

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, December 7, 2021. Upon roll call, those present and absent were as follows:

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

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

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan for a flood plain use permit to construct an orchard and water harvesting areas on the property located at 13470 South Bell Road, located in Important Riparian Area with an Underlying Classification of Xeroriparian B Habitat. (District 4)

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

2. FOURTH AMENDMENT TO PUBLIC UTILITY EASEMENT

Sican, Inc., as Trustee of the Community Water Company of Green Valley ROW Trust, to extend the utility easement to 12/31/22 for completion of the Central Arizona Project water pipeline. (District 2)

It was moved by Chair Bronson, seconded by Supervisor Christy 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 1:05 p.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, December 7, 2021. Upon roll call, those present and absent were as follows:

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

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

1. GRANT ACCEPTANCE

Institute of Museum and Library Services American Rescue Plan Act of 2021 (ARPA), to provide for the ARPA STEAM for Arizona Libraries, no cost (GTAW 22-57)

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

2. CONTRACT

The International Sonoran Desert Alliance, Inc., Amendment No. 3, to provide a lease for the Ajo Library located at 15 W. Plaza Street, extend contract term to 12/31/26 and amend contractual language, Library District Fund, contract amount \$271,220.00 (CT-LIB-19-248)

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

3. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:05 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met remotely in regular session through technological means at 9:00 a.m. on Tuesday, December 7, 2021. Upon roll call, those present and absent were as follows:

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

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

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. PAUSE 4 PAWS

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

3. POINT OF PERSONAL PRIVILEGE

Supervisor Grijalva congratulated Daniel Howe, Workforce Development Specialist, Pima County Community and Workforce Development, Patrick Robles, Community Outreach Coordinator, Pima County Attorney's Office, and Spencer Graves, Public Health Emergency Preparedness Program Manager, Pima County Health Department, for being honored at the 40 under 40 Awards Breakfast.

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Sergeant Jashon Sykes, Toys for Tots Coordinator, and Sergeant Dallas Stolowski, Toys for Tots Assistant Coordinator, proclaiming the month of December 2021 to be: "TOYS FOR TOTS COLLECTION MONTH"

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

5. CALL TO THE PUBLIC

Lynn Blankinship expressed concern with Supervisor Christy voting against agenda items that provided federal or state funds to help address COVID-19 and immigration issues in the County.

Gail Stern inquired about assistance in obtaining an extension for her property taxes.

Stephanie Kirk addressed the Board in opposition to vaccine mandates and mandatory testing requirements.

Shirley Requard spoke about her support for the American Heart Association and voiced her opposition to the COVID-19 vaccine mandates.

A comment letter submitted by the Mt. Lemmon Fire District, was read into the record by the Clerk.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Christy, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:23 a.m.

7. **RECONVENE**

The meeting reconvened at 10:05 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the retaining of Snell & Wilmer to represent Pima County, and waiving potential conflicts in litigation against the City of Tucson regarding Differential Water Rates.

It was moved by Chair Bronson and seconded by Supervisor Christy to waive potential conflicts of interest and retain Snell & Wilmer. Upon roll call vote, the motion carried 3-2, Supervisors Grijalva and Heinz voted "Nay."

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed mediation in Whiting v. Pima County, Mark Person and Cheri Clinton, 4:19-cv-00249-TUC-JCH.

It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

BOARD OF SUPERVISORS

10. **Legislative District 10**

Appointment to fill the vacancy in the Arizona House of Representatives, Legislative District 10.

Supervisor Grijalva expressed her appreciation to both legislative district candidates for their willingness to serve their community and their participation in the interview process. She stated the importance of diversity of opinion, race, ethnicity and

gender which she felt was lacking with representatives at the state level and hoped the candidates appointed by the Board would help to diversify representation in both districts. She thanked Senator Stephanie Stahl Hamilton and Representative Randy Friese for their service.

Chair Bronson read the names of the Legislative District 10 nominees for the record: Morgan Abraham, Tom Chabin, and Mitzi Cowell.

It was moved by Supervisor Heinz and seconded by Chair Bronson, to approve the appointment of Morgan Abraham to fill the vacancy in Arizona House of Representatives, Legislative District 10. No vote was taken at this time.

Supervisor Grijalva commented that out of the three candidates, Mitzi Cowell best represented the qualities she felt lacked in the current legislation and felt she would contribute well. She had hoped the Board would appoint Ms. Cowell as the Representative for Legislative District 10.

Upon roll call vote, the motion carried 3-1, Supervisor Grijalva voted "Nay," and Supervisor Christy abstained.

11. **Legislative District 9**

Appointment to fill the vacancy in the Arizona House of Representatives, Legislative District 9.

Chair Bronson read the names of the Legislative, District 9 nominees for the record: Nathan Davis, Christopher Mathis, and Anakarina Rodriguez.

It was moved by Supervisor Scott and seconded by Chair Bronson to approve the appointment of Christopher Mathis to fill the vacancy in Arizona House of Representatives, Legislative District 9. No vote was taken at this time.

Supervisor Scott expressed his support for the appointment of Christopher Mathis. He stated Mr. Mathis's background in law and healthcare would be beneficial to the LD9 community and felt his prior service as a staffer in both houses of the U.S. Congress would make him a positive and contributing member. He added that he was impressed by how Mr. Mathis spoke about his relationships with his colleagues and his belief in the importance of relationships.

A substitute motion was made by Supervisor Grijalva and seconded by Supervisor Heinz to approve the appointment of Anakarina Rodriguez to fill the vacancy in Arizona House of Representatives, Legislative District 9. No vote was taken at this time.

Supervisor Grijalva stated Anakarina Rodriguez was a strong advocate for fair and just pathway to citizenship and possessed a strong passion for registering people to vote in Tucson, Pima County and Maricopa County. She stated Ms. Rodriguez was the Arizona Field Director and the Tucson and Phoenix Coordinator for Mi Familia

Votas. She stated that her work ethic and service to others was a value that was instilled in Ms. Rodriguez from a young age. She stated that Ms. Rodriguez had strong connections in Maricopa County and had helped organize several candidate campaigns, including Tucson Mayor Romero's campaign. She hoped Ms. Rodriguez would be given the opportunity to take her strong advocacy skills to the State level.

Supervisor Christy asked if Supervisor Scott had to accept the substitute motion.

Chair Bronson responded no and explained that the Board would vote on the substitute motion and if the substitute motion failed, then the Board would take action on the original motion.

Supervisor Heinz commented that all three candidates were well qualified, but felt it was not the time to reduce the number of women in the legislature.

Upon roll call vote, the substitute motion failed 2-3, Chair Bronson and Supervisor Scott voted "Nay," and Supervisor Christy abstained.

Chair Bronson indicated that the Board was back to the original motion to approve the appointment of Christopher Mathis as Arizona House of Representatives, Legislative District 9. No vote was taken at this time.

Supervisor Grijalva commented that it was important to have a full contingent of the Board when voting and hoped in future situations like this, Supervisor Christy would not abstain from the vote.

Supervisor Christy responded that on a Board made up of four Democrats and one Republican, he did not feel his vote mattered in this situation.

Chair Bronson stated every vote mattered.

Supervisor Scott stated that all three candidates were impressive nominees, but Mr. Mathis offered the experience and credentials that made him an ideal midterm appointment and encouraged his colleagues to support the appointment of Mr. Mathis.

Upon roll call vote, the original motion carried 3-1, Supervisor Grijalva voted "Nay," and Supervisor Christy abstained.

12. **\$1 Trillion Infrastructure Investment and Jobs Act**

Discussion/Direction/Action: President Joe Biden signed into law the \$1 trillion Infrastructure Investment and Jobs Act on Monday, November 15. It cleared Congress with bipartisan support. We direct Pima County Administration to provide the Board of Supervisors and the public with analysis of the impact on our county of this landmark legislation, which is to fund roads, bridges, rails, ports, airports, cleaning polluted water, expanding high-speed internet, climate-change mitigation,

promoting environmental justice, and general community improvements. This could be in the form of a series of reports as implementation of the measure unfolds. (District 5)

(Clerk's Note: See the attached verbatim for Minute Item No. 12, for discussion related to this item.)

COUNTY ADMINISTRATOR

13. Updates and Action on COVID 19

(Clerk's Note: See the attached verbatim for Minute Item No. 13, for discussion related to this item. Verbatim was necessary due to the nature and evolving circumstances related to COVID-19.)

14. Naming of the Pima County Sheriff's Department Headquarters Building in Honor of (Ret.) Sheriff Clarence W. Dupnik

Staff recommends approval of the Pima County Sheriff's Department Headquarters to be named in honor of (Ret.) Sheriff Clarence W. Dupnik, in recognition of his demonstrated commitment, leadership, and dedication to public safety and the citizens of Pima County, and that staff be directed to install the appropriate signage on the building.

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

15. Medical/Dental Insurance for County Employees - Fiscal Year 2022/23

Staff recommends approval of the following:

1. Medical premium equivalents increased as detailed in the County Administrator's memorandum dated December 7, 2021.
2. Continue offering up to \$35 per pay period for participating in the HLPD program.
3. Self-Funded Dental premium equivalents increased as detailed in the County Administrator's memorandum dated December 7, 2021.
4. Continue current fully insured dental premiums as detailed in the County Administrator's memorandum dated December 7, 2021.
5. Continue County HSA contributions as detailed in the County Administrator's memorandum dated December 7, 2021.

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

16. **Redistricting for Board of Supervisors and Pima Community College Governing Board**

Staff recommends the following:

1. The Board of Supervisors approve the creation of a Redistricting Advisory Committee to which each member of the Board of Supervisors would appoint a representative on or before January 18th;
2. The Committee hold a minimum of five (5) committee meetings, with public hearings to be included on each agenda, for each of the five Supervisorial districts;
3. Staff report to the Board of Supervisors on a bi-weekly basis the activities that have occurred and are planned; and
4. The work of the Redistricting Advisory Committee will be completed by April 30th, to be finalized by the Board of Supervisors by May 30th, well in advance of the July 1 required deadline.

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

17. **Pima County Wireless Integrated Network (PCWIN) Board of Directors Representative**

Staff recommends appointment of Dan Hunt, Chief Information Officer, as the County representative on the PCWIN Board of Directors and Carmine DeBonis, Jr., Deputy County Administrator, as the alternate member of the PCWIN Board of Directors effective January 1, 2022. This change in leadership falls in line with many other regional public safety networks.

Chair Bronson inquired why a member from the law enforcement community such as Mark Napier, was not included in the recommendation.

Jan Leshner, Chief Deputy County Administrator, explained that the PCWIN Board consisted of representatives from the Sheriff's, Tucson Police and Fire Departments, and all of the different public safety departments across the valley. She stated that since the Sheriff's Department was represented on the Board, representation from the Information Technology and Public Works Departments allowed all of the Pima County representatives to have a seat at the table.

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

DEVELOPMENT SERVICES

18. **Final Plat With Assurances**

P21FP00005, Arcadia, Lots 41-190 and Block 1. (District 1)

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

FINANCE AND RISK MANAGEMENT

19. Quarterly Report on Collections

Staff recommends acceptance of the Quarterly Report on Collections for the period ending September 30, 2021.

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

REAL PROPERTY

20. Abandonment by Vacation

RESOLUTION NO. 2021 - 83, of the Board of Supervisors, for the vacation of public rights-of-way and release of platted easements, planned development roadways, as Pima County Road Abandonment No. A-0059 located within Section 17, T15S, R13E, G&SRM, Pima County, Arizona. (District 5)

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

SCHOOL SUPERINTENDENT

21. Canvass

Pursuant to A.R.S. §15-426 and §15-493, canvass of the special school district election results of November 2, 2021 for the Vail Unified School District No. 20.

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

FRANCHISE/LICENSE/PERMIT

22. Hearing - Liquor License

Job No. 166303, Ana Daniela Perez, Carlota's Authentic Mexican Restaurant, 15881 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

23. **Hearing - Permanent Extension of Premises/Patio Permit**

03103030, Jeffrey Adam Kaber, Copper Mine Brewing Company, 3455 S. Palo Verde Road, Suite No. 135, Tucson.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

24. **Hearing - Bingo License**

21-05-8041, Tina Vincent, Carefree Village M.H. Park, 4100 N. Romero Road, Tucson, Class A - Small Game.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Revenue.

DEVELOPMENT SERVICES

25. The Board of Supervisors on November 16, 2021, continued the following:

Hearing - Specific Plan and Comprehensive Plan Amendment

P21SP00001, CORTARO FARMS 15, L.L.C., ET AL. - W. CORTARO FARMS ROAD SPECIFIC PLAN AND COMPREHENSIVE PLAN AMENDMENT Cortaro Farms 15, L.L.C., et al., represented by Projects International, Inc., request a Comprehensive Plan Amendment and specific plan for approximately 57.6 acres (Parcel Nos. 221-16-029D, 221-16-029E, 225-33-059M and 225-33-059R) from the Low Intensity Urban 0.3 (LIU-0.3) and the Medium Intensity Urban (MIU) to the Planned Development Community (PDC) land use designation, and from the SR (Suburban Ranch) to the SP (Specific Plan) zone, located on the south side of W. Cortaro Farms Road, approximately one-quarter mile east of N. Sandy Desert Trail, in Section 25, T12S, R12E and Section 30, T12S, R13E, in the Tortolita Planning Area. On motion, the Planning and Zoning Commission voted 5-4, (Commissioners Hood, Becker, Maese and Membrila voted NAY, Commissioner Cook was absent) to recommend DENIAL. Staff recommends APPROVAL. (District 1)

At the request of the applicant and without objection, this item was withdrawn from the agenda.

26. **Hearing - Comprehensive Plan Amendment**

P21CA00007, FROST HOLDING COMPANY NUMBER TWO, L.L.C. - N. LA CANADA DRIVE PLAN AMENDMENT

Frost Holding Company Number Two, L.L.C., represented by Steadfast Drafting & Design, L.L.C., requests a Comprehensive Plan Amendment of approximately 1.66 acres from the Medium Intensity Urban (MIU) to the Neighborhood Activity Center (NAC) land use designation, located on the southwest corner of the intersection of N. La Canada Drive and W. Roller Coaster Road, and addressed as 5171 N. La Canada Drive (Parcel No. 104-01-068B), in Section 15, T13S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Membrila and Tronsdal were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 1)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21CA00007.

27. **Hearing - Rezoning**

P21RZ00012, HAHN - N. CAMINO DEL FIERRO REZONING

James and Lori Hahn, request a rezoning for approximately 4.68 acres from the SR (Suburban Ranch) to the SR-2 (Suburban Ranch Estate) zone on property located on the northeast corner of N. Camino Del Fierro and W. Bountiful Lane, addressed as 10052 N. Camino Del Fierro. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Tronsdal and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirement within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The westerly lot access shall remain on N. Camino Del Fierro.
 - B. The easterly lot shall have its access on W. Bountiful Lane within the limits of the existing site disturbance located approximately 350 feet from N. Camino Del Fierro. The design of said access point shall be determined at the time of building permitting.
 - C. A right-of-way use permit is required for any work within Pima County right-of-way.
 - D. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the northeast corner of the N. Camino Del Fierro and W. Bountiful Lane intersection at the time of building permitting. A curve radius of twenty-five (25) feet is required.
3. Environmental Planning conditions:
 - A. The property owner/applicant shall achieve compliance with the Maeveen Marie Behan Conservation Lands System by limiting new ground disturbance to no more than 22,300 square feet total.

- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Oncosiphon piluliferum</i>	Stinknet
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

4. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Wastewater Reclamation condition: The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan or request for a building permit is submitted for review.
6. Adherence to the sketch plan as approved at public hearing (Exhibit B).
7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
8. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be

construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l).”

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00012, subject to standard and special conditions.

28. Hearing - Rezoning

P21RZ00013, COTTONWOOD PLAZA, L.L.C. - N. ORACLE ROAD REZONING

Cottonwood Plaza, L.L.C., represented by Rebecca and Scott Safford, request a rezoning for an approximately 0.11 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone on property located approximately 300 feet north of the northeast corner of N. Oracle Road and W. Ina Road, addressed as 7254 N. Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Community Activity Center. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Tronsdal and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirement within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Wastewater Reclamation conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private

sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

2. Adherence to the sketch plan as approved at public hearing.
3. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
4. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00013, subject to standard and special conditions.

29. **Hearing - Rezoning**

P21RZ00014, BIKLEN - N. SUNROCK LANE NO. 2 REZONING

John Biklen, represented by the Tucson Historic Preservation Foundation, requests a rezoning of approximately 4.0 acres from the SR (BZ) (Suburban Ranch - Buffer Overlay) to the SR (BZ)(HL) (Suburban Ranch - Buffer Overlay - Historic Landmark) zone for a historical designation on the property located on the east side of N. Sunrock Lane, approximately 1,500 feet north of the T-intersection of W. Crestview Road and N. Sunrock Lane, addressed as 2840 N. Sunrock Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 0.3. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Membrila, Tronsdal and Cook were absent) to recommend APPROVAL SUBJECT TO A CONDITION. Staff recommends APPROVAL SUBJECT TO A CONDITION. (District 5)

Completion of the following requirement within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Grijalva, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00014, subject to a condition.

BOARD OF SUPERVISORS

30. City of Tucson's Differential Water Rates

Discussion/Direction/Action regarding the retaining of Snell & Wilmer to represent Pima County, and waiving potential conflicts in litigation against the City of Tucson regarding differential water rates. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Christy to retain Snell & Wilmer to represent Pima County and waive potential conflicts in litigation. Upon the vote, the motion carried 3-2, Supervisors Grijalva and Heinz voted "Nay."

31. Acting County Administrator

Discussion/Direction/Action. Naming Ms. Jan Leshar, Chief Deputy County Administrator as Acting County Administrator. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Heinz to name Ms. Jan Leshar, Chief Deputy County Administrator, as Acting County Administrator. No vote was taken at this time.

Supervisor Christy inquired about the increase in responsibility and authority this new title would grant Ms. Leshar.

Jan Leshar, Chief Deputy County Administrator, indicated that the new title provided clarification and authority needed during Mr. Huckelberry's absence for duties related to the County budget and the day-to-day administrative functions that were undertaken by the County Administrator.

Supervisor Christy asked whether Ms. Leshar was replacing Mr. Huckelberry.

Ms. Leshar stated that she was not.

Supervisor Christy asked about the specific differences in authority.

Ms. Leshar responded that this clarification would eliminate any questions regarding her authority to act on Mr. Huckelberry's behalf.

Supervisor Heinz stated the importance of continuing to meet the needs of the community and requested that staff develop a contingency plan if Mr. Huckelberry was unable to resume his normal duties, in the near future.

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

32. Board Initiation of a Pima County Code Amendment

Discussion/Direction/Action. Board initiation of a Pima County Code amendment concerning placement of utility lines and equipment along Scenic Routes and establishment of fines accordingly. Directing Pima County staff to draft a code text amendment(s) that would consider and include the following:

- The potential to increase the undergrounding required of utility lines along Scenic Routes regulated within Title 18 Zoning, to include significant repair of existing overhead lines and poles.
- Create new fines/enforcement for businesses constructing within a Pima County rights of way without a permit by amendment to Chapter 10.
- The final language for this code text amendment will be presented to the Board of Supervisors for consideration at a future hearing date no later than February 15, 2022, and for an amendment to Title 18, after a Planning and Zoning Commission hearing. (District 5)

(Clerk's Note: See the attached verbatim for Minute Item No. 32, for discussion related to this item.)

33. Acting County Administrator

Discussion/Direction/Action. Naming Jan Leshar as Acting County Administrator and authorizing Ms. Leshar to make whatever changes are necessary within the County Administrator's Office and the overall County workforce and work plan to ensure 100% continuity of operations. (District 2)

(Clerk's Note: See Minute Item No. 31, for discussion and action related to this item.)

34. Pima County Historical Commission

Discussion/Direction/Action regarding the progress made in the formation of the Pima County Historical Commission. (District 4)

Supervisor Christy asked for clarification on bullet one listed under the next steps in the formation of a Pima County Historical Commission as stated in the County Administrator's December 3, 2021 memorandum. He inquired if this meant the County was not going to move forward with proceeding on their own.

Jan Leshar, Chief Deputy County Administrator, responded that bullet one was a recognition that during the bifurcation of the commission, the County could continue to move forward with the establishment of its separate historical commission. She indicated that staff would continue to monitor the other activities of the City.

Supervisor Christy asked for assurance that the County would not be held up by the City in proceeding with their separate historical commission.

Ms. Leshar responded in the affirmative.

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

35. Board of Supervisors Meetings

Continued Discussion/Direction/Action regarding the protocol for Supervisor conduct during Board meetings, and more specifically, during the Call to the Public. (District 4)

Supervisor Christy explained that he had asked the County Attorney's Office about possible violations of protocol or if there were any violations to statutes, regulations or bylaws by Supervisor Heinz with his disruptive behavior towards a public speaker during Call to the Public at a previous Board meeting, and if so, would he be subject to disciplinary action including censure. He commented that there appeared to be a breach of protocol by Supervisor Heinz with his interruption. He stated that the County Attorney's Office had responded that it could not be determined that Supervisor Heinz had violated any statutes, regulations or bylaws, but may have violated Board of Supervisors Rule K5, by his interruption during Call to the Audience, and there was no statute that expressly authorized the Board to censure or discipline one of its members. He asked the County Attorney for clarification regarding their response.

Sam Brown, Chief Civil Deputy County Attorney, responded the Board was statutorily authorized to make rules for the preservation of order and the transaction of business. He stated that this rule applied to this type of situation and the situation did not rise to a level of discipline.

Supervisor Grijalva stated that board members should monitor themselves and that it was important to have individual conversations with other board members during times of frustration.

It was moved by Supervisor Christy and seconded by Supervisor Heinz for the Board to issue a distinct rebuke to Supervisor Heinz for knowingly and continually interrupting a speaker during her rightful time during Call to the Public and that the Board hereby conveys its disapproval of this conduct on the part of Supervisor Heinz and that it is expected that such a display will not occur again. Upon roll call vote, the motion failed 1-4, Chair Bronson and Supervisors Grijalva, Heinz and Scott voted "Nay."

36. Pima County's Economic Development Office

Continued Discussion/Direction/Action regarding the justification and necessity of continuing the current structure and mission of the County's Economic Development Office, including its possible realignment and/or elimination. (District 4)

Supervisor Christy expressed concern regarding this item and stated that the Board had voted in favor of providing funds to Sun Corridor and had simultaneously voted to continue funding the Economic Development Office. He indicated that his concern was with the duplication of efforts by the Economic Development Office and Sun Corridor. He stated that he had asked County Administration to provide justification for retaining the Economic Development Office and was provided with an overview of their activities and organizational structure, but it had not included the justification in continuing to maintain the expenses of the department. He expressed concern that the Board was not informed that County Administration was moving forward with recruitment for Dr. Moffatt's position and felt it was contrary to the Board's direction that was given at a previous meeting. He requested staff provide justification for the position and a payscale for Dr. Moffatt's replacement.

Jan Leshar, Chief Deputy County Administrator, stated that the Economic Development Office had been within Pima County for decades. She indicated that during recent Board meetings, Mr. Huckelberry stated that he would come back to the Board with a department plan. She stated that memorandums had been provided to the Board from County Administration that indicated Dr. Moffatt's retirement and that the recruitment process had begun to find his replacement. She stated that staff had been working under the budget authority and capacity established by the Board for this year, and the Economic Development Office would be included in next year's proposed budget. She explained that the Economic Development Office not only aligned and worked with Sun Corridor, but staffed the Small Business Commission and worked with various chambers and other business organizations to attract, retain and expand local businesses. She believed it was an integral function in Pima County and indicated that it was not a replacement for Sun Corridor, but a partner with them. She added that it was under authority established by the County budget, as well as provided in Mr. Huckelberry's memorandum that staff had proceeded with the process to fill Dr. Moffatt's position and at this time, she could not determine future salary since the interview process was not complete and no selection had been made.

Supervisor Christy asked whether interviews were being conducted for Dr. Moffatt's replacement.

Ms. Leshar responded in the affirmative.

Supervisor Christy stated that he had expected a notification from County staff that the interview process was moving forward and indicated that no meaningful discussion regarding the justification to replace Dr. Moffatt and the continuation of the Economic Development Office had taken place at the Board level. He felt it was a needed conversation especially when the County was subsidizing \$650,000.00 a year to Sun Corridor.

Ms. Leshar responded that communication from the County Administrator had been provided to the Board regarding Dr. Moffatt's retirement and regular updates were provided regarding the process. She indicated staff had continued to move forward with that recruitment process. She added that it was the assumption by the adoption

of the budget and by the direction of the Board that the process would continue with staffing of that important function.

Supervisor Christy asked whether assumptions had been made by County Administration.

Ms. Leshar responded that action was taken to review the budget and staffing process in order to fulfill the budget requirements. She indicated that staff had moved forward with replacing that individual because the role that Pima County played as an economic development partner with Sun Corridor was critical to the local economy and should be continued.

Supervisor Christy stated that he felt the reason for his motion was made clear and indicated that Dr. Moffatt's retirement was the perfect opportunity to analyze the justification of continuing his position and the necessity of such a department.

Ms. Leshar stated that communication to the Board was an attempt to ensure that County Administration had responded to their questions regarding the purpose of the office and its importance to the County.

Supervisor Christy expressed his disappointment in how the entire process was handled and stated it was a blatant disregard of the meaning and the spirit of what his motion had tried to accomplish. He inquired whether anything further on this subject would be brought back to the Board for approval.

Ms. Leshar responded that the Board had the authority to establish the budget and staff would be providing the continued need to have an Office of Economic Development within Pima County in next year's budget.

Chair Bronson requested that staff provide the Board with an organizational chart for the Economic Development Office that included names, salaries and their responsibilities.

37. **Ethylene Oxide Sterilization Facility**

Informational/Discussion/Study: Becton, Dickinson and Company (BD) is applying for an air quality permit for an Ethylene Oxide Sterilization Facility in Tucson. Air quality in any part of the County affects everyone in Pima County, therefore District 5 requests a presentation on the safety measures that BD will put into place in the facility. Ethylene Oxide is a highly flammable and carcinogenic gas used to sanitize medical equipment. Please detail how leakages are prevented, how workers at the facility are protected from exposure, and how ethylene oxide is stored. Who will govern and monitor storage and in-the-plant handling of Ethylene Oxide? According to an article in the Star, a BD sterilization facility in Georgia caused a cancer cluster within a 5-mile-radius of the facility, and more than 150 lawsuits were filed against BD in June 2021. What is different about the plant in Tucson than the one in Covington, Georgia? How will a similar situation be avoided? Furthermore, is BD investing in researching any alternatives to Ethylene Oxide? (District 5)

(Clerk's Note: See the attached verbatim for Minute Item No. 37, for discussion related to this item.)

COUNTY ADMINISTRATOR

38. Process for Off-Boarding Unvaccinated Staff Who Work With Vulnerable Populations

Staff recommends directing all Appointing Authorities to draft their Notices of Intent to Involuntarily Terminate and issue them to employees no later than December 20, 2021. Departments schedule Pre-Action Meetings with each employee, allowing a minimum of 30 minutes for each meeting, or longer if warranted. A final Notice of Involuntary Termination to be issued no later than December 31, 2021. Employees are permitted to work during the Pre-Action process; however, in no event later than December 31, 2021.

(Clerk's Note: See the attached verbatim for Minute Item No. 38, for discussion and action related to this item.)

39. 2022 Legislative Agenda

RESOLUTION NO. 2021 - 84, of the Board of Supervisors, adopting a Pima County Legislative Program for 2022.

It was moved by Chair Bronson and seconded by Supervisor Scott to adopt the Resolution. No vote was taken at this time.

Supervisor Scott stated that the items on the legislative agenda were important to Pima County residents and their well-being. He pointed out that throughout the pandemic, the County, as the public health authority for this region, had been able to take the necessary actions to ensure that its citizens were safe. He commented that the continued delay in receiving federal funding for costs associated with testing and vaccinations was due to the State Government's negligence. He supported that the County would continue to pursue the need for both nurses and health assistants within its schools districts. He stated that he hoped the County would continue to vigorously safeguard their local public health authority and work to ensure there was no undermining of it by members of the legislature. He indicated that as the representative for the County Supervisors Association Legislative Policy Committee, he would continue to keep the Board updated on those items after the new session started in January.

Supervisor Heinz asked for two items to be added to a future legislative agenda for discussion. He stated the first item was the five-day eviction notification requirement and indicated that the current timeframe was too short and should be expanded to 10 to 14 days. He stated the second item was to re-evaluate the need for County Constables which was an expensive and dangerous liability to the County.

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

40. **COVID-19 Testing**

Staff recommends the Board direct the use of \$3 million in ARPA contingency resources to support continued COVID-19 testing in Pima County.

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

OFFICE OF SUSTAINABILITY AND CONSERVATION

41. **Historic Preservation Heritage Funds**

RESOLUTION NO. 2021 - 85, of the Board of Supervisors, approving the application for Historic Preservation Heritage Funds for the rehabilitation of the Juan Santa Cruz Picnic Area, Tucson Mountain Park.

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

CONTRACT AND AWARD

COUNTY ADMINISTRATOR

42. Racy Associates, Inc., Amendment No. 4, to provide for federal legislative representation services, extend contract term to 2/3/23 and amend contractual language, General Fund, contract amount \$175,000.00 (CT-CA-18-203)

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

FACILITIES MANAGEMENT

43. Stratford Art Works, Inc., to provide for a Joint Development Agreement for renovation of Teatro Carmen, General Fund and donations, contract amount \$1,000,000.00/3 year term (CT-FM-22-149)

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

Supervisor Christy stated that he objected to this item since Teatro Carmen was located within the City limits and questioned the County's involvement. He asked about Rio Nuevo's involvement and why the City of Tucson was not the one determining the future of this project.

Jan Leshar, Chief Deputy County Administrator, responded that the County Administrator's December 7, 2021 Memorandum, delineated Teatro Carmen's

history and its alignment with Pima County's historical and cultural interests. She stated that the memorandum listed the reasons why the County had moved forward with the recommendation regarding the acquisition and preservation of the facility. She indicated that she was not sure why the City of Tucson or Rio Nuevo had not participated, but stated that the Office of Sustainability and Conservation had been working on the project for some time due to the unique historical and cultural aspects within the facility.

Supervisor Christy questioned whether Pima County taxpayers would be responsible for the \$2 million in recommended funding.

Ms. Leshar responded in the affirmative.

Supervisor Grijalva commented that the City of Tucson fell within Pima County boundaries and noted that the project was part of both, the City and the County. She indicated that holistically it contributed to the Sonoran Desert Conservation Plan and historic and cultural conservation.

Supervisor Christy inquired about the City of Tucson's contribution to the purchase and preservation of the property.

Supervisor Grijalva commented that she did not have that information.

Supervisor Christy stated he believed there was no contribution from the City.

Supervisor Grijalva indicated that the City of Tucson had supported and participated in past projects with the County and both would likely continue to do so in the future. She commented that this was not an exclusive incident and should not be a determination of the County's involvement.

Chair Bronson concurred with Supervisor Christy's comments. She indicated that Rio Nuevo should be involved and the City of Tucson should be contributing to this project.

Supervisor Heinz responded that the City of Tucson had made a request for a congressional earmark of \$1 million to be dedicated to this effort, but it had been denied since the property was not government-owned historical property. He suspected that the City would get approval once the Board took action and the City resubmitted their request.

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

HEALTH

44. The Arizona Partnership for Immunization, to provide for third party billing, contract amount \$600,000.00 revenue (CTN-HD-22-71)

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

PROCUREMENT

45. Barton Mendez Soto, P.L.L.C, Ferguson Hill Law, P.L.L.C., Law Office of Paul Gattone, and Southern Arizona Legal Aid, Inc., to provide for emergency eviction legal services, Grant-Coronavirus Local Fiscal Recovery Fund, contract amount \$425,000.00 (MA-PO-22-50) Community and Workforce Development

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

Supervisor Christy stated that no effort had been made in the discussion to include input from the landlord community and expressed concern that it was heavily weighted against them. He indicated that the department had been specifically created because of COVID-19 and was now being deemed inadequate. He requested an explanation.

Jan Leshar, Chief Deputy County Administrator, explained that throughout the year, the County had continued providing emergency eviction legal services (EELS) through the EELS Program. She stated that this was not an expansion of legal counsel but rather the renewal of contracts since current contracts expired on December 31st. She explained that staff went through the procurement process and five contracts had been received. She stated that staff hoped to enter into contracts with the remaining four responsive companies so that legal counsel services would continue to be provided through the EELS program.

Supervisor Christy expressed his objection to this item since it was heavily weighted in one direction and the considerations of the entire community were not addressed.

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

46. BJ Drilling Company, Inc., Weber Water Resources, L.L.C., and Yellow Jacket Drilling Services, L.L.C., Amendment No. 1, to provide a job order master agreement for well installation, development and repair services and amend contractual language, Various Funds, contract amount \$250,000.00 (MA-PO-21-115) Natural Resources Parks and Recreation

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

REAL PROPERTY

47. Stratford Art Works, Inc., to provide for an Acquisition Agreement - Acq-1057 and Special Warranty Deed, for 384 S. Meyer Avenue in Section 13, T14S, R13E, G&SRM, Pima County, AZ, General Fund, contract amount \$1,100,268.00 (CT-RPS-22-172)

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

CONSENT CALENDAR

48. Approval of the Consent Calendar

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 8 and 10 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Procurement

8. Award

Award: Master Agreement No. MA-PO-22-61, Catholic Community Services of Southern Arizona, Inc., d.b.a. Pio Decimo Center, Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf, Dorothy Kret & Associates, Inc., Goodwill Industries of Southern Arizona, Inc., Ser-Jobs for Progress of Southern Arizona, Inc., and Tucson Youth Development, Inc., (Headquarters for listed vendors: Tucson, AZ), to provide for specialized professional staffing. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$8,000,000.00 and includes (4) one-year renewal options. Funding Source: General Fund/Various Grants. Administering Department: Community & Workforce Development.

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

Supervisor Christy inquired about the allocation of the General Funds.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that funding came from a combination of a variety of sources and indicated that the exact breakdown would be provided to the Board.

Supervisor Christy asked that grant attributions be included in the breakdown.

Jan Leshar, Chief Deputy County Administrator, stated that a full report would be provided to the Board.

Supervisor Christy inquired about the differences between these programs and the ones offered by JobPath.

Ms. Leshar responded that JobPath's programs were tuition specific programs based on the number of students and the types of curriculum they worked on. She indicated that a variety of the programs related to some of the same kind of work, but the County provided different funding for different programs dependent upon age, ability, and the type of programs they were interested in. She added that JobPath's work complimented the types of work and grants that the County provided through those programs.

Dr. Garcia explained that this master agreement was to procure specialized, professional staff that would reside and work directly from the Ajo offices. He indicated that they would work in coordination with the Workforce Development Program to deliver services to job seekers and individuals looking for training that would help re-skill and prepare them for high-demand occupations that offered more sustainable living wages.

Supervisor Christy inquired about the metrics that were utilized to define progress and accomplishment within the program.

Dr. Garcia responded that the performance metrics were built around the number of encounters with students and trainees within the different agencies. He explained that working in a County facility allowed for the observation of those services rendered and helped to ensure high quality of services. He added that the throughput of trainees was one of the principal metrics the County used for reimbursement of those expenses.

Supervisor Christy reiterated his request for a breakdown of the monies contributed from the General Fund and the specified grants. He also requested a brief synopsis of the differences and similarities between this program and JobPath, and asked staff to include a thumbnail sketch that defined the metrics utilized to determine the progress and the accomplishment related to the program's funding.

Ms. Leshar stated that the requested information would be provided.

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

10. Lloyd Construction Company, Inc., Amendment No. 3, to provide for Construction Manager at Risk Services: Northwest County Service Center (XNWHLC), amend contractual language and scope of work, FM Capital Non-Bond Projects Fund, contract amount \$1,278,204.17 (CT-FM-20-205) Facilities Management

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

Supervisor Christy indicated that he would vote against this item since he had consistently done so in the past.

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

* * *

CONTRACT AND AWARD

Behavioral Health

1. UHS of Tucson, d.b.a. Palo Verde Behavioral Health, to provide for inpatient court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5, General Fund, contract amount \$1,224,980.34/3 year term (CT-BH-22-87)

Community and Workforce Development

2. Compass Affordable Housing, Inc., to provide for the Emergency Solutions Grant Homeless Prevention Program, USHUD Fund, contract amount \$850,000.00 (CT-CR-22-137)

County Attorney

3. Elise Townsend, to provide for implementation of enhancements in support of the Pima County Drug Court Program Drug Treatment Alternative to Prison Program (DTAP) and the Specialty Courts Initiative, DTAP-SAMHSA/DOJBJA Funds, contract amount \$49,999.00 (CT-PCA-22-113)
4. Assistance Dogs of the West, Amendment No. 4, to provide for the Courthouse Dog Program, extend contract term to 9/30/22 and amend contractual language, Anti-Racketeering Fund, contract amount \$7,500.00 (CT-PCA-19-245)

Forensic Science Center

5. Tohono O'odham Nation, to provide for medical examiner services, contract amount \$850,000.00 revenue/5 year term (CTN-FSC-22-67)

Procurement

6. **Award**
Amendment of Award: Master Agreement No. MA-PO-17-163, Amendment No. 5, Goodmans, Inc., d.b.a. Goodmans Interior Structures, Corporate

Interior Systems, Inc., National Design and Trade Network, d.b.a. Interior Solutions and OMNI Workspace Company, L.L.C., d.b.a. Atmosphere Commercial Interiors, L.L.C., to provide for furniture products and services. This amendment extends the termination date to 2/28/23 and adds the shared annual award amount of \$3,500,000.00 for a cumulative not-to-exceed contract amount of \$15,880,000.00. Funding Source: General Fund. Administering Department: Facilities Management.

7. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-182, Amendment No. 3, SHI International Corp., to provide for computer software and related items. This amendment is for a one-time increase in the amount of \$4,000,000.00 for a cumulative not-to-exceed contract amount of \$19,225,000.00. Funding Source: General Fund. Administering Department: Information Technology.

8. **Award**

Award: Master Agreement No. MA-PO-22-61, Catholic Community Services of Southern Arizona, Inc., d.b.a. Pio Decimo Center, Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf, Dorothy Kret & Associates, Inc., Goodwill Industries of Southern Arizona, Inc., Ser-Jobs for Progress of Southern Arizona, Inc., and Tucson Youth Development, Inc. (PULLED FOR SEPARATE ACTION)

9. Kone, Inc., Amendment No. 4, to provide for elevator modernization design and contracting services and amend contractual language, Various Funds, contract amount \$1,000,000.00 (MA-PO-18-244) Facilities Management

10. Lloyd Construction Company, Inc., Amendment No. 3, (PULLED FOR SEPARATE ACTION)

Real Property

11. Friends of Robles Ranch, d.b.a. My Friend's Closet, Amendment No. 1, to provide for a lease agreement at Robles Ranch Community Center located at 16150 W. Ajo Way, extend contract term to 12/31/22 and amend contractual language, no cost (CTN-RPS-22-72)

12. Sprint Spectrum, L.L.C., Amendment No. 2, to provide a master agreement for wireless communications facilities and site-specific supplemental agreements for specified locations to add an existing co-location site at 9400 S. Houghton Road and amend contractual language, contract amount \$27,486.33 revenue (CTN-RPS-22-73)

13. Sun State Towers IV, L.L.C., to provide for the purchase and sale of Telecom Easement Agreement (File: Sale-0088), contract amount \$4,520,000.00 revenue/50 year term (CTN-RPS-22-74)

14. Territorial Sign Co., to provide a license for right-of-way encroachment for Rocking K off-site sign kiosks (Lic-0333), contract amount \$44,625.00 revenue/25 year term (CTN-RPS-22-76)

GRANT APPLICATION/ACCEPTANCE

15. **Acceptance - Community and Workforce Development**
Arizona Department of Education, to provide for the FY22 Comprehensive Support and Improvement Graduation Rate Grant, \$74,074.00 (GTAW 21-54)
16. **Acceptance - Environmental Quality**
United States Environmental Protection Agency, to provide for the Clean Air Act Section 103 PM2.5 Air Monitoring for PPC OT2122, \$68,055.00 (GTAW 22-55)
17. **Acceptance - Natural Resources, Parks and Recreation**
Arizona Department of Forestry and Fire Management, to provide for reducing fire risk in the Wildland Urban Interface at Tucson Mountain Park, \$189,200.00/\$54,547.00 General Fund match (GTAW 22-16)
18. **Acceptance - Natural Resources, Parks and Recreation**
Arizona Department of Forestry and Fire Management, to provide for the Arizona Post-Wildfire Infrastructure Assistance Program, \$294,000.00/\$76,017.00 General Fund match (GTAW 22-30)
19. **Acceptance - Public Defense Services**
U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 7, to provide for the Title IV-E Federal Foster Care Matching Funds Project, \$411,274.27/\$2,020,220.69 General Fund match (GTAM 22-36)

BOARD, COMMISSION AND/OR COMMITTEE

20. **Board of Adjustment, District 1**
Appointment of Vicki Balentine, to replace George D. Carroll, effective December 10, 2021. Term expiration: 12/9/25.
21. **Metropolitan Education Commission**
 - Reappointments of Clarisa Nido, representing Building Principal (AZ School Administrators) and Jennifer Sprung, representing Teachers, Grades 9-12 (AZ Education Association). Term expirations: 2/16/24. (Commission recommendations)
 - Reappointment of David Doré, representing Pima Community College. Term expiration: 4/16/24. (Commission recommendation)

- Reappointment of Rafael Meza, representing Regionally Accredited Private Institution (MEC). Term expiration: 8/7/24. (Commission recommendation)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT/WINE FAIR/WINE FESTIVAL/JOINT PREMISES PERMIT
APPROVED PURSUANT TO RESOLUTION NO. 2019-68**

22. **Special Event**
William Dean Woodruff, Corpus Christi Roman Catholic Parish-Tucson, 300 N. Tanque Verde Loop Road, Tucson, December 4, 2021.
23. **Temporary Extension**
- 03103032, Michael Aaron Figueira, Harbottle Brewing Company, 3820 S. Palo Verde Road, No. 102, Tucson, November 20, 2021.
 - 06100216, Putneys Pitstop Sports Bar & Grill, 6090 N. Oracle Road, Tucson, November 24 and 25, 2021.
 - 12104011, Thomas Robert Aguilera, Tavolino, 2890 E. Skyline Drive, No. 100, Tucson, December 9, 2021.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY

Melinda Ontiveros-038-DEM; Patricia L. Canady-218-DEM; David M. Lorenson-013-REP; Merritt McGlothlin-145-REP; Todd A. Clodfelter-179-REP; Paul M. Disner-197-REP

APPOINTMENT-PRECINCT-PARTY

Melinda Ontiveros-053-DEM; David N. Stone-006-REP; Alexander M. Cardieri-011-REP; Filis A. Cardieri-011-REP; Raymond P. Cossette-029-REP; William P. Wyant-029-REP; Mones J. Pleason-039-REP; Melissa N. Corral-058-REP; Phil M. Wade-068-REP; Susan L. Whittemore-069-REP; Carl Maness-089-REP; Robert E. Contreras-099-REP; Cory J. McGarr-115-REP; Marie V. Benner-122-REP; Mallick L. Wightman-127-REP; Kenneth R. Wolfe-127-REP; Jennifer L. Hendricks-145-REP; Jetta W. Hice-145-REP; Terri D. Riffe-158-REP; Carolyn E. Wuertz-158-REP; Suzy Burros-162-REP; Krystle R. Holden-164-REP; Debra A. Geoghegan-170-REP; Timothy E. Geoghegan-170-REP; John L. Wallace-171-REP; Brian T. Bahnsen-177-REP; Brook A. Doty-179-REP; Arthur L. Evenchik-185-REP; Debra K. Sitzmann-212-REP; Richard L. Sitzmann-212-REP; Shelley L. Cross-246-REP; Terra E. Radliff-011-LBT; Abish W. Tamietti-029-LBT; Kathie A. Polaski-073-LBT; Melissa D. Smith-088-LBT; Sylvia L.

Spiegel-100-LBT; Stephen C. Monroe-108-LBT; Jolene Raye Hurd-117-LBT; Lindsay R. Hill-120-LBT; Peter K. Norquest-153-LBT; Daryl Edward Meyer-219-LBT

FINANCE AND RISK MANAGEMENT

25. Duplicate Warrants - For Ratification

Tony Jay Brunenn \$27,360.40; Lindsay Catherine Malloy \$8,850.00; Fabiola E. Iago \$231.00; SB Properties, L.L.C. \$4,800.00; SB Properties, L.L.C. \$7,325.65; Affordable Home Realty, L.L.C. \$9,565.00; Brendan S. Bond \$69.00.

PROCLAMATION

26. Proclaiming the month of December 2021 to be: "THE 200TH ANNIVERSARY OF THE SAN IGNACIO DE LA CANOA LAND GRANT"

SPECIAL TAXING DISTRICT

27. Cortaro-Marana Irrigation District

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 9, 2021 election conducted by the Cortaro-Marana Irrigation District.

RATIFY AND/OR APPROVE

28. Minutes: October 5 and 19, 2021
Warrants: November, 2021

* * *

49. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:05 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS

12. \$1 Trillion Infrastructure Investment and Jobs Act

Discussion/Direction/Action: President Joe Biden signed into law the \$1 trillion Infrastructure Investment and Jobs Act on Monday, November 15. It cleared Congress with bipartisan support. We direct Pima County Administration to provide the Board of Supervisors and the public with analysis of the impact on our county of this landmark legislation, which is to fund roads, bridges, rails, ports, airports, cleaning polluted water, expanding high-speed internet, climate-change mitigation, promoting environmental justice, and general community improvements. This could be in the form of a series of reports as implementation of the measure unfolds. (District 5)

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
AG: Supervisor Grijalva
SC: Supervisor Christy
RS: Supervisor Scott
JL: Jan Leshar, Chief Deputy County Administrator
CD: Carmine DeBonis, Jr., Deputy County Administrator

SB: I believe all of you are back and available, so I am going to reconvene the regular Board meeting. We are on Item 12 now, which is a \$1 Trillion Infrastructure Investment and Jobs Act. District 5 put this on. What is the pleasure of the Board?

AG: I apologize. Thank you, Chair Bronson. I wanted to have a, I wanted to have a presentation from staff about what the impact is going to be to Pima County and more of an information item.

SB: Ms. Leshar.

JL: Certainly. Chair Bronson, Members of the Board, we did provide an initial summary, it was about the middle of November. As you know Congress passed a \$1.2 trillion infrastructure bill in the Infrastructure Investment and Jobs Act. We have really just preliminary information about what the buckets of funding are and how much is designated for Arizona, but a good time to have the, this higher rollup. We are looking between now and 2026, to receive about \$5.3 billion in the State of Arizona. That is broken in a variety of categories from federal aid for highways, bridge replacement revitalization and a national electric vehicle program. What we will be doing over the next several months is providing you with real updates once we see of the \$1.2 trillion, we know as I say, how much is designated for Arizona. We do not have granularity at this point of how much then comes into Pima County directly, what our programs, that are some of those infrastructure programs, that might come

into Pima County. But we are working with our, with the delegation as well as our national lobbyists to ensure that the federal lobbyists that we have eyes on every aspect of implementation of the Infrastructure and Jobs Act, so that we are sure that money is coming into Pima County for that. We did provide the chart that showed of the different kinds of transportation programs. I have heard comments about, already opining about whether or not we, some of these programs are important or not. We have made no determination of what would actually be coming to Pima County. We are simply providing the initial review of some 2,700 pages of a document of what is available to Arizona and will provide regular updates to the Board.

AG: Chair Bronson? So I know that we are going to be advocating for different funding for different programs. Do we have a list of different projects, you know, roads that have to be repaired? I mean, so it is huge infrastructure. Bridges, I mean, I know that there are certain things that have been targeted, I am sure in each of our districts, but do we have down to that kind of detail yet? Or are we working on a document that would, that would help us to identify those?

JL: Chair Bronson, Supervisor Grijalva, what I propose is that we come back to you as we have more of that granularity, the same way that there was approval for the Arizona Recovery Act dollars with, from different programs and seeing what is made available. I see Deputy County Administrator DeBonis has joined us. If there are specifics, there are, this is infrastructure, it is primarily infrastructure. As you note, there are some air quality issues, there are bridges, there are roads, there is pavement preservation, all in the public works area. So Mr. DeBonis, did you have something you wanted to add with them?

CD: Chair Bronson, Supervisor Grijalva, Ms. Leshner, I wanted to just add that there are a number of projects identified by the County. We do have an integrated infrastructure plan. That plan looks out over a ten-year period of time and is refreshed periodically. We are currently working on an update of that plan, our Capital Program Office Director Nancy Cole is coordinating that with the departments across the County. So not just within Public Works but countywide. We are doing that in preparation for the annual budgeting process that the Board will be undertaking. In the Capital Program Fund budget component of that, is the one-year program that we fund annually and will be coming to the Board. So I would just offer our availability, Nancy Cole and myself, to meet individually with Board members to give you an update on those efforts and certainly as Ms. Leshner has indicated, we will continue to provide updates to the Board with the Infrastructure and Jobs Act. We are going through and looking at those projects that we have as part of our plan and what we are doing is preliminarily identifying what category of the Act they may qualify under and we are working closely with our Grants Management and Innovation Department so that we can have at the ready, a list of projects to pursue in any one of those categories, once it becomes noticed for funding availability.

AG: And just one other thing I did want to add. You know, we have had a, historically, Pima County has had to fight for their share of Federal dollars that go directly to the State and so I just want to make sure that we, you know do everything that we can

to ensure that the funding that is dedicated, rightfully dedicated to Pima County comes into Pima County, and that we do not have to, you know, let the money just disappear at the State level and we are kind of sitting here trying to you know, figure out you know, where the funding went. I think it is important for us to do our best to work with our federal partners to make sure that the funding comes to Pima County the way it is supposed to.

JL: Agreed. Thank you.

AG: And so can we get, I know periodic updates, but if once we have some definitive numbers let us say for the next two fiscal years, if we can have another, like a more thorough presentation on what those projects are specifically in Pima County, I would appreciate that.

JL: We will do so. Thank you.

AG: Thank you.

SB: Alright. Any further discussion? Alright then let us move on to Item 13.

DRAFT

COUNTY ADMINISTRATOR

13. Updates and Action on COVID-19

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
RS: Supervisor Scott
MH: Supervisor Heinz
JL: Jan Leshar, Chief Deputy County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services

SB: Then let us move on to item 13. This is COVID Updates and Action. Ms. Leshar.

JL: Thank you, Chair Bronson, Members of the Board, we did provide just a very brief summary showing what is happening with the numbers and in our schools and the testing and things like that. We are seeing a slight surge, as a think some people had anticipated following the Thanksgiving holiday travel as well as the increased new variants. We are also beginning to talk about the various therapeutics that will be available, but Dr. Garcia will provide additional information on our COVID update. Dr. G.

FG: Thank you, Chair Bronson, Ms. Leshar. One the things that we noted is that we continue to be in the midst of what is looking like a relatively sustained surge. There are some indications that we may actually have lower case counts this week, but I think it is still far too early to tell. One of the things that I will draw your attention to, is that like most of the nation, we still are well in excess of the 100 cases per 100,000. This morning it was 345 when I looked at the CDC page and certainly from last week we were at about 310 per 100,000. That is really up from the low point of 23 per 100,000 that we were back in the week, it seems like a long time ago, but that is one of the benchmarks that we are using. The other piece that is really critical for your deliberations today is that we believe that we need to continue to have a full compliment and a lot of effort in the testing arena. And as we have, as Deputy County Administrator Leshar has made it the point in her memo to you, although there are abundant available freely, or relatively free testing opportunities, I believe that the County continues to have a role in the provision of such services with no barrier that is price related. And to that end, we have talked about the need to continue a fairly high clip of COVID testing. We, the fact that our positivity rate is above 12% leads me to believe that we should be testing more and that we need to do a lot more in this arena. Thirdly, I would let you know that for all intents and purposes, our, you know we have talked about the constraints on our hospital system, at this point, we have approximately 8 I.C.U. beds for instance, as of our report late last night available in, across Pima County, and that is obviously very

concerning with about 33% to 36% of those beds being occupied by COVID patients. Really importantly, the vast majority of folks who are in our hospitals, whether it be Banner or TMC, continue to be our unvaccinated members of our public, however, we do also have occasional cases of folks who are fully vaccinated who are experimenting, who are suffering from complications that require hospitalization and although those numbers are low, because we have vaccinated such a large portion of the population here in Pima County, as of this morning 71.2% of all, 71.2% of all individuals in Pima County who were 12 and older have been fully vaccinated. Because we have, indeed, vaccinated such a large fraction of the vulnerable population, it does make sense that we start seeing some of this activity in the breakthrough cases. The last thing and perhaps most newsworthy component has to do with the Omicron variant and as you know, it has really quickly been identified as a variant of concern, identified by both the Centers for Disease Control and the World Health Organization. We know that there are at least at this point, about 18 states across the U.S., including neighboring states to Arizona and there is no reason to believe that it will not eventually get here. Please be aware that we are still very early on in terms of understanding what the impact of Omicron may be. Is it more transmissible? Possibly so. Is it more morbid? Does it cause more deaths or hospitalizations? The data from South Africa do not appear to bear that out but, again, it is way too early to tell. The last thing that I will point out to you from the memo is that as we have unrolled or began to implement our 5 to 11 vaccination program, schools are increasingly an important partner in this effort. I will just remind you that this was just authorized by the CDC on November 18th. I can tell you that at this time, there have been 16,768 children in that 5 to 11 age group that have already been vaccinated. I can also tell you that thanks to really excellent partnership with schools, we have conducted over 28 school vaccination events that have delivered vaccines to 1,337 children in that age group. So I am feeling like we are making a lot of progress in this era, in this arena, although there certainly is much more to be done. I will conclude my remarks there and be happy to take your questions.

SB: Any questions?

SC: Madam Chair?

SB: Supervisor Christy.

SC: Good morning again, thank you Madam Chair, good morning again Dr. Garcia. I have a couple, three questions I would like to ask you, sir. During her press conference last week, Dr. Theresa Cullen publicly stated that fully vaccinated people are contributing significantly to our community's infection rate. In fact, she reported that 26% of all infections are now quote/unquote breakthrough cases, meaning fully vaccinated people have come down with COVID-19. Are you at all concerned that fully vaccinated people are quickly becoming community super spreaders?

FG: Chair Bronson, Supervisor Christy, I would not characterize anybody as a super spreader, individuals typically are not super spreaders. We usually use that term to

refer to an event. She is absolutely correct that for the month, for the current month that we just closed out, about 26% of our new COVID cases were indeed among folks who had a previously recorded full vaccination course. So, yes, it is really super important that individuals who have completed their vaccination course, complete the booster series, because we know that immunity, when we have seen that happen, you see it most, you see it most commonly about 6, 7, 8 weeks, 8 months after initial vaccination. So it is really, really critical that, yes, we continue to address our fully vaccinated populations and the need for boosters among that community, as well as work on folks who are not vaccinated, which to date represents a not insignificant percentage of this county's population.

SC: Madam Chair, Dr. Garcia, then there is a concern that even if you are fully vaccinated as we have been told that we need to be pursuing, there is a significant amount of the population, 26% that are breakthrough cases, and are coming down with COVID. So it is, it is a fair assumption to say that even though you are fully vaccinated, with 26% of the fully vaccinated community, they could be contributing to the spread of COVID in our community.

RG: Chair Bronson, Supervisor Christy, it needs to sort of be stated that being fully immunized does not give you superpowers against anything, including this particular virus. So, yes, as immunization starts to wane in that fraction of our community that is fully vaccinated, they then become a reservoir or a potential, they become a potential target population for reinfection or for primary infection. So that is something that we continue to be worried about. What is also notable and it should be also stated, is that when you look at our hospitalizations, when you look at our decedents, the number, the people who die, that the fully vaccinated are remarkably underrepresented among those outcomes. So, yes, fully vaccinated people can get an infection, but they are much less likely to suffer from, to require hospitalization and intubation, and they are much less likely to die.

SC: So there is a chance that even if you are fully vaccinated, you will be infected with COVID-19?

FG: Chair Bronson, Supervisor Christy, I have said yes.

SC: Thank you, doctor. My second question is, with more people recovering from the virus and increasing evidence of the efficacy of infection-induced immunity, why has not this natural immunity been considered by the Pima County Health Department as part of its overall data reporting?

FG: Chair Bronson, Supervisor Christy, the short answer is that, is that there are very few laboratories in this country that can do that kind of surveillance that the supervisor pre-supposes would be helpful. Now, I will sort of add two things that are really important. We do know that natural immunity is an important component of protection. We know that, that in folks who for instance, have acquired an infection, a COVID infection, when they are vaccinated and when they are fully vaccinated, they are even more protected. We also know that natural immunity, just like vaccine induced immunity, wanes over time. We know that because, because that is the

case for other infectious, for other viral infections. So there is nothing, there is no evidence, Supervisor Christy that would lead us to believe that one type of immunity is superior to another type of immunity. What we do know, is that we can measure, we can estimate the degree of risk for those individuals who have been immunized versus those who have not. But certainly, the infections that have occurred in this county are contributing to some level of antibody production among those people and are providing some degree of protection. How much? We do not know. How long does it last? We absolutely do not know. And do we have a capacity to measure that? No we do not.

SC: So merely by taking those who have been infected with COVID versus those who have died as a result of COVID, and that result, that does not equate or compute to a, the infection induced immunity?

FG: Supervisor Christy, it does not and it would give you a very sort of false sense of who is the population at risk in this community.

SC: And my final question, Dr. Garcia, is very simple. Does the COVID-19 vaccine stop COVID-19?

FG: So Chair Bronson, Supervisor Christy, we do know that the COVID-19 vaccine decreases infection with COVID-19. From that standpoint, in those individuals in whom do not become infected, it is indeed, stopping infection. We also know that the COVID-19 vaccine as an intervention, is not perfect in terms of preventing infections. What we do know is that it is pretty excellent at preventing hospitalization, intubation and death. Preventing bad outcomes...

SC: That was not my question. My question was, does the COVID-19 vaccine stop COVID-19?

FG: An individual person who is vaccinated with a COVID-19 vaccine, their risk of becoming infected is very low in comparison to the rest of the population. Does it stop? Does it provide a magical shield? It does not.

SC: So your answer is then that COVID-19 vaccines do not stop COVID-19?

FG: No, Chair Bronson, Supervisor Christy, my answer is that on an individual basis, there is going to be some people will get the benefit of never becoming infected because they were COVID vaccinated. For other folks, for instance, for individuals working in a healthcare environment, for people residing in a long-term care facility, for people who are actively working with vulnerable populations, even being fully immunized, even the protection of being fully immunized may be overwhelmed by the amount of virus in the environment and therefore in that case would not stop COVID infection.

SC: So there are no guarantees that taking the vaccination will stop COVID-19?

FG: Chair Bronson, Supervisor Christy, you are correct.

SC: Thank you very much Madam Chair. Thank you Dr. Garcia.

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you. I remember from our previous discussion that to do a little bit of a COVID rebuttal on some of the things that were said during Call to the Public, I would like to just briefly set the record straight on a few of those things and then I will go to my questions for Dr. Garcia. So just real, real briefly, the MRA vaccines and other vaccines that have been developed are the safest, most efficacious vaccines that we have really ever brought to market. Just to reiterate that. Period. Also pregnant women, women seeking to become pregnant or recently postpartum are recommended by the American College of Obstetricians and Gynecologists, to get vaccinated at any stage of pregnancy. The only reason not to is a, like some kind of medical anaphylactic reaction to the vaccine, which most people do not have. And there is discussion of heart damage, myocarditis and cardiomyopathy and a lot of other scary sounding words implied that the vaccine causes those. What I would like to remind people of is that, any viral infection, COVID one of them, it actually does this, COVID infection itself can cause life-threatening and life-ending inflammation of the heart muscle, or that could impair heart function even in a 20-year-old patient for the rest of their lives, to the point where they can barely walk up stairs. So the vaccine, however, is not responsible for causing widespread heart conditions as one of the callers described. And then lastly, one of the other items was some question as to why it takes 14 days for the vaccine to become effective. That is simply because our immune system needs some time to process the information the vaccine is providing to the immune system so that it can generate that immune response. So I believe those are all of those main issues. Now for Dr. Garcia, just to reiterate some of the items in the memo, we are seeing more cases in November of like, just last month, than we did in November of 2020, that I find striking. And one of the things I wanted to ask was with regard to vaccine breakthrough cases in Pima County, I know it is roughly a fourth of the hospitalized folks are vaccinated to some degree, are we seeing any or have we yet seen any cases of boosted, fully vaccinated patients? So someone who has had their booster and is 14 days following their booster, have any of those types of breakthrough cases been reported who have been hospitalized or died? That is if you know Dr. Garcia.

FG: Chair Bronson, Supervisor Heinz, at this time, we do not.

MH: Oh good.

FG: It is just too early to tell.

MH: That is excellent. And to our knowledge, do we have any evidence from genomic studies that Omicron variant has come to Arizona? I believe you already said that, but just to clarify to the public, just make sure that you can say that again?

- FG: Chair Bronson, Supervisor Heinz, at this time, we are not aware of an Omicron infection in Arizona or in Pima County. I will tell you that, that the fact that there are Omicron infections in California, Colorado, and now Utah lead me to believe that we will identify an infection here in the not too distant future.
- MH: It is coming likely. And based on again, I almost hesitate to say this, because we seem to be struggling with the way science works. Like if I were treating you for severe pneumonia in 1850, I would recommend bloodletting. We would bleed part of your body's blood supply into a little bowl at the side of the bed because that is how we treated pneumonia in the 1850's sometimes. But anyhow, preliminarily from out of South Africa, it looks like the Omicron variant is probably more contagious, it moves around with more facility than the previous alpha and delta variants, but, it again very preliminarily, does not appear to cause more severe disease than those other variants. Is that a reasonable summary of this very early stage of information?
- FG: Chair Bronson, Supervisor Heinz, based on the last ten days of information that has been shared, I do believe that your assessment is correct. I think that it is still early to tell. It is still too early to tell in terms of the degree of morbidity, but in terms of the transmissibility, it does appear to be a highly transmissible variant as opposed to the wild type variant that first impacted our community. And so I would not be surprised if after that event in New York City, that many of the folks who sort of came into contact with that index case from Minnesota will, may likely develop some degree of disease.
- MH: Sure. And just looking at our own vaccination numbers, could you just run those again for me? Those who are fully vaccinated, are we still kind of stuck at 60% fully vaccinated even with the kids getting vaccinated now?
- FG: So we are, Chair Bronson, Supervisor Heinz, as of this morning, 648,687 individuals in Pima County have been fully vaccinated. On the CDC data tracker website, they are listing 61.9% or essentially almost 62% of the population in Pima County being totally vaccinated. That is a really important marker, you know, and obviously, we still have a significant percentage to continue to go on. Of particular note, at this point, all individuals who are greater than or equal to 65 years of age, have received at least one dose in Pima County. The CDC is reporting 99.9% of that population is now vaccinated and fully vaccinated that would be 91%. So those are incredible, incredible vaccine coverage levels for that particularly vulnerable population. I really believe that what we need to be doing specifically with those folks who are older, those folks who are medically vulnerable, is making sure that we are getting boosters into their arms so they can have some additional peace of mind and protection.
- MH: Absolutely, and that was my very next kind of combo question here, one side of it was just asking about our specific efforts, messaging, et cetera, in terms of encouraging those individuals who have gotten one of two of the MRNA doses. I know that it is like 7% or 8% of our population that at some point in the last you know, 10, 9, 10 months, did get one of the two doses, but have not followed up with

that second dose. They are not eligible for getting a booster shot. They need to get that second dose first. Their booster would be 6 months after that second dose, is that correct?

FG: Chair Bronson, Supervisor Heinz, you are completely on target. There is a fraction of the population that remains incompletely protected. That is they have received a single dose of either Moderna or Pfizer, but have not yet received their second and subsequently are not eligible for booster dosing. The identification of those individuals is really, really hard and we have labored in terms of trying to come up with good communication strategies for how we might reach that population. The fact that, that we are, that our delta is narrowing in terms of the population that is fully, that is fully vaccinated leads me to believe that our efforts have been relatively successful. I do, however, really want to sort of stress the point that numerous important things that we can be doing right now as individuals, to protect ourselves, to protect our families, to protect our community, is to just get vaccinated and to do it as soon as possible because the protection that it affords is unquestioned. The protection that it affords is just not, is not something that is up for debate, especially when we talk about death and especially when we talk about hospitalization and intubation.

MH: Great. And on the booster side of things, so we are having some trouble it sounds like and then finding the folks that are one of two doses for additional messaging and encouraging to get vaccinated the rest of the way. But, I mean, we are on the record, a little bit ahead of the Federal Government as to saying that 18 plus just get boosted. If you are 6 months post that second shot, get the booster please. Are we doing additional dedicated messaging for that? Because I just feel like that, the intensity that was there back in January, February, March, around get vaccinated at all, I still do not feel that, I do not hear that from my patients in the hospital that they have really received that and what more can we do? How can we help more to make sure that people are getting booster doses, everyone?

FG: Chair Bronson, Supervisor Heinz, one of the challenges is that, is that folks have become not resistant, but deaf to a lot of the messaging, right? And so we are trying, we are trying a lot of different strategies targeting a lot of different populations and throwing everything at the wall to see what sticks in terms of that messaging component. We believe that some of our social media efforts, for instance, have been particularly helpful and our continued, some of our sort of traditional media efforts have also been helpful, but there is a real fatigue that the population is experiencing with regards to this messaging and you see polls nationally reflecting that degree of fatigue. I think what we need to continue to do is make vaccination as easy as possible, to decrease any and all barriers wherever they are in our hands so that it becomes the easy thing to do, rather than something that people have to labor to get. One of the very smart decisions that we made at Mr. Huckelberry's direction, is we decreased purposefully any administrative and cost barriers to any testing or vaccination services. That has been what has led us to have vaccination rates that are higher than the rest of the country and certainly higher than the rest of the state except for one county.

MH: Great. And this one, I think one just last thing, I heard the discussion about natural immunity, and it is absolutely, you know that is true what you said, that natural immunity if you had a native COVID infection at one time, that will be there. We just do not know how long it stays and we do not routinely check. It is a blood test. They have to actually draw blood, look at the plasma check levels of antibodies. That is one of the two main ways that our immune system works with little itty-bitty proteins in the bloodstream that you know block, block bacteria and bind onto these viruses and neutralize them. So if those antibodies and one of my own employees actually who had COVID, lost his sense of smell, taste, 23, 24-year-old. He had antibodies and then three months later, a young healthy guy, had no detectable antibodies. So and he also got doubly, you know, he got his full, he probably has a stronger immunity than I do because I do not believe I actually contracted COVID myself. But, so it is part of it, but it is not the solution alone and I just think it is important for people to hear that just having had COVID is not enough. That is not enough, you need to have, again, the vaccination. And once you have a vaccination plus having had COVID, you probably have a more powerful immunity than folks who did not actually have COVID infection and got their doses. So I think it is important that people hear that. Lastly I guess, what about any reasonable, if people will follow our instructions who knows, but any reasonable mitigation efforts that you or Dr. Cullen would recommend? Do we need to implement the Contagion movie thing where Matt Damon had a little you know, a little path on his phone to get into the Mall of America or whatever? I think that is a great idea, still going to a bar, going to a restaurant, Hawaii is doing it, Caribbean islands are doing it. It is very easy if you have been vaccinated, if you have had all you know, if you are vaccinated and good to go, you can go shopping. If not you cannot. Is there anything else we should be doing? I think we are free to do more stuff now that it is clear that what we say goes and not the Governor so much.

FG: So, Chair Bronson, Supervisor Heinz, a couple of things to think about, it is easy to pull, to look for and very attractive to look for novel and it is easy to go for novel kinds of solutions. But we have all the tools that we need today. We have the tools that we need today, we have vaccination. We should all be wearing masks when we are indoors. We are making sure that people are, most job sites, most schools are making sure that people are not in those sites when they are sick. We are trying to encourage as much as possible that when you are in mixed company to maintain a lot of physical distancing and more importantly than ever, I believe, rapid antigen has a role to play here and especially as we start going into the holidays, and especially as we start spending time with some of our most, more vulnerable family members, it is really important to pick up a Binax kit to make sure you are tested before you go see grandma or grandpa, because you do not want to kill them off. And that will happen if you happen to be that breakthrough case and they happen to be susceptible. So I think that those are the kinds of things that can be done. Yes, there are a lot of exciting things going on with regards to what can be regarded as vaccine passports, et cetera. The city of New York just, is in the process of unveiling a whole series of measures that apply both to residents and to visitors and some of which are going to be operationally very difficult to manage. I think that people doing the right thing will always win out. I think that some of these high-tech solutions whether it be an electronic COVID passport or something like that, may not be

something that everybody has access to. So those are the kinds of things that I worry about. At the end of the day, the policy decision about what kind of measures you want to take as a Board are in your hands. And we are seeing that it is getting harder and harder to sustain some of these public-facing measures, even things like mask wearing, which are relatively low burden, even things like prevention of congregation in large, in large groups indoors.

MH: Thank you.

SB: Thank you. We have a very full agenda. I would like to move on to the next item if anybody...

AG: Can I just ask a question, please?

SB: Proceed.

AG: Thank you. Dr. Garcia, I was able to get my booster at Lawrence Elementary School, and my son got his at Holladay, and one of the things that happened there, is I was going to do it with him, but we ran out of adult doses. So I am hoping that you have made adjustments to that because if we have parents there that are bringing their children to get vaccinated, then they are obviously in favor of being vaccinated and so let us grab an arm and put a booster in there once we are there. Do you know if those have been adjusted? And the other thing I did note that was really glad to see, that you are timing the start of vaccinations at especially our schools, to right after dismissal. So it is just as convenient as we can possibly make it and I do think that our pop-up clinics are serving a really vital community service. When you are looking at CVS, Walgreens, and those pharmacies, when you try to schedule an appointment, they are scheduling out a week or two. So we know that timing is one, you know, people sort of forget about it and say I will do it later, because I cannot do it right this second. It may not happen right away and then they could get sick in the meantime.

FG: Chair Bronson, Supervisor Grijalva, I am glad that you had a good experience for yourself and for your son. We are absolutely endeavoring to try to make sure that every single site has the whole compliment. We call it the Burger King approach right, have it your way. Whichever flavor of vaccine you want, whether it is the boosted dose, cause realize that the boosted dose for Moderna is a different dose than the normal adult, as well as now the pediatric dosing. But you found what is one of the operational realities, that when we try to stand up these kind of events that we will always be juggling doses and availability, but we are getting better and better at it, and it is our mantra to make sure that every single, every single barrier that we can identify has been, has been sort of turned over. So that was the direction of Mr. Huckelberry and that is what we continue to do today.

AG: Yeah, it has been very helpful. Thank you to you and all of the Health Department staff and our, the vendors that we are working with cause both of those I think were run by two different vendors and they were both really efficient. I waited like two minutes in line and it was great. So thank you.

SC: Madam Chair? Very quickly.

SB: Very quickly.

SC: Thank you. We spoke of fatigue, Dr. Garcia, and, yes, that is a very prevalent feeling in the community and one of the issues that we just heard from Dr. Heinz, Supervisor Heinz, is that natural immunity does not work in this, in the length of time. It sounds like it does not work in the same length of time as the vaccines do so there is no seemingly pathway to get anything better with the vaccines versus the immunity if they do not both work the same way and finally, Madam Chair, with the Omicron, Omicron issue, I keep hearing that it is too early to tell. It is too early to tell, yet everybody speaks and is speaking of and telling early. So I would hope that we would stop any kind of misinformation that might be going out in the community, until we have gathered more data on this issue. If it is too early to tell, we should not be telling at all. Thank you Madam Chair.

SB: Thank you, Supervisor. Okay, let us move on then to Item 14.

DRAFT

BOARD OF SUPERVISORS

32. Board Initiation of a Pima County Code Amendment

Discussion/Direction/Action. Board initiation of a Pima County Code amendment concerning placement of utility lines and equipment along Scenic Routes and establishment of fines accordingly. Directing Pima County staff to draft a code text amendment(s) that would consider and include the following:

- The potential to increase the undergrounding required of utility lines along Scenic Routes regulated within Title 18 Zoning, to include significant repair of existing overhead lines and poles.
- Create new fines/enforcement for businesses constructing within a Pima County rights of way without a permit by amendment to Chapter 10.
- The final language for this code text amendment will be presented to the Board of Supervisors for consideration at a future hearing date no later than February 15, 2022, and for an amendment to Title 18, after a Planning and Zoning Commission hearing. (District 5)

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
AG: Supervisor Grijalva
SC: Supervisor Christy
RS: Supervisor Scott
JL: Jan Leshar, Chief Deputy County Administrator
CD: Carmine DeBonis, Jr., Deputy County Administrator

SB: Moving on, Item 6, Supervisor Grijalva placed this on the agenda. Supervisor Grijalva.

AG: Thank you, Chair Bronson. I put this item on the agenda because we received a concern from a constituent that I guess is more common than not with, so concerning places with [Inaudible] equipment along Scenic Routes. And so what I would like to do is ask Pima County staff to draft a Code Text Amendment that would consider and include the following; the potential increase to undergrounding required of a utility lines along Scenic Routes regulated with Title 18 Zoning to include significant repair of existing overhead lines and poles, create new fines and enforcement for businesses constructing within Pima County rights-of-way without a permit by amendment to Chapter 10, the final language for this code text amendment will be presented to the Board of Supervisors for consideration at a future hearing date no later than February 15, for an amendment to Title 18 after the Planning and Zoning Commission hearing. And then we also added some pictures that were added a little later to what happens to our scenic routes and essentially the fine is fairly minimal, I think it is like \$300 or something. And so, really it is just more you know, taking care of these scenic routes and changing some of the Code

Text Amendment and again this would be after Planning and Zoning Commission hearing and then it would still come back to the Board.

SB: I cannot support that. I mean, I understand your goal, but without involving the stakeholders in reasonable discussion, I think it is unrealistic to think that this can be dealt with by February 15th. I think that, I know that staff is already talking with T.E.P. and working with them on many of the issues that you have mentioned and so I think it is premature to move forward about this without involving the stakeholders in the discussion, and I think again February 15th is way too early with the holidays and everything.

AG: Chair Bronson, if you have suggestions on how to amend it so you could support it, I would appreciate that. Because I do not think...

SB: I do not want to amend it without hearing from the stakeholders.

AG: Again, if part of your recommendation would be to work with our stakeholders I am happy to include that, but I do think that it is important to acknowledge the fact that once this area is damaged, you cannot go back and undo it. It is the same thing that we are doing throughout Pima County with the Sonoran Conservation Plan. So I do think it is important for us to acknowledge that there is a lot of damage happening and not a lot of mitigation. [Inaudible] part of that...

SB: I agree with you. I am sorry, I interrupted.

AG: No, no, no, it is fine. But if part of that is meeting with our stakeholder groups in order to come up with a more reasonable, you know, expectation on what, what things will look like after, you know, T.E.P. poles have been set up and really what the damage is, is it is you know, taking trucks all the way through these corridors in order to set up poles. And so what I was asking for is more acknowledgment, especially a number of scenic routes of undergrounding.

SC: Madam Chair?

SB: Supervisor Christy, I think.

SC: Yes, I would have to agree with Madam Chair on this issue. Primarily because of the issue that Madam Chair raises and that is a lack of communication with the stakeholders. And in that discussion with stakeholders which needs to be done before this can move on, as far as I am concerned, there has never been any comprehensive discussion of the costs of undergrounding. What is it going to cost to underground? As well as there has been no discussion in a comprehensive manner, of how are those underground lines going to be serviced? What the cost of servicing those undergroundings are going to be? And of course this is undoubtedly going to be passed on to the consumers and I do not think that has been addressed either and again just to reiterate, there has really been no meaningful dialogue or testimony or input to the Board of Supervisors from the stakeholders involved and I will be voting no on any kind of change to this amendment.

- SB: Thank you, Supervisor Christy. Mr. DeBonis, I know you have been working with T.E.P., do you have any comments?
- CD: Madam Chair and Supervisors, I did have communication with Steven Eddie at Tucson Electric Power and that conversation was really just an update from him to me on what they are doing to address the disturbance, the removal of vegetation that Supervisor Grijalva had mentioned. So I have not had conversation with him broader about a code text amendment other than if it were initiated by the Board that we would reach out to them and look to involve them as a stakeholder, but did not speak on any additional details nor on time frame.
- AG: And I do think going forward with this process would involve, obviously, the stakeholders. There is a public hearing about it and in the meantime that does not preclude County staff from working with T.E.P. and bringing forward another recommendation to the Board. I do think that you know, just pretending like it is not an issue is not going to help it resolve itself.
- RS: Madam Chair?
- SB: Supervisor Scott, I think.
- RS: Given Supervisor Grijalva posted this item for discussion, direction or action, there was some information that I was hoping to get from staff. Specifically in the past when undergrounding has been an option that has been determined both by the County and by the utility, how have those matters been handled in the past? If we could get some, some anecdotal information that would be helpful to me as I am learning more about this. I would also like to know, what are the current codes and/or practices, if there are any in place? What are the designated Scenic Routes? That would be helpful for me to know. And then could staff also solicit pertinent input from the affected utility companies? I would like to have all of that information, since this is listed as a discussion item, so that I can learn more about what is being proposed and the potential ramifications.
- SB: Do you want to put that in the form of a motion?
- RS: Well I am actually making that a form of direction in terms of information I would like from staff. If that is okay with you and with the sponsor of the item?
- AG: That is fine with me. I think more information is better and I appreciate you asking for it.
- SB: I am fine with that. So you have got your direction Mr. DeBonis?
- CD: Indeed.
- RS: And I did just have one question for Supervisor Grijalva, if I may Madam Chair? Supervisor Grijalva, what is the significance of the February 15th deadline?

AG: It was because what has been criticized before is that there is an item put on the agenda and then there is no date in order for staff to get ready to prepare. So I just thought, okay well, this will be after the holidays, the committees will be meeting again, this would be something that will be able to come forward. So really it was factoring in, you know, two months from now.

RS: So it not a hard and fast deadline?

AG: It is not.

RS: It might be changed based on the information that we get?

AG: Absolutely.

RS: Okay, alright. Thank you very much.

SB: I think Supervisor Grijalva, your intent is something we need to look at, I just do not think we do it through code text amendment at the moment without further information.

AG: It is fine. As long as we get the conversation going I am appreciative of that.

SB: Okay, then let us move on.

BOARD OF SUPERVISORS

37. Ethylene Oxide Sterilization Facility

Informational/Discussion/Study: Becton, Dickinson and Company (BD) is applying for an air quality permit for an Ethylene Oxide Sterilization Facility in Tucson. Air quality in any part of the County affects everyone in Pima County, therefore District 5 requests a presentation on the safety measures that BD will put into place in the facility. Ethylene Oxide is a highly flammable and carcinogenic gas used to sanitize medical equipment. Please detail how leakages are prevented, how workers at the facility are protected from exposure, and how ethylene oxide is stored. Who will govern and monitor storage and in-the-plant handling of Ethylene Oxide? According to an article in the Star, a BD sterilization facility in Georgia caused a cancer cluster within a 5-mile-radius of the facility, and more than 150 lawsuits were filed against BD in June 2021. What is different about the plant in Tucson than the one in Covington, Georgia? How will a similar situation be avoided? Furthermore, is BD investing in researching any alternatives to Ethylene Oxide? (District 5)

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
AG: Supervisor Grijalva
SC: Supervisor Christy
RS: Supervisor Scott
JL: Jan Leshner, Chief Deputy County Administrator
CD: Carmine DeBonis, Jr., Deputy County Administrator
SEB: Sam Brown, Chief Civil Deputy County Attorney

SB: Then let us move on to item 11, Ethylene Oxide Sterilization Facility. Supervisor Grijalva.

AG: Thank you, Chair Bronson. I brought this item forward because we have a Becton Dickinson Facility that is going to begin, they are finishing up their public hearing process on December 17th and my concern is the air quality. I asked a series of questions. We received some information back. Basically all of the responses were by the Vice President of sterilization. My concern with the facility that is currently in Georgia that has caused cancer cluster, I know that Chair Bronson, you have also brought up this item several times regarding ethylene oxide and what I was hoping that we would get from this item is you know, basically what this is, is it is the company assuring us that the facility is perfectly safe, nonpolluting, that defies logic and experience. So what we wanted is you know, to explain how this highly flammable, highly explosive, potentially potently carcinogenic ethylene oxide will be stored and handled in the facility, regard to worker exposure, public safety, you know, we also have some information from different memos that the County has brought forward regarding the concern with ethylene oxide and considering where

this facility and plant is going to be. Which is very close to the Sunnyside plume with the TCE exposure, I am very concerned about that. And the other, is you know, when we are talking about this, this potentially lethal, the County can I guess can, Ms. Lesher, can you sort of explain what the County's purview is at this point. I just think that we need to have a public discussion about the position that the County is in and any role that the Pima County Department of Environmental Quality can have. And if you can speak to the concern that has been established in previous memos regarding ethylene oxide.

JL: Chair Bronson, Supervisor Grijalva, as you note, I believe the County Administrator had sent at least half a dozen memos since May of this year indicating extreme concern for the location of this facility. He has talked about, you know, in previous memos and looking about, worrying about off-gassing actual sterilized equipment, concerns for Davis-Monthan Air Force Base. That there were catastrophic failures et cetera, so for some period of time we have been delineating our issues that might be around the placement of this B.D. Facility at that location and site. Our role as the County is fairly narrow in what we can do related to the air quality permit, per se and I know that we have both Mr. DeBonis and Ms. Nelson is on, who is our Director of Environmental Quality. So I do not know if Mr. DeBonis and/or Ms. Nelson would like to expand on concerns about the ethylene oxide or this facility.

CD: Madam Chair and Supervisor Grijalva, Ms. Lesher, just to briefly add to what Ms. Lesher indicated, the standards for ethylene oxide in the air quality aspects of the use of that chemical are regulated by the EPA, so Pima County has a role in ensuring that those standards for safe operation as it relates to air quality are adhered to and, in fact, if it cannot be demonstrated that those standards are met, we have a basis then from which to deny the permit. If those standards are being met, and it is demonstrated through a variety of information, provided by Becton Dickinson and modeling that is performed and then independent review and verification by our Environmental Quality Department, then we are required to issue the air quality permit. I understand that there are a series of questions and concerns related to storage and handling of the chemical, as well as an exposure by the workforce. The memorandum that have been referenced already and provided to the Board, spoke to the air quality aspects, but I believe that we can go ahead and reach out to other agencies that have a role in the aspects that are non-air quality related to that chemical, whether that be Arizona Department of Environmental Quality, OSHA, the Tucson Fire Department, EPA and others who might have helpful information and compile those details and return them back to the Board of Supervisors. As Ms. Lesher indicated we have Ms. Nelson on the call and she can speak to any of the specifics of the air quality process and where that is currently.

MH: And Chair Bronson?

AG: Can I have [Inaudible]

MH: Sorry. Please.

AG: Just real quick. Thank you, Mr. DeBonis. The other issue I wanted to bring up, is the ethylene oxide plant is going to be very near the DM flight approach zone and DM is opposed to it. Has that been factored in at all into any of the discussions regarding the location of the plant?

CD: Chair Bronson...

SB: I think that was up to, yeah, go ahead Mr. DeBonis.

CD: Chair Bronson and Supervisor Grijalva, so that information from Davis Monthan and their concerns were presented to the County and to the City. As this came through as a potential economic development locate for the company. The County with its various land assets chose not to offer any of those for consideration for this facility. The site that has been selected is just over 30 acres at Valencia and Kolb. It is in the City of Tucson. It is adjacent to the southern boundary of Davis-Monthan Air Force Base and they have expressed concerns from the presence of the quantities of ethylene oxide at that location. The site is outside of the approach and departure corridor zones so had it been within that area, that delineated area and the County has a delineation, the City has a similar delineation, it would not have been an allowed use for the storage of that material. It is just outside to the north of that approach and departure corridor so those concerns have been known. The County in considering this as a potential locate on County land chose not to go ahead and offer a site.

AG: What is frustrating to me is it is, you know, when I, I had a meeting with the BD leadership, and they basically said they were bringing 40 jobs roughly and that the equipment that you know, this sterilization that is so vital to, I guess the nation and everywhere, we are really not getting any benefit here in Arizona. Everything is getting cleaned here, they are polluting our environment and then all of the product is going outside of Arizona and Pima County.

SB: Supervisor Heinz, I think you had...

MH: Yes, thank you Chair. So Mr. DeBonis, and I have asked, I have asked Ms. Leshner this too, I am just curious because I am still kind of familiarizing myself with this process. It seems from the research that my staff has been doing that the EPA is in like not thinking about, like currently, like right this very moment doing like an internal assessment and like a reevaluation of just how horribly toxic and carcinogenic ethylene oxide is, its potential impacts and whether or not to determine whether or not the current EPA standards for such air quality permits are even appropriate based on how, I mean, it just seems that we should, maybe we cannot deny this, but until the EPA comes out and says, okay, we are done with, we have done some more you know, discussions and internally decided, until they figure out what their standards really should be, I think we cannot put the residents of Pima County at risk by allowing this to go forward. So I want to just be real clear that this is a huge risk and we should, we should try to, to hold on to, hold the line a little bit until we get some more clarity from the EPA.

CD: So Madam...

SB: Yes, go ahead. I am not sure we can legally do that, but I think we are trying.

CD: Madam Chair and Supervisor Heinz, so it was 1994 that the EPA designated ethylene oxide as a hazardous substance. The review, there was a review that took place in 2018, and they updated some of the standards around ethylene oxide. Those are the current requirements that we have and from the air quality permit standpoint, the facility is required to go ahead and eliminate or remove 99% of the emissions that occur from their process. So those are the current requirements that we have in place. Along the way in our review, our Department of Environmental Quality is in communication with the Arizona Department of Environmental Quality, EPA, as it pertains to our review, as well as consulting with our County Attorney's Office. So we will continue to act in a manner that is consistent with the authorities that we have and are mindful of whatever limitations there are there within.

MH: Okay and then just I guess kind of a follow-up, perhaps slightly, well, this might separate, slightly separate issue but on ethylene oxide. Assuming this permit has to go forward, is it something and I have asked Ms. Leshar this as well, I think we are still waiting for a formal opinion from the County Attorney, although if Sam Brown has something to tell me about this, please interrupt. Say we have to say okay to the permit, do we have, can we as the County simply say it is not okay in Pima County to store x amount of this material in one location, for example?

CD: Chair and Supervisor Heinz. I have not had that discussion with our County Attorney's staff. Happy to explore that and get back to the Board with a response on that particular question.

MH: Great.

SB: As a follow-up to that, it is not only that, but in the past on some air quality issues ADEQ has overruled the County. Is that something that could happen in this instance and again, that is something I am asking the Attorney. I do not expect an answer now.

SEB: Board Chair, that is something we will certainly look into in our discussions with County Administration. Thank you.

SB: Okay. Any further discussion on this item?

AG: So Chair Bronson, just to be clear, we can expect some additional information to come and do we have an estimate of when we can expect that?

CD: Chair Bronson, Supervisor Grijalva, we are beginning the process to reach out to some of those other agencies that I mentioned, so it may take us a week's time to both get to them and get a response back. We will look to compile something and return it to the Board quickly, understanding the time frame with the closing of the public comment period. The Department of, Pima County Department of

Environmental Quality will be issuing specific responses to all the comments that have been received so we will venture to get something to the Board within the next two-week's time frame, I would suggest.

AG: Okay. Thank you.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Can I ask either Ms. Leshner or Mr. DeBonis, whoever can best answer this. Given that this property lies within the City limits, has staff had any communications with City staff about this project? And any, any concerns that they have raised with you? Because my understanding from Ms. Leshner is that a lot of the strongest potential for decision-making is really in the hands of City government.

SB: That is correct.

CD: Madam Chair, Supervisor Scott, our Department of Environmental Quality Director, Ms. Nelson, has had communications with the Planning and Development Services staff over at the City of Tucson. She has been asked if she would be available to speak if the item were discussed by the Mayor and Council and she has indicated her willingness to do that. I think the characterization of those conversations has been an exchanging of information related to the air quality permit on our side, and then the land use permitting process on the City's side. So I think by, in March, the City has the permitting authority for the facility itself and some authorities as it relates to fire service protection and emergency response. So we will be exploring that aspect of it in more specific detail to bring information back to the Board and we will include any other details that we can obtain from the City departments that are actively part of this process.

SB: Okay. Any further discussion? Thank you, Supervisor Grijalva, for putting this on the agenda.

COUNTY ADMINISTRATOR

38. **Process for Off-Boarding Unvaccinated Staff Who Work With Vulnerable Populations**

Staff recommends directing all Appointing Authorities to draft their Notices of Intent to Involuntarily Terminate and issue them to employees no later than December 20, 2021. Departments schedule Pre-Action Meetings with each employee, allowing a minimum of 30 minutes for each meeting, or longer if warranted. A final Notice of Involuntary Termination to be issued no later than December 31, 2021. Employees are permitted to work during the Pre-Action process; however, in no event later than December 31, 2021.

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
RS: Supervisor Scott
MH: Supervisor Heinz
JL: Jan Leshar, Chief Deputy County Administrator
MM: Melissa Manriquez, Clerk of the Board

SB: Alright, then let us move on to Item 12, Process for Off-Boarding Unvaccinated Staff Who Work With Vulnerable Populations. Staff is making some recommendations. What is the pleasure of the Board on this item?

SC: Madam Chair, hopefully there would be a report from the Acting County Administrator and I have a number of questions based on the process for off-boarding unvaccinated staff who work within vulnerable populations.

SB: Okay. If we are going to have the discussion, we need a motion. I will make a motion to approve staff's recommendations for purposes of discussion. Is there...

RS: Seconded.

SB: Motion and a second. Supervisor Christy.

SC: Ms. Leshar, I have a number of questions regarding your memorandum of process for off-boarding unvaccinated staff who work with vulnerable populations. If you would be so kind, could you define for the public and as well as myself, what the term "off-boarding" means?

JL: It is to, excuse me, I am sorry, Chair Bronson, Supervisor Christy, to remove people either from the position in which they are serving so that they could, if there is a way

that they can work with un, with non-vulnerable populations or to terminate them from County employment.

SC: So would the term firing and termination be just as accurate as off-boarding?

JL: Chair Bronson, Supervisor Christy, yes.

SC: So we could have easily used firing or termination rather than off-boarding potentially? So, we will move on from that. And for clarity, other than the Sheriff's Department Uniformed Correction Officers, what other departments of Pima County employees are considered to be working with vulnerable populations? Just so we are clear on this. Other than the, other than the Sheriff's Department Uniformed Corrections Officers?

JL: Chair Bronson, Supervisor Christy, there are about a dozen departments who have employees who work with vulnerable populations, for example, the Behavioral Health Department is the organization that oversees the health, behavioral health and physical health contract in the jail. So there are individuals within the Behavioral Health Department who work within the jail. There are, for example, individuals who work in animal care, who are out and working within homes without in the community that may be coming in regular contact with those identified as vulnerable populations. We do have some people in the Facilities Management Department, they are for example, people who specifically work in the jail and in confined spaces of those who are identified as vulnerable populations. We have some in the Library or in the Parks Department because they have regular communication at front desk counters or in serving individuals who are within vulnerable populations. So what we did initially was began to reach out to all of the elected and appointed directors and ask each of them, as we move to this process, I will step back a moment and remind us that we began with looking at, at the beginning of the year, the encouragement for people to be vaccinated. We went through a stage where we provided incentives for people to be vaccinated, we looked at disincentives and we are now at the end of this year as we are moving towards a real recognition of what are the requirements for those who work with those vulnerable populations. As part of that process then following that Board's recommendation, we asked all of the elected and appointed department directors who have employees who work with vulnerable populations. It is those individuals who came back to us with a number that was about 2,000, a little over 2,000, who identified as working with vulnerable populations. We, as of this morning, are now down to about 380-386 who are actually still working with vulnerable populations but have not yet been vaccinated.

SC: So getting back to my question, other than the Sheriff's Department Uniformed Correction Officers, the employees that you just cited in those categories, they too are being subject to attention for termination, correct?

JL: Yes, sir.

SC: Okay. Are Sheriff's Deputies exempt from off-boarding?

JL: Chair Bronson, Supervisor Christy, in working with Sheriff Nanos, he did not identify deputies as a category that works regularly or in such close contact with the vulnerable populations that they would be subject to this requirement. It is those correctional officers working in the jail.

SC: So that is why he exempted deputies because he felt that they did not work with vulnerable populations?

JL: Chair Bronson, Supervisor Christy, yes, it is, did not work with vulnerable populations in a manner that did not allow them to provide additional security, distancing, masking, et cetera.

SC: And will the Sheriff's deputies always be exempt from off-boarding?

JL: Chair Bronson, Supervisor Christy, that is a policy decision of the Board.

SC: Okay. And then the roughly 414 identified County employees and this goes back to December 7th, of that 414 identified County employees, how many are full-time?

JL: Supervisor, I am sorry, Chair Bronson, Supervisor Christy, again, as of this morning, there are 386. Fifty-one from the Library Department and 52 out of NRPR, are primarily intermittent or temporary and part-time. I would venture a guess that almost the entire group of that 103 are part-time, but I do not have the specifics. There are a few full time individuals within that group.

SC: Did you provide the Board with those specifics?

JL: Yes, sir.

SC: And of that same number, the roughly the 414, how many are with the Sheriff's Department?

JL: Supervisor Christy, of the 386 this morning who are still unvaccinated, 218 are within the Sheriff's Department.

SC: And within the Sheriff's Department how many are administrative, how many are deputies and how many are uniformed correction officers?

JL: Supervisor Christy, of the 218, 206 are within the classification of corrections officers, correction sergeants, corrections lieutenant or correction substitutes. The remaining, what is that - 12, are in, employees that fall within classifications such as intake support or corrections cooks.

SC: And how many of the vaccinated County employees have been reported as "breakthrough cases" compared to unvaccinated employees since October 4th?

JL: Chair Bronson, Supervisor Christy, we do not have information about who would have been a breakthrough case.

SC: Is there any information that you are aware of?

JL: I do not have that.

SC: Is there a possibility it could be investigated?

JL: Chair Bronson, Supervisor Christy, we can certainly investigate it. I do not know under HIPAA requirements and such what we can crosswalk, but we will be happy to share what other information we can provide.

SC: Alright. Thank you. And one of the justifications for sanctions to be imposed upon unvaccinated County employees was that unvaccinated County employees cost the County's healthcare plan additional expenses. I am sure you remember that discussion we had. I have asked this before, is the County being reimbursed by the Federal Government for the alleged additional costs created by unvaccinated County employees?

JL: Chair Bronson, Supervisor Christy, there is not specific dollars identified for the reimbursement of such. There is obviously significant dollars that have come for a variety of COVID relief efforts into the County but not simply for the reimbursement of health care costs.

SC: Can we pursue that?

JL: We have, excuse me, Supervisor Christy, we have the allocation of first the C.A.R.E.S dollars and some of the ARPA dollars have been used to pay some of those bills. We are happy to get you the report of exactly what that number is.

SC: If memory serves me, the amount that was estimated to be causing, costing the healthcare plan was roughly \$3.2 million. Could you tell me how much of that is recoverable?

JL: Chair Bronson, Supervisor Christy, again we can, you can certainly allocate whatever portion of either CARES or ARPA dollars in the federal dollars to that, should that be the desire to move from General Fund into those different funding sources. So of the \$3.2 million, I am happy to get you what we have historically identified from the CARES Act for reimbursement of those funds.

SC: So it would take Board action to have those funds designated to cover the cost of the increase in the healthcare plan?

JL: If it has not already been done so, and let me look at, provide that clarity of how we have allocated payment of the \$3.2 million.

SC: I would appreciate that. Thank you.

JL: Thank you.

- SC: In your November 19th memorandum, which was entitled Unvaccinated Employees and In-person Face-to-Face Meetings and Settings, you state and I am quoting, “attendance at such meetings or settings by unvaccinated employees must be conducted virtually, regardless of whether all participants are wearing masks.” Since vaccinated and unvaccinated employees have been attending meetings together unsegregated, all wearing masks and since masks we have been told, work, what has changed and can you cite the science behind it?
- JL: Chair Bronson, Supervisor Christy, I cannot cite that science for you. I am happy to get you the reports that are used and all of the information used by both the Health Department and our Human Resources Department when we attempt to identify the policies and the ways in which we can keep both the public that come into the meetings with our employees safe and our employees safe. Everything we do is trying to make sure that we have individuals who will continue to work in the work environment, some are vaccinated, some are not, and we are trying to keep both them safe as well as the individuals coming in. So to sit here today and tell you that I am telling you exactly which report we used to provide which crosswalk with which policy, I do not have. But we have clearly identified a variety of scientific facts over the last several years we have been working with the COVID pandemic.
- SC: Well, it seems like everything was working fine with the employees meeting together in person and even, but now even if they are wearing masks, they are not allowed to meet in person, but masks work, right?
- JL: Chair Bronson, Supervisor Christy, I am not sure which question you are asking there? We have been identifying a way that we can keep our, everything we can do to ensure that both the public coming in for the meetings and our employees are kept safe and can continue to communicate. We do not always know, for example, yes, masks I believe, are a wonderful step in making sure that we do not spread the pandemic. We do not know if it can be used in conjunction with appropriate spacing, what has been done for, you know, the cleaning of facilities, et cetera. It is a tool that is used amongst many to try to spread, to eliminate the spread of the pandemic. By trying to eliminate and provide rules into how we, how we can meet, we are not in any way indicating that we hope that people do not meet. We are not declining meetings. We are trying to just ensure that the public and the people who meet as our employees and with members of the public or with each other, are able to have a safe environment to communicate. Some of it might be virtual, some of it might be in-person.
- SC: It says here regardless of whether all participants are wearing masks they cannot be in the same room, even if they are vaccinated and unvaccinated. So it is very concerning on this issue and I am looking forward to the science that backs up those policies. I would like to briefly read a letter to you Ms. Leshner. It is from the representative of the Sheriff's Labor Association of Pima County. And these are representing, he is representing primarily uniformed corrections officers that work at the Pima County jail, and this association currently has almost 300 members, and the purpose of his letter to me is to address the current vaccine mandate proposed

actions and dire consequences that will most assuredly result. As he states, he says "as of January 1st, all named officers must be vaccinated in order to retain their positions. It is my understanding that over 50% of these officers remain unvaccinated. If the policy remains in effect, and is carried out, the jail will lose over 200 officers at a time that it is already reached critical shortages in manpower. Currently the officers are forced to work overtime shifts to cover this shortage, and it is putting further strain on the officers in system. Additionally if the policy remains with the subsequent terminations there would be further strain on the remaining officers surely resulting in even more voluntary reduction in force. Another concern is, of course, concerns about the well-being and safety of the inmates. If there is not sufficient staffing to maintain current levels of recreation and dayroom times, this will increase inmate tension. Of course, this would certainly lead to the increased danger of inmate unrest, and acting out to officers and fellow inmates. It is well understood that the Board took these steps to avert a perceived public health issue, but the unintended effect of carrying out this mandate would be to create a public safety crisis. It is our request that the Board take another look at this situation, bearing in mind these unintended consequences. We would be happy to provide any documentation. Further we would be willing to subject our officers to weekly testing or any other reasonable measures to address the public health concerns." So with this policy that we are dealing with, let me ask you these questions Ms. Leshner, are the unvaccinated uniformed corrections officers bad people?

MH: Chair Bronson?

JL: Chair Bronson, Supervisor Christy, I do not believe we have a County employee who is a bad person. We have individuals who may have a difficult time separating themselves from vulnerable populations and thus far, the Board has established the policy that those individuals must be vaccinated by January 1st.

SC: Are the unvaccinated uniformed corrections officers bad employees?

JL: Chair Bronson, Supervisor Christy, one of the requirements that this Board has placed thus far and that we are moving forward with action, is to look at providing a requirement to those individuals to be vaccinated as they come in contact with people with, from the vulnerable populations, people within the jail who cannot distance themselves necessarily. The action taken is a requirement and an incentive to look at vaccinating our employees, not a judgment of whether someone is bad or a bad employee. It has to do with the requirements placed by the Board and the Administration regarding a vaccine requirement.

SC: So if they are not bad people and they are not bad employees and we just established earlier that the COVID-19 vaccinations do not stop COVID-19, then why are we firing frontline professionals, career-minded public servants who have pledged their lives in keeping the public safe, and have served the County with selfless distinction and they just received hazardous pay too and hailed as frontline heroes and now they are being forced to leave their careers. And the question I have to ask again, to you Ms. Leshner, is it better in the event of a jail riot or mass breakout that there be a corrections officer who may or may not be vaccinated,

there protecting us? Or is it better to not having a corrections officer there at all to protect the public? That is the core question here and on top of that, there is no sustainable plan to populate the prisons with corrections officers that are going to be leaving. The only plan that I have seen and that this Board has seen, and the community has seen, is an effort to release prisoners. This makes no sense. You are jeopardizing public safety with this plan. We are putting corrections officers at risk. We are putting our community at risk. The worst conditions of a law enforcement job are in the area of corrections and this is fully jeopardizing public safety and not in one iota of all of these off-boarding plans or waterboarding plans or whatever you want to call it, is there any attention being made to public safety and I absolutely abhor this policy. It is bad policy. It is unsafe policy, and it should be reexamined and relooked at, if not voted down completely. Thank you, Madam Chair.

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you so much. I do not know where to start. So, look, if you are going to be a threat to your charges, in this case incarcerated individuals in our jail, you cannot work for the County. We do not want you. Okay? So that is what the problem is. Mr. Christy, you asked are these bad people? Of course I do not believe they are bad people. I think they are making bad decisions and not getting vaccinated in a more timely fashion, but, look in the last week, we had let us see, was it, 265 unvaccinated correctional officers, that was a week ago, we are now down to 218, as we just heard from Ms. Leshers report. Mandates work. They worked at the airlines. They worked for the United States Armed Services. They worked so many places. Raytheon Missile Systems, 14,000 employees, they have to be vaccinated. I have to be vaccinated in the hospital. So the easiest solution is to have the advocate who wrote to you, write to his officers and say yay, you probably should get vaccinated, it is a good idea if you want to keep your job.

SB: Thank you, Supervisor. Any other comments?

RS: Madam Chair?

SB: Supervisor Scott, I think.

RS: Ms. Lesher, my understanding is that you and your team have been working with Sheriff Nanos and his command staff to deal with any potential ramifications for the safety of the jail if there are a large number of corrections officers who lose their positions because they choose to not become vaccinated. Could you detail for the Board the work that you have been doing with the Sheriff and his staff? I appreciated the Sheriff's comments in the Sunday newspaper in support of the Board's policy and I hardly think that the career law enforcement officers on his command staff, including him, would be doing anything to jeopardize public safety. But I would like to hear some details as to the work that you and your team have been doing with the Sheriff and his team.

JL: Chair Bronson, Supervisor Scott, I began talking with Sheriff Nanos and his staff through email and the phone to understand what the impact would be on public safety. I have met with Sheriff Nanos twice in the last couple of weeks. Obviously our hope is that individuals who work within the jail will be vaccinated by the 1st of January. Our conversation has been that the Sheriff is the individual responsible for the jail. That we would not be telling him how to run the jail, what he needed to do within the jail, but that there is a variety of things that we can do within the County and other sections of the County that can in some ways impact who goes in the jail. This is in some ways a continuation of work that was started with the MacArthur grant several years ago as we began to look at what we needed to do to decrease jail population. At the beginning of the pandemic and during I should say, the MacArthur grant, we did see the jail population begin to go down. We saw those numbers decrease again at the beginning of the pandemic and now they have been moving back up. But the people who have been at the table to begin to have a conversation about what could occur, represent Probation Services, Pretrial Services, the Courts, the Sheriff's Department, Tucson Police Department, City Courts, and everyone involved with the criminal and justice system, as well as Public Defense Services and the County Attorney's Office. We do not have, there is no specific recommendations at this point, but that is the group that has come together to begin to see what we might need to do in order to assist Sheriff Nanos and those running the jail to deal with the population side of the equation.

RS: And I appreciate that and I apologize that I have to ask you this next question, but I feel that I need to given the line of questioning that Supervisor Christy was pursuing. Under no circumstances will there be anybody released from the jail if there was a need for that, who is considered by either Sheriff Nanos or the prosecutors involved with any particular case, to be a threat to public safety, is that correct?

JL: Chair Bronson, Supervisor Christy, there would never be anyone released who is believed or thought to be a threat to the community.

RS: Well, I appreciate that because we made the decision a long time ago, that the deputies who work out in, work out in the community would not be part of this policy because they do not work exclusively or primarily with vulnerable populations. We understood from the get-go that this was going to impact mostly the corrections officers within the jail. But it is comforting to me to hear not just those assurances from you but also the statements in support of our policy from Sheriff Nanos and his command staff that are responsible for the safe operation of the jail. And I hope that those statements both today and from the Sheriff over the weekend, gives some assurance to the public that we are taking these actions not only to protect the vulnerable populations that our employees serve, but also as always, to be concerned with public safety and I appreciate your responses.

SB: Okay, any further discussion? Then there is a motion on the floor to approve. Let us do roll call vote.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

MH: Yes.

MM: Supervisor Scott?

RS: Yes.

MM: Chair Bronson?

SB: Yes. By you vote of 4-1, motion carried.

DRAFT



OFFICIAL
CANVASS

VAIL UNIFIED SCHOOL DISTRICT
SPECIAL ELECTION
NOVEMBER 2, 2021

PIMA COUNTY ELECTIONS DEPARTMENT
6550 S. COUNTRY CLUB ROAD
TUCSON, AZ 85756
TEL. 520-724-6830



ELECTIONS DEPARTMENT
PIMA COUNTY GOVERNMENT
6550 S. COUNTRY CLUB ROAD, TUCSON, AZ 85756
(520) 724-6830 FAX (520) 724-6870

November 8, 2021

In accordance with Arizona Revised Statutes, Title 16, I hereby certify the enclosed tabulation is a full, true and correct copy of the Returns of the Special Election held pursuant to Arizona Constitution, Article 7 and Arizona Revised Statutes Title 9, 15 and 16 in and for Pima County, Arizona on November 2, 2021. This tabulation includes all valid ballots cast at said election.

A handwritten signature in black ink that reads "Brad R. Nelson". The signature is written in a cursive style and is positioned above the typed name and title.

Brad R. Nelson, Director
Pima County Elections

**CANVASS INFORMATION
ALL MAIL BALLOT ELECTION
VAIL UNIFIED SCHOOL DISTRICT #20
NOVEMBER 2, 2021**

MAIL BALLOTS PROCESSED

16711 Ballots Processed
16710 Counted
1 Rejected



ELECTIONS DEPARTMENT

PIMA COUNTY GOVERNMENT
6550 S. COUNTRY CLUB ROAD, TUCSON, AZ 85756
(520) 724-6830 FAX (520) 724-6870

October 13, 2021

The Honorable Katie Hobbs
Secretary of State
State Capitol - West Wing
1700 W. Washington
Phoenix, AZ 85007

Dear Secretary Hobbs:

Pursuant to A.R.S. 16-445, the Pima County Department of Elections is filing a backup of the EMS Software and Database that is going to be used on the November 2, 2021 General Election.

If you have any questions, feel free to contact me at (520) 724-6830.

Sincerely,

A handwritten signature in black ink that reads "Brad R. Nelson". The signature is written in a cursive style.

Brad R. Nelson, Director
Pima County Division of Elections

ADDITIONAL REPORTING FORMS

Equipment, Software, Firmware, and Hash Code Certification Statement

I, _____ certify by affixing my signature to this document that all election equipment and firmware, as well as all election management system software to be used in the _____ Election to be held on _____ IN _____ County has been certified for use by the Arizona Secretary of State and that I have compared the hash code on file with the National Institute of Science and Technology (NIST) or the Arizona Secretary of State's Office to the hash code of the election management system software to be used in this election and certify that the numbers are identical. The following is a list of the equipment, firmware, and election management system software to be used in the aforementioned election:

VOTING UNITS

Manufacturer	Model	Firmware Version
_____	_____	_____
_____	_____	_____
_____	_____	_____

CENTRAL COUNT UNITS

Manufacturer	Model	Firmware Version
_____	_____	_____
_____	_____	_____
_____	_____	_____

ELECTION MANAGEMENT SOFTWARE

Manufacturer	Product Name	Version
_____	_____	_____
_____	_____	_____

Brad Nelson

Officer in Charge of Elections Signature

Date

CERTIFICATION BY THE PIMA COUNTY ACCURACY CERTIFICATION BOARD

We, the undersigned members of the Accuracy Certification Board, having been duly appointed for the November 2, 2021 Special Election held in the County of Pima, State of Arizona, on the 5th day of October, 2021 at 9:00am verify the Logic and Accuracy Test ballots as required by A.R.S. § 16-449 for use on the central count systems, adopted pursuant to the Secretary of State's Procedures Manual, do hereby certify to the Secretary of State:

1. THAT the pre-audited group of ballots, prepared pursuant to A.R.S. § 16-449, have been used to ascertain that the equipment and programs, being used in this election, correctly counted the votes cast for all offices and measures;
2. THAT the pre-vote counting test results have been compared with the predetermined correct totals for each office and ballot measure;
3. THAT the cause of any discrepancy was found and corrected; and
4. THAT the Logic and Accuracy Test programs, the Logic and Accuracy test ballots, and the Logic and Accuracy test printed output which were certified as correct by the Accuracy Certification Board were delivered into the custody of the Elections Director or the Office of the Secretary of State.

We declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Paula PCE 10-5-21
Member's Signature Date

Jessica Coronado Oct 5, 2021
Member's Signature Date

Higuera 10/5/21
Member's Signature Date

[Signature] 10/5/21
Member's Signature Date

Member's Signature Date

Member's Signature Date

CERTIFICATION BY THE PIMA COUNTY ACCURACY CERTIFICATION BOARD

We, the undersigned members of the Accuracy Certification Board, having been duly appointed for the November 2, 2021 Special Election held in the County of Pima, State of Arizona, on the 8th day of November, 2021 at 1:45pm verify the POST Logic and Accuracy Test ballots as required by A.R.S. § 16-449 for use on the central count systems, adopted pursuant to the Secretary of State's Procedures Manual, do hereby certify to the Secretary of State:

1. THAT the pre-audited group of ballots, prepared pursuant to A.R.S. § 16-449, have been used to ascertain that the equipment and programs, being used in this election, correctly counted the votes cast for all offices and measures;
2. THAT the pre-vote counting test results have been compared with the predetermined correct totals for each office and ballot measure;
3. THAT the cause of any discrepancy was found and corrected; and
4. THAT the Logic and Accuracy Test programs, the Logic and Accuracy test ballots, and the Logic and Accuracy test printed output which were certified as correct by the Accuracy Certification Board were delivered into the custody of the Elections Director or the Office of the Secretary of State.

We declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Gerardo Nov 8, 2021
Member's Signature Date

efigueroa 11/8/21
Member's Signature Date

David Medez 11-8-21
Member's Signature Date

Member's Signature Date

Member's Signature Date

Member's Signature Date

THERE WERE NO
POLLING PLACES
USED FOR THE
NOVEMBER 2, 2021
SPECIAL ELECTION

PROPOSITION

TEXT

PROPOSITION 487

Shall the Governing Board of Vail Unified School District No. 20 of Pima County, Arizona (the "School District"), adopt Maintenance and Operations budgets which allow the School District to continue to exceed the revenue control limit specified by law in the amount of not more than twelve and one-half percent (12.5%) per fiscal year for fiscal year 2022/2023 and the next subsequent six (6) fiscal years thereafter?

The 2022/2023 proposed continuation of the budget increase of the School District budget will exceed the alternate proposed School District budget by approximately \$3,645,446. The amount of the proposed increase will be based on a percentage of the School District's revenue control limit in future years as provided in Section 15-481(P), Arizona Revised Statutes. Any budget increase continuation authorized by this election shall be entirely funded by a levy of taxes on the taxable property in this School District for the year for which adopted and for six subsequent years, shall not be realized from monies furnished by the state and shall not be subject to the limitation on taxes specified in Article IX, Section 18, Constitution of Arizona. Based on the current net assessed valuation used for secondary property tax purposes, to fund the proposed continuation of the increase in the School District's budget would require an estimated continuation of a tax rate of \$1.68 per one hundred dollars of assessed valuation used for secondary property tax purposes and is in addition to the School District's tax rate that will be levied to fund the School District's revenue control limit allowed by law.

A "yes" vote shall authorize the Vail Unified School District Governing Board to continue/extend the existing maintenance and operation budget override authority and the resulting tax.

A "no" vote shall not authorize the Vail Unified School District Governing Board to continue/extend the existing maintenance and operation budget override authority and the resulting tax.

BUDGET OVERRIDE CONTINUATION, YES
BUDGET OVERRIDE CONTINUATION, NO

PROPOSICIÓN 487

¿Debe la Junta Directiva del Distrito Escolar Unificado Núm. 20 de Vail del Condado de Pima, Arizona, (el “Distrito Escolar”) adoptar Presupuestos de Mantenimiento y Operaciones que permitirán que el Distrito Escolar siga excediendo el límite de control de ingresos especificado por estatuto en un monto no superior a un doce punto cinco por ciento (12.5%) por año fiscal para el año fiscal 2022/2023 y por los seis (6) años fiscales subsiguientes de allí en adelante?

La continuación propuesta del aumento al presupuesto para el año 2022/2023 al presupuesto del Distrito Escolar excederá el presupuesto alterno propuesto del Distrito Escolar en aproximadamente \$3,645,446. El monto del aumento propuesto se basará en un porcentaje del límite de control de ingresos del Distrito Escolar en años futuros, como está dispuesto en la sección 15-481(P) de los Estatutos Revisados de Arizona. Cualquiera continuación del aumento al presupuesto autorizado por esta elección deberá ser totalmente financiada por una recaudación de impuestos sobre la propiedad gravada de este Distrito Escolar en el año en que se aprueba y por los seis años subsiguientes, no deberá realizarse con dinero proporcionado por el estado, y no deberá estar sujeta a las limitaciones de impuestos especificadas en la sección 18 del artículo IX de la Constitución de Arizona. Con base en la actual valoración tasada neta que se utiliza para propósitos de impuestos secundarios sobre la propiedad, para financiar la continuación propuesta del aumento al presupuesto del Distrito Escolar se requerirá una continuación estimada de una tasa de impuesto de \$1.68 por cada cien dólares de la valoración tasada que se utiliza para propósitos de impuestos secundarios sobre la propiedad y es en adición a la tasa de impuestos del Distrito Escolar que se impondrá para financiar el límite del control de ingresos del Distrito Escolar permitido por la ley.

Un voto “sí” autorizará a la Junta Directiva del Distrito Escolar Unificado de Vail a que continúe o extienda la autorización del aumento al presupuesto de mantenimiento y operación existente y el impuesto resultante.

Un voto “no” no autorizará a la Junta Directiva del Distrito Escolar Unificado de Vail a que continúe o extienda la autorización del aumento al presupuesto de mantenimiento y operación existente y el impuesto resultante.

CONTINUACIÓN DEL AUMENTO AL PRESUPUESTO, SÍ
CONTINUACIÓN DEL AUMENTO AL PRESUPUESTO, NO

DRAFT

**ELECTION
SUMMARY**

Summary Results Report
SPECIAL ELECTION
November 2, 2021

RESULTS
VAIL UNIFIED SCHOOL DISTRICT
Pima County

Statistics

TOTAL

Absentee/ Early Precincts Reporting	14 of 15
Registered Voters - Total	44,139
Ballots Cast - Total	16,710
Voter Turnout - Total	37.86%

TOTAL

BUDGET OVERRIDE CONTINUATION, YES	10,841
BUDGET OVERRIDE CONTINUATION, NO	5,843
Total Votes Cast	16,684
Overvotes	2
Undervotes	24
Contest Totals	16,710

DRAFT

**STATEMENT OF
VOTES CAST**

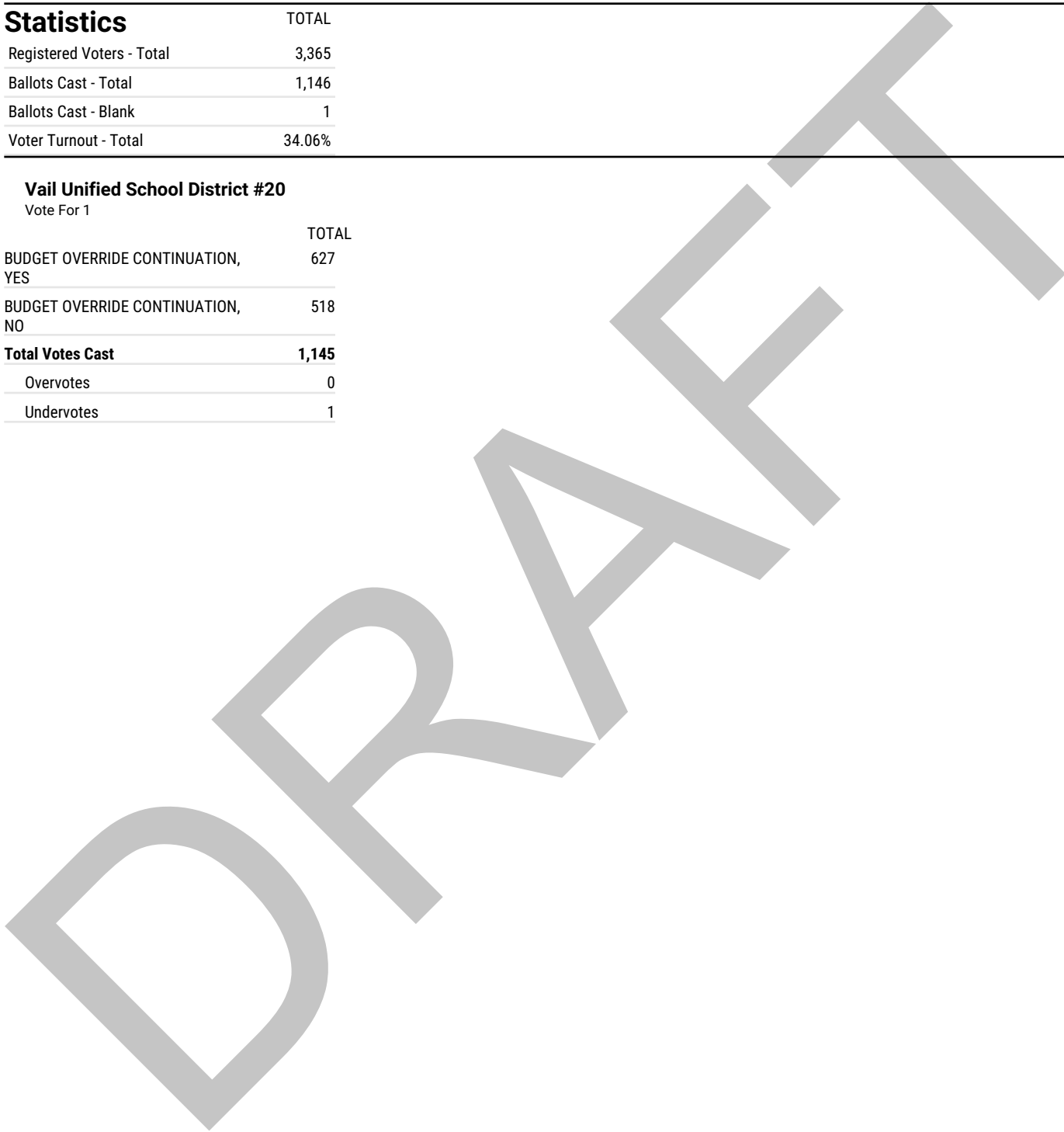
011

Statistics	TOTAL
Registered Voters - Total	3,365
Ballots Cast - Total	1,146
Ballots Cast - Blank	1
Voter Turnout - Total	34.06%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	627
BUDGET OVERRIDE CONTINUATION, NO	518
Total Votes Cast	1,145
Overvotes	0
Undervotes	1



049

Statistics	TOTAL
Registered Voters - Total	1,633
Ballots Cast - Total	596
Ballots Cast - Blank	2
Voter Turnout - Total	36.50%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	392
BUDGET OVERRIDE CONTINUATION, NO	202
Total Votes Cast	594
Overvotes	0
Undervotes	2

090

Statistics	TOTAL
Registered Voters - Total	1,710
Ballots Cast - Total	610
Ballots Cast - Blank	1
Voter Turnout - Total	35.67%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	407
BUDGET OVERRIDE CONTINUATION, NO	202
Total Votes Cast	609
Overvotes	0
Undervotes	1

095

Statistics	TOTAL
Registered Voters - Total	1,431
Ballots Cast - Total	532
Ballots Cast - Blank	1
Voter Turnout - Total	37.18%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	323
BUDGET OVERRIDE CONTINUATION, NO	207
Total Votes Cast	530
Overvotes	1
Undervotes	1

109

Statistics	TOTAL
Registered Voters - Total	5,591
Ballots Cast - Total	2,305
Ballots Cast - Blank	0
Voter Turnout - Total	41.23%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	1,640
BUDGET OVERRIDE CONTINUATION, NO	665
Total Votes Cast	2,305
Overvotes	0
Undervotes	0

114

Statistics	TOTAL
Registered Voters - Total	0
Ballots Cast - Total	0
Ballots Cast - Blank	0
Voter Turnout - Total	0.00%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	0
BUDGET OVERRIDE CONTINUATION, NO	0
Total Votes Cast	0
Overvotes	0
Undervotes	0

176

Statistics	TOTAL
Registered Voters - Total	1,805
Ballots Cast - Total	632
Ballots Cast - Blank	1
Voter Turnout - Total	35.01%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	402
BUDGET OVERRIDE CONTINUATION, NO	229
Total Votes Cast	631
Overvotes	0
Undervotes	1

195

Statistics	TOTAL
Registered Voters - Total	2,120
Ballots Cast - Total	1,142
Ballots Cast - Blank	2
Voter Turnout - Total	53.87%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	725
BUDGET OVERRIDE CONTINUATION, NO	414
Total Votes Cast	1,139
Overvotes	1
Undervotes	2

198

Statistics	TOTAL
Registered Voters - Total	2,156
Ballots Cast - Total	948
Ballots Cast - Blank	0
Voter Turnout - Total	43.97%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	580
BUDGET OVERRIDE CONTINUATION, NO	368
Total Votes Cast	948
Overvotes	0
Undervotes	0

217

Statistics	TOTAL
Registered Voters - Total	4,877
Ballots Cast - Total	1,672
Ballots Cast - Blank	5
Voter Turnout - Total	34.28%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	1,076
BUDGET OVERRIDE CONTINUATION, NO	591
Total Votes Cast	1,667
Overvotes	0
Undervotes	5

218

Statistics	TOTAL
Registered Voters - Total	4,774
Ballots Cast - Total	1,990
Ballots Cast - Blank	3
Voter Turnout - Total	41.68%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	1,420
BUDGET OVERRIDE CONTINUATION, NO	567
Total Votes Cast	1,987
Overvotes	0
Undervotes	3

221

Statistics	TOTAL
Registered Voters - Total	2,460
Ballots Cast - Total	864
Ballots Cast - Blank	0
Voter Turnout - Total	35.12%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	418
BUDGET OVERRIDE CONTINUATION, NO	446
Total Votes Cast	864
Overvotes	0
Undervotes	0

224

Statistics

	TOTAL
Registered Voters - Total	4,826
Ballots Cast - Total	1,661
Ballots Cast - Blank	3
Voter Turnout - Total	34.42%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	1,153
BUDGET OVERRIDE CONTINUATION, NO	505
Total Votes Cast	1,658
Overvotes	0
Undervotes	3

229

Statistics	TOTAL
Registered Voters - Total	4,720
Ballots Cast - Total	1,642
Ballots Cast - Blank	3
Voter Turnout - Total	34.79%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	1,012
BUDGET OVERRIDE CONTINUATION, NO	627
Total Votes Cast	1,639
Overvotes	0
Undervotes	3

249

Statistics	TOTAL
Registered Voters - Total	2,671
Ballots Cast - Total	970
Ballots Cast - Blank	2
Voter Turnout - Total	36.32%

Vail Unified School District #20

Vote For 1

	TOTAL
BUDGET OVERRIDE CONTINUATION, YES	666
BUDGET OVERRIDE CONTINUATION, NO	302
Total Votes Cast	968
Overvotes	0
Undervotes	2

