-day stakeholder input group had been conducted in August and was not scheduled with the original scope.

Supervisor Scott asked whether the mentioned, “very important sector of the economy” was a reference to the small and medium sized business community.

Mr. Vescovi-Chiordi responded in the affirmative and indicated that it was a representation of businesses across various industries throughout the community that included manufacturing, retail, restaurant and similar businesses.

Supervisor Scott questioned whether the consultant had made that request based on wanting more input from local stakeholders and a better understanding of the requirements of the Economic Development Administration.

Mr. Vescovi-Chiordi responded that the additional interviews had been requested by staff because of the importance of remaining authentic to those requirements.

Supervisor Christy commented that he had read the request differently and stated that the original contract amount was \$105,000.00 and this amendment would extend the contact term to add strategic planning services, was retroactive and would cost the County another \$10,000.00. He indicated that he felt Stiletto Consulting had gone in over their heads doing more than they realized and somewhere during the process the original mission of the contract was expanded and they were now asking for reimbursement of the services rendered beyond the contracts original scope.

Mr. Vescovi-Chiordi responded that the original contract amount was \$95,000.00 and was done administratively by direct selection through the County Administrator's Office. He explained that staff was going through the process based off of the original scope and determined that additional work was needed, specifically with small and medium sized businesses. He clarified that it was County staff and not the contractor who had identified the need for the additional work after receiving valuable feedback from the community.

Supervisor Christy stated that he was concerned with how this process was handled.

Mr. Vescovi-Chiordi stated that he understood his concern and indicated that this issue had been identified during the midst of the dealings with the American Battery Factory contract that had unfortunately occupied more of staff's attention.

Supervisor Bronson questioned whether Mr. Vescovi-Chiordi had made the recommendation.

Mr. Vescovi-Chiordi responded in the affirmative and stated it was done in conjunction with County Administration.

Supervisor Bronson asked what he meant by County Administration.

Mr. Vescovi-Chiordi responded that he had worked with Mr. DeBonis, Jr., his department's Deputy County Administrator.

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

## Health

18. Behavioral Insights, Inc., d.b.a. Behavioral Insights Team, Amendment No. 1, to provide for Behavioral Economics Design for Health Literacy Project, extend contract term to 12/31/23, amend contractual language and scope of services, U.S. Department of Health and Human Services Fund, contract amount \$50,000.00 (CT-HD-23-57)

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

19. LexisNexis VitalChek Network, Inc., to provide for ordering of vital records, contract amount \$1,500,000.00 revenue (CTN-HD-23-110)

It was moved by Supervisor Bronson and seconded by Chair Grijalva to approve Minutes Item Nos. 19 and 20.

Supervisor Christy requested that these items be heard separately.

Supervisor Bronson withdrew her original motion.

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

Supervisor Christy commented that the purpose of the item was to allow current and former Pima County residents the ability to receive expedited copies of birth and death certificates through the VitalChek Network system for an unspecified fee. He stated that zero revenue dollars had been collected for this service in the past and that the contract stated that due to the amount of revenue collected in previous years, it needed to be presented to the Board. He inquired about the collected revenue amount.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the State Department of Health Services had moved to an electronic reporting system approximately 5 to 6 years ago and previous to that, individuals had to request their certificates in person, which was very inconvenient. He indicated that LexisNexis was engaged by the State and each of the counties to improve that system and become part of the electronic driven process that provided this expedited service and was the reason for the contract.

Supervisor Christy inquired about the start date of the revenue collection.

Dr. Garcia responded that it had begun approximately two years ago and initially was just enough to offset the expenses, but now had become more significant and was the reason the contract was presented today. He stated that a full accounting of the revenue would be provided to the Board.



Supervisor Christy inquired about the amount of revenue that had been collected to date.

Dr. Garcia responded that information was not readily available.

Supervisor Christy commented that he could not locate any information regarding the revenue in the background materials and questioned how LexisNexis made their money.

Dr. Garcia responded that he was unable to speak on their business model.

Supervisor Christy stated that since more information was needed, this item should be continued and questioned whether personal information was being harvested or sold by LexisNexis.

Jan Leshar, County Administrator, responded that the item could be continued to allow staff the opportunity to provide the Board with the requested information.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to continue the item to the Board of Supervisors' Meeting of March 7, 2023. No vote was taken at this time.

Supervisor Christy indicated that his substitute motion was contingent upon receiving the requested information from staff.

Supervisor Bronson asked that the Board also be provided with information regarding the balance between revenues and expenses.

Ms. Leshar responded that all requested information would be provided before the March 7th meeting.

Upon the vote of the substitute motion, it carried 4-1, Supervisor Heinz voted "Nay."

20. Town of Oro Valley, to provide for an intergovernmental agreement for disbursement of opioid settlement funds, One Arizona Distribution of Opioid Settlement Funds, total contract amount \$126,170.88/5 year term (\$25,234.18 per year) (CT-HD-23-322)

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

## Procurement

### 21. Award

Amendment of Award: Master Agreement No. MA-PO-18-235, Amendment No. 4, CRM of America, L.L.C., to provide for waste tire site operations and recycling. This amendment exercises the last five-year renewal option to extend the termination date to 3/8/28, increases the award amount by \$6,000,000.00 for a cumulative not-to-exceed contract amount of \$21,899,185.00 and appends the Forced Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. §35-394. Funding Source: Solid Waste Tire Fund. Administering Department: Environmental Quality.

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

### 22. Award

Amendment of Award: Master Agreement Nos. MA-PO-18-263, Amendment No. 6, Purcell Tire and Rubber Company, d.b.a. Purcell Tire and Service Center and MA-PO-18-345, Amendment No. 5, Southern Tire Mart, L.L.C., to provide for automotive truck and off road tires. These amendments are for a one-time increase in the shared amount of \$100,000.00 for a cumulative not-to-exceed contract amount of \$1,465,800.00, appends the Forced Labor of Ethnic Uyghurs provision to the contract pursuant to A.R.S. §35-394 for MA-PO-18-345, and increases unit prices by an average of 18% for MA-PO-18-263. Funding Source: Fleet Internal Services Fund. Administering Department: Fleet Services.

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

### 23. Award

Amendment of Award: Master Agreement No. MA-PO-16-101, Amendment No. 9, Dell Marketing, LP, to provide for Dell hardware, software, peripherals, and related services. This amendment extends the termination date to 7/31/23. No additional funds required at this time. Administering Department: Information Technology.

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

### 24. Award

Amendment of Award: Master Agreement No. MA-PO-16-96, Amendment No. 10, Lenovo Global Technology (United States), Inc., to provide for Lenovo hardware, software, peripherals, and related services. This amendment extends the termination date to 7/31/23. No additional funds required at this time. Administering Department: Information Technology.

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

25. **Award**

Amendment of Award: Master Agreement No. MA-PO-18-201, Amendment No. 7, Transource Service Corp., d.b.a. Transource Computers, to provide for hardware including peripherals and associated services. This amendment extends the termination date to 7/31/23 and increases the not-to-exceed contract amount by \$50,000.00 for a cumulative not-to-exceed contract amount of \$500,000.00. Funding Source: Internal Service (70%) and General (30%) Funds. Administering Department: Information Technology.

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

26. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-85, Amendment No. 9, HP, Inc., to provide for HP computer hardware, peripherals, and related services. This amendment extends the termination date to 7/31/23. No additional funds required at this time. Administering Department: Information Technology.

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

27. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-269, Amendment No. 11, Apple Computer, Inc., to provide for Apple computer hardware and support. This amendment extends the termination date to 7/31/23. No additional funds required at this time. Administering Department: Information Technology.

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

28. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-335, Amendment No. 10, NetApp Inc., CDW Government, L.L.C., Custom Storage, Inc., d.b.a. CStor, DLT Solutions, L.L.C., d.b.a. DLT Solutions, EPlus Group, Inc., d.b.a. EPlus Group, Inc., Insight Public Sector, Inc., and World Wide Technology, L.L.C., to provide for NetApp computer storage, hardware and support. This amendment extends the termination date to 7/31/23. No additional funds required at this time. Administering Department: Information Technology.

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

29. Aurigo Software Technologies, Inc., to provide for Aurigo Masterworks Cloud, Non-Bond Projects Fund, total contract amount \$1,037,377.19/5 year term (\$207,475.44 per year) (DO-IT-23-20283) Administering Department: Information Technology

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

30. DNA Labs International, Inc., to provide for DNA laboratory services, General Fund, contract amount \$300,000.00 (MA-PO-23-128) Administering Department: Sheriff

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

31. MW Morrissey Construction, L.L.C., Amendment No. 2, to provide for the Historic Canoa Ranch Senior House Renovation (CRMSNR), extend contract term to 5/29/23 and amend contractual language, no cost (CT-CPO-22-248) Administering Department: Capital Program Office

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

### **Transportation**

32. Regional Transportation Authority of Pima County, Amendment No. 7, to provide for design and construction of improvements to Sunset Road - Silverbell to I-10 to River Road (RTA-8), extend contract term to 6/30/26 and amend contractual language, contract amount \$2,100,000.00 revenue (CTN-TR-20-54)

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

### **GRANT APPLICATION/ACCEPTANCE**

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

City of Tucson, Amendment No. 2, to provide for the U.S. Department of Housing and Urban Development Continuum of Care Program - Supportive Services - Coordinated Entry Project and extend grant term to 9/30/23, \$44,100.00/\$11,025.00 General Fund match (GTAM 23-40)

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

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

Arizona Department of Housing, Amendment No. 2, to provide for the Weatherization Assistance Program, amend grant language and scope of work, \$61,404.00 (GTAM 23-42)

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

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

U.S. Department of Housing and Urban Development, Amendment No. 1, to provide for the Housing Opportunities for Persons with AIDS Program and amend grant language, no cost (GTAM 23-50)

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

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

Arizona Department of Housing, to provide for the Pima County Home Repair Weatherization Assistance Program - Southwest Gas Corporation, \$23,083.00 (GTAW 23-446117)

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

37. **Acceptance - Natural Resources, Parks and Recreation**

Arizona Department of Forestry and Fire Management, to provide for the Healthy Forest Initiative, Protecting Tucson Estates and Tucson Mountain Park, \$165,000.00/\$29,270.00 General Fund match/\$11,980.00 In-Kind Volunteer time match (GTAW 23-18)

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

38. **Acceptance - Office of Sustainability and Conservation**

U.S. Department of the Interior/National Park Service, to provide for the 2022 Historic Preservation Fund - Congressionally Directed Spending - Pima County, total grant amount \$500,000.00/2 year term (\$250,000.00 per year) (GTAW 23-85)

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

Linda Mayro, Director, Office of Sustainability and Conservation, presented a slideshow of Mission Garden and explained that the County had purchased it in 1997 with Pima County Historic Preservation and General Obligation Bonds that had been approved by the public and thus far, had been developed by Friends of Tucson's Birthplace. She stated that many of the plots represented different heritage foods and living practices of the people that occupied Tucson today and explained that infrastructure for new irrigation and electrical systems was needed and would be implemented. She added that staff was preparing a National Register of Historic Places nomination for "Cuk Son" as the birthplace of Tucson, which would include "A" Mountain and the surrounding area.

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

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

Petco Love, to provide for the FY24 Petco Love Animal Welfare Organization Lifesaving Impact Award Grant, \$100,000.00 (GTAW 23-87)

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

40. **Acceptance - Public Defense Services**

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 11, to provide for the Title IV-E Federal Foster Care Matching Funds Project, \$314,543.53 (GTAM 23-54)

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

41. **Acceptance - Public Defense Services**

Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Amendment No. 1, to provide for the Pima County Victim Restitution Assistance Program and amend grant language, no cost (GTAM 23-57)

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

**FRANCHISE/LICENSE/PERMIT**

42. **Hearing - Liquor License**

Job No. 223786, Amy S. Nations, Sauce Pizza & Wine, 7117 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

43. **Hearing - Liquor License**

Job No. 218640, Andrea Dahlman Lewkowitz, Irvington Energy, 3535 E. Irvington Road, Tucson, Series 10, Beer and Wine Store, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

44. **Hearing - Liquor License**

Job No. 214315, Emily Francisca Silvas Cabrera, La Herradura Mexican Grill, 3051 S. Kinney Road, Tucson, Series 12, Restaurant, New License.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**BOARD OF SUPERVISORS**

45. **Update on Pima County's Health Director**

Discussion/Direction/Action regarding an update from the County Administrator and appropriate staff as to the continued employment of Dr. Theresa Cullen as Pima County's Health Director. (District 4)

Chair Grijalva indicated she was concerned with public discussion of an employee who was not directly evaluated by the Board and asked legal counsel to address any potential issues.

Sam Brown, Chief Civil Deputy County Attorney, responded that under state law the Board was allowed to move into Executive Session for discussion of an employee matter and that no prohibition existed for public discussion without notice to that employee. He indicated that he would monitor the content of the discussion and it would be paused or interrupted, if needed.

Chair Grijalva stated that her concern was about not knowing the nature of the conversation since no attachments were included with the item. She asked the County Administrator to address the employment of Dr. Cullen as Pima County's Health Director.

Jan Leshar, County Administrator, stated that Dr. Cullen was the Director of the Pima County Health Department. She stated that she had notified the Board in December 2022, that Dr. Cullen had been nominated to be Director of the State Health Department and indicated at that point, a national search would be underway. She stated she had subsequently notified the Board about Dr. Cullen's decision to withdraw her nomination and because she had not terminated her employment with the County, she notified the Board that she would be continuing in her role as Health Director.

Chair Grijalva asked for clarification purposes whether Dr. Cullen had submitted paperwork to Human Resources that indicated her last day and if that would need to be addressed or changed at this point.

Ms. Leshar responded that the process had begun, but was never finalized and no changes were needed at this point. She stated that her concern was that it would have been irresponsible to not begin looking at how the department would be managed if she was selected as the director of the State Health Department.

Chair Grijalva asked if this was the reason it was indicated to the public and the media that Dr. Garcia would serve as the Interim Director for the position.

Ms. Leshar responded in the affirmative and clarified that the Board had been notified of Dr. Garcia's Interim appointment on the same day that Dr. Cullen had been nominated by Governor Hobbs and because it was assumed that the County would be moving forward with a national search once the position was vacated.

Supervisor Christy stated that the whole process was in question and indicated that a memorandum that described the situation had been sent to the Board in late December and asked the County Administrator about that memorandum.

Ms. Leshar responded that she had sent an email.

Supervisor Christy stated his staff had searched for that email on the County Administrator's website and was unable to locate it. He questioned why it was not available on the County Administrator's website.

Ms. Leshar responded that it was not a memorandum and as such would not be posted on the website. She explained that the notification was a forewarning to the Board that Dr. Cullen might be nominated and indicated that her email was sent on December 27th.

Supervisor Christy asked Ms. Leshar to read her email.



Ms. Leshar read the following email:

*“Supervisors, I am pleased to share that Governor-Elect Hobbs will soon be announcing her appointment of Dr. Theresa Cullen to serve as the Director of the Arizona Department of Health Services. Dr. Cullen has been an outstanding leader and advocate for public health during her tenure as Pima County’s Health Director. I have asked Dr. Garcia to serve as Interim Director while we begin a national search. Please join me in congratulating Dr. Cullen and wishing her the very best in her new position.”*

Supervisor Christy commented his interpretation of the email was that Dr. Cullen was no longer an employee of Pima County.

Ms. Leshar responded that she had hoped to be clear about her indication that Dr. Cullen would soon be announcing her appointment, and that she would begin the national search process and the selection of an interim director.

Supervisor Christy questioned when Dr. Cullen had begun the process of seeking employment with the Governor’s Office.

Ms. Leshar responded that she was not involved in any of the communications or conversations that Dr. Cullen had with the Governor.

Supervisor Christy questioned whether this process of a top-level County Administration employee seeking other employment was normal, how that was not an indication of Dr. Cullen’s severance from her position and if it was communicated to Dr. Cullen that she would remain in her position until she was hired by the State.

Ms. Leshar responded that communications with Dr. Cullen was that she would not be leaving her position until after her new position was confirmed by the Senate and she was advised to wait until her new position was confirmed before finalizing her resignation or retirement from Pima County.

Chair Grijalva stated that this was a common practice amongst governing bodies with appointed staff where the employee waited to tender their resignation until after their new appointment was confirmed and indicated that she had witnessed it on several different occasions throughout her employment. She commented that the use of vacation time or other forms of leave were also available to those candidates and in this case, staff had anticipated Dr. Cullen would be appointed, but since it had been indicated that her resignation was never tendered she would continue her position as Health Director.

Supervisor Christy disagreed with Chair Grijalva’s analysis and stated that a news article had quoted the County Administrator congratulating Dr. Cullen on her new position and after Governor Hobbs’s release, the County announced that Dr. Cullen

would be staying on despite having stepped down from her position two weeks prior.

Chair Grijalva commented that at this point, there was no hiring process or reappointment, Dr. Cullen had not tendered her resignation or submitted paperwork to finalize it.

Supervisor Scott questioned whether Dr. Cullen had continued to perform her duties as Health Director throughout the confirmation process and whether it was agreed upon that Dr. Cullen's finalized resignation was contingent upon her confirmed appointment by the Senate.

Ms. Leshar responded that she had taken a few days of formal vacation when she had to be in Phoenix for circumstances related to the new appointment and confirmed that Dr. Cullen's resignation would be finalized contingent on her confirmation by the Senate.

Supervisor Christy read a quote from the Phoenix Republic that indicated the Pima County Health Department and Poison Control were very much involved with the recent hazmat issue on I-10 and questioned what Dr. Cullen's leadership and involvement was in that situation.

Ms. Leshar responded that she could provide the Board with a variety of emails and communications that had occurred with Dr. Cullen regarding the health response.

It was moved by Supervisor Christy that the Pima County Board of Supervisors convey a vote of no confidence of Dr. Cullen in her ability to lead the Pima County Health Department. The motion died for lack of a second.

Supervisor Bronson stated that she appreciated Supervisor Christy's questions and indicated they were examples of how government conducted business and why there was so much distrust with regard to government transparency. She stated that although she did not second the motion, she too was concerned about how this information was being conveyed and indicated that it had done nothing to inspire public confidence. She stated Supervisor Christy's questions were mostly procedural and had done nothing to denigrate the character of Dr. Cullen, but were actually about the process, which had not put the County in the best light. She stated that the Board needed to review the direct selection process and amend how and when it was done.

Chair Grijalva indicated that she welcomed the transparency and asked Supervisor Bronson if she wanted to create a subcommittee to review that process.

Supervisor Bronson stated she would rather let County Administration make recommendations to the Board, but felt that the direct select process should be reviewed.

Supervisor Christy commented that Dr. Cullen had miserably failed her job interview with the Nomination Hearing Committee in Phoenix.

Chair Grijalva commented that she felt her interview had been an incredibly partisan one-sided process and indicated that an overwhelming number of letters of support for Dr. Cullen had been received by the County, which included letters from the Chairman and Vice Chairwoman of the Tohono O'odham Nation, the San Carlos Apache Tribe and many members of the community who were thankful for her leadership.

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

46. **Update on the Interstate 10 Hazardous Materials Spill**

Discussion/Direction/Action regarding an update from the County Administrator and appropriate staff on the response to and status of the toxic fumes and clean-up efforts associated with a hazardous materials spill on Interstate 10 on February 14, 2023. (District 4)

Jan Leshar, County Administrator, stated that although this event had a significant impact on the people of Pima County it had taken place on a state route and was under the incident command of the Department of Public Safety (DPS). She indicated they were the designated authority in charge of hazmat incidents and usually worked in conjunction with local fire departments. She stated that by Wednesday morning she had been informed of the communication deficiencies that had taken place regarding the lack of information being given to the public and indicated that was when the Health Department stepped in and started the release of information in regards to public health and safety risks.

Shane Clark, Director, Office of Emergency Management, presented an overview of the situation to the Board. He stated that his office had been notified on February 14th at 3:04 p.m., that first responders had arrived at the scene of an accident involving a hazardous materials release on Interstate 10 (I-10) between Kolb and Rita Roads and indicated it was later confirmed that the spill was Nitric Acid of an unknown quantity. He continued with a step-by-step relay of the events and stated that jurisdictional law enforcement and fire departments were responsible for managing these types of events and the role of the Office of Emergency Management (OEM) was to serve the needs of the incident commander, which in this instance was DPS and clarified that OEM was not a first response agency. He stated that DPS had arrived on scene at 2:44 p.m. and closed I-10 at 2:56 p.m. He stated that the wind moved the plume cloud to the North-Northeast, and due to the movement there was a decision by command to evacuate a school, a large industrial complex and trailer park. He added that one resident in close proximity to the accident was evacuated. He stated that the additional resources arrived to assist with evacuation and traffic control to close off the interstate and route traffic to surface streets. He stated that there was a fire at the scene that was extinguished and whether was a factor in the incident. He stated the National Weather Service

provided updates. He stated that for those that drove through the plume, exposure was minimal, and Arizona Poison Control stated that someone would need to be within feet of the accident for a prolonged period of time to be exposed and that it was unlikely any chemical traveled that far. He stated that operations continued throughout the night and agencies were requested to move loads of dirt to cover the spill. He was advised by the Tucson Fire Department at 3:04 p.m. with no request for support, at 3:25 p.m. OEM was requested to coordinate with Tucson Fire on a shelter in place mass notification message to the public through the County's My Alerts Platform. He stated that the first message was delivered at 3:53 p.m. and four additional messages were delivered to the affected area during the operation, which included messages rescinding the shelter in place at 8:03 p.m. and reinstating it at 4:05 a.m. the next morning when the plume had started up again and added that the last message was delivered at 5:06 p.m. on February 15th. He stated that County Administration had been immediately contacted and updated throughout the entire operation and indicated that OEM and many other departments involved in the process had received calls from concerned citizens. He stated that the lead agency had requested media and other organizations be directed to contact the DPS Public Information Officer (PIO) and indicated that the Communications and OEM Offices were a part of the DPS PIO managed communications group and OEM had also communicated with the Pima County Department of Environmental Quality. He stated that the Health Department had been instrumental in working with the Arizona Poison Control Center and developed a public message with supportive communications to educate the public about the hazards of the agent and what measures could be taken. He added that the Communications Department had opened a public facing webpage. He stated the scene remained active for about 27 hours and was terminated at approximately 6:00 p.m. on February 15th and I-10 was reopened for normal traffic. He stated that notification of the spill was submitted to the National Response System Center and it was reported that 3,575 gallons were spilled and OEM's last involvement took place on Friday when their Community Outreach Coordinator conducted a media interview that was focused on the My Alerts Platform. He stated the spill was contained with no reported environmental impact and remaining materials would be removed and that the investigation was on-going. He commended the efforts of the first responders and supporting agencies involved and pointed out that there were no injuries directly related to the spill or plume and no lives were lost except for the unfortunate passing of the truck driver and offered condolences to his family. He indicated that the lessons learned would strengthen the community, preparedness, communications and the County's response, but it was too early to discuss all the factors involved with the incident. He stated internally departments had started their hot washes and OEM had conducted theirs last week. He stated he had asked DPS and Tucson Fire about their intentions for an after-action report process and indicated that at a later date, more information regarding strengths, challenges and recommended improvement areas would be presented to the Board.

Supervisor Christy commended the County Administrator for her continued contact with the District 4 Office and for addressing his concerns. He indicated that Ms. Leshar had also expressed frustration as to the lack of information being provided,

but had made every possible effort to keep him informed. He stated that in instances such as these, constituents turned to their closest form of local government for answers, and he was not able to provide any because he was never contacted. He indicated that it was only after he had made the initial contact with the County Administrator that she was able to keep him posted as the morning went on, but expressed frustration with the fact that no attempt to contact his office was ever made by DPS. He stated that the issue that needed to be addressed was how that information was delivered from the lead agency to the local level where the constituents and residents sought answers.

Mr. Clark stated that he understood Supervisor Christy's concerns and would bring them forward with the hot wash after-action process and indicated that the Board would be provided with a report regarding his conclusions about moving forward from this point.

Supervisor Christy commented that this was the typical bureaucratic situation where too many agencies were involved and a clear delineation of authority, chain of command and dissemination of information was lacking and had created a great deal of fear and anxiety amongst his constituents. He expressed his frustration with not being able to provide them with any relief.

Ms. Leshar responded that one of the critical reasons for Mr. Clark to be involved with the hot wash and debriefing was because the incident command and chain of command for these types of incidents was designed to address the problem Supervisor Christy had just delineated and staff needed to understand the reasons why it had failed.

Supervisor Christy indicated that responding to the incident should have been a simple operation for all of the agencies involved and from his understanding, OEM was not immediately or initially involved with the process and questioned whether his assumption was correct.

Mr. Clark responded that he felt the contacts had occurred at the appropriate times and believed the strategic actions of the unified command were sound. He stated that the decision that was made early on in the process to evacuate was due to caution because DPS were not aware of the full complexities of the situation. He added that the unified command of DPS who worked alongside the Tucson Fire Department had tactically done their job in an excellent fashion and stated they were the very best at handling these situations. He agreed that the communication processes were the principal area that needed attention and to assure that a better job would be done with delivering that information to the Board, the County Administrator and most importantly to the constituents of the County.

Ms. Leshar indicated that a Community Response Team had been convened with the assistance of Director Clark, for muscle memory purposes going into an episode of this nature because staff understood exactly what might occur during one of these events and what could be done when there was a lack of communication. She

stated that the public health information developed by the Pima County Health Department had ultimately been used by the State and was distributed as the central communication for the incident, but indicated it would have helped to have been asked to participate sooner.

Chair Grijalva stated that constituents had reached out to all of the districts for information and it was a frustrating process, but she was glad to hear that Mr. Clark was confident about the work that had been done. She acknowledged the requests of the community to receive information sooner, but understood the balance of verifying that the information was accurate in order to avoid more stress and anxiety to the public.

Supervisor Christy commented that he would feel more comfortable and secure knowing OEM was front and center if this type of incident occurred again due to the information element and how close local government was to their constituents. He stated that nothing was provided from DPS or the Governor's Office and urged local response teams to assume the lead in future events and indicated that once OEM became involved with the situation the information started flowing.

Mr. Clark responded that there were reasons for having an incident command system and for the way it was built. He explained that the jurisdictional leaders of those departments served those roles by design through the national response framework and stated that OEM was involved in the communications within minutes of the accident. He stated that OEM's role was to serve the need of the incident commander within that incident command structure and because there was no Pima County Fire Department, the County relied on the 21 fire departments and 10 law enforcement agencies that served the community, to be tactically present when things happened that were outside the normal. He stated that OEM had great partnerships with local fire and law enforcement agencies and the Board's concerns regarding information flow would be addressed and improved.

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

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

### **47. Transportation Advisory Committee**

Appointment of Kelly Lee, to fill a vacancy created by Kendall Elmer. Term expiration: 2/20/27. (District 3)

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

## CONSENT CALENDAR

### 48. Approval of the Consent Calendar

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

\* \* \*

## BOARD, COMMISSION AND/OR COMMITTEE

1. **Public Safety Personnel Retirement Board**  
Re-election of Costaki Manoleas. Term expiration: 12/31/26.
2. **Environmental Quality Advisory Council**
  - Appointment of Robert Hobbs, representing Automotive Business/Industry, to fill a vacancy created by Neb Yonas. Term expiration: 2/20/26. (Staff recommendation)
  - Reappointment of Leah Proffitt, representing General Business/Industry. Term expiration: 9/5/25. (Staff recommendation)
  - Reappointment of Leslie T. Katz, representing Water Resources. Term expiration: 10/17/25. (Staff recommendation)
  - Reappointment of Paloma Beamer, representing Health/Education. Term expiration: 8/31/24. (Staff 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

3. **Special Event**  
Michael J. Kwinn, Corpus Christi Roman Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, February 25, 2023.

## TREASURER

4. **Fill the Gap**  
Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five percent set-aside "Fill-the-Gap" funds in the amount of \$1,066,874.26 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior and Justice Courts for processing of criminal cases.

## RATIFY AND/OR APPROVE

5. Minutes: December 20, 2022

\* \* \*

49. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:21 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

DRAFT