

Aliza Barraza

From: S. Fickes [REDACTED]  
Sent: Sunday, November 19, 2023 6:17 PM  
To: COB\_mail; District1; District2; District3; Steve Christy; District5  
Subject: Pima County Board of Supervisors Meeting 11-21-23

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I am Sharon Fickes, legal resident of Pima County [REDACTED]  
Following is my comment for BOS 11-21-23 meeting

**Addendum 1 #3 Support ATF Rule 2022-R17  
Proposed Resolution #64 by Supervisor Rex Scott.** Lots of words and paragraphs to say you agree and want support for ATF Rule 2022-R17.

Supervisor Scott you indicate in your proposed resolution "firearm-related violence represents a growing **public health and safety threat** to all Pima County inhabitants"... Where is your concern for Pima County inhabitants when YOU continually vote in favor of MORE funding to support the illegals with medical, housing, food, transportation and a cell phone? **YOU** also voted in favor of the recent purchase of the latest housing for illegals at Drexel Road. Currently, a whistleblower has reported that the Drexel 65,000 sq ft facility appears full with healthy 25-35 aged men and now flying the Palestinian flag in that taxpayer funded facility! Have YOU confirmed these illegals are all properly vetted and are harmless to our community? While the illegals are staying at housing provided by Pima County, is there armed security to keep them contained or since they are issued the title "asylum seekers" do they roam freely in our community? **Where is your concern for public health and safety in Pima County?**

**You** mention the 2022..."533 hospital and emergency visits due to firearms..." with "hospitalization costs for those injuries totaled \$33,107,484". Where is your concern for the costs of **24/7** medical care for illegals with contagious diseases? What is that direct continuing cost and the threat to our communities when they walk away or are not secured? Are you interested in the total multi-millions Pima County has funneled to support illegals? Ask Administrator, Jan Leshar for the exact funding issued based on YOUR votes in Pima County. **Where is your concern for public health and safety in Pima County?**

Are you naive enough to think that those who know they cannot pass a firearm background check will purchase openly and subject themselves to a background

check? The ATF already has background checks. Are you working to have Pima County correlate handgun information? For what purpose? I cannot yet locate all YOUR votes that support **public health and safety** from the threat of illegals crossing into our country through the Pima County open border. Do you have your eyes and ears open yet to understand the depth of your misplaced votes? VOTE to close the Pima County open border. Don't waste your time trying to take away my 2nd Amendment Rights.

Supervisors **VOTE NO**

God Bless America

Sharon Fickes  


**Aliza Barraza**

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**From:** Terra R. [REDACTED]  
**Sent:** Monday, November 20, 2023 1:03 AM  
**To:** District5; District1; District3; District4; District2; COB\_mail  
**Subject:** Addendum Item #3 - RESOLUTION NO. 2023 - 64

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Supervisor Scott,

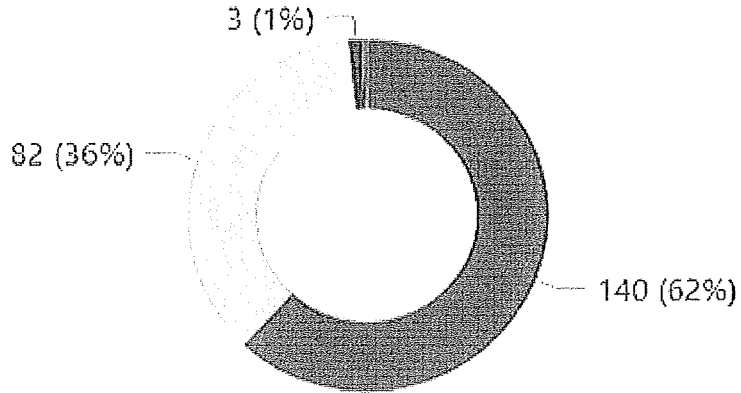
I urge you to seriously reconsider resolution 2023-64 and remove it from Tuesday's agenda. I know you believe what you are doing is a good thing, however, I believe you have not looked at these "gun issues" from a 360 view.

Please take into consideration the following information:

1. WHEREAS, firearm-related violence represents a growing public health and safety threat to all Pima County inhabitants. in 2022, 226 persons were killed with firearms. So far in 2023, 146 persons have perished (1); and
  - You state "firearm-related violence represents a **growing** public health and safety threat" and cite 226 persons killed with firearms last year (2022).
  - There are only about six weeks left in 2023 and the current persons killed so far this year from firearms is 181. Can you please explain why firearm deaths this year are DOWN and yet you state in your resolution it is a "growing problem"?
  - You did NOT note that in both 2022 and 2023 62% of these deaths were suicides which pose **NO** "public health and safety threat to all Pima County inhabitants." Can you please explain why suicide deaths were NOT excluded from your information? These two charts are from 2022 and 2023 in Pima

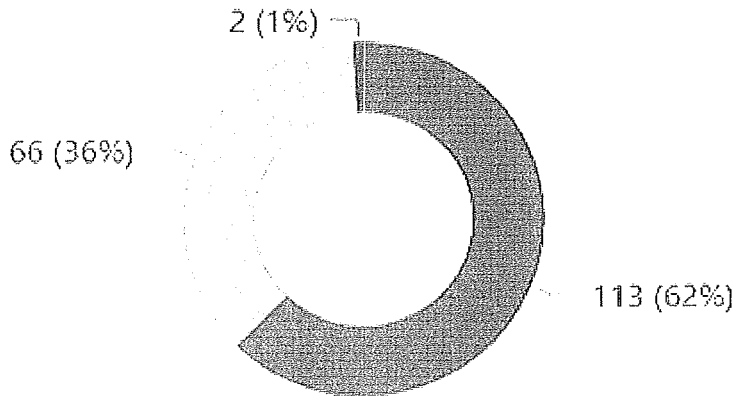
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### Manner of Death



County: ● Suicide ● Homicide ● Accident ● Undetermined

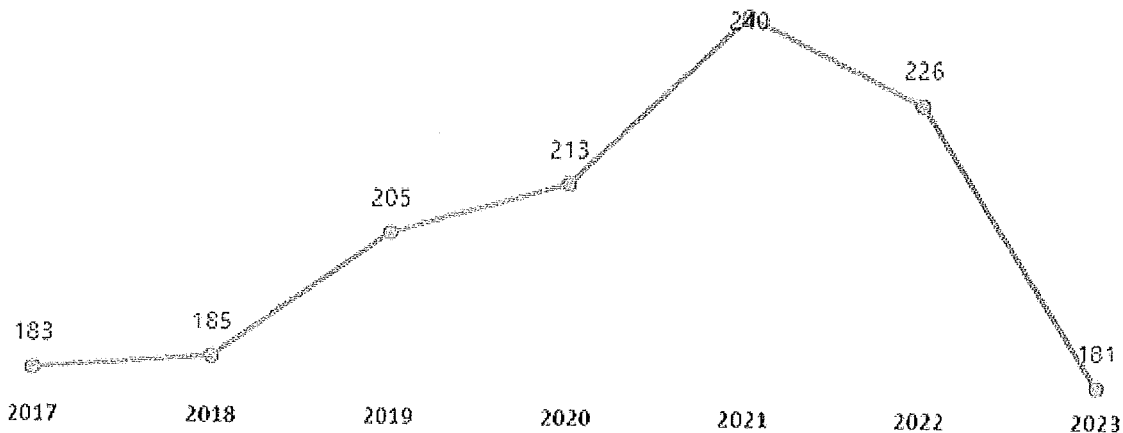
### Manner of Death



● Suicide ● Homicide ● Undetermined

- Below is the graph representing annual firearms deaths in Pima County. As you can see, we are in-line to have lower deaths this year than in the past FOUR years. Can you please explain why you stated this was a "growing" problem?

## Annual Firearm Deaths



- These data and charts are available at the Pima County Medical Examiners page. Click on the Firearm Deaths link and then click on Pima for our county data:
  - <https://www.pima.gov/216/Data-Dashboards-Reports>
- 2. WHEREAS, firearm-related violence represents a staggering human and economic cost to Pima County. In 2022, there were 533 hospital and emergency visits for firearm-related injuries (1 ); and

WHEREAS, billed hospitalization costs for those injuries totaled \$33,107,484 (1 ); and

WHEREAS, in 2010, the Centers for Disease Control estimated that medical and work loss costs for firearm-related violence in Arizona averaged over \$1,000,000 per victim (1 ). Other significant firearm-related violence costs not accounted for include: emergency response, law enforcement, criminal justice, incarceration and quality of life; and

- You do not give searchable citations for these numbers and information so I am unable to verify them.
- 3. WHEREAS, private (non Federal Firearms License) sellers at gun shows, on-line and at other public and private locations can and do sell firearms to buyers without determining if that person is a "prohibited possessor" and

WHEREAS, "prohibited possessors"\* accounted for 21 % (205 out of 958) of all persons charged with firearm-related violent crimes in Pima County in 2020 (2); and

WHEREAS, background checks are the only way to identify and prevent "prohibited possessors" from purchasing firearms; and

- Not ALL criminals are "prohibited possessors" and NOT all people who want to purchase a gun for nefarious reasons are criminals or "prohibited possessors".
- You state that in 2020 only 21% of persons charged with firearm-related violent crimes were "prohibited possessors". Can you please explain why you are using "prohibited possessors" as the reason for supporting universal background checks when they are CLEARLY the minority?
- Background checks on everyone is NOT "the only way to identify and prevent "prohibited possessors" from purchasing firearms."

- Have you taken into consideration that a friend or family member could purchase a firearm (whether voluntarily or under duress) for a criminal and/or “prohibited possessor”? A background check on the friend or family member will NOT stop a “prohibited possessor” from being given the firearm.
  - Having a law that requires every private gun purchaser to get a background check will make it harder for them to buy firearms. And the consequence of that is the increase in theft of firearms. Which would involve an INCREASE in assaults, aggravated assaults, vehicle break-ins, burglaries, and home invasions of YOUR constituents by people/criminals/”prohibited possessors” looking for guns. Can you please explain how you will respond to your constituents and our community when crime rates skyrocket, emergency room visits and billed hospitalization costs increase, and our peace and safety is taken away? Other significant costs associated with this increase in crime “not accounted for include: emergency response, law enforcement, criminal justice, incarceration and quality of life.”
4. WHEREAS, the proposed federal Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF&E) has proposed Rule 2022R-17 which will require background checks for all private firearms sales; and
- You are a Supervisor in Pima County. What the ATF does is federal. This is not within your purview or jurisdiction.
5. WHEREAS, Pima County through both the Board of Supervisors and its Health Department, has broad authority to take actions necessary to protect the public health and safety of all Pima County's inhabitants, see A.R.S. 11-251 (17); A.R.S. Title 36, Chapter 1, Article 4; Marsoner v. Pima County, 166 Ariz. 486, including authority to adopt and enforce "regulations necessary for the public health and safety of the inhabitants." (3)
- Your citation for this paragraph states it was taken from Pima County Board of Supervisors Resolution 2020-96. You do not provide a link. I was able to find this resolution on the December 4, 2020 agenda and noticed that this particular resolution was specifically for “requiring persons to wear face coverings when they are in public places...”. Can you please explain how statutory requirements for face covering relate to universal background check requirements for gun purchasers?
    - <https://pima.legistar.com/View.ashx?M=F&ID=8960666&GUID=35A15211-4E5C-4442-9FE9-22B2D042D4D1>
  - Gun violence is not a “public health” issue. Per the CDC Foundation: “Public health is the science of protecting and improving the health of people and their communities. This work is achieved by promoting healthy lifestyles, researching disease and injury prevention, and detecting, preventing and responding to infectious diseases. Overall, public health is concerned with protecting the health of entire populations.” Just to be clear; injury prevention is not gun violence. In context, injury prevention means things like falling off a ladder.
    - <https://www.cdcfoundation.org/what-public-health>
  - A.R.S. 11-251(17) Adopt provisions necessary to preserve the health of the county, and provide for the expenses thereof.
    - “Health of the county” is a VERY ambiguous phrase. I cannot find the statutory definition, in title 11, for “health”. Can you please statutorily define the word “health” as it relates to our county in the context of Title 11, which you have referenced?
    - <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/11/00251.htm>
  - A.R.S. Title 36, Chapter 1, Article 4
    - I have been unable to locate the statutory definition of “public health” as it relates to Title 36. Can you please provide the statutory definition of “public health” within Title 36?
    - Listing the entirety of Article 4 (19 statutes) does not give any direction as to which statutes specifically give Pima County “broad authority to take actions necessary to protect the public health and safety of all Pima County's inhabitants”. Article 4 encompasses a host of actual “public health” related issues such as maintaining unsanitary premises, health inspectors and boards of health. Can you please explain what you mean by “broad authority” and how it translates to universal background checks for firearm purchases?
    - Using the word “broad” is misleading. In Marsoner v. Pima County (see below) the Arizona Supreme Court notes in their discussion that “Our courts have consistently required counties and county boards of supervisors

to show an express grant of power whenever they assert that such statutory authority exists. They have only those powers that are expressly or by necessary implication delegated to them by the legislature.” You do not have “broad” authority. You have very specifically defined authority granted to you by the Arizona legislature.

- <https://www.azleg.gov/arsDetail/?title=36>
- Marsoner v. Pima County, 166 Ariz. 486
  - Short synopsis of case: The Pima County Board of Health drafted and submitted an ordinance to the Pima County Board of Supervisors to regulate “adult amusement establishment” with a stated purpose “to prevent transmission of human immunodeficiency virus (HIV) by requiring the operation of adult amusement establishments in a safe, sanitary, and educating manner.” The Pima BOS adopted the ordinance. Marsoner (collectively) filed suit to have the ordinance declared invalid. The Arizona Supreme Court upheld the ordinance and enumerated Arizona state statutes that give the county the authority to enact an ordinance requiring the licensing of adult amusement establishments, when it pertains to protecting and preserving “public health” and county “health”.
  - The discussion in the case cited A.R.S. 11-251(17), as I discussed above. Marsoner conceded that “limiting the spread of HIV is a legitimate state interest and that the ordinance does involve a question of the county's health”. This expressly describes the definition of “health of the county” to be directly and solely related to the spread of an infectious disease, not firearm-related violence. This is clearly the definition that is backed up by my previously noted definition given by the CDC Foundation. This case has NOTHING to do with firearm-related violence. Please explain why you are using Marsoner v. Pima County as a justification to support universal background checks when it does not relate to them at all.
  - Also, in their discussion they state: “When interpreting a statute, effect must be given to the legislative intent. Unless the context of the statute and the entire act of which it is a part require otherwise, statutory language will be given its usual meaning.” and “We will give words their plain meaning unless it is impossible to do so or absurd consequences will result.” These statements agree with the definition of “public health” that the CDC Foundation presents: “Public health is the science of protecting and improving the health of people and their communities. This work is achieved by promoting healthy lifestyles, researching disease and injury prevention, and detecting, preventing and responding to infectious diseases.”, which is NOT consistent with firearm-related violence.
  - In their conclusion, the Arizona Supreme Court also cited A.R.S. 36-184(B) as giving the county their authority.
    - Subsection C of A.R.S. 36-184 states: This article does not authorize a county health department or any of its officers or representatives to impose on any person any mode of treatment against that person's will, or any examination inconsistent with the creed or tenets of any religious denomination of which the person is an adherent... In other words, the county has the authority to make rules and regulations but cannot force any form of treatment on a person against their will.
    - I would argue that if you continue to define “public health” as to include firearm-related violence, then any form of “treatment” (i.e. universal background checks) CANNOT be forced on anyone when it is done against their will and consent.
    - <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/00184.htm>
  - <https://casetext.com/case/marsoner-v-pima-county>
- A.R.S. 36-183.02 Sanitary Regulations; notice. A. Each county shall investigate all nuisances, sources of filth and causes of sickness and make “regulations necessary for the public health and safety of the inhabitants”.
  - You left out this statute citation at the end of this quote (which is included in resolution 2020-96).
  - You have cited, in quotations, the last half of a sentence from this statute but failed to note that it actually relates to sanitary regulations.
  - Can you please explain how sanitary regulations, specifically nuisances, sources of filth and causes of sickness, pertain to your “authority to adopt and enforce” universal background checks for firearms?
  - Are nuisances, sources of filth and causes of sickness the “public health and safety” you are referring to? If so, how do sanitary regulations relate to universal background checks?
  - Can you please explain where the authority of public health “and safety” is expressly and specifically granted to you by the Arizona legislature, in regard to firearm-related violence and universal background checks?
  - <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/00183-02.htm>

In conclusion, I believe I have clearly and rigorously outlined information you may not have considered. Your resolution is full of half-truths and misrepresentations. In light of the plethora of information I have given you, I suggest that your BEST recourse is to REMOVE resolution 2023-64 from the agenda, permanently.

Thank you for your consideration, Terra Radliff