

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 5, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, 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
Robert Krygier, Sergeant at Arms

Absent: Rex Scott, Vice Chair

*Supervisor Christy participated remotely.

1. **Contract**

City of Tucson, to provide an intergovernmental agreement for design, construction, and maintenance of land management improvements in the Avra Valley, no cost/25 year term (CT-FC-24-57)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

2. **Contract**

New Hope UMC of Tucson, a.k.a. Hope United Methodist Church of Tucson, f.k.a. Hope Methodist Church, to provide an Exchange Agreement and Special Warranty Deed for a portion of Tax Parcel No. 138-04-286A, consisting of 4,417 sq. ft. in exchange for 77 sq. ft. of property located on Tax Parcel No. 138-04-286B, RFCD Non-Bond Projects Fund, total contract amount \$11,856.00/2 year term (\$5,928.00 per year) (CT-RPS-24-76)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:44 p.m.

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, September 5, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, 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
Robert Krygier, Sergeant at Arms

Absent: Rex Scott, Vice Chair

*Supervisor Christy participated remotely.

1. **Grant Acceptance**

Arizona State Library, Archives and Public Records, to provide for State Grants-In-Aid 2024, \$25,000.00/\$25,000.00 Library District Fund match (GTAW 24-24)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:44 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 5, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, 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
Robert Krygier, Sergeant at Arms

Absent: Rex Scott, Vice Chair

*Supervisor Christy 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 Marcelino Flores, Pima County Community and Workforce Development Department.

3. **PAUSE 4 PAWS**

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

4. **MOMENT OF SILENCE**

Chair Grijalva observed a moment of silence for the sudden passing of Jesse Campagna, who was an Epidemiologist with the Pima County Health Department.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Sheril Steinberg, Political and Advocacy Director, Michael Roberto Ruiz, Communications Director, Sandy Ochoa, Tucson Coordinator and Teresa Torres, Field Coordinator, Mi Familia Vota, proclaiming the day of Tuesday, September 19, 2023, to be: "VOTER REGISTRATON DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Chair Grijalva made the presentation.

6. Presentation of a proclamation to Fred Martinez, Manager, Gil Federico, Board President and Vince Amparano, Treasurer, Historic El Casino Ballroom, proclaiming the days of Friday and Saturday, September 9 and 10, 2023, as a time to recognize and celebrate: "THE LATIN AMERICAN SOCIAL CLUB AND CASINO BALLROOM"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Chair Grijalva made the presentation and Raul Aguirre, Volunteer, Latin American Social Club, read the proclamation.

7. Presentation of a proclamation to Matt McGlone, Community Outreach Coordinator, Pima County Office of Emergency Management; Savannah Martinez, Emergency Manager, City of Tucson; and MaRico Tippett, Vice Chair, Community Wealth Builders, American Red Cross, proclaiming the month of September 2023 to be: "PREPAREDNESS MONTH"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Supervisor Heinz made the presentation.

8. Presentation of a proclamation to Felipe Garcia, President and CEO, and Marisol Vindiola, Senior Director of Multicultural Marketing, Visit Tucson; Rafael Barcelo Durazo, Consulado de México en Tucson; and Diane Frisch, Director, Pima County Attractions and Tourism, proclaiming the month of September 2023 to be: "HISPANIC HERITAGE MONTH"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Chair Grijalva made the presentation. Felipe Garcia, President and CEO, Visit Tucson, read the proclamation in English and Rafael Barcelo Durazo, Consulado de México en Tucson, read the proclamation in Spanish.

9. Presentation of a proclamation to Dustin Williams, Pima County School Superintendent, proclaiming the day of Thursday, September 28, 2023 to be: "LEGENDARY TEACHER DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Supervisor Heinz made the presentation.

10. Presentation of a proclamation to Dustin Williams, Pima County School Superintendent, proclaiming the day of Sunday, September 17, 2023 to be: "CONSTITUTION DAY AND CITIZENSHIP DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item. Supervisor Bronson made the presentation.

11. **CALL TO THE PUBLIC**

Shirley Requard addressed the Board regarding her concerns with 5G and the health risks correlated to 5G meters.

Kathleen Favor expressed her opposition to the Vail Incorporation Special Election and urged the Board to vote no on the incorporation of Vail.

Susan Kelly spoke about interim performance reviews for Board members and read voting statistics she gathered on how Board members had voted in the last year. She also expressed concerns about the Board's fiscal responsibilities.

Raf Polo discussed the book 1984 by George Orwell and stated that Orwell predicted what was currently happening within the Government and Economy.

Todd Ogiba expressed concerns with the invalid Vail Incorporation petition signatures and urged the Board to relieve the Elections Department's Deputy Director from his position.

Eileen Wilson addressed the Board regarding her concerns with Dr. Tersea Cullen returning to her position as the Director in the Health Department and her opposition to mask mandates.

Elizabeth Moll explained that she had aided in writing the language used for the Constitution Day proclamation and read parts of her writing that were removed from the finalized version. She stated that the "separation of Church and State" was not written in the constitution.

Cory Geise spoke about concerns with deaths caused by the COVID-19 vaccine.

Angie Anderson spoke about the invocation that used to be done at prior Board meetings, congratulated the Latin American Social Club for their proclamation and read facts about the Polio virus.

Cory Stephens read an article about Freedom of Speech.

Sharon Fickes discussed her issues with the rules for Call to the Public and her comments being ignored by the Board.

Terra Radliff expressed opposition to Minute Item Nos. 15 and 39 and opposition to mask mandates.

Tim Laux expressed opposition to vaccine mandates and funding towards the Voter Registration Rolls.

Sarah Price expressed opposition to the shortened time allotted to speakers during Call to the Public, Chair Grijalva's comments towards Supervisors Bronson and Christy at the last Board meeting and climate change.

Dave Smith discussed the Constitution, the borders not being secured and the homeless population.

Elizabeth Thompson expressed opposition to funding illegal immigrants, changes to the Constitution and errors made by the Elections Department.

12. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Scott was absent, to convene to Executive Session at 12:12 p.m.

13. **RECONVENE**

The meeting reconvened at 12:43 p.m. Supervisor Scott was absent. All other members were present.

EXECUTIVE SESSION

14. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding Southwest Gas Corporation's Offer of Judgment, presented by the Arizona Attorney General's Office.

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

15. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding World View Lease and Operating Agreement.

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

COUNTY ADMINISTRATOR

16. **Tucson - Pima County Historical Commission**

Staff recommends that the City and the County retain the joint Tucson-Pima County Historical Commission as allowed by the Certified Local Government program, and to direct City and County staff to develop any needed revisions to City and County ordinances and articles of operation for the Tucson-Pima County Historical Commission and its members, and to identify any necessary Code revisions.

Jan Leshar, County Administrator, explained that the issue had previously been brought to the Board and at that time, information relayed by the State was that Pima County needed to split the Tucson - Pima County Historical Commission. She stated that subsequent to that, they were instructed that it did not need to be divided and requested that the joint commission be maintained.

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

Supervisor Heinz stated he was confused as to why the Board had previously passed to split the Commission and now the State decided the Commission did not need to be divided. He stated that what he thought could have contributed to it was that the City of Tucson (COT) and County had different rules and the County currently did not have term limit parity. He stated that some County members had served for decades, and he felt that it was important to allow others in the community to participate and knew there were others that wanted to participate. He stated that moving forward to retain the joint Commission it was important that staff worked to ensure term and term limit parity with the COT, so that the County's membership did not have a different set of rules in terms of how long a person could serve. He stated that if a member had served for more than 10 years, that member should be considered termed out for at least a year before they could return so that new participants could serve. He added that the Commission did not have any funding and requested consideration of providing \$200,000.00 annually for the ability to issue subgrants of \$5,000.00, \$10,000.00 or \$15,000.00 for very specific reviewed historic preservation projects that would be helpful for smaller communities like Ajo, Vail, City of South Tucson and throughout the County, that could benefit from the Commission's resources and could make a significant impact on them. He hoped staff could focus on the issues and expressed support for the item.

Supervisor Christy commented that Supervisor Heinz had good points. He inquired about the timeframe when the ordinances and articles of operation would be completed, and when the Commission would be up-to-speed and working.

Ms. Leshar responded that the Commission was working, operating and was not divided. She stated that it continued to operate and that this would be amendments to the current Commission.

Carmine DeBonis, Jr., Deputy County Administrator, explained that the Commission had continued to meet, and the COT Mayor and Council were scheduled to act on the same item the following day. He explained that the changes were subject to approval by the County and the COT, and staff would begin working with jurisdictions and the Commission on the proposed modifications that would be brought back to the Board as timely as possible. He stated that he could provide an update in 60 days with a more definitive timeline once they knew the specific tasks that needed to be completed and included the Commission in framing up the items.

Supervisor Bronson stated that any changes should go to the Commission first and then the Commission's recommendations would be brought to the Board. She stated that she thought it was a two-step process.

Chair Grijalva requested clarification whether Supervisor Bronson suggested moving forward with this item and then the recommendations would be brought back at a later date.

Supervisor Bronson answered in the affirmative and stated that with the direction of the Board, it would be considered by the Commission first and then by the Board.

Chair Grijalva stated that she had concerns regarding a wholesale term limit imposition because it was beneficial to have expertise from members who had served for years on a Commission. She supported the idea that the item should be considered by the Historical Commission first and then they could suggest edits to the Board.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

ATTRACTIONS AND TOURISM

17. **Arizona Aerospace Foundation - 390th Bomber Memorial Museum Roof Upgrades**

Staff recommends approval of facility improvements at the 390th Bomber Memorial Museum.

It was moved by Supervisor Bronson, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

ELECTIONS

18. **Vote Centers**

Pursuant to A.R.S. §16-411, approval of two additional vote center locations for the 2024 Election Cycle.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 3-0 vote, Supervisor Heinz was not present for the vote and Supervisor Scott was absent, to approve the item.

FINANCE AND RISK MANAGEMENT

19. **Monthly Financial Update**

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

Jan Leshar, County Administrator, stated that although the Board had been provided with written financial updates, the Board requested the item be brought back on a monthly basis for a more open discussion.

Ellen Moulton, Director, Finance and Risk Management, provided a brief overview of where the County stood financially at the end of Fiscal Year (FY) 2022-23, which ended on June 30th. She stated that they were in the process of closing the books for the year, which normally took several months in conjunction with the various auditors that worked with the Financial Control and Reporting (FCR) unit of the Finance Department and the Grants Management and Innovation Department for the grants side of the audit. She went over the Board policies that were implemented or created in the past fiscal year. She explained that D 22.12, Pay-As-You-Go Program, was not a new program, but was foundational to the budget and how the County managed its fiscal business. She stated that D 22.13, General Fund Impact of State Legislature Cost Shifts, had been a policy in the FY2023-24 budget and was the first time it had been implemented and was also foundational to the County budget. She stated that D 22.14, General Fund – Fund Balance, a new policy that had been implemented in the past year in conjunction with the budget and it was foundational for providing more transparency to the public and to the Board on the County's fiscal status. She provided a comparison of the adopted budget to the Period 14 actuals. She reiterated that staff was working on closing the books for FY2023, so the numbers presented were preliminary. She stated that they had an ending fund balance projected of \$163.8 million of which \$93 million pertained to the new Board policy for Fund Balance for the General Fund. She explained that they included \$66 million in the FY2023-24 budget to be spent on items that the Board identified, leaving an available unrestricted General Fund balance after adjustments of approximately \$4.4 million.

Supervisor Bronson inquired if the ending fund balance impacted the County's General Obligation Bonds and asked about a healthy unrestricted fund balance.

Ms. Moulton responded that the \$93 million set aside as the General Fund Reserve was what would display a healthy fund balance. She stated that 17% of the County's expenditures was what the Board policy had set, and they believed that was a sufficient amount to be set aside. She further provided a review of where the County stood looking back at FY2022-23 and stated that on the positive revenue side the County received \$27.6 million more than what was originally budgeted for the State Shared Sales Tax. She added that the Hotel/Motel Tax had also come in higher at \$8.3 million and part of that was due to increased travel to Tucson, as well as audits being done by the Arizona Department of Revenue at the request of the County. She stated that the County received Opioid Settlements of \$6.8 million and the Health Department was the recipient and the department that would be requesting how it would be spent. She stated that the Regional Wastewater Reclamation Department also came in slightly under \$3 million over what was budgeted, which a portion was due to the sale of Biogas. She explained that Pima Animal Care donations came in at \$2.5 million above what was budgeted due to the generosity of the people in the County. She explained that the budget overruns had been brought to the Board's attention during the past fiscal year, but stated it was

important to highlight them as they closed out the current year and moved forward into the new fiscal year. She explained that the Transportation Department was over budget by \$10.4 million, which was related to many projects that were approved but did not get completed until last fiscal year. She stated that the Superior Court was over budget by \$2.9 million, which in part was due to the transfer of maintaining the Clerk of the Courts Information Technology infrastructure and \$1 million was transferred from the Clerk of the Court to the Superior Court. She added that a remediation plan was implemented which had amounted to the remaining dollars. She stated that the Health Benefit Trust was over budget by \$2.8 million, due to claims and higher cost claimants, and medical inflation being higher than regular inflation.

Supervisor Bronson inquired about the higher medical inflation.

Ms. Moulton responded that medical inflation ran 9% to 12% higher than regular inflation, which was less than that. She went on to explain that the Sheriff's Department was over budget by \$2.2 million, which had been discussed by the Board at several meetings. She explained that the Debt Service Fund was over budget by \$2.1 million due to completing debt sales several months prior than what had been anticipated in FY2023 and because of increased interest rates. She stated that the final department that came in over budget was Public Defense Services in the amount of \$715,000.00. She stated they had discussed repeatedly during prior Board meetings regarding the use of Contingency Funds and provided a list of amounts and departments that had used the funds, which were the following: Sheriff's Department \$2.2 million, Superior Court \$1.7 million, Public Defense Services \$715,000.00, and Communications \$115,000.00.

Supervisor Bronson requested line items used of Contingency Funds.

Ms. Moulton responded that she would provide detailed line items of used Contingency Funds. She explained there had also been discussions with the Board regarding vacancies and the use of vacancy savings. She stated that vacancy savings represented the department's ability to use the funds for either labor or supplies and services from their entire budget. She provided a list of amounts and departments that used vacancy savings for supplies and services due to insufficient staff or other needs, which were Public Defense Services \$2.4 million, Regional Wastewater Reclamation \$2 million, Facilities Management \$1 million, Health Department \$1.4 million, County Free Library \$800,000.00, Recorder's Office \$760,000.00 and Pima County Attorney's Office \$550,000.00. She stated that this highlighted the County's stance as the FY2022-23 was closed.

Supervisor Bronson requested more details on what was presented and asked when the books would be closed for the year.

Ms. Moulton responded that they were in the process of closing the books and that normally, the books were completely closed and audited shortly after and between Thanksgiving and Christmas.

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

20. **Pima County Recorder Voter Registration Rolls Fund from House Bill (HB) 2862 General Appropriations**

Staff recommends that budget authority from contingency be allocated to the Pima County Recorder's Office to expend the funds given to them from the State Treasurer's Office for the purpose to review the accuracy of the voter registration rolls as outlined in HB 2862.

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

Supervisor Christy read from the background material regarding the Recorder's Office receiving \$950,000.00 for the next four quarters and how the Recorder's Office planned to use the funds from the State to continue to strengthen the foundation of the Voter Registration Rolls. He asked if the funding would enable the database to be maintained in-house rather than with the outside consultant that was retained last year.

Jan Leshar, County Administrator, responded that this was solely to accept State funding. She stated that HB2862 allowed for additional dollars to maintain Voter Registration Rolls. She added that if the Board agreed to accept the dollars she could provide additional information and the line items associated with these funds.

Chair Grijalva asked for clarification if Supervisor Chirsty was referring to the contract of an individual that previously worked for the Recorder's Office and currently worked off-site.

Supervisor Christy responded in the affirmative. He requested direct information about the outside consultant and how the money would affect that individual. He questioned if the funding would be directed toward a database operation maintained in-house, what would happen to the consultant's employment contract and status as a contractual employee.

Supervisor Bronson requested a point of clarification, whether the money received from the State would be specifically for Voter Registration Rolls or were there other allowed uses.

Chair Grijalva believed it could be used for temporary staff to assist with large data entry, mailings and continued outreach.

Ms. Leshar responded that the bill provided for two buckets of funding. She stated that this request was for approval to accept the funding related to the maintenance of the voter rolls and there was another \$1 million for testing of secure ballots, but they were not addressing those funds at this time.

Supervisor Christy commented that there was not enough information provided to move forward with the item and suggested that the item be continued until more information could be provided to the Board, with a more finite explanation of how the funds would be disbursed, which could solve many issues and provide enough time to prevent any discrepancies.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson, to continue the item to the Board of Supervisors' Meeting of September 19, 2023. Upon roll call vote, the substitute motion tied 2-2, Chair Grijalva and Supervisor Heinz voted "Nay," and Supervisor Scott was absent.

Chair Grijalva stated the substitute motion failed and the Board was back to the original motion.

Melissa Manriquez, Clerk of the Board, clarified that a tie vote resulted in postponement of consideration of the item until the next regular scheduled meeting.

Chair Grijalva expressed her frustration because the funds could be used to hire more employees and the Board could provide further direction once the funding was accepted, which was why she wanted to move forward with this item.

Supervisor Bronson asked if the Board could receive the information requested by Supervisor Christy since the item would be brought back to the next meeting.

Chair Grijalva stated the information could be provided at the next meeting.

HUMAN RESOURCES

21. The Board of Supervisors on July 11, 2023 and August 8, 2023, continued the following:

Revisions to Merit System Rules

Staff requests approval of the revisions to Merit System Rule 14 - Merit System Commission Appeals.

At the request of the County Administrator and without objection, this item was continued indefinitely.

REAL PROPERTY

22. **Abandonment by Vacation**

RESOLUTION NO. 2023 - 49, of the Board of Supervisors, for the vacation of a portion of El Adobe Ranch Road, a public roadway as Pima County Road Abandonment No. A-0068, within Section 22, T13S, R12E, G&SRM, Pima County, Arizona. (District 3)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to adopt the Resolution.

23. **Sale of Real Property - Tax Parcel Nos. 216-24-008A and 222-28-0570**

RESOLUTION NO. 2023 - 50, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sales No. TS-0047 and TS-0061. (District 1)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to adopt the Resolution.

24. **Sale of Real Property - Tax Parcel No. 129-09-0530**

RESOLUTION NO. 2023 - 51, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0072. (District 2)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to adopt the Resolution.

25. **Waterline Easement**

Staff recommends approval of a waterline easement to Cayetano, Inc., d.b.a. Lakewood Water Co., on property located along Old Nogales Highway lying within Section 31, T19S, R13E, G&SRM, Pima County, Arizona. (District 3)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

CONTRACT AND AWARD

Community and Workforce Development

26. Arivaca Coordinating Council/Arivaca Human Resource Group, Inc., Amendment No. 2, to provide for Arivaca Coordinating Council/Arivaca Human Resource storage facility, amend contractual language and scope of work, no cost (CT-CR-22-197)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

27. Community Home Repair Projects of Arizona, Inc., Amendment No. 1, to provide for Emergency Home Repair Program HUD CDBG Owner-Occupied Home Repair Activity (LMH), amend contractual language and scope of work, HUD CDBG Fund, contract amount \$40,000.00 (CT-CR-23-186)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

28. Southwest Nonprofit Housing Corporation, to provide for a Affordable Housing Gap Funding Agreement, General Fund, contract amount \$2,125,000.00 (CT-CR-24-77)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Scott was absent, to approve the item.

29. YWCA of Southern Arizona, Amendment No. 1, to provide for facility rehab at House of Neighborly Services, amend contractual language and scope of work, HUD CDBG Fund, contract amount \$5,000.00 (CT-CR-23-218)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

County Administrator

30. Racy Associates, Inc., to provide for state legislative representation services, General Fund, total contract amount \$400,000.00/2 year term (\$200,000.00 per year) (CT-CA-24-59)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

31. Racy Associates, Inc., to provide for federal legislative representation services, General Fund, total contract amount \$400,000.00/2 year term (\$200,000.00 per year) (CT-CA-24-58)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

County Attorney

32. Bosse Rollman, P.C., Amendment No. 7, to provide for Pima County Sheriff's Department employee disciplinary matters, extend contract term to 9/19/24 and amend contractual language, Contingency Fund, contract amount \$25,000.00 (CT-FNC-21-197)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

33. Tohono O'odham Nation, to provide an intergovernmental agreement for coordination of prompt processing, execution, and enforcement of state or tribal warrants, demands for extradition and protection orders, and to authorize the appointment of a tribal prosecutor as a Special Deputy County Attorney, no cost/5 year term (CTN-PCA-23-177)

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

Laura Conover, Pima County Attorney, introduced members of the Tohono O'odham Nation (Nation). She stated that Kyle Johnson and Bobby Yu from the County Attorney's Office helped author the intergovernmental agreement (IGA). She explained that she had been before the Board in the past for an IGA with the Pascua Yaqui Tribe to specially deputize Pima County Prosecutors to act in the County courts to help better serve Tribal members and to do better equitably in those prosecutions. She stated that this was a process with the Tohono O'odham Nation and it allowed them to enter into an IGA with them. She stated they approached the Nation's legislative council and were pleased with a unanimous vote in support of the IGA.

Verlon Jose, Chair, Tohono O'odham Nation, stated that this was a special day and the work being done by the County and Nation was very important for children, elders and others. He stated that the Nation believed in communication and working together because it made everyone stronger. He stated the Nation had over 36,000 members that occupied tribal lands from Hermosillo, Sonora, Mexico to Phoenix, Arizona. He stated that half of the state of Sonora, Mexico and half of the State of Arizona were Aboriginal lands and they had been there since time immemorial. He stated that they were the size of 2.8 million acres small, closer to the size of the State of Connecticut. He explained that the majority of the County was currently the Aboriginal lands of the Nation, which made the County and the Nation partners. He stated that the IGA was an important step in moving forward with working as one for the benefit of the community and its people. He explained that working together was a great practice to follow and could lead as examples and models to other jurisdictions following the same footsteps. He stated that working together towards recognizing each other's responsibilities would help the community. He stated that the Nation's council had unanimously passed a resolution that supported the IGA because it was a win-win situation and he urged the Board to continue in this direction and including other models moving forward.

Carla Johnson, Vice Chairwoman, Tohono O'odham Nation, reiterated the importance of having partnerships with the County and continuing to reinforce those relationships for the mutual benefit of the people. She stated that they looked forward to the positive outcomes this would create, and that this was an example of moving forward in how both entities could work together. She stated that there were lines and jurisdictions, but ultimately there was a need to think about the betterment of the people and their futures together.

Supervisor Bronson asked how the County and the Nation could work better together and if there were any suggestions or upcoming projects in mind.

Chairman Jose responded that recognizing each other and open and constant communication was the best method of working together. He stated that if they had differences then they could come to the table together and work through them. He stated that his list of projects would prolong the meeting and it would last the entire day.

Supervisor Bronson requested the list of projects be sent to her office since her district included much of the Nation in the County so they could start working on them.

Mr. Jose stated that they had projects they could move forward with and clarified that their members lived in all districts of the County. He stated that communication needed to be shared between both entities, and they were willing to listen and communicate openly in order to move forward together.

Chair Grijalva thanked everyone who had worked on the IGA and congratulated Chairman Jose and Vice Chairwoman Johnson on their new positions. She stated the Board was excited to move forward and that the Board started their meetings with a land acknowledgment stating that they served as caretakers of this land time immemorial to create equal partner relationships. She felt that this was an important step in the right direction and the IGA would help foster cohesion in the justice system and it went a long way to hold the County accountable for how tribal members of the community received justice.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

34. City of Tucson, Amendment No. 1, to provide an intergovernmental agreement for the Pima County Attorney's Victim Services Division, extend contract term to 6/30/24 and amend contractual language, contract amount \$24,900.00 revenue (CTN-PCA-22-136)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

Information Technology

35. Drexel Heights Fire District on behalf of Valley Emergency Communication Center, Amendment No. 3, to provide for data center racks and GIS services, extend contract term to 6/30/24, amend contractual language and scope, contract amount \$18,000.00 revenue (CTN-IT-20-89)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

Procurement

36. Inclusion Solutions, L.L.C., Amendment No. 1, to provide for Franklin voting booths and accessories and amend contractual language, General Fund, contract amount \$361,000.00 (MA-PO-23-133) Administering Department: Elections

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

Supervisor Christy stated that the County had 129 vote centers and asked why additional funds were requested by the Elections Department.

Jan Leshar, County Administrator, responded that most of this funding was related to the replacement of voting booths with some ADA compliant booths.

Constance Hargrove, Director, Elections Department, stated that this was to phase out old voting booths and to bring in the new voting booths. She explained that last year the previous Elections Director had been able to purchase new voting booths and this was to complete the replacement of all old voting booths so that they had enough at all of the 129 voting centers in addition to early voting.

Supervisor Christy asked if the additional funding was required in order for the Recorder's Office to run early voting centers.

Ms. Hargrove responded that the Elections Office supplied all of the voting booths and accessible equipment to the Recorder's Office for the early voting centers.

Supervisor Christy asked if some of the funding would be allocated to the Recorder's Office.

Ms. Hargrove responded in the affirmative.

Supervisor Christy inquired if the individual who monitored the voting booths would be paid with these funds.

Ms. Hargrove responded that this was a different company and she did not believe the Recorder's Office had any purchases with this vendor.

A substitute motion was made by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of September 19, 2023, and to have the Elections Integrity Commission review the contract. It died for lack of a second.

Supervisor Bronson inquired if the purchase of the voting booths was to ensure they were in ADA compliance.

Ms. Hargrove responded in the affirmative. She explained that the old voting booths were over 30 years old and the vendor that had made them was no longer in business so they could not get replacement parts for the old booths. She stated the old booths were being phased out and would be replaced with new booths that were ADA compliant and could hold the accessible equipment used at the voting centers.

Supervisor Bronson commented that this item did not need to be continued because they were getting closer to the 2024 Election.

Chair Grijalva agreed and stated that the new voting booths were more comfortable, secure and accessible for users and would ensure that staff would have one less issue to think about during the Election season.

Upon roll call vote, the motion carried 3-0, Supervisor Christy abstained and Supervisor Scott was absent.

37. Borderland Construction Company, Inc., Granite Construction Company, iSX Construction, L.L.C., Markham Contracting Co., Inc., Southern Arizona Paving and Construction Co., Sunland Asphalt & Construction, L.L.C., and Tucson Asphalt Contractors, Inc., to provide a job order master agreement for pavement preservation and road repair program, Various Funds, contract amount \$25,000,000.00 (MA-PO-24-15) Administering Department: Transportation

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

Real Property

38. Andrew C. Lande and Lynn A. Lande, Trustees of the Andrew Lande and Lynn Lande Trust, to provide an acquisition agreement and warranty deed for 5.31 acres of conservation land for open space purposes, Tax Parcel No. 119-35-179E, NRPR Non-Bond Projects Fund, contract amount \$128,200.00 (CT-RPS-24-74)

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

Carmine DeBonis, Jr., Deputy County Administrator, provided a brief overview of the area involved in the contract.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

39. American Battery Factory, Inc., Amendment No. 1, to provide a lease-purchase agreement for property located at the Aerospace Research Campus for developing a battery manufacturing facility and amend contractual language, no cost (CTN-RPS-23-81)

Jan Leshner, County Administrator, stated that in December 2022, the Board unanimously approved the lease-purchase agreement with American Battery Factory, Inc., and this amendment was for a brief continuation so that they could review the collection of data to ensure the engineering design and construction remained on time.

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

Supervisor Christy read from the background material and stated that it raised eyebrows and concerns regarding the verbiage on the contract. He commented that it appeared the County was reaccommodating the timeline to fulfill the deadlines and his concern was whether there would be an additional amendment to realign

the current amendment that made it fall in line with some sort of completion date. He asked which jurisdiction oversaw permitting and plan review.

Carmine DeBonis, Jr., Deputy County Administrator, explained that the County was the permitting agency on the project. He explained the County owned land within the City of Tucson (COT) and contained an Intergovernmental Agreement (IGA) that allowed the County to complete permitting and inspections on the projects within those areas. He stated that had been done consistently with the agreement of the COT.

Supervisor Christy stated that this was an interesting situation because it seemed like the County had done a terrific job at expediting the permitting process and it was a surprise that things were being held up in that area. He questioned who oversaw the site surveys for the battery factory and what had caused the site survey delays.

Mr. DeBonis, Jr. responded that the surveying work was being done by private consulting firms hired by American Battery Factory, which was Bechtel, their lead engineer, and they had been onsite and gathered preliminary information. He explained that based on the preliminary data they determined that another level of geotechnical assessment and surveying was necessary. He stated they had HilgartWilson, an engineering firm that was also a part of the American Battery Factory team, which assisted with the topographical survey information. He stated that they also had Terracon, a local consulting firm that was part of that team. He explained that during conversations with American Battery Factory, they could have begun preliminary clearing and grubbing that involved removing vegetation to the site, which would have met the September 2nd timeframe. He stated that it was in the County's best interest to allow the additional engineering data to be done to inform the completion of plans that would then be submitted for review and approval by the County. He stated that they had been in communication with American Battery Factory, Inc., and coordinating with the Tucson Cactus and Succulent Society and queued to begin salvaging plant material. He explained that Tucson Cactus and Succulent Society was a non-profit organization that had done great work in rehoming displaced cacti. He added that work had been done in preparation of plans, preliminary grading, and grubbing work could have occurred. He stated that it was agreed upon with American Battery Factory that taking a few months longer to put the technical package together for permitting and full onset of construction was a better approach.

Supervisor Christy understood, but warned the Development Services Department and the American Battery Factory that delays like these could raise concerns that would not bode well for the optics because it appeared the County were massaging the contract to accommodate for potential problems or at least a semblance of construction problems on American Battery Factory's part. He stated his hope was that the delays would be worked on to avoid the impression that other causes were at play for the delays.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

40. State of Arizona, Arizona State Land Department, to provide for Commercial Lease No. 03-044903-00 Arizona State Land Department, DEQ - General Fund, total contract amount \$30,000.00/10 year term (\$3,000.00 per year) (CT-RPS-23-458)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

Sheriff

41. Tohono O'odham Nation, to provide for law enforcement mutual aid agreement, no cost/3 year term (CTN-SD-24-17)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

GRANT APPLICATION/ACCEPTANCE

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

U.S. Department of Housing and Urban Development, Amendment No. 2, to provide for the Housing Opportunities for Persons with AIDS Program, extend grant term to 9/30/23 and amend grant language, no cost (GTAM 24-17)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

43. **Acceptance - County Attorney**

U.S. Department of Justice and Arizona Criminal Justice Commission, to provide for the drug, gang and violent crime control FY 2024 Award, DC-24-030, \$269,394.00/\$89,798.01 General Fund match (GTAW 24-17)

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

Supervisor Christy requested that Minute Item No. 45 be included with this item. He stated that the Board received a statement summary regarding position vacancies for each County department and the County Attorney's Office had 89 vacant positions. He stated that this grant was for a drug, gang and violent crime control position and an automobile theft authority position. He asked if these were existing positions and how the County Attorney's Office planned to fill the positions.

Sam Brown, Chief Civil Deputy County Attorney, responded that these were existing positions. He stated that he would need to further look into more specific details regarding how the County Attorney's Office planned to fill the positions since they were different from regular recruitment and retention positions.

Chair Grijalva requested clarification that these were existing, open positions and this was to receive grant funds for those positions.

Mr. Brown responded in the affirmative.

Supervisor Christy inquired if the positions already existed.

Supervisor Bronson stated that the positions were filled.

Chair Grijalva asked if the positions were already filled.

Mr. Brown clarified that he needed to look into the specific positions to confirm if they had been filled.

Supervisor Christy stated that he wanted to know how the County Attorney's Office intended to fill these positions.

Supervisor Bronson inquired if the positions were not filled, what happened to the grant and would the grant be returned.

Mr. Brown stated that he would look into it and provide additional information to the Board.

Supervisor Christy asked if the items should be continued until more information was provided to the Board regarding the grant money and how they intended to fill the positions. He requested that the County Attorney's Office provide additional information regarding how they intended to proceed with these positions.

Ms. Leshar responded that if the positions were not already filled and if the grant was for continued funding, then the Board should move forward with approval of the items. She explained that she would work with the County Attorney's Office to provide additional information to the Board.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

44. **Acceptance - County Attorney**

City of Tucson, to provide for the Edward Byrne Justice Assistance Grant, total grant amount \$179,082.00/4 year term (\$44,770.50 per year) (GTAW 23-158)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

45. **Acceptance - County Attorney**

Arizona Automobile Theft Authority, to provide for the FY24 Vertical Prosecution Grant Agreement, \$358,832.00 (GTAW 24-18)

(Clerk's Note: See Minute Item No. 43, for discussion and action on this item.)

46. **Acceptance - Environmental Quality**

United States Environmental Protection Agency, to provide for the Pima County Climate Pollution Reduction Plan, total grant amount \$1,000,000.00/4 year term (\$250,000.00 per year) (GTAW 24-14)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Scott was absent, to approve the item.

47. **Acceptance – Health**

Arizona Family Health Partnership, d.b.a. Affirm Sexual and Reproductive Health, Amendment No. 1, to provide for reproductive health services and amend grant language, \$21,000.00 (GTAM 24-16)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

FRANCHISE/LICENSE/PERMIT

48. **Hearing - Agent Change/Acquisition of Control/Restructure**

Job No. 253813, Sumit Thathi, Riven Rd Chevron, 4851 N. First Avenue, Tucson, Multi-License Acquisition of Control.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott was absent, to close the public hearing, approve the license and forward the recommendation to Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

49. **Hearing - Comprehensive Plan Amendment**

P23CA00002, SBH SENDERO L.P. - REPEAL OF REZONING POLICY RP-110 PLAN AMENDMENT

SBH Sendero L.P., represented by Lazarus & Silvyn, P.C., requests a comprehensive plan amendment to repeal Rezoning Policy RP-110 Ajo Highway / Valencia Road. The policy covers approximately 883.30 acres on Parcels 209-15-006J, 209-15-006L, 209-15-006M, 209-15-006P, 209-16-006H and 209-16-006J located south and west of the intersection of W. Ajo Highway and W. Valencia Road, in Sections 13 and 14, T15S, R11E, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Membrilla voted Nay; Commissioner Maese was absent) to recommend APPROVAL

TO REPEAL REZONING POLICY RP-110 AJO HIGHWAY / VALENCIA ROAD. Staff recommends APPROVAL. (District 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Bronson to close the public hearing and approve P23CA00002, to repeal Rezoning Policy RP-110 Ajo Highway/Valencia Road. No vote was taken at this time.

Chair Grijalva expressed her concerns regarding the traffic issues in the area. She stated that the more development that went into the area, the more difficult it would be for drivers and there would be longer commute times. She indicated that she was unsure if there was an option for Irvington Road, but more development would take place, with no real options for roadways.

Supervisor Bronson concurred with Chair Grijalva and indicated that part of the issue dealt with the Arizona Department of Transportation and improvements needed to be made on Ajo Highway.

Chair Grijalva commented that Irvington Road was underutilized and should be another option.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

50. **Hearing - Rezoning Time Extension**

P17RZ00011, TUCSON MOUNTAIN RANCH, L.L.C. - W. VALENCIA ROAD NO. 2 REZONING

Tucson Mountain Ranch, L.L.C., represented by Paradigm Land Design, L.L.C., requests a five-year time extension for an approximately 15.3-acre rezoning (Parcel Codes 210-15-199C and 210-15-194B) from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone. The subject site was rezoned in 2018 and expired July 3, 2023, located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner/developer shall construct Wade Road north of Valencia Road as indicated on the preliminary development plan (Exhibit B) approved by the Department of Transportation at time of development plan submittal.
 - B. ~~Vehicular and pedestrian~~ Cross access shall be provided between the rezoning site and the adjacent cluster subdivision to the north, and between the rezoning site and the commercial site Block 4 in a location internal to the development.
 - C. The property shall be limited to three access points on Valencia Road and three access points on Wade Road as shown on the preliminary development plan.
 - D. The existing sculpture located on the northwest corner of Valencia Road and Wade Road intersection shall remain in place and protected.

- E. Sidewalk shall be constructed to Pima County standards from Wade Road to the western property boundary of the site along the property frontage on Valencia Road.
 - F. A Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. The traffic impact study should include the commercial site (Block 4) at the northwest corner of Valencia Road and Wade Road intersection as determined by the Department of Transportation at time of permit submittal. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
3. Regional Flood Control District conditions:
- ~~A. CLOMR shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of the Site Construction Permit.~~
 - ~~B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.~~
 - A. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
 - B. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - C. Critical detention basin standards shall be met for on-site flows. Detention basins shall not capture and detain off-site flows.
 - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table, such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation Department conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources Division conditions:
 - A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. The parking areas shall be landscaped to reduce the heat island effect by employing groupings of shade trees that create effective shade clusters. The minimum tree counts, per the Zoning Code, will be exceeded by 25% or shade structures will be constructed along pedestrian walkways and seating areas to reduce the heat island effect.
9. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site as presented in the Site-Analysis-Appendix F, Commercial Design Manual.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
11. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207~~ rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to close the public hearing and approve P17RZ00011, Rezoning Five Year Time Extension, subject to modified standard and special conditions.

TRANSPORTATION

51. Hearing - Establishment of Leon Ranch Road

RESOLUTION NO. 2023 – 52, of the Board of Supervisors, providing for the establishment of Leon Ranch Road, a County Highway situated within Section 4, T16S, R16E, G&SRM, Pima County, Arizona. (District 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Bronson to close the public hearing and adopt the Resolution. No vote was taken at this time.

Supervisor Christy acknowledged the Public Works Department's efforts to make this item a reality and it meant a great deal to the neighborhood and community.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

BOARD OF SUPERVISORS

52. Utilizing Surplus Fiscal Year 23 General Fund Ending Balance to Support Affordable Housing in Fiscal Year 24

Discussion/Direction/Action: Directing the County Administrator to appropriate 50% of the ADDITIONAL SURPLUS June 30, 2023, General Fund Ending Balance, above the already approved and appropriated amount of \$159.4M, to the Regional Affordable Housing Commission to bolster the upcoming Gap Funding RFP for the construction and preservation of Affordable Housing in Pima County. This recommendation comes from the Regional Affordable Housing Commission, which voted unanimously at their August 18, 2023, meeting to forward this recommendation to the Board of Supervisors. Background information for this item is provided on the memorandum attached to the online addendum. (District 2)

It was moved by Supervisor Heinz, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Scott was absent, to continue the item to the Board of Supervisors' Meeting of September 19, 2023.

COUNTY ADMINISTRATOR

53. Proposed Additional New Classifications/Job Titles

Discussion/Direction/Action: Proposed additional new classifications and job titles.

Jan Leshner, County Administrator, stated that there had been requests for new and additional job classifications/job titles and proposed that the most current list be approved, as amended.

Supervisor Christy stated that this was interesting and imbalanced and questioned who had prepared the list.

It was moved by Supervisor Bronson and seconded by Chair Grijalva for discussion purposes. No vote was taken at this time.

Supervisor Christy stated the Board received the new list of job classifications and titles, but had not seen a Board of Supervisors Agenda Item Report with background information or signatures by the County Administrator or the Human Resources (HR) Department. He reiterated who had prepared the list.

Ms. Lesher responded that County Administration had requested the item be placed on the addendum for the proposed new classifications. She clarified the Board had reviewed the bulk of them at the prior meeting and there had been additional requests by members of the Board, other elected officials, and other staff. She explained that since the Board had approved the other titles and classifications, this was brought back as an amended list prepared by HR.

Supervisor Christy inquired if the new list was cleared by HR.

Ms. Lesher responded in the affirmative.

Supervisor Christy stated that normally with these types of situations, the Board received a report on the financial impact, but no report was provided. He asked if there was any indication of what the impact would be.

Ms. Lesher responded that the revisions were a subset of what the Board had approved as it related to the classification/compensation study and its implementation. She stated that these were positions that existed within the current recommendations the Board had previously seen. She explained that there had been adjustments to the titles of the positions and discussions for review of how to realign the pay grades. She clarified that there was no additional budget impact with the amended list.

Supervisor Bronson stated she felt that HR owed the Board a list of the classifications and there was no way of knowing if the amendments would have a budget impact. She stated that it depended on the department and what the department wanted to do with raises. She stated that she would vote in favor of the item, but wanted more clarity from HR.

Ms. Lesher stated that their hope was that by receiving approval of the revisions they could move forward with the implementation of the salary adjustments in September, so that the individuals were not delayed because of the requested changes. She stated she could provide additional information to the Board.

Chair Grijalva expressed her concerns about the 911 Dispatcher III and 911 Dispatcher Supervisor II positions being very similar and there was not much differentiation between them. She explained that she had the opportunity to visit, and she believed that the dispatchers were considered first responders. She thanked Ms. Lesher for touching base with Sheriff Nanos who agreed about the missing positions. She requested that the two positions be added to the list. She was also concerned with the three Board of Supervisors' positions because she felt there was no need for them. She stated that it would be difficult for some Board members' staffing choices due to the increase of the minimum or maximum. She stated that the Board had discretion within their own budgets for staff compensation and requested those positions be eliminated from the list.

Supervisor Bronson responded that she tried to receive clarification at the Board's last discussion, but the outcome was that Board staff was not exempt.

Chair Grijalva reiterated each Board member had some discretion within their budget regarding how they used it to compensate their office staff. She explained that Supervisors Heinz and Bronson, and she had a Chief of Staff in their offices and they had the ability to decide the pay of their office staff based on their budget.

Supervisor Bronson responded that was her point and reiterated that she believed she asked the question for clarity purposed, but was told the Board had to play by the same rules.

Chair Grijalva stated that she understood Supervisors Bronson's concerns and that the Board could vote on all other positions and table the Board offices staff positions.

Supervisor Bronson stated that she wanted to ensure that some of their staff received raises and requested clarity on the Board's staff positions. She stated the item could be approved, as presented and receive clarity on what the Board members had the authority to do and how it could be signed off on due to paperwork and other nuances.

Chair Grijalva stated that it was her understanding that she had the authority in her district office to determine staff compensation.

Ms. Leshar answered in the affirmative and clarified that the amended list of positions was to change the names of the job titles for positions within the Board offices, but not a change to the pay grades. She explained that she met with Board members and other elected officials about them having the opportunity to do as they pleased within their own budgets, but requested they kept generally in the guard rails of the additional HR rules. She stated that what the Board members assigned as a salary for their employees was their determination.

Supervisor Bronson expressed that was her concern because she wanted to keep her Chief of Staff as the same title, which had not existed with the prior HR presentation.

Ms. Leshar clarified that the amendments were brought back with the understanding that some members of the Board had wished for the opportunity to use the amended job titles.

Supervisor Bronson questioned that if the Board wished to use the titles, how would HR process it because communication with HR was challenging.

Ms. Leshar responded that historically Board members had the opportunity to use any title they wanted for their office staff. She explained that there was a request to include specific titles such as Chief of Staff for the Board's use at the same pay grade. She stated that there was an amended list that included the 911 Dispatch Supervisor II and 911 Dispatcher III positions.

Chair Grijalva commented that her preference was to hire young individuals for her office that might be attending school and wanted to provide a competitive wage, but did not want to be hamstrung by minimums or maximums.

Supervisor Bronson concurred.

Chair Grijalva explained that she would rather not deal with the Board staff job title changes and that if it was in their budget, they could determine the appropriateness.

Supervisor Christy pointed out that in the Pima County Directory, his staff was listed incorrectly as an Executive Assistant.

Supervisor Bronson stated that needed to be changed.

Supervisor Christy stated that the point was that if a Board member wanted to call their staff member Chief of Staff, they had the right to do so. He stated that there was a differentiation between the Chief of Staff and Executive Assistant. He explained that was why their office had worked to add the three proposed classifications to the list.

Chair Grijalva stated that she had business cards made for her Chief of Staff that stated his position and his email signature listed his position, as well. She believed it was up to the Board members on how they wanted to classify the positions to HR and the ability to decide on other positions in their office. She stated that she did not want to make decisions for any other Board member's office on how they wanted to organize their staff.

Supervisor Bronson stated that the Board did not report to HR, it was vice versa and that they should be able to configure their offices in any manner they saw fit.

Supervisor Christy stated that this would be easy because they were adding positions not removing positions and did not understand why this had to be a large issue when it was clear that it gave Board members flexibility.

Chair Grijalva indicated her concern was that adding more classifications was not something that should be done with a compensation classification study. She believed discussing the job titles of office staff was overcomplicating things for the five Board members. She stated that Board members should have discretion in their own offices and if changes were needed, then a simple conversation could be had with HR. She explained that as Board members they each individually had the authority to decide salaries. She stated that a Board member could make a recommendation to HR, and she was unaware of any pushback when it came to

setting their staff's salaries. She stated that the Board could decide to request an increase of 3% and determine where it went within their office. She stated that each Board member could make those decisions because it was at their discretion, and she would rather keep the same system as it had worked well for her. She indicated not hearing any object to keeping it the same and that this amendment would make it more difficult for them to make those decisions.

Supervisor Bronson requested the Board move forward so that employees received their raises and then it could be brought back for further discussion at the next meeting.

Supervisor Christy commented that the CBIZ study added hundreds of positions.

Chair Grijalva stated that this discussion was regarding the five Board members and their staff, and she did not want to overcomplicate the situation for 20 people. She stated that she was comfortable moving forward with removing the Board of Supervisor's office staff positions and adding 911 Dispatcher III and 911 Dispatch Supervisor II. She stated that if any of the Board members had any issues then they could be addressed with the County Administrator.

Supervisor Bronson stated that this did not apply to the Board of Supervisors office staff positions and wanted to ensure that HR was clear about that, except for raises being given to all employees on September 10th. She asked if the Board would proceed and approve, and it be brought back at the next meeting or what was the best part of valor with this situation. She reiterated whether it should be approved as presented or approved without the inclusion of the Board staff positions, would their staff receive raises, which was her concern.

Ms. Leshar assured Supervisor Bronson that their staff would receive raises and she reiterated this was simply for changes in their job titles and not a change in the pay grade or compensation, so they would be scheduled to receive the raises effective September 10th.

Supervisor Bronson asked about the next steps if Board members wanted to change the job titles.

Ms. Leshar responded that the positions existed in the Board offices at the same pay grades. She explained that there was a request to change the names from the existing names that were not an official job title to the new ones listed. She clarified that it did not change the pay grade or the amounts.

Supervisor Christy asked for clarification if they were moving forward with the list as submitted.

Chair Grijalva responded in the affirmative and stated it included the amended list, as well as the Board's office positions because she felt it was an important issue for some Board members.

Ms. Leshar concurred.

Supervisor Bronson stated that it was important because of the raises being given. She stated that it needed to be brought back to ensure that the Board members had the correct titles for their office staff by their determination and should be listed on the HR list.

Chair Grijalva stated that her concern was that she believed each Board member's budget was adequate for their own purposes and her worry was that with the changes made they would be requesting large pay increases for their staff, and it would increase their own budgets. She explained that if one Board office increased their budget then all Board office budgets would increase, as well and she felt that their budgets were substantial. She clarified that the reason she was opposed to voting for Board office staff positions was because it could increase all Board members' budgets exponentially because they were moving up the salary for a Chief of Staff or an Office Aide. She explained that she believed each Board member had the flexibility in their own budgets to adjust compensation.

Supervisor Bronson stated that she wanted something in writing regarding Chair Grijalva's statements.

Supervisor Heinz stated that based on the current discussion, the compensation side and the nomenclature were decoupled. He stated it was a label, but did not come with mandatory change in compensation. He asked if his understanding was correct.

Ms. Leshar answered that it was to the extent of the Board members having the right to pay their office staff what they felt was acceptable. She explained that the County did not have the official job titles that had been requested by some of the Board members. She explained that the new job titles included titles such as Chief of Staff and Senior Aide.

Chair Grijalva stated that the changes could increase their budgets.

Supervisor Christy requested the motion be restated.

Supervisor Bronson replied that the original motion was for discussion purposes only and that she would make a new motion. She then asked if the Board needed to vote on the discussion piece.

Chair Grijalva clarified that the motion and second were for discussion purposes.

Supervisor Bronson asked the Clerk for clarification on what needed to be done procedurally.

Melissa Manriquez, Clerk of the Board, clarified that a motion was needed for action by the Board. She explained that the first motion was for discussion purposes only.

Chair Grijalva indicated that she would rather pass the amended list of job titles without the Board of Supervisors' classifications until they received clarity on the budget impact. She stated that she did not want to increase the County's budget because of the Board's decision with their own staff. She stated that Board members had the capacity in their own budgets to make changes to their staff's titles and salaries.

Supervisor Bronson inquired about the County Administrator's recommendation.

Ms. Leshar responded that she believed each Board member had the capacity to do as they pleased within their budgets and that they could provide clarity on exactly what the changes would do to their budgets. She explained that the approval of the item would allow the specific job titles to be used by the Board.

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

Supervisor Christy asked if the motion would remove the Chief of Staff classification.

Chair Grijalva answered that it was being included as submitted, but requested that a report from the County Administrator be provided regarding the overall budget impact with the changes. She stated that she did not want the Board's budget to incrementally increase due to changes of staffing choices for salaries. She felt that it was a public information issue and pointed out this was the longest discussion yet regarding classification/compensation for 20 people. She stated that the community needed to know if the Board was asking for more money for their own staff and how it would impact their budgets. She stated that if there was no impact, she was comfortable with it and would vote in support of the item because she felt like the Board was split on the issue.

Ms. Leshar clarified that the motion was for approval of the amended list.

Chair Grijalva agreed and stated that the amended list included the 911 Dispatcher III and the 911 Dispatch Supervisor II positions.

Upon the vote, the motion carried 4-0, Supervisor Scott was absent.

COUNTY ATTORNEY

54. Southwest Gas Corporation's Offer of Judgment

Discussion/Action regarding Southwest Gas Corporation's Offer of Judgment.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

55. Regional Wastewater Reclamation Advisory Committee

Appointment of Eric Sullwold, to fill a vacancy created by William L. Katzel. Term expiration: 3/1/25. (District 4)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Scott was absent, to approve the item.

CONSENT CALENDAR

56. Approval of the Consent Calendar

It was moved by Supervisor Bronson, seconded by Supervisor Heinz, and carried by a 4-0 vote, Supervisor Scott absent, to approve the Consent Calendar in its entirety.

* * *

BOARD, COMMISSION AND/OR COMMITTEE

1. Tucson-Pima County Bicycle Advisory Committee

- Appointments of Nicole Sanderson and Kim Smith, to replace Yolanda Sotelo and Kevin Greene. Term expirations: 9/4/25. (Commission recommendations)
- Reappointment of Randy Ford. Term expiration: 8/9/25. (Commission recommendation)
- Reappointment of Courtnee DeBoer. Term expiration: 4/20/24. (Commission recommendation)
- Reappointment of Daphne Hope. Term expiration: 7/31/25. (Commission recommendation)
- Reappointments of Douglas Horn and Eric Post. Term expirations: 9/30/25. (Commission recommendations)
- Reappointment of Ingmar Riedel-Kruse. Term expiration: 11/30/25. (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

2. Special Event

- Adam M. Begody, Boys & Girls Clubs of Tucson, Wildflower, 7037 N. Oracle Road, Tucson, November 5, 2023.
- Teresa Shami, American Heart Association, Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, September 28, 2023.

3. **Wine Festival**

David Smith, d.b.a. Coronado Vineyards, 7735 S. Rocking K Ranch Loop, Tucson, September 23, 2023 from 10:00 a.m. to 10:00 p.m.

ELECTIONS

4. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY:

Thomas Berezny-084-REP, Jo Ann Mart-127-REP, Michael Sapovits-209-REP, William Morgan-239-REP, Debbie Morgan-239-REP

APPOINTMENT-PRECINCT-PARTY:

James Minno-012-DEM, Rebecca Hartman-005-REP, Bonnie Shipman-010-REP, John Mothershed-011-REP, Michael Shead-014-REP, Ignacio Gomez-023-REP, Cuong Tran-040-REP, Khue Tran-040-REP, Sarah Price-084-REP, William Fillmore-115-REP, Zachary Osler-134-REP, Thomas Wulff-166-REP, Laurie Milord-192-REP, Jaqueline Nangle-Stone-195-REP, Eileen Lupkes-203-REP

TREASURER

5. **Request to Waive Interest**

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$2,501.08.

RATIFY AND/OR APPROVE

6. Warrants: August, 2023

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ADJOURNMENT

57. As there was no further business to come before the Board, the meeting was adjourned at 12:44 p.m.

CHAIR

ATTEST:

CLERK

9-5-2023 (32)