

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, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible filing of an amicus curiae brief in support of Petitions for Review filed in the Arizona Supreme Court by the State of Arizona and the City of Mesa seeking review of the Court of Appeals' decision in Boruch v. State of Arizona and City of Mesa, No. 1 CA-CV 15-0534.

Andrew Flagg, Chief Civil Deputy County Attorney, reported the Pima County Attorney's Office sought direction on whether to participate as an amicus by filing its own brief or by joining the brief of another jurisdiction at the discretion of the County Attorney's Office.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation to file an amicus brief or join another jurisdiction's brief.

2. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$4,180.72 to construct an archery range located at 13990 North Lago Del Oro Parkway within important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

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

3. **RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$33,040.00 to construct a Liquefied Natural Gas (LNG) facility located at 6650 South Pantano Road within Xeroriparian Class C Habitat. (District 4)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board the meeting was adjourned at 1:07 p.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 5, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

GRANT APPLICATION/ACCEPTANCE

1. Acceptance – Library

Arizona State Library, Archives and Public Records, to provide for the SGIA 2018 Program, \$25,000.00 (GTAW 18-13)

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

2. Acceptance - Library

Arizona State Library, Archives and Public Records, to provide for the SGIA 2018 Program, \$25,574.00 (GTAW 18-14)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board the meeting was adjourned at 1:07 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, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. INVOCATION

The invocation was given by Pastor Larry Munguia, The S.O.B.E.R. Project, Inc.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Karin Merritt, Paul Munoz and Javier Herrera, Pima County Department of Health; Amy Bass, Community Prevention Coalition and Project PPEP; Gertha Sicobo, Pima Council on Aging; Dan Quintanar, Tucson Water and Steve Nash, Executive Director, Tucson Osteopathic Medical Foundation and Co-Chair of Healthy Pima Coalition, proclaiming the week of September 18, 2017 to be: "SAFE USE AND DISPOSAL OF MEDICATIONS AWARENESS WEEK"

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

5. Presentation of a proclamation to Courtney Bear and Kyla Breland, Office of Emergency Management; Cheryl Bender, American Red Cross; Ben Venema and Rebecca Wunderlich, Raytheon, proclaiming the month of September 2017 to be: "PREPAREDNESS MONTH"

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

6. Presentation of a proclamation to Ismael Angulo, Kenji Azarias, Leesa Mendibles, Taylor Percy, Michael Richardson, students of Higher Ground and Jansen Azarias, Executive Director of Higher Ground, proclaiming the day of Tuesday, September 5, 2017 to be: "ISMAEL ANGULO, KENJI AZARIAS, LEESA MENDIBLES, TAYLOR PEERCY, AND MICHAEL RICHARDSON RECOGNITION DAY"

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

7. **CALL TO THE PUBLIC**

Robin Hoover addressed the Board regarding the need for a migrant driven reform with consideration for other cultures that met the needs of all people.

Christopher Cole, 1st Vice Chair, Pima County Libertarian Party, spoke to the Board about hate speech.

Peter Chesson commended the Board for supporting policies that promoted environmental protection and immigration.

Geri Ottoboni addressed the Board regarding racism.

Laura Hagen Fairbanks addressed the Board regarding Supervisor Miller's Facebook post regarding race.

Keith Van Heyningen expressed approval of Supervisors Christy and Miller's voices of reason.

Najima Rainey, Black Lives Matter Tucson, addressed the Board regarding the history of the term "white".

Isabel Garcia addressed the Board on the history of immigration and spoke in support of Deferred Action for Childhood Arrivals (DACA).

Edward Cizek commented that the Board should be focused on fixing the County infrastructure, clean up the community and improving the quality of schools.

Andrea Dalessandro, Arizona Senator, Legislative District 2, spoke to the Board in support of DACA and the ban on exploding targets.

Chris King addressed the Board regarding the Freedom of Speech.

Kelly Kelly addressed the Board in opposition of DACA and added that mentally ill citizens should not own pets.

Bob Dorson expressed concerns to the Board regarding President Donald Trump and North Korea.

Samantha Kane, Pima County Service Employees International Union (SEIU) Acting President, asked the Board for additional time to review the merit system and personnel policy revisions proposed by the Human Resources Department.

Darsha Stockton Doran addressed the Board regarding Supervisor Miller's Facebook comments regarding race.

Ana Henderson addressed the Board regarding the freedom of speech and noted that the United States Government is here to maintain and protect individual rights.

Sheli Weiss asked that the Board come together in support of DACA.

Kathi Rush thanked the Board for their efforts and commented on Supervisor Miller's Facebook comments regarding race.

Jacob Elpern, Environmental Defense Fund Action, encouraged the Board to pass a resolution that ensured a fully funded Environmental Protection Agency (EPA) in order to protect the health and welfare of all residents.

Beryl Baker addressed the Board regarding the shortage of water.

Bryna Korn addressed the Board regarding equality and Supervisor Miller's Facebook comments regarding race.

Bonnie Haymore addressed the Board in support of Supervisor Miller's First Amendment right and requested the Board focus on job growth and road repairs.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:04 a.m.

9. **RECONVENE**

The meeting reconvened at 11:54 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential actions to recover connection fees from Davis Monthan Air Force Base.

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

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible filing of an amicus curiae brief in support of Petitions for Review filed in the Arizona Supreme Court by the State of Arizona and the City of Mesa seeking review of the Court of Appeals' decision in *Boruch v. State of Arizona and City of Mesa*, No. 1 CA-CV 15-0534.

Andrew Flagg, Chief Civil Deputy County Attorney, reported that the Pima County Attorney's Office sought direction on whether to participate as an amicus by filing its own brief or by joining the brief of another jurisdiction at the discretion of the County Attorney's Office.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation to file an amicus brief or join another jurisdiction's brief.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding *Christ Lutheran Vail Church v. Pima County*, Bill Staples (Intervenor) and Arizona Department of Revenue, Arizona Tax Court Case No. TX2014-000614.

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

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Christ Lutheran Vail Church's petition for refund of taxes paid for Tax Year 2014 for Parcel Nos. 305-90-4370 and 305-90-4380.

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

14. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County's role as a defendant in *T.S. Sitterley, Jr., et al. v. Pima County Assessor, et al.*, Arizona Tax Court Case No. ST2017-000272.

Andrew Flagg, Chief Civil Deputy County Attorney, reported the Pima County Attorney's Office sought direction on whether to take the position that Pima County should be the only proper defendant in this case or for purposes of this case only, to permit the Assessor to make decisions about the litigation, including the settlement.

Bill Staples, Pima County Assessor, commented that cases dealing with valuation had the interest of the Assessor.

It was moved by Supervisor Elías and seconded by Chair Bronson for the Pima County Assessor to take the lead in this case. Upon roll call vote, the motion failed 2-3, Supervisors Christy, Miller and Valadez voted "Nay."

It was then moved by Supervisor Christy and seconded by Supervisor Miller for the County to take the lead in this case. No vote was taken at this time.

Supervisor Valadez requested clarification regarding the expressed interest of the Pima County Assessor.

Supervisor Christy noted that the Assessor would be in a secondary position and it would not object to the Assessor's interest.

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

BOARD OF SUPERVISORS

15. Justice of the Peace, Precinct 7

- A. Acceptance of the resignation of the Honorable Lisa Royal, effective September 4, 2017.
- B. Discussion/direction/action regarding a selection process to fill the vacancy of Justice of the Peace, Precinct 7.

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the resignation of the Honorable Lisa Royal, effective September 4, 2017.

Chair Bronson outlined the following selection process details:

Applicants for the position need to meet the following requirements:

- 18 years of age or older at the time of appointment
- Registered to vote in the precinct
- Resident of the precinct
- Same political party as the person vacating the office (Republican)

Interested parties should file the following with the Clerk of the Board by Friday, September 22, 2017 at 5:00 p.m.:

- Letter of interest
- Resume
- Financial Disclosure Statement

The Clerk of the Board will advertise the selection process in the Arizona Daily Star, The Daily Territorial and will post the information on the Pima County Homepage. Information regarding how to submit public comments will be included and a public forum for the candidates will be scheduled during the week of September 25, 2017.

The Board of Supervisors will make the appointment of the Justice of the Peace, Precinct 7, at their meeting on October 17, 2017.

The individual appointed will serve the remainder of the unexpired term through 2018 and an election will be held at the General Election of November 2018.

Supervisor Christy recommended that a forum be conducted and facilitated by the League of Women Voters.

It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to proceed with the selection process.

16. Waiver of Attorney-Client Privilege August 17, 2017 Memorandum

Discussion/action regarding whether to waive the Attorney-Client Privilege and publicly release the August 17, 2017 memorandum from Chief Civil Deputy County Attorney, Andrew Flagg, regarding whether Supervisor Miller violated Board of Supervisors Policy C2.1 when she commented on Facebook. (District 3)

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

17. Board of Supervisors' Authority

Discussion/action regarding the Board of Supervisors' authority to censure Supervisor Miller regarding her comment made on Facebook and whether to waive Attorney-Client Privilege and publicly release a memorandum regarding that subject from Chief Civil Deputy County Attorney, Andrew Flagg. (District 3)

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

BOARD, COMMISSION AND/OR COMMITTEE

18. Sales Tax Advisory Committee

Appointments of Allan Cameron and Jeff Witthoft. No term expirations. (District 1)

Chair Bronson explained that one of District 1's appointments to the Sales Tax Advisory Committee should be a member currently serving on the Transportation Advisory Committee.

Supervisor Miller responded that neither one of District 1's appointments to the Transportation Advisory Committee were able to serve on the Sales Tax Advisory Committee due to time constraints. She added that if serving on both committees should remain a requirement, District 1 would only put forth one appointment to the committee.

Supervisor Elías suggested that Supervisor Miller possibly change one of District 1's appointments on the Transportation Advisory to an individual that would be able to serve on both committees.

Supervisor Miller disagreed adding that the Transportation Advisory Committee had met several times and it would be difficult for a new appointee to catch up at this point.

Chair Bronson added that it was important for one of the appointments be part of both committees so that the individual serving on the Transportation Advisory Committee could provide knowledge to the Sales Tax Advisory Committee. She inquired if one or both of these appointees could keep in close contact with the appointees of the Transportation Advisory Committee for that reason.

Supervisor Miller responded that she would encourage her appointees on both committees to keep in close contact and reiterated that neither of her appointees to the Transportation Advisory Committee were able to commit any more time to the Sales Tax Advisory Committee. She then suggested taking one of District 4's appointments and appointing that individual to represent District 1 on the Sales Tax Advisory Committee.

Supervisor Christy commented that he would be willing to accommodate Supervisor Miller with her request.

Chair Bronson expressed concerns regarding a District 4 appointee serving as a representative for District 1.

Supervisor Elías agreed with Chair Bronson's concerns and noted that a District 4 employee and appointee should not represent the people of District 1.

Supervisor Miller responded that she would be willing to have just one appointment to the Sales Tax Advisory Committee.

It was moved by Supervisor Miller and seconded by Supervisor Christy to appoint Allan Cameron and Jeff Witthoft to the Sales Tax Advisory Committee. Upon roll call vote, the motion failed 2-3, Chair Bronson and Supervisors Elías and Valadez voted "Nay."

Supervisor Christy inquired whether the District 1 vacancies could be filled at a later date.

Chair Bronson responded that District 1 could fill the vacancy at a later date.

Supervisor Valadez inquired whether Supervisor Miller would be willing to appoint one member to the Sales Tax Advisory Committee today, leaving a vacancy to be filled at a later date.

It was moved by Supervisor Miller, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to appoint Allan Cameron to the Sales Tax Advisory Committee.

COUNTY ADMINISTRATOR

19. Adoption of Board of Supervisors Policy

Staff requests approval of the adoption of new Board of Supervisors Policy D27.2 - Pima County Information Technology Program Lifecycle Management Plan.

Toni Hellon, Pima County Clerk of the Superior Court, spoke in opposition to the Pima County Information Technology Program Lifecycle Management Plan. She further stated that court employees were not county employees and they answered to the Arizona Supreme Court.

Bill Staples, Pima County Assessor, also addressed the Board in opposition to the Lifecycle Management Plan and cited a legal opinion from the County Attorney's Office dated May 2004, which stated that the Board lacked oversight authority, absent malfeasance, and that it could not delegate oversight authority to the County Administrator over elected officials.

It was moved by Supervisor Elías and seconded by Supervisor Miller to remove "elected officials" from the verbiage and approve the policy, as amended. No vote was taken at this time.

Supervisor Elías sought clarification on whether court employees were county employees; he provided direction to the County Administrator to provide that clarification.

Supervisor Valadez commented that the origin of this policy was to ensure funding, lifecycle management and security. He added that all departments within the County should have the tools they needed to ensure their information is secure and the systems are compatible. Supervisor Valadez then questioned if other elected officials fell under the authority of the Board as opposed to the County Administrator.

Chuck Huckelberry, County Administrator, noted that this policy originally addressed lease vs purchase and had morphed into a lifecycle management policy. He added that the Board had requested elected officials be included in this policy during the budget process since they often requested funding for lifecycle management plans. He then suggested that elected officials submit their own lifecycle policies that reflected the general policy of the County.

Supervisor Elías concurred with Mr. Huckelberry's recommendation that elected officials submit their own lifecycle management policy.

Supervisor Valadez requested a friendly amendment adding that the elected officials submit their own lifecycle policies that follow the County policy but is under the elected official's provisions.

Supervisor Elías accepted the amendment.

Chair Bronson noted the issue had evolved and the lifecycle management policy had begun to address cyber security issues and as a result, she was in full support of this management plan.

Supervisor Christy commented that he did not feel the Board was clear on what direction they wanted to take regarding this issue and suggested the item be continued.

Supervisor Miller commented that in the past a policy decision had been made to lease equipment and she expressed concerns with the proposed lifecycle management policy containing the language "elected officials" as it would allow the County Administrator to block or redirect acquisitions and sanction the budgets.

Mr. Huckelberry clarified that the language Supervisor Miller was referring to was part of Policy No. D27.1, which was still being reviewed, and would not come before the Board until October, 2017. He stated that the policy currently before the Board was for a lifecycle management policy. Mr. Huckelberry added that the main concerns addressed within the proposed policy was for the lowest possible cost to the County as well as maintaining a system that is responsive and modern.

Supervisor Miller provided direction and asked that staff provide a lease vs. purchase analysis. She inquired if the County had alternatives for IT equipment aside from Hewlett Packard (HP).

Mr. Huckelberry responded that the proposed policy addressed the procurement process, lowest possible cost bidder, and acquisition. He added that in the past, the County had selected a vendor and the vendor would finance the purchase. He explained that additional charges were incurred when the vendor had to set up, image and wipe the equipment after County use. This resulted in the County wanting to establish a lifecycle management policy so that the County could purchase the equipment on a lifecycle plan and the equipment would remain consistent and secure.

Supervisor Christy urged Supervisor Elías to withdraw his motion as he felt it was in the best interest of the County to continue this item to the next board meeting.

Andrew Flagg, Chief Civil Deputy County Attorney, provided a point of clarification regarding the legal opinion of May 2004. He stated that the County Attorney had requested that opinion be updated and that the County Attorney would provide the updated opinion to the Board in October with the proposed D27.1 policy.

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

CLERK OF THE BOARD

20. Petition for Refund - Christ Lutheran Vail Church

Pursuant to A.R.S. §42-11109, Christ Lutheran Vail Church has petitioned the Board of Supervisors for ~~relief of taxes and associated interest/penalty~~ **refund of taxes paid** for tax year 2014, for parcels nos. 305-90-4370 and 305-90-4380.

It was moved by Supervisor Christy and seconded by Supervisor Miller to grant the petition for refund. No vote was taken at this time.

Bill Staples, Pima County Assessor, noted that the Assessor's Office had determined the parcels did not qualify for property tax exemption in 2014 and by granting the petition they would be granting the exemption.

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

FINANCE AND RISK MANAGEMENT

21. Maricopa County Industrial Development Authority Revenue Bonds

RESOLUTION NO. 2017 - 63, of the Board of Supervisors, approving for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (The "Code") the issuance by the Industrial Development Authority of the County of Maricopa of not-to-exceed \$225,000,000.00 aggregate principal amount of its revenue bonds (Banner Health), Series 2017 and approving such other matters for purposes of Section 147(f) of the Code as set forth herein.

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

HUMAN RESOURCES

22. Revisions to Merit System Rules and Personnel Policies

Staff requests approval of the revisions to the following Merit System Rules and Personnel Policies:

- Merit System Rule 1 - Definitions
- Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail
- Merit System Rule 9 - Classification System
- Merit System Rule 10 - Probation
- Merit System Rule 11 - Terminations
- Merit System Rule 12 - Disciplinary and other Personnel Actions
- Merit System Rule 13 - Grievance System
- Personnel Policy 8-107 - Special Leaves of Absence With Pay

- Personnel Policy 8-108 - Leaves of Absence Without Pay
- Personnel Policy 8-109 - Absences Without Leave
- Personnel Policy 8-117 - Pay Plan
- ~~Personnel Policy 8-119 - Rules of Conduct~~
- Personnel Policy 8-122 - Group Insurance

At the request of staff and without Board objection, Merit System Rule No. 12.1.C.13 and Personnel Policy 8-119 - Rules of Conduct were removed.

It was moved by Supervisor Miller and seconded by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of October 3, 2017 as Samantha Kane, Pima County Service Employees International Union (SEIU) Representative, requested during Call to the Public. No vote was taken at this time.

Supervisor Elías noted that SEIU representatives had requested more time to review the proposed changes and was in support of the continuation.

Supervisor Valadez commented that the Pima County Human Resources Department had always been diligent in providing this information to SEIU and due to a transition process, this information may not have been provided to the correct individuals.

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

23. **Classification/Compensation**

The Public Defense Services Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/ Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
 3133/ Paralegal - Public Defense Services/ P3(\$32,136-\$59,530)/ 6/ NE*
 *NE = Not Exempt (paid overtime)

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

24. **Deferred Compensation Plan**

Staff recommends adoption of the 457 Deferred Compensation Plan with the Arizona State Retirement System and transition all accounts (with the exception of monies in the 3.5% fixed account) to Nationwide.

Chair Bronson requested this item be continued, as she would like to be cautious in making a decision that involved such a large amount of money.

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of October 3, 2017.

PROCUREMENT

25. Revisions to Board of Supervisors Policies

Staff requests approval of the proposed revisions to the following Board of Supervisors Policies, D29 Series:

- D29.1 - Contracting for Architectural and Engineering Related Professional Services and Alternative Project Delivery Methods Under A.R.S. Title 34.
- D29.2 - Procurement
- D29.3 - Small Purchase
- D29.4 - Contracts
- D29.6 - Selection and Contracting of Professional Services (Excludes A.R.S. §34 Engineering/Architect Related Services)
- D29.7 - Selection and Contracting Medical and Health-Related Professional Services
- D29.8 - Small Business Enterprise
- D29.9 - Pima County Department Purchase Responsibility
- D29.10 - Disadvantaged Business Enterprise
- D29.11 - Surplus Personal Property

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

TREASURER

26. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$26,549.32.

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

REAL PROPERTY

27. Abandonment by Vacation

RESOLUTION NO. 2017 - 64, of the Board of Supervisors, for the vacation of a portion of Boswell Lane as Pima County Road Abandonment No. A-0022 lying within Section 3, T13S, R11E, G&SRM, Pima County, Arizona. (District 3)

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

TRANSPORTATION

28. Acceptance of Project/Roadway for Maintenance

P16SC00045, Andrada Ranch, Lots 1-27. Developer/Owner: C. Stone Holdings, L.L.C. (District 4)

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve P16SC00045.

29. Acceptance of Project/Roadway for Maintenance

P16SC00014, Linda Vista Heights, Lots 1-34. Developer/Owner: PRF 3, L.L.C. (District 1)

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve P16SC00014.

BOARD OF SUPERVISORS

30. Hearing - Exploding Target Ordinance

ORDINANCE NO. 2017 - 21, of the Board of Supervisors, relating to the public health, safety, and welfare, prohibiting the sale, use, explosion, and possession of exploding targets. (All Districts)

Chris King addressed the Board regarding his opposition to the Ordinance. He stated that Federal and State Laws already existed that addressed the issues within the Ordinance, and he indicated that the background material provided was poorly collected information and data.

It was moved by Supervisor Valadez and seconded by Supervisor Elías to close the public hearing and adopt the Ordinance, as amended. No vote was taken at this time.

Supervisor Christy stated that he objected to the Ordinance and felt that the Ordinance restricted gun owners' recreational rights.

Supervisor Miller stated that she also objected to the Ordinance.

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

FRANCHISE/LICENSE/PERMIT

31. Hearing - Liquor License

09100146, Nicholas Carl Guttilla, Safeway No. 2809, 13380 E. Mary Ann Cleveland Way, Vail, Series 9, Liquor Store, Location Transfer and Sampling Privileges.

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

32. Hearing - Liquor License

10103821, Nicholas Carl Guttilla, Safeway No. 2809 FC, 13360 E. Mary Ann Cleveland Way, Vail, Series 10, Beer and Wine Store, New License.

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

PROCUREMENT

33. Hearing - Code Text Amendment

ORDINANCE NO. 2017 - 27, of the Board of Supervisors, relating to procurement of goods and services; amending the Pima County Procurement Code, Chapters 11.04, 11.08, 11.12, 11.16 and 11.20.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote to close the public hearing and adopt the Ordinance.

34. Hearing - Code Text Amendment

ORDINANCE NO. 2017 - 28, of the Board of Supervisors, relating to Business Enterprises; amending the Pima County Code, Chapters 20.08, 20.16, 20.20, 20.24, 20.28, and 20.44 relating to the Small Business Enterprise Participation Program.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Elías was absent for the vote, to close the public hearing and adopt the Ordinance.

TRANSPORTATION

35. Hearing - Traffic Resolution

RESOLUTION NO. 2017 - 65, of the Board of Supervisors, permitting the temporary closure of portions of Anklam Road from Daystar Mountain Drive to Speedway Boulevard and Speedway Boulevard from Anklam Road to Painted Hills Road in Pima County, Arizona, for the Tucson 10K on Sunday, September 17, 2017. Staff recommends APPROVAL. (District 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

36. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 29, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Wilmot Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1, 2 and 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

BOARD OF SUPERVISORS

37. Employees and Calls-to-Action on Social Media During Business Hours

Discussion/action of the current County policy as it relates to County employees engaging in personal calls-to-action on social media platforms during the course of the County business day. (District 4)

Supervisor Christy requested the County Administrator provide a policy to the Board regarding the use of County resources during County time. He also proposed a discussion regarding what County employees are allowed to say while on County time.

Chuck Huckelberry, County Administrator, responded that a County policy regarding this issue already existed. He added that an employee using a private Facebook account while on County time was addressed in the rules of conduct and the policy would be reviewed for modifications.

Supervisor Christy requested a copy of the policies.

Mr. Huckelberry agreed to provide a copy of the policies.

Supervisor Elías commented that the County has had this policy in place for a long time and that it has proven to be effective.

No Board action was taken on this item.

38. **Board Authority to Censure Board Member over Facebook Comment**

Discussion and vote to release to the public, Attorney/Client Privileged Memorandum from Chief Civil Deputy County Attorney, Andrew Flagg, dated August 28, 2017. (District 1)

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

39. **Supervisor Miller's August 18 Email: Non-Interference**

Discussion and vote to release to the public, Attorney/Client Privileged Memorandum from Chief Civil Deputy County Attorney, Andrew Flagg, dated August 28, 2017. (District 1)

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

40. **Applicability of Board of Supervisors' Policy C2.1 to Supervisor Miller's Facebook Comment**

Discussion and vote to release to the public, Attorney/Client Privileged Memorandum from Chief Civil Deputy County Attorney, Andrew Flagg, dated August 17, 2017. (District 1)

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

COUNTY ADMINISTRATOR

41. **County Employees Appointed to Boards, Commissions and Committees**

Staff recommends the Board of Supervisors provide direction regarding the conditions under which paid County employees are permitted to hold Board of Supervisors-appointed positions on Pima County Boards, Commissions and Committees.

It was moved by Supervisor Miller and seconded by Supervisor Christy to keep the existing policy. No vote was taken at this time.

Supervisor Elías commented that Pima County employees should not be paid while representing boards, commissions and committees. He added that when Board members appoint their own employees to boards, commissions and committees it restricted public input.

Supervisor Valadez inquired about meetings that were held after County business hours.

Chuck Huckelberry, County Administrator, noted that it would depend on the classification of the employee. He added that there were times when County employees have been appointed to Boards as the subject matter experts.

Chair Bronson added that for some boards/commissions/committees, Statute required the Board member(s) to appoint themselves or a member of their staff.

Supervisor Christy questioned how this would impact part-time employees.

Mr. Huckelberry responded that as long as the assignment was outside of their part-time pay and they were not being compensated for attending the meetings, it would not be an issue.

Supervisor Elías made a substitute motion and requested staff provide direction to ensure that County employees serving on commissions took time off of their County duties to complete those tasks with the exclusion of subject matter experts who provide information that is critical, ex-officio members and members that are eliminated by state statute. Chair Bronson seconded the motion.

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

SUPERIOR COURT

42. Judge Pro Tempore Appointment

Appointment of Judge Pro Tempore of the Consolidated, Green Valley and Ajo Justice Courts for the period of July 1, 2017 through June 30, 2018: Lisa R. Royal

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

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

43. CODAC Health, Recovery & Wellness, Inc., Amendment No. 2, to provide for the HUD Continuum of Care Program - One-Stop Rapid Rehousing (RRH), extend contract term to 9/15/17, amend contractual language and scope of work, no cost (CT-CS-16-332)

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

44. Tucson Youth Development (TYD), Inc., Amendment No. 4, to provide for the Youth CareerConnect Program and amend contractual language, no cost (CT-CS-15-27)

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

BOARD, COMMISSION AND/OR COMMITTEE

45. **Sales Tax Advisory Committee**

- Appointments of Bob Gugino, representing Transportation Advisory Committee and Kelly Fryer. No term expirations. (District 5)
- Appointment of Dennis Minano. No term expiration. (District 3)
- Appointments of Larry Gibbons, representing Southern Arizona Home Builders Association, Charles Wetegrove, representing Southern Arizona Lodging and Resort Association and Mark Van Buren, alternate, representing Southern Arizona Lodging and Resort Association. No term expirations. (Organizational recommendations)

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

46. **Regional Wastewater Reclamation Advisory Committee**

Appointment of Mark Taylor, to fill a vacancy created by Sheila Bowen. Term expiration: 3/1/21. (District 2)

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

47. **Board of Health**

Reappointment of Bin An. Term expiration: 6/30/21. (District 4)

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

CONSENT CALENDAR

48. **Approval of the Consent Calendar**

Without Board objection, Consent Calendar Item No. 3 was set aside for separate discussion and vote.

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 6 was set aside for separate discussion and vote.

It was then moved by Supervisor Elías, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar, as amended.

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Community Services, Employment and Training

3. Community Home Repair Projects of Arizona, Inc., Amendment No. 1, to provide for the Community Services Block Grant (CSBG) – Emergency Needs, amend contractual language and scope of work, Arizona Community Action Association Utility Repair Replacement and Deposit (URRD) Fund, contract amount \$70,000.00 (CT-CS-17-426)

At the request of staff and without Board objection, this item was removed from the agenda.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

6. **Award**
Award: Master Agreement No. MA-PO-18-51, The Ashton Company, Inc., Contractors and Engineers (Headquarters: Tucson, AZ), Corbins Service Electric, L.L.C. (Headquarters: Phoenix, AZ) and Gilbert Electric Company, Inc. (Headquarters: Tucson, AZ), job order master agreement for electrical contracting services. This award of Master Agreement is recommended to the three (3) highest qualified contractors in an annual shared amount not-to-exceed \$750,000.00 for an initial one (1) year agreement term from 9/5/17 to 9/4/18, which may be extended for up to four (4) additional one year terms. Funding Source: Various Funds. Administering Department: Facilities Management.

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

Supervisor Miller questioned whether an increase in funding would require Board approval.

Mary Jo Furphy, Procurement Director, responded that an increase in funding would come back to the Board for approval.

Supervisor Miller requested an amendment to the motion and asked that the language, “with the approval of the Board of Supervisors” be included within the document.

Chair Bronson accepted the amendment to her motion.

Upon the vote, the motion carried 5-0, to approve the item, as amended.

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CONSENT CALENDAR

CONTRACT AND AWARD

Community Services, Employment and Training

1. Joint Technical Education District (JTED), Amendment No. 4, to provide for the Youth CareerConnect Program and amend contractual language, no cost (CT-CS-15-65)
2. Cochise Private Industry Council, Amendment No. 4, to provide for the Youth CareerConnect Program and amend contractual language, no cost (CT-CS-14-538)
3. Community Home Repair Projects of Arizona, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Elections

4. Drexel Heights Fire District, to provide election services, contract amount \$5,000.00 estimated revenue (CTN-EL-18-21)

Information Technology

5. Sprocket Communications, L.L.C., Amendment No. 4, to provide for a rooftop and shelter space located at 33 N. Stone, extend contract term to 8/31/21 and amend contractual language, contract amount \$70,221.72 revenue (CTN-IT-12-65)

Procurement

6. **Award**
Award: Master Agreement No. MA-PO-18-51, The Ashton Company, Inc., Contractors and Engineers (Headquarters: Tucson, AZ), Corbins Service Electric, L.L.C. (Headquarters: Phoenix, AZ) and Gilbert Electric Company, Inc. (Headquarters: Tucson, AZ), (PULLED FOR SEPARATE ACTION)

Recorder

7. Avra Valley Fire District, to provide election services, contract amount \$11,500.00 estimated revenue (CTN-RE-18-18)

Sheriff

8. City of South Tucson, to provide for the incarceration of municipal prisoners, contract amount \$125,000.00 estimated revenue (CTN-SD-18-19)
9. Tucson Sheriff Auxiliary Volunteers, to provide property loss protection - Tucson SAV vehicles, General Fund, contract amount \$200,000.00/\$9,539.60 revenue (CT-SD-18-40)
10. Green Valley Sheriff Auxiliary Volunteers, to provide property loss protection - Tucson SAV vehicles, General Fund, contract amount \$200,000.00/\$7,495.00 revenue (CT-SD-18-41)

Transportation

11. Regional Transportation Authority (RTA), to provide design and construction of improvements to Pima County School Safety: White-Pistor Project, contract amount \$77,000.00 revenue (CTN-TR-18-20)

GRANT APPLICATION/ACCEPTANCE

12. **Acceptance - Sheriff**
State of Arizona Department of Public Safety, to provide for the Gang Intelligence Immigration Team Enforcement Mission (GIITEM), State of Arizona - Department of Public Safety (75%) and General (25%) Funds, \$350,000.00/\$116,666.67 General Fund Match (GTAW 18-9)
13. **Acceptance - Sheriff**
State of Arizona, Office of the Attorney General, to provide for the 2018 Victims' Rights Program, \$53,400.00 (GTAW 18-12)
14. **Acceptance - Health**
National Association of County and City Health Officials (NACCHO), Amendment No. 1, to provide for the Identifying Optimal Uses of the Rapid Syphilis Test Project, extend term to 6/30/18 and scope of work, no cost (GTAM 18-5)

BOARD, COMMISSION AND/OR COMMITTEE

15. **Fair Commission**
Correction to term expiration: Garrett Ham, term expiration: 12/31/20.

16. **Self-Insurance Trust Fund Board**

- Appointments of Keith Dommer and Jeff Gould, to replace Tom Burke and Sandra L. Abbey. Term expirations: 12/31/20. (Staff recommendations)
- Reappointments of Drew Palmer, Steve Holland, Charlotte Ackerman, Mark Van Ert, and Mark Dworschak. Term expirations: 12/31/20. (Staff recommendations)

17. **Workforce Investment Board**

- Correction to category: Brad McCormick, representing Workforce; Out-of-School Youth Organization.
- Appointment of Dustin Williams, representing Education and Training, Educational Agency, to fill a vacancy created by Linda Arzoumanian. Term expiration: 9/30/17. (Staff recommendation)
- Appointment of Chris Tafoya, representing State Employment Service Office under Wagner-Peyser, to replace Susan "Susy" Moncada. Term expiration: 9/30/18. (Staff recommendation)
- Appointments of Susan Hyatt Dumon, representing GECD, to replace Michael Guymon; Vaughn Croft, representing Business, to fill a vacancy created by Judith Clinco; Cristina Castro Harrington, representing Business, to fill a vacancy created by Kim Murray. Term expirations: 9/30/19. (Staff recommendations)

18. **Sales Tax Advisory Committee**

Appointments of Sergio Arellano, representing Transportation Advisory Committee and Wendell Long. No term expirations. (District 4)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED PURSUANT TO
RESOLUTION NO. 2016-62**

19. **Special Event**

- Tamara A. McKinney, Mobile Meals of Tucson, Inc., St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, October 21, 2017.
- Cynthia S. Ridings, Sabino High School Foundation, 1001 N. Camino Cordon, Tucson, September 30 and October 1, 2017.
- Margaret K. Yonkovich, Santa Catalina Roman Catholic Parish - Tucson, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, September 16, 2017.
- Brenda J. Goldsmith, El Rio Health Center Foundation, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, October 20, 2017.

20. **Temporary Extension**

07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for September 22, 29, 30 and October 5, 2017.

21. **Precinct Committeemen**

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

RESIGNATIONS-PRECINCT-PARTY

Marriah Star-094-DEM

APPOINTMENTS-PRECINCT-PARTY

Minerva K. Garcia-004-DEM; April H. Ignacio-004-DEM; Pachynne S. Ignacio-004-DEM; Alfred R. Manuel-004-DEM; Marietta E. Martin-004-DEM; Marlo K. Norris-Enos-004-DEM; Annamarie Stevens-004-DEM; Troy J. Mason-042-DEM; Gabriel G. Acosta-080-DEM; Chester L. Antone-135-DEM; Joan R. Najita-164-DEM; Sandy L. Russell-054-REP; Judy A. Wolgamot-057-REP; Elizabeth Ford-125-REP; Joseph P. Cisterna-166-REP; Colette M. Endrizzi-166-REP; Brian C. Delfs-178-REP; Dirk E. Newton-210-REP; JoAnn di Filippo-233-REP.

FINANCE AND RISK MANAGEMENT

22. **Duplicate Warrants - For Ratification**

Gina-Fay Rose Bruno \$500.00; Jeannette Sosa \$87.50; Phillip James Valine \$114.72; Olivia R. Bartfalvi \$26.70; First Avenue Investment, Inc. \$427.22; Stephen Eric Hedberg \$11.13; Dillon Adam Leyva \$216.00; Escabrosa, Inc. \$250.00; Escabrosa, Inc. \$50.00; Yuma Private Industry Council \$29,752.83.

TREASURER

23. **Fill the Gap**

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five percent set-aside "Fill-the-Gap" funds in the amount of \$1,208,347.44 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior and Justice Courts for processing of criminal cases.

TRANSPORTATION

24. **Permission to Advertise**

Chester Way
Road Establishment No. 3026
September 22 and 29, 2017 (District 3)

RATIFY AND/OR APPROVE

25. Minutes: August 1, 2017
Warrants: August, 2017

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49. **ADJOURNMENT**

As there was no further business to come before the Board the meeting was adjourned at 1:07 p.m.

CHAIR

ATTEST:

CLERK