

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, August 1, 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
Regina Nassen, Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

*Supervisor Valadez left the meeting at 12:30 p.m.

1. **INVOCATION**

The invocation was given by Pastor Brent Kreuzer, Unleashed Christian Church.

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

4. **Community Partners Resolution**

Recognition to Don Weaver, President, Green Valley Council; Jim Nelson, President, Green Valley Recreation, Inc.; and Kathleen Wishnick, Chair, Green Valley/Sahuarita Chamber of Commerce and Visitor Center, congratulating them on the execution of the Community Partners Resolution, in which the partners agree to further economic growth and development to enhance and strengthen Green Valley as a vibrant, exciting and economically strong community. (District 4)

The Board took no action on the item. Supervisor Christy made the presentation.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Tracy Koslowski, Public Information Manager, Drexel Heights Fire District, proclaiming the month of August 2017 to be: "DROWNING IMPACT AWARENESS MONTH"

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

6. Presentation of a proclamation to J.J. Lamb, Tucson-Pima County Historical Commission, proclaiming the month of August and the day of Sunday, August 20, 2017 to be: "THE 242ND ANNIVERSARY OF THE CITY OF TUCSON"

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.

7. CALL TO THE PUBLIC

The following speakers addressed the Board in support of the Conversion Therapy Ordinance:

- Francesca Jarvis
- Bert Meek
- Bennett D.D. Burke, Presiding Bishop, Liberal Catholic Church International
- Melissa Garcia, Planned Parenthood
- Danielle Flink
- Ashley Van Winkle
- Mari Herrera

They offered the following comments:

- Shared an experience of a young man who was sent to conversion therapy, that resulted in the individual self-harming for continuing to have improper feelings.
- There is clinical proof that conversion therapy does not work and conversion therapy is performed on the presumption that being homosexual is a disability.
- Conversion therapy is an unscientific and discredited practice denounced by medical and mental health organizations as being neither medically nor ethically appropriate.
- Being lesbian, gay, bisexual, transgender or queer is not a medical or spiritual disorder.
- Build a world where no one experiences discrimination or violence because of their gender identity, gender expression or sexual orientation.
- Parents need help raising their children to be successful and healthy adults, conversion therapy is not the way to do so.
- Conversion therapy has been proven to lead to depression, anxiety, drug use, homelessness, self-hatred and suicide.
- Leaders and founders of conversion therapy have apologized and renounced conversion therapy to be harmful to individuals involved.

- Parents have rights but not the right to abuse their children and this ordinance is about creating a safer community.

The following speakers addressed the Board in opposition of the Conversion Therapy Ordinance:

- Roger D. Score
- Curtiss Leroy
- Geri Ottoboni
- Ana Henderson, 1st Vice Chair, Republican Party
- Dave Drum
- Dan Grossenbach

They offered the following comments:

- Ordinance is one-sided and does not provide for the rights of heterosexuals.
- Ordinance would further support a ban on homosexuals in the military, as it would suggest the inability to cope with the stress of discussing their sexuality.
- Ordinance does not treat the crisis of attempted suicides in 41% of the transgender community yet subscribes to the current method of allowing sex change operations and the prescription of puberty blockers and cross sex hormone treatments with no conclusive evidence that they improve the lives of transsexuals.
- Ordinance is unconstitutional because it violates the parents' right to direct the upbringing of their children in regards to health care, mental health care and religious freedom.
- Forty-five percent of transgender children who undergo a sex change operation commit suicide. Restricting access to counselors could result in more suicides and subsequent lawsuits against Pima County.
- Government should not involve itself in something outside its mandate.
- The ordinance is an unconstitutional use of government force that will take away the rights of Pima County citizens.
- Ordinance flawed in its presumptions that all parents and children disagree about conversion therapy, that it does not allow for help from a professional counselor and that conversion therapy equates to child abuse.
- Concern that the ordinance prohibits individuals from exploring their sexuality.

Scott Thompson, Statistical Research Incorporated, stated support of the National Historic Preservation Act would help protect cultural and historic sights for the benefit, appreciation and enjoyment of present and future generations.

Bill Doelle, President and CEO, Archaeology Southwest, stated that the discoveries made under the National Historic Preservation Act provided a sense of place in a community and he expressed his support of the resolution.

The following speakers addressed the Board in support of both the Federal Endangered Species Act and Sonoran Desert Conservation Plan Resolutions:

- Nicole Gillett, Tucson Audubon Society
- Ken Scoville
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Peter Steer, Tohono O'odham Nation
- Roger McManus
- Meg Weesner, Chair, Sierra Club, Rincon Group
- Karen Fogas, Executive Director, Tucson Audubon Society

They offered the following comments:

- Tucson is a leader in the preservation of endangered species and existing landscape.
- Endangered Species and Historic Preservation Acts are about learning and understanding what happened in the past connects us to our present and future.
- The Sonoran Desert Conservation Plan was created to benefit endangered species and brought a variety of individuals from the community with different vocations together.
- Tohono O'odham Nation works with the federal government on the Endangered Species Act and on preserving their cultural resource sites through the National Historic Preservation Act and they support the two resolutions.
- Pima County is rich with heritage, culture, the Sonoran Desert, wildlife and the people who live here. Passing the resolutions preserves these ideals.
- Bald eagle, brown pelican and grizzly bear are successes of the Endangered Species Act and the National Historic Preservation Act protected the El Tiradito and San Xavier Mission in our area.
- Both resolutions are important to our way and quality of life, especially the Endangered Species Act, which has brought species back from the brink of extinction.

Steve Huffman, Tucson Association of Realtors, encouraged the Board to move forward on the formation of a committee that would research a sales tax and other methods of obtaining revenue for the County other than through property taxes.

Christopher Cole, 1st Vice Chair, Pima County Libertarian Party, expressed his concern that the proposed I-11 would continue even with the known opposition of the citizens of Pima County.

COUNTY ADMINISTRATOR

8. Community Input on a Possible Pima County General Sales Tax

Staff recommends approval of the following:

- A. Community Input Plan regarding a possible Countywide sales tax for the purposes of road repair and property tax relief.
- B. Formation of an 18-member Sales Tax Advisory Committee.

It was moved by Chair Bronson and seconded by Supervisor Valadez to approve the item with staff recommendations A and B. No vote was taken at this time.

Supervisor Christy expressed the importance of a community-involved discussion. He inquired whether the hearings were to convince the citizens of Pima County to pass the sales tax or if the hearings would be a fair and balanced conversational setting to express opinions and discuss the matters openly. He also inquired as to who would pick the members of the Sales Tax Advisory Committee, how the formation of the Board would be constructed and how the Sales Tax Advisory Committee related to the Transportation Advisory Committee.

Supervisor Valadez responded that the Board's intent was to create a citizen advisory committee that would oversee meetings within the five supervisorial districts for the purpose of discussion and to receive input from the communities on whether or not they agreed with the options. The Committee would then report their findings to the Board.

Chair Bronson added it was an opportunity to hear opinions, educate, and to make sure citizens understood what the possibilities were regarding usage of the revenue.

Chuck Huckelberry, County Administrator, indicated that his staff would prepare information on all the policy options to be considered, pros and cons, and that the Board of Supervisors would receive that information prior to any hearings so that they were aware of what would be discussed at the hearings. He indicated that the primary interest of the meetings was to get the community's input on policy options. In response to the committee's membership he indicated that he was proposing an 18 member committee which would be comprised of the following: 5 appointed by the Board of Supervisors, 6 members from the Transportation Advisory, 4 from business organizations, and 3 from low-income families organizations.

Supervisor Elías commented that he has spoken openly about his concerns regarding a countywide sales tax but he agreed talking about alternative options for revenue and having open discussions was beneficial.

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

FINANCE AND RISK MANAGEMENT

9. City of South Tucson Incarceration of Municipal Prisoners

RESOLUTION NO. 2017 - 55, of the Board of Supervisors, authorizing and approving the first amendment to the settlement agreement with the City of South Tucson for fees and interest owed for the incarceration of municipal prisoners.

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

10. Maricopa County Industrial Development Authority Revenue Bonds

RESOLUTION NO. 2017 - 56, of the Board of Supervisors of Pima County, Arizona, appointing Keith Dommer, Director of Finance and Risk Management of Pima County, or his designee, to conduct a public hearing as required by the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance by the Industrial Development Authority of the County of Maricopa of its Revenue Bonds (Banner Health) Series 2017.

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

HEALTH

11. The Board of Supervisors on July 11, 2017, continued the following:

Southern Arizona AIDS Foundation, Amendment No. 6, to provide for the HIV Prevention - Behavioral Intervention Project, extend contract term to 12/31/17, amend contractual language and scope of work, CDC via ADHS (84%) and Health Special Revenue (16%) Funds, contract amount \$57,338.00 (CT-HD-13-515)

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

BOARD OF SUPERVISORS

12. 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)

At the request of Supervisor Valadez, the item was continued to the Board of Supervisors' Meeting of September 5, 2017.

13. **Hearing - Conversion Therapy Ordinance**

ORDINANCE NO. 2017 - 22, of the Board of Supervisors, relating to the public health, safety, and welfare, restricting the practice of sexual orientation change efforts, commonly known as “conversion therapy.” (All Districts)

The following speakers addressed the Board in support of the Conversion Therapy Ordinance:

- Chris Lopez
- Liane Wong, President, Tucson Gay, Lesbian, Bisexual, Transgender (GLBT) Chamber of Commerce
- Erin Russ, Director of Programs, Southern Arizona Gender Alliance
- Russell Toomey, Publisher
- Paul Stratton
- Vivian Smith
- Kitty Kennedy, Pima Area Labor Federation, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
- Fred Ronstadt, Board Member, Southern Arizona AIDS Foundation
- Alison Sutton-Ryan
- Abby Louise Jensen, Vice President and General Counsel of the Southern Arizona Gender Alliance
- Kathy Smith, President, State chapter of the American Academy of Child and Adolescent Psychiatry
- Sandy Ochoa, Service Employees International Union (SEIU)
- Anna Harper-Guerrero, Executive Vice-President, Emerge! Center Against Domestic Abuse

They offered the following comments:

- Not all parents are affirming or supportive of their children and there is a need to protect those children from parents who would subject them to various cruel methods used in conversion therapy.
- Businesses contemplating establishing in Pima County look to see how the County supports the LGBT community.
- Individuals that endured reparative therapy experienced feelings of anger, fear, self-defeat and suicidal thoughts.
- LGBT individuals who experienced reparative therapy were five times more likely to commit suicide, four times more likely to have clinical depression, less attainment in education and demonstrated less satisfaction in life.
- The long-term effects of conversion therapy are detrimental.
- Conversion therapy does not work and has been banned in 10 states.
- Passage of this ordinance shows support for LGBT youth who do not receive acceptance from parents.
- AFL-CIO advocates for LGBT rights have decried Betsy DeVos, U.S. Secretary of Education, and her support for organizations that have financed conversion therapy.

- The Eon Program provides support to children rejected in their homes because of sexual orientation.
- This ban on conversion therapy does not take away the rights of parents, but holds behavioral health practitioners accountable to provide care that does not cause harm.
- The ordinance does not violate any laws as governments have the power to restrict commercial speech.
- The ordinance bans those that charge a fee for conversion therapy; it does not ban the free speech of parents, therapists or ministers.
- Multiple courts throughout the United States have upheld similar bans on conversion therapy.
- Sexual orientation and gender identity are not mental disorders and they do not require treatment.
- No scientific evidence exists that indicates changing sexual orientation or gender identity is possible.
- SEIU is committed to providing a safer community and to ending discrimination of transgender employees in the workplace.
- Victims of abusive relationships have endured a history of trauma at a young age because they were told they were wrong, sick or unworthy of love due to the fact they were lesbian, gay, transgender or bisexual.

The following speakers addressed the Board in opposition of the Conversion Therapy Ordinance:

- Lewellyn Hicks
- Ed Eddingfield, Baptist Church Pastor
- Chris King
- Bernadette Gruber
- Randy Reynolds

They offered the following comments:

- American College of Pediatrics is against gender reclassification of children.
- Everyone is born with a biological sex and a person's belief that they are not the sex they were born with is a psychological problem that exists in the mind, not the body.
- No one wants children to be hurt and electrotherapy shock has not been used in conversion therapy for about 40 years.
- Agreed with Planned Parenthood's statement that everyone deserves access to professional help; this ordinance sets limitations.
- Board of Supervisors have overstepped their bounds as elected representatives of the County by telling parents how to raise their children.
- The ordinance infringes on the freedoms of the people given to them by the United States Constitution, Arizona State Constitution and all relevant statutes, such as A.R.S. §1-601.
- Ordinance makes problematic assumptions that need to be addressed.
- Contradictions in the ordinance about gender identity.

- This is a very complex and emotional issue and many people have questions regarding the scientific information.
- Ordinance is too stringent and needs to be relative of the different issues.
- Not all therapies are harmful.

Joe N. Pierson stated he was torn and asked the Board to postpone voting on the item until a more concise ordinance could be developed from input received from both supporters and those opposed to the ban.

Billy Kouar did not speak but attended in support of the Ordinance.

It was moved by Supervisor Elías and seconded by Chair Bronson to close the public hearing and adopt the Ordinance. No vote was taken at this time.

Supervisor Elías stated this ordinance was on the correct side of civil rights and corrected his motion to state that he was asking for approval of the amended ordinance.

Supervisor Christy stated that many of his constituents were against the ordinance. He stated that the Board of Supervisors were involving themselves in another issue that had no influence on the enhancement of Pima County. He explained that if a counselor, therapist, or religious figure provided therapy pro-bono, the ordinance was meaningless. He commented that the ordinance referenced minors and the need to protect their health, safety and well-being. If abuse was perpetrated by a therapist or during a therapy session, organizations already exist to assist minors in regards to their safety and well-being, such as Child Protective Services. He also stated it was irresponsible of the Board to pass an ordinance for the sake of making an ordinance and without contemplating the unintended consequences that could arise.

Supervisor Elías indicated that the Board had a responsibility to protect the public's health and that it was not irresponsibility to adopt an ordinance if it protected at least one child or stopped one instance of suicide.

Supervisor Miller commented that the ordinance was one sided and disallowed the use of counseling to those that would want it. She explained her concerns were for the rights of parents as defined in the Arizona Revised Statutes, Sections 1-601 and 1-602, patients, and individuals whose businesses generated income from services providing information and counseling. She stated the Board should not involve themselves in this issue and cautioned that approval of the ordinance would set a precedent. She agreed with Supervisor Christy that if there was ever any evidence of mistreatment of a child to report it to Child Protective Services. She stated the ordinance restricted communication with a therapist or counselor and stifled the first amendment right to free speech and added another detriment to passing the ordinance would be the possible loss of federal and state funding, as mentioned in a letter by an individual at the State Legislature. She stated her belief that the ordinance would be a violation of the taxpayers of Pima County's constitutional rights and that the upcoming lawsuits, which would entail legal expenses and fees, would add to the

burden of the taxpayers and, due to all these failings, she would vote no on the ordinance.

Supervisor Valadez inquired if the ordinance prohibited a pastor from offering advice regarding sexual orientation to a minor or if it barred a general discussion with a young person that had questions about their sexual orientation with someone other than a paid therapist.

Regina Nassen, Civil Deputy County Attorney, responded that the ordinance stated no person may engage in sexual orientation change efforts with a minor in exchange for a fee and that it did not restrict a religious leader from speaking with his constituents. She also stated that the wording of the ordinance allowed general discussion with a paid, licensed therapist but that the therapist could not engage in any therapy with the objective of changing the orientation or identity of the minor.

Supervisor Valadez asked if the ordinance impeded or violated first amendment rights.

Ms. Nassen responded that Andrew Flagg, Chief Civil Deputy County Attorney, had composed the language of the ordinance and had analyzed any potential legal challenges, which he had then disclosed to the Board of Supervisors via an Attorney-Client Privileged memorandum. She suggested that if the Board wanted to discuss the issues in more detail, she recommended the Board vote to go into Executive Session. She explained that as Mr. Flagg's memorandum had counseled, there was potential for legal challenges, but that the County Attorney's Office had found the ordinance defensible.

An additional motion was made by Supervisor Miller and seconded by Supervisor Christy to release the memorandum from Attorney-Client Privilege status. Upon roll call vote, the motion unanimously carried 5-0.

Supervisor Valadez asked Ms. Nassen to address the question he had asked regarding the first amendment.

Ms. Nassen responded that the memorandum from Mr. Flagg concluded that although someone could allege their first amendment rights were being violated by the ordinance, the claim would not be a worthy legal pursuit.

Chair Bronson stated that this item was within the scope of the Board of Supervisors' obligation to protect the public health and she stated the Board needed to speak up for the children of Pima County.

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

FRANCHISE/LICENSE/PERMIT

14. Hearing - Liquor License

06100065, Jason Eugene Scott, BBQ Rush Restaurant, 5151 S. Country Club Road, Tucson, Series 6, Bar, Person Transfer.

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, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

TRANSPORTATION

15. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 23, of the Board of Supervisors, regulating the turning of vehicles at the intersection of Mona Lisa Road and Magee Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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.

16. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 24, of the Board of Supervisors, establishing a non-abutting school crosswalk on Sunset Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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.

17. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 25, of the Board of Supervisors, regulating traffic at the intersection of Knollwood Drive and the Avilla Sabino East Driveway in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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.

BOARD OF SUPERVISORS

18. Federal Endangered Species Act

RESOLUTION NO. 2017 - 57, of the Board of Supervisors, for the continued support of the Federal Endangered Species Act. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Valadez to adopt the Resolution. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

19. Sonoran Desert Conservation Plan

RESOLUTION NO. 2017 - 58, of the Board of Supervisors, supporting the 1966 National Historic Preservation Act that protects cultural and historic sites in Pima County consistent with the Sonoran Desert Conservation Plan. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Elías to adopt the Resolution. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

TREASURER

20. 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 and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller stated that her office had inquired about the \$17,906.36 from the Hilton El Conquistador Hotel. She indicated that her office was provided an affidavit which mentioned an error or omission resulting in an improper imposition of property tax. She asked for a continuance to be able to speak with the Sheriff's Department and obtain an answer to the discrepancy.

Supervisor Miller made a substitute motion to continue the item to the September 5, 2017 meeting. Supervisor Christy seconded the motion. Upon the vote, the motion unanimously carried 5-0.

CONFLICT OF INTEREST

21. THE FOLLOWING ITEM MAY PRESENT A POTENTIAL CONFLICT OF INTEREST FOR SUPERVISOR VALADEZ

Contract – Transportation

Rural Metro, Amendment No. 1, to provide a License to Use Agreement, extend contract term to 6/4/22 and amend contractual language, no cost (CT-TR-CMS139549)

It was moved by Chair Bronson, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Valadez recused himself due to a potential conflict of interest, to approve the item.

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

22. Pima County Community Land Trust (PCCLT), Amendment No. 1, to provide for the PCCLT Ontario Rental Housing Project, extend contract term to 7/4/18 and amend contractual language, no cost (CT-CD-16-431)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

COUNTY ATTORNEY

23. The Primavera Foundation, Inc., Amendment No. 3, to provide implementation of enhancements to the Pima County Drug Court Program and establishment of a Drug Treatment Alternative to Prison Program and extend contract term to 9/30/18, BHTCC and DTAP Funds, contract amount \$65,000.00 (CT-PCA-15-489)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

PROCUREMENT

24. Contract Ratification

PCL Construction, Inc., Amendment No. 1, to provide Construction Manager at Risk Services for the Continental Ranch Regional Pump Station Upgrade Project (3CRS05) and amend contractual language, RWRD Obligation Fund, contract amount \$4,202,228.00 (CT-WW-17-380) Regional Wastewater Reclamation

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

PUBLIC WORKS ADMINISTRATION

25. Regional Transportation Authority, Amendment No. 1, to provide for the design and construction of improvements to the El Paso and Southwestern Greenway, City of South Tucson Segment, extend contract term to 6/1/18 and amend contractual language, contract amount \$149,000.00 revenue (CTN-TR-15-149)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

REAL PROPERTY

26. Friends of Tucson's Birthplace, Inc., to provide for the development, operation and maintenance of Mission Garden, General Fund, contract amount not-to-exceed \$50,000.00 annually/5 year term (CT-PW-18-19)

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

RECORDER

27. City of Tucson, to provide election services for the Primary Election on August 29, 2017, contract amount \$23,000.00 estimated revenue (CTN-RE-18-6)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

28. Town of Oro Valley, to provide election services for the Special Bond Election on November 7, 2017, contract amount \$78,000.00 estimated revenue (CTN-RE-17-232)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

GRANT APPLICATION/ACCEPTANCE

29. **Acceptance - Community Services, Employment and Training**

Arizona Department of Economic Security, to provide for the Social Services Block Grant, U.S. Department of Health and Human Services Fund, \$40,000.00 (GTAW 18-3)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

30. **Acceptance - County Attorney**

Arizona Automobile Theft Authority, to provide for the fiscal year 2017 Auto Theft Vertical Prosecution Program Grant, \$216,056.00 (GTAW 18-4)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

31. **Acceptance - County Attorney**

Arizona Automobile Theft Authority, to provide for the 2017 AATIA Training Seminar, \$1,140.00 (GTAW 18-5)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

32. **Community Action Agency Board**

Appointment of Richard Katz, to replace Dianna Gonzales. Term expiration: 12/31/20. (District 4)

Supervisor Christy acknowledged Richard Katz and thanked him and his family for their services to Pima County and the Vail community.

Supervisor Elías added his thanks and appreciation to Mr. Katz and his family.

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the item.

CONSENT CALENDAR

33. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 9, 14 and 15 were set aside for separate discussion and vote.

Upon the request of Chair Bronson to divide the question, Consent Calendar Item No. 21 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.

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PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

Procurement

9. Award

Award: Master Agreement No. MA-PO-18-18, Achen-Gardner Construction, L.L.C. (Headquarters: Chandler, AZ), B&F Contracting, Inc. (Headquarters: Phoenix, AZ), and KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ), job order master agreement for wastewater conveyance system and related facilities maintenance, repair, rehabilitation and construction services. This award of Master Agreement is recommended to the three (3) highest qualified contractors in an annual shared amount not-to-exceed \$15,000,000.00 for an initial one (1) year agreement term from 8/1/17 to 7/31/18, which may be extended for up to four (4) additional one year terms. Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation.

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

Supervisor Miller indicated her concern was that this Master Agreement allowed the Procurement Director the authority to approve \$60 million over the next four years without coming back to the Board. She inquired whether there was a limit to the number of contractors that could be utilized for these master agreements.

Mary Jo Furphy, Procurement Director, responded that there was no minimum, and that the department had elected to go with three contractors for this contract.

Supervisor Miller inquired about the process used to determine qualifications.

Ms. Furphy responded that the Procurement Office had a price book that they used in the evaluation process, where contractors would submit proposed fees based upon different tasks and scenarios.

Supervisor Miller inquired whether other contractors, besides the three identified, would be able to competitively bid this process.

Ms. Furphy responded it would only be competitively bid between the three contractors that had been prequalified.

Supervisor Miller again expressed her concern about the County not using a competitive bid process for county projects. She indicated that the decisions are open ended, not clearly defined, and there are no checks and balances. She added that individuals having sole discretion of awarding contracts under \$200,000.00 can potentially cost the County more because the process does

not lock down prices. She also expressed concern with the possibility that contracts are being cut off at the \$200,000.00 limit in order to avoid the competitive bid process.

Chuck Huckelberry, County Administrator, responded that the process used was a competitive bid process and, as defined by the statute, allowed a two-stage process of selection for qualification. He indicated that other options would be to design-bid-build every project but by the time that was done, the County would be faced with potential issues or problems that arise over the lack of timeliness especially in emergency situations.

Supervisor Miller restated her concern that there was a potential for abuse and no controlling this process.

Supervisor Christy commented that he objected to this contract because it allowed an annual expenditure of \$15 million without being brought to the Board for discussion.

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

GRANT APPLICATION/ACCEPTANCE

14. Acceptance – Health

Arizona Department of Health Services, Amendment No. 4, to provide for the Women, Infants and Children and Farmers' Market Nutrition Programs and amend contractual language, U.S. Department of Agriculture, \$1,436,893.00 (GTAM 17-69)

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

Supervisor Miller noted that the caseload for the Nutrition Programs had risen from 8,900 individuals last year to over 9,000 this year and asked why the need had risen rather than decrease when studies indicated improvement in employment and the economy.

Dr. Francisco Garcia, Assistant County Administrator for Health Services, explained the caseload was determined through a federal formula that reflected a large number of Pima County citizens lived at or near the poverty line. The drastic change was not that the caseloads had shrunk but rather a lack of providers of services and resources. 9,000 people per month was the cap specified by the federal government but the need was much greater throughout Pima County.

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

15. **Acceptance - Community Services, Employment and Training**
Arizona Department of Economic Security, Amendment No. 7, to provide for the AZDES - Employment & Training Program Workforce Innovation and Opportunity Act (WIOA), USDOL Fund, \$7,528,158.00 (GTAM 18-1)

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

Supervisor Miller stated her concern that 17.2% of Pima County's unemployed had less than a high school degree and asked what efforts were being focused on this problem.

Jan Leshner, Chief Deputy County Administrator, explained she did not have the information at the current moment but would subsequently provide a report, particularly as related to high school students.

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

PULLED FOR SEPARATE ACTION BY CHAIR BRONSON

BOARD, COMMISSION AND/OR COMMITTEE

21. **Transportation Advisory Committee**
Appointments of Reggie Drout and Chris DeSimone. No term expirations. (District 1)

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

Chair Bronson expressed her disapproval over the appointment of Chris DeSimone and explained her displeasure stemmed from multiple false allegations to verbal attacks on numerous Pima County employees and departments made by Mr. DeSimone. She expressed her doubt that he would be able to interact on the Transportation Advisory Committee with the degree of cooperation needed to be able to perform the duties required effectively.

Supervisor Miller indicated that as elected officials, they had the right to select any nominee they felt best represented their District. She stated Mr. DeSimone was a Pima County citizen who had never broken the law and that to deny him the appointment was disenfranchising the voters of District 1. She reminded the Board that everyone had differences of opinion and if Mr. DeSimone ever became problematic during the meetings, she would remove him herself but stated a diversity of opinion was needed and urged the Board to vote for her appointments.

Supervisor Elías asked Supervisor Miller to reconsider Mr. DeSimone as a nominee for the good of Pima County.

Supervisor Miller responded that she would not change her nomination of Mr. DeSimone.

Supervisor Christy stated Mr. DeSimone was a citizen of District 1 and that Supervisor Miller's request for his appointment to the Transportation Advisory Committee was fair.

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

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CONTRACT AND AWARD

County Attorney

1. Raise the Bar Consulting, L.L.C., Amendment No. 6, to provide grant writing services and extend contract term to 2/28/18, no cost (CT-PCA-14-375)
2. Five Point Solutions, L.L.C., Amendment No. 1, to provide implementation of enhancements to the Pima County Drug Court Program and establishment of Drug Treatment Alternative to Prison Program (DTAP) and extend contract term to 6/14/18, BHTCC and DTAP Funds, contract amount \$5,000.00 (CT-PCA-16-389)

Elections

3. Avra Valley Fire District, to provide elections services, contract amount \$5,000.00 estimated revenue (CTN-EL-18-1)

Health

4. Arizona Board of Regents, University of Arizona Veterinary Diagnostic Laboratory, Amendment No. 2, to provide veterinary pathology services and extend contract term to 7/31/18, PACC Special Revenue Fund, contract amount \$54,000.00 (CT-HD-16-82)

Human Resources

5. American Indian Association, d.b.a. Tucson Indian Center, to provide for the Native American Employment Policy Project, General Fund, contract amount \$15,000.00 (CT-HR-18-16)

Pima County Wireless Integrated Network

6. Nextel West Corporation ("Sprint"), Amendment No. 3, to provide a frequency configuration agreement and amend contractual language, revenue (CTN-IT-15-53)

7. Town of Marana, to provide an intergovernmental agreement for Pima County Wireless Integrated Network subscriber services, contract amount not-to-exceed \$1,100.00 revenue/5 year term (CTN-WIN-18-5)
8. Green Valley Fire District, to provide a subscriber services agreement for Pima County Wireless Integrated Network subscriber services, contract amount not-to-exceed \$20,298.60 revenue/5 year term (CTN-WIN-18-4)

Procurement

9. **Award**
Award: Master Agreement No. MA-PO-18-18, Achen-Gardner Construction, L.L.C. (Headquarters: Chandler, AZ), B&F Contracting, Inc. (Headquarters: Phoenix, AZ), and KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ), (PULLED FOR SEPARATE ACTION)

Sheriff

10. Town of Marana, to provide for the incarceration of municipal prisoners, contract amount \$240,000.00 estimated revenue (CTN-SD-17-230)
11. Town of Marana, to provide video court hearings of municipal prisoners, contract amount \$10,000.00 estimated revenue (CTN-SD-17-229)
12. Town of Sahuarita, to provide video court hearings of municipal prisoners, contract amount \$10,000.00 estimated revenue (CTN-SD-18-3)

Transportation

13. Cochise County, to provide for cooperative highway maintenance (San Pedro River Road), HURF Fund, contract amount \$135,000.00/10 year term (CT-TR-18-9)

GRANT APPLICATION/ACCEPTANCE

14. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 4, (PULLED FOR SEPARATE ACTION)
15. **Acceptance - Community Services, Employment and Training**
Arizona Department of Economic Security, Amendment No. 7, (PULLED FOR SEPARATE ACTION)
16. **Acceptance - County Attorney**
Arizona Criminal Justice Commission, Amendment No. 1, to provide for the Crime Victim Assistance Program, Arizona Criminal Justice Commission Fund, \$26,725.00/\$26,725.00 General Fund Match already budgeted (GTAM 18-2)

17. **Acceptance - Health**
Maddie's Fund, to provide for the fostering of adult shelter dogs, \$5,000.00 (GTAW 18-1)
18. **Acceptance - Community Services, Employment and Training**
USDOL/Veterans Employment and Training Services, to provide for the Homeless Veterans' Reintegration Program, \$236,664.00 (GTAW 18-2)

BOARD, COMMISSION AND/OR COMMITTEE

19. **Tucson-Pima County Bicycle Advisory Committee**
 - Appointment of Kylie Walzak, to fill a vacancy created by Robin Steinberg. Term expiration: 7/31/19. (Commission recommendation)
 - Reappointments of Brian Beck, Wayne Cullop and Paul Durham. Term expirations: 7/31/19. (Commission recommendations)
20. **Board of Adjustment, District 1**
Reappointments of Lynn Wildblood and Alan Brass. Term expirations: 8/19/21.
21. **Transportation Advisory Committee**
Appointments of Reggie Drout and Chris DeSimone. No term expirations. (District 1) (PULLED FOR SEPARATE ACTION)
22. **Board of Health**
Reappointment of Carolyn Trowbridge. Term expiration: 6/30/21. (District 5)
23. **Planning and Zoning Commission**
Reappointment of Bob Cook. Term expiration: 6/19/21. (District 5)

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

24. **Special Event**
 - Jonas Wes Hunter, Southern Arizona Arts & Cultural Alliance, La Encantada, 2905 E. Skyline Drive, Tucson, September 3, 2017.
 - Alicia Anne Kemmerly, Casa Hogar Madre Conchita Foundation, Plaza Colonial, 2870 E. Skyline Drive, Tucson, September 30, 2017.
25. **Temporary Extension**
 - 12104129, Grant Darien Krueger, Union, L.L.C., 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for July 19, 20, 21 and 22, 2017.
 - 12104301, Grant Darien Krueger, Reforma, L.L.C., 4310 N. Campbell Avenue, Tucson, Temporary Extension of Premises for August 18, 19, September 15 and 16, 2017.

- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for August 3 and 19, 2017.

DEVELOPMENT SERVICES

26. Appointment of Chief Zoning Inspector and Deputy Chief Zoning Inspector

Appointment of Thomas Drzazgowski as Chief Zoning Inspector and Chris Poirier as Deputy Chief Zoning Inspector, in accordance with A.R.S. §11-815 and §38-462, effective immediately.

ELECTIONS

27. Precinct Committeemen

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

RESIGNATIONS-PRECINCT-PARTY

Lynn A. Lauver-099-DEM; Gary Lynn Haddon-171-DEM

APPOINTMENTS-PRECINCT-PARTY

Jessica A. Kohlhorst-020-DEM; John Roberts Brakey-053-DEM; Roberta F. Lewis-056-DEM; William H. Bemis-057-DEM; Tina C. Kohlhorst-057-DEM; Mo Ehsani-062-DEM; Dorothy K. Taylor-070-DEM; Andrew J. McClellan-072-DEM; Natalie S. Armstrong-088-DEM; Donna C. Johnson-096-DEM; Connie L. Au-100-DEM; Charlie E. Verdin-103-DEM; Mitzi J. Cowell-108-DEM; Janice L. Counts-127-DEM; Loyce A. Pickett-127-DEM; Domingo S. De Grazia-131-DEM; Sarah F. Battle-150-DEM; Jackie E. Tresler-150-DEM; Laura E. Nitido-163-DEM; Kate E. Bessey-167-DEM; Judy W. Kay-169-DEM; Dana M. Offerman-173-DEM; Edgar J. McCullough-178-DEM; Patricia "Patti" J. Bersbach-180-DEM; Maria C. Matiella-186-DEM; Michelle L. Orehek-194-DEM; Anne Stringfellow-211-DEM; Michael F. Stringfellow-211-DEM; Harlan Ross Mickelson-221-DEM; Karen J. Donnelly-239-DEM; Annette M. Solis-096-REP; Pete H. Schlegel-149-REP; Douglas D. Everett-241-REP

FINANCE AND RISK MANAGEMENT

28. Duplicate Warrants - For Ratification

16th and Palm Investors, L.P. \$320.00; Janette Rojas \$90.00; Barbara Lee Hungerford \$65.80; Jessica Sobel \$1,000.00; Justin Meeboer \$108.00; Ronald Meyer \$87.17; Lee Itule-Klasen \$121.00

REGIONAL WASTEWATER RECLAMATION

29. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement

Agreement is made final. The Public Information Enforcement File for the following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 2955 W. Calle Agua Nueva, Tucson, Arizona 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Kingswood Collision, Inc., d.b.a. Gerber Collision & Glass ("Gerber"), Case No. C2017-R-002. The proposed settlement in which Gerber agrees to pay a penalty of \$500.00 for failing to monitor and provide a quarterly self-monitoring report is in accordance with the Industrial Wastewater Enforcement Response Plan.

RATIFY AND/OR APPROVE

- 30. Minutes: June 20, 2017
Warrants: July, 2017

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34. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:33 p.m.

CHAIR

ATTEST:

CLERK