

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 17, 2024. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair
Rex Scott, Vice Chair
*Dr. Matt Heinz, Member
Dr. Sylvia M. Lee, Member
Steve Christy, Member

Also Present: Jan Leshar, County Administrator
Daniel Jurkowitz, Assistant Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
John Stuckey, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:56 a.m.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Alejandro Beltran, Student, Challenger Middle School.

3. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Peggy Gibson and Nellie Sprunt, proclaiming the week of September 17 through September 23, 2024 to be: "CONSTITUTION WEEK"

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Christy made the presentation.

5. Presentation of a proclamation to Jessica Ogiba and Ed Anderson, proclaiming the month of October 2024 to be: "EMPLOYEE OWNERSHIP MONTH"

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Christy made the presentation.

6. Presentation of a proclamation to Carolyn Campbell, Coalition for Sonoran Desert Protection, proclaiming the day of Saturday, September 21, 2024 to be: "CAROLYN CAMPBELL APPRECIATION DAY"

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

7. Presentation of a proclamation to Richard Noel and Ron Burton, Drum Up for Peace Tucson, proclaiming the day of Saturday, September 28, 2024 to be: "INTERNATIONAL PEACE DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Chair Grijalva made the presentation.

8. Presentation of a proclamation to Marjava Ramirez, Gilbert Ybarra and Ana Camarillo, Pima County Toy Drive Campaign Committee; Alejandra Baltazar Carlat, Director, and Chuck Peralta, Recreation Aide, John Valenzuela Youth Center; Frank Garcia, Fernando Bonillas, Tim Rodriguez and Ray Wilson, Officers, Stylistics Car Club, proclaiming October 7 through December 6, 2024 to be: "ANNUAL TOY DRIVE DAYS IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Lee made the presentation.

9. **CALL TO THE PUBLIC**

Mike Aaron addressed the Board regarding his frustration with Sheriff Nanos' handling of a rape investigation that involved a female sheriff deputy and highlighted multiple policy violations by law enforcement. He stated that the Pima County Deputies Organization had a lack of confidence in Sheriff Nanos and urged the community to contact Sheriff Lamb to take action and hold those accountable.

Nelida Sprunt spoke about her journey of becoming a legal immigrant and adapting to life in the U.S. through hard work and learning English, emphasized her belief in respecting American laws and for others to respect her native country. She urged Chair Grijalva to reflect on the power of her words, calling an end to hate speech.

Gisela Aaron stated that she was also a legal immigrant and supported the comments made by Ms. Sprunt. She condemned Chair Grijalva for her social media post and for her failure to uphold standards of civility that she spoke about at the start of Call to the Public. She expressed her support of Val Romero for District 5 Supervisor, expressed concerns related to election integrity and that the Democratic Party was a threat to the Constitutional Republic.

John Backer addressed the Board regarding Chair Grijalva's social media post and emphasized that vulgar and hateful comments had no place in society and contributed to a culture of division. He also wished her father well.

Steve Wilck spoke about a memorable reggae concert at the Hopi Community Center in June 1984, where Freddie McGregor engaged the audience.

Cory Stephens expressed her frustration with Chair Grijalva's social media post and that hate speech was a direct threat to the Constitutional Republic. She labeled her actions hypocritical and compared her to a third-world dictator.

Anastasia Tsatsakis voiced her opinion on Chair Grijalva that she violated the constitutional rights of County residents and betrayed the trust of her constituents. She stated that she incited violence and division through her actions and social media posts, called on her to apologize and expressed her intent to ensure her removal from office.

Kristi Broderick addressed the Board regarding Chair Grijalva's social media post which she felt targeted President Trump and his supporters and deemed it inappropriate for an elected official. She urged Chair Grijalva to apologize to Trump supporters in the County and stressed that integrity was vital for leadership.

Tim Laux spoke about Chair Grijalva promoting peace while suggesting her disappointment over Trump's survival after an assassination attempt. He criticized the Democratic Party's history, called for Chair Grijalva to demonstrate professionalism and claimed her actions fostered division rather than unity.

Shirley Requard referenced a time when Chair Grijalva sternly warned her not to use a specific word while she had now posted a slanderous remark about former President Trump. She stated that her behavior failed to set a good example and violated County ethics.

Daniel Butierez spoke in opposition of Minute Item No. 37 and stated that issues at the border, which included illegal entries and drug smuggling had been ongoing, He noted his motivation to run for Congress.

Robert Reus addressed the Board regarding his confusion over the "Make America Great Again" slogan, and that America was never truly great during slavery, Jim Crow or the mistreatment of Native people. He called the Republican presidential candidate a classic federalist compared to a conservative, pointing to his policies.

Dave Smith expressed frustration over recent political tensions and a lack of decorum from Chair Grijalva, referencing her social media post. He advocated for change in upcoming elections.

Sharon Greene shared the thoughts of Doctor Rich Swire that he had written in his book, "The Conscience of a Conservative."

Raf Polo spoke about being a Cuban immigrant and former Navy member, and condemned Chair Grijalva's post. He stressed that such statements could incite violence in Cuba.

Isabel Garcia spoke in support of the Stop the Hate pledge and criticized the hypocrisy she witnessed. She noted that the Wall Street Journal had shown the economy was thriving due to immigrant workforce.

Christine Bauserman addressed the Board emphasizing the need for accountability regarding Chair Grijalva's actions and noted the division within both political parties. She raised concerns about election integrity, regarding voter registration and processing errors with federal-only ballots and intended to share a report on these issues.

Malinda Sherwyn shared a message from former President Trump about prosecuting those involved in election fraud, including lawyers and corrupt officials, to prevent the country from declining. She criticized Chair Grijalva for electioneering during work hours and mentioned ongoing ethical violations in Tempe.

Roger Score spoke about Chair Grijalva aligning with figures like Dick Cheney and accused local officials of being puppets for the media and powerful interests. He expressed concern over his grandchildren being sent home from school due to threats and stressed the need for increased security at schools.

Paula Butierez expressed sympathy for Chair Grijalva's father's health, but questioned his absence and lack of engagement during the campaign. She stated that Pima County residents deserved to see and hear directly from their candidate.

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Chair Grijalva stated that she would not apologize for her social media post, and called it hypocritical given Trump's inflammatory remarks. She stated that she would acknowledge wrongdoing if Trump apologized for his comments about various groups. She committed to being more cautious in sharing social media posts to avoid causing harassment from outside her District and the State. She clarified that Minute Item No. 37 pertained to the acceptance of a grant that involved federal tax dollars.

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10. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to convene to Executive Session at 12:23 p.m.

11. **RECONVENE**

The meeting reconvened at 12:41 p.m. Supervisor Heinz was not present. All other members were present.

EXECUTIVE SESSION

12. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding a proposed settlement in Julie Pitz v. Pima County, et al., Superior Court Case No. C20220730.

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

BOARD OF SUPERVISORS

13. **Board of Supervisors Representative Updates on Boards, Committees and Commissions and Any Other Municipalities**

Supervisor Christy stated that his office had developed a method for constituents in the Southeast Region of Pima County and District 4 to come together as a community to discuss issues with County officials, Administrators, and State and Federal officials on a regular basis. He explained that it allowed the community to address their concerns in a forum and to engage directly with representatives from the appropriate agencies. He stated that they had undergone several changes since its founding in 2017, formerly known as the Southeast Regional Council (SERC), but was rebranded as the Southeast Area Council. He explained that they had recently completed their Articles of Incorporation and continued their mission as a liaison with various government agencies at the State, Federal, City, and local levels. He stated they aimed to gather information and disseminate news, keeping residents of the southeast area informed and engaged, similar to the Green Valley Council. He stated that it was a new iteration, however, the mission was the same. He expressed appreciation for the County Administrator and officials who had participated in discussions with the council, highlighting the helpfulness. He stated that the organization aimed to expand its role and foster a more democratic engagement similar to what existed in Green Valley, and he looked forward to the next step and to further developments as a community entity.

Supervisor Lee stated that last week, they held an in-person meeting with the Arizona Border Counties Coalition, which included representatives from Pima, Yuma, Santa Cruz, and Cochise Counties. She stated that they bid farewell to two valued colleagues, Anne English who had not sought another term and was thanked

for her longevity and all her support for the Border Counties Coalition, and Bruce Becker who unexpectedly lost his primary election, but was a big advocate of the border communities. She noted that during the meeting, they discussed a presentation by Luis Ramirez, a consultant for the ports who focused on economic development and they planned a trip to Santa Cruz, Cochise, and Yuma to observe the ongoing changes and construction at the ports, which had received significant federal funding, which was a major investment for the Counties. She explained that they were going to widen the ports, which would include additional lanes, and invited her colleagues to join the trip.

Supervisor Scott stated that the next RTA Board meeting would take place on September 26, 2024, which was before this Board's next meeting and reminded his colleagues to share any input they had regarding the RTA Next Plan, that was discussed by General Maxwell during his presentation.

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

14. **Community Food Bank of Southern Arizona Presentation**

Presentation of Malea Chavez, Chief Executive Officer of the Community Food Bank of Southern Arizona, to provide an update on the Community Food Bank and an overview of the services it offers. (District 5)

Malea Chavez, Chief Executive Officer, Community Food Bank of Southern Arizona (CFBSA), provided a slideshow presentation and explained that they were one of four official Feeding America food banks in Arizona, the only one in southern Arizona, and were recognized as the Food Bank of the Year in 2018. She explained that recent statistics revealed that one in eight individuals in Arizona experienced hunger and food insecurity, with one in five children affected, making Arizona the 18th highest in the country. She stated that according to the Department of Economic Security and the U.S. Department of Agriculture nearly one million people in Arizona faced food insecurity and 300,000 children. She highlighted their work over the past year, noting that there was over 100,000 hours of volunteer time that had been contributed by the community and they packed more than half a million emergency food assistance boxes. She stated that in Pima County there was a 25% increase in assistance, and they also served over 23,000 square miles that covered Pima, Santa Cruz, Graham, Greenlee and Cochise Counties and partnered with over 400 agencies to reach those in need. She focused on work that was conducted in Pima County and expressed her gratitude for the ongoing support received from the Board over the years. She stated they had emergency food box programs available in Tucson, Green Valley, Amado, and Marana, as well as a child nutrition program that operated in schools, after-school programs, libraries, and family resource centers. She added that they had the Caridad Community Kitchen, which provided thousands of meals for seniors and community partners, which included shelters and the unhoused community. She explained that their emergency food assistance programs utilized multiple models, from on-site distributions at their Country Club location to mobile distributions in areas like Avra Valley, Picture

Rocks, and Ajo. She stated that in the past year, Pima County distributed over 26 million pounds of food, while the combined total for Graham, Greenlee, Cochise, and Santa Cruz Counties was approximately 7 million pounds, and that the bulk of their work was in Pima County and the surrounding areas which amounted to about 218,000 households, or 715,000 individuals, and reiterated that it was a 25% increase in Pima County and a 22% increase across all five counties served. She referred to the slide which showed their top five biggest partners and acknowledged Interfaith Community Services (ICS), as one of their largest partners, particularly in supporting home delivery services for homebound individuals. She stated that their other key partners were Caring Ministries, Gap Industries, Sahuarita Food Bank and Community Resource Center, and the Greater Vail Resource Center that helped reach the community in that area. She stated that their distribution partner sites were the Gabrielle Giffords Resource Center at Country Club, the Green Valley Resource Center and the Amado Resource Center, and their monthly mobile distributions were 369,000 pounds of food that went through Ajo, Picture Rocks, Avra Valley and Tucson House, which was a joint program with the City of Tucson. She added that they served over 706,000 pounds of food in Green Valley that benefited about 7,600 households or 26,790 individuals, in Amado they distributed 525,000 pounds of food reaching 5,638 individuals or 17,000 households, and in Marana they distributed 719,000 pounds of food for 10,209 households or 36,000 individuals. She explained they had 26 school pantry programs across the County that served about 3,000 children or about 525,000 meals. She stated that they were expanding partnerships and pantry services to include Cholla High School, Roadrunner Elementary School, and the Children's Advocacy Center. She added that the Caridad Community Kitchen provided seniors with hot meals and grab-and-go options that served about 1,500 meals daily which was in partnership with Catholic Community Services, Lutheran Social Services, and ICS. She went over the new programs in Marana and a recent partnership with Roadrunner Elementary for a mobile distribution on site that took place on the third Wednesday of each month. She added they had garden education at Quail Run Elementary School and there was one planned for Marana High School. She noted an expansion of services at the Marana Family Resource Center, which supported temporary emergency food distribution and garden projects. She stated that they were working with the Yoem Pueblo Community, Pascua Yaqui Tribe on their new resource center, and indicated plans to establish a pantry on-site once the center reopened.

Claudio Rodriguez, Vice President, Policy and Advocacy, CFBSA, stated that their work was vast and went beyond providing food by strengthening the food system and connecting with farmers and facilitating economic development across southern Arizona. He explained that their programs allowed small gardeners to sell their excess produce for extra income and increased access to generating healthy food, which meant that individuals who grew their own food would eat it. He added they also had a partnership through the County with Las Milpitas Community Farm where they trained, developed and built capacity amongst neighborhood members to grow their own food. He stated that they provided the seeds, water and the County provided the six-acre land for the farm. He added that they also had a cultivator program designed to help participants scale up and learn how to grow and

provide more food to restaurants, hospitals, and schools, which created a pipeline for economic development and positive change to the food system.

Supervisor Scott thanked Ms. Chavez and her colleagues for all of their dedicated work in the community. He asked about the organization's greatest needs moving forward, the plans to address those needs, and how the County could assist.

Ms. Chavez responded that the largest need was resources for purchasing food. She stated that they advocated at the State level to secure more investment in the true cost of food, rather than solely relying on the USDA to fund the emergency commodities programs. She explained that locally, they often faced gaps in service when demand exceeded supply, so those increased needs would be their focus for the coming year. She stated that they strengthened their procurement and sourcing team to help secure more donations and grants for that purpose.

Supervisor Scott asked what key pieces of legislation they would pursue for the next session in case there was a possibility of coordinating with the County's lobbying team given the important role that the food bank played throughout the County.

Ms. Chavez responded that she would provide an updated list after their meeting with the Arizona Food Bank Network where they would come to an agreement on what those initiatives would be that they would support locally.

Mr. Rodriguez added that they had successful partnerships with State representatives, including Congressmen Grijalva and Ciscomani, by providing tours to enhance the understanding of the local food system, and Congressman Ciscomani had been supportive in advocating for changes and not restricting access to food within the district especially to seniors and veterans. He stated that they also worked with local representatives to advocate for the farm bill, despite its pushback. He shared that they had recently met with USDA Secretary Vilsack and indicated positive developments regarding connecting farmers to markets.

Supervisor Lee expressed appreciation for the efforts in the rural areas, particularly in District 3, which included Ajo, Amado, Arivaca, Three Points, Robles Ranch, and Marana. She acknowledged the challenges after Marana's split a year prior, but expressed satisfaction with the ongoing mobile services and the provision of food boxes to those communities.

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

COUNTY ADMINISTRATOR

15. Pima County Housing Trust Fund - Funding Options

Discussion/Direction/Action regarding initial options, including the pros, cons, and legal requirements for a dedicated funding source, or sources, to achieve annual

revenues of at least \$10 million per year for affordable housing development and preservation starting in Fiscal Year 2026.

Jan Leshar, County Administrator, stated that during a meeting in July, they were tasked with exploring options, the pros and cons, for increasing the funding for affordable housing from the allocated \$5 million of PAYGO to \$10 million. She explained that the item outlined three options and their possibilities, whether it be for an increase in the primary property tax rate as a general sales tax, or general obligation bonds. She stated that the pros and cons were included for each, which included costs and how to move forward. She stated that the Board could provide staff direction to expand the dollars or on how to proceed.

Supervisor Heinz thanked staff for their review and shared his opposition to sales taxes, as it was regressive and that bonding did not provide ongoing funding, which left them with primary property tax and/or adjustments to the PAYGO formula as viable options. He stated that the cost would be approximately \$0.85 per average homeowner per month to raise an additional \$5 million for affordable housing, emphasizing the importance of this initiative, however he acknowledged a reluctance that anyone would support an increase in taxes. He suggested directing staff to propose a specific adjustment to the PAYGO formula necessary to increase funding to \$10 million without affecting capital projects funds, and have it completed in a couple of months. He indicated interest in hearing his colleagues' thoughts on the matter.

Supervisor Scott stated that his insights were influenced not by the memorandum attached to the item, but by the County Administrator's Memorandum dated September 6, 2024, titled, Pima County Regional Affordable Housing Commission (RAHC) and Related Activities. He referenced page two, under Strategic Planning, which indicated that the RAHC appointed a workgroup made up of four of their members and discussed goals and expected outcomes for the work group, which included a topic related to this item of "identify diverse and sustainable affordable housing funding strategies" and others. He hoped that the work group would explore and consider other factors besides the options laid out in the staff memorandum. He voiced his appreciation for the broad cross section of the community the workgroup was made up from, including Mr. Clark, Pima Council on Aging; Mr. Litwicki, Old Pueblo Community Services; Mr. Godlewski, Southern Arizona Home Builders Association, and Ms. Heddings from the Land Trust. He indicated interest in reviewing their recommendations on this item and sought clarification on whether the work group would provide their recommendation to County Administration before being presented to the Board.

Ms. Leshar clarified that the workgroup would provide their recommendation directly to the Board.

Supervisor Scott responded that he was unsure because items were sometimes submitted to County Administration before the Board and did not know how the workgroup was configured.

Ms. Leshar responded that it was a dual approach, where the Commission's recommendations would be presented to the Board for feedback while also incorporating staff input to help adjudicate the issue.

Supervisor Scott noted that in the same section of the memorandum it indicated that the Directors from Community and Workforce Development (CWD) and the Office of Housing Opportunities and Homeless Solutions (OHOHS) would also be collaborating with the workgroup.

Supervisor Lee stated that she had the opportunity to meet with Michael Slania, the Industrial Development Authority Attorney, and had asked him a very specific question. She stated that while she served on the Board at Pima College, they had leveraged dollars for new buildings, such as the automotive technology building, the manufacturing building, and for renovations in Health Services without voter approval. She stated that after her inquiry with Mr. Slania he indicated that in 1992, Pima County and the Arizona Municipal Property Corporation (AMPC) issued its revenue bonds based on a lease with Pima County, the payments of which secured the bonds. She stated that the AMPC had been created by Pima County as a nonprofit corporation taxed under the IRS revenue ruling. She explained that the bonds would be based on the County's credit and be tax-exempt. She added that she had attached excerpts from attorneys regarding this funding approach. She stated that it would be worth exploring this alternative and reiterated it might differ from what Pima College used for their capital, but they had approved it without needing to go to the voters and felt there was another way to accomplish this.

Supervisor Scott requested that the information brought up by Supervisor Lee be provided to the four-member workgroup.

Chair Grijalva asked whether the Board wanted to direct staff to continue to explore the ideas related to PAYGO or discuss in more detail the other funding options.

Supervisor Scott stated that his preference was for staff to continue the work outlined in the September 5th memorandum with the workgroup and both the department directors involved could take into account the options in the memorandum attached to this item, including Supervisor Lee's idea. He stated that the workgroup might have other ideas based on what other communities across the country were doing and that this was where the work was already going to be happening.

Supervisor Christy requested that if an analysis of utilizing PAYGO was completed for the end result, that it included an impact statement/analysis of how it would affect the road repair plan.

Chair Grijalva stated that this item was for direction in general and to move forward with those recommendations, as stated by the Board.

Supervisor Scott concurred.

No Board action was taken.

DEVELOPMENT SERVICES

16. Final Plat With Assurances

P23FP00015, Rocking K South Neighborhood 5 Parcel H, Lots 1-21, Common Area 'A' & 'B'. (District 4)

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

17. Final Plat With Assurances

Resubdivision, P24FP00001, Star Valley Block 3, Phase 2 Lots 1-85, Common Area "A1-A5", "B" & "C". (District 5)

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

18. Final Plat With Assurances

P24FP00006, Rocking K South Neighborhood 5 Parcel I, Lots 1-174, Common Area 'A' & 'B'. (District 4)

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

ELECTIONS

19. Election Integrity Commission (EIC) Recommendation to Support AVID Funding

The Election Integrity Commission recommends the support of funding AVID through the use of Arizona State general election funds and that a formal recommendation be sent to Governor Hobbs, on behalf of the EIC.

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

Supervisor Christy stated that he did not object to having the State fund AVID and its involvement in the project, however, he questioned whether Theelios from the Recorder's Office had access to AVID.

Jan Leshar, County Administrator, responded that she was unsure, but would provide that information to the Board.

Supervisor Scott expressed appreciation for the Election Integrity Commission's (EIC) recommendation and noted that they frequently had discussions regarding state cost shifts or unfunded mandates. He stated that it was an opportunity for the State to assume costs borne by Counties. He expressed gratitude on the recommendation from the Governor's task force and highlighted the EIC's unanimous recommendation.

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

FINANCE AND RISK MANAGEMENT

20. Monthly Financial Update

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

Jan Leshar, County Administrator, stated that the County had been transitioning to a new computer system, which meant that the financial update was not as comprehensive as normal for the second meeting of the month, and as a result, they would be providing an additional update at the first meeting in October to allow the system time for the transition.

Ellen Moulton, Director, Finance and Risk Management, provided a slideshow presentation and stated that the financial update focused on three areas, including the economic decision guide and memorandum, an update on vacant positions and the related policy, and an overarching budget timeline. She explained that for the economic decision guide, they reviewed six indicators for which they monitored, noting that three of those had remained unchanged since the last quarter. She stated that gasoline and unemployment had improved, moving to a stage one and shifted from unfavorable to stable, which was encouraging news. She stated that overall, they believed the economy remained at a stage one trigger with slight improvements noted over the last quarter. She indicated that they would focus on two key indicators that were closely monitored, the first being inflation. She referred to the slide which showed a significant spike in the middle of the graphic from 2021, 2022, and early 2023. She stated that currently they were slightly above the federal target, but improvements were being observed and expected to drop below the federal target in early 2025, according to economists which was positive news. She explained that the next area of focus was on housing, particularly housing affordability, which was represented as a red line on the slideshow and indicated it was the percentage of houses that were affordable to families earning the local median income. She noted that the data showed an unfavorable trajectory through 2023, which was the last full year of available information, but they would continue to monitor this indicator and it would be included in future economic decision guides. She stated that the next slide dealt with vacant positions and that the Board

had approved a new policy, D 22.6, which became effective July 1st as well as Administrative Procedure 22-84. She explained that both had been implemented and that the policy called for the elimination of positions that had been vacant for more than 240 days, with the first elimination period set for October 1. She stated that at the end of August, a memorandum was provided to the Board and to all directors or elected officials with positions subject to elimination, which allowed them the opportunity to review and appeal if desired, according to the policy and procedure to appeal. She referred to the graphic on the slideshow which displayed 55 positions in the general fund, 43 in non-general fund departments, and 58 grant-funded vacant positions. She stated that all appeals by elected officials and department directors were to be submitted to Administrator Leshner or the Deputy County Administrators by the prior Friday, they were in the process of reviewing those appeals and anticipated completing the adjudication by the end of the following week, so that by October 1st any positions not appealed or whose appeals were denied would be eliminated and a report would be presented to the Board which detailed the affected departments, positions and their associated values.

Chair Grijalva stated that she did not see the value in eliminating grant funded positions, unless there was an explanation of a match fund or other way it was going to be in the positive for the budget. She stated that it did not make sense to her because if those were positions that needed to be filled in order to spend down those grants, and the positions were eliminated, then the funds would not be spent down.

Ms. Leshner explained that the vacancy update for grant positions was primarily used to assess whether they met the spend rate for the grants and were generally appealed for that specific reason, as they were grant funded. She stated that it was different in that it did not affect the general budget but if a grant-funded position had been vacant for over a year they would need to review the status of the grant and how to fulfill it. She stated that it was used as a tool to identify hard-to-fill positions and how to address them.

Chair Grijalva stated that they outlined the grant funded positions and were monitoring them to ensure the programs would be able to spend down the funds.

Ms. Leshner responded in the affirmative.

Chair Grijalva stated that it was difficult to ask for additional grant funding if funds awarded had not been fully spent. She requested information on the budgets for the non-general fund positions, stating she had similar questions and concerns as with grant-funded positions, but wondered the outcome of them not returning to the General Fund.

Ms. Leshner stated that information could be provided to the Board. She explained that departments like Regional Wastewater and much of the Health Department operated with Special Revenue Funds, which were monitored similarly to ensure consistency in employee management across the County.

Chair Grijalva clarified that the main focus was on the General Fund.

Ms. Leshner responded in the affirmative.

Supervisor Scott stated that he had a question about grant funded positions regarding the new policy and that it was pointed out that while those positions were a relatively small percentage of the total workforce, they made up a large percentage of the vacant positions. He requested that the update provided on October 1st include an explanation of how the issue of grant funded vacant positions would be addressed as well as any exceptions that were granted. He stated that when the Board approved the policy there was an understanding that exceptions would be rare, but he wanted to know when they had been granted and the reasons for them.

Ms. Moulton stated that the last slide dealt with the budget timeline. She explained as noted by Administrator Leshner, the County implemented a new financial ERP system alongside a new budgeting system called Adaptive which was where all forecasting and budget creation would occur. She stated that they were a couple of weeks behind in its implementation, which was why the full financial report was not included, but they were working to catch up and would provide an update on October 1st with regular updates to follow. She explained that the timeline displayed was a general one used in previous years, but a more detailed timeline would be provided to department directors in the coming weeks. She explained that from November through January, departments would create and submit their budget requests to County Administration, in February and March, County Administration would review the budget, supplemental requests, and the capital program to prepare the recommended budget, which would be presented to the Board in April. She added that the tentative budget would follow in May and the adopted budget shortly thereafter. She reiterated it was a general timeline that would be used again.

Supervisor Scott inquired about a memorandum that was expected to be sent to the Board this month regarding the initial implementation steps for the Prosperity Initiative and asked if that timeline was still on track and requested that the memorandum also address how the Prosperity Initiative policy framework would impact the current budgetary cycle.

Supervisor Christy stated that an update should be provided to the Board prior to the meeting, to allow them time to go through the update in case there were any more questions rather than the way it was presented on this day. He stated that there was an October 1st deadline but hoped it could be provided earlier than that so that Board members had an opportunity to digest it and allow the data to be compiled from the new system.

Ms. Leshner reminded the Board that as they moved through the transition of the ERP system, they were slowly entering that data into the new system, but confirmed Supervisor Christy's request to receive the information prior to the meeting.

Supervisor Heinz sought clarification on the status of inflation, noting that it was described as stable and asked what constituted a favorable inflation. He noted that if it kept going down that was positive.

Ms. Moulton confirmed that inflation continued to tick down and level off. She stated that it was not trending upward, which would be unfavorable, and that the continued downward trend was considered stable and a positive development.

Supervisor Heinz stated that the options were either stable or unfavorable and asked for clarification if there was a favorable option.

Ms. Moulton confirmed that the criteria being used at that point were stable or unfavorable.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

21. Single Family Mortgage Revenue Bond Program

RESOLUTION NO. 2024 - 54, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima and the Single Family Mortgage Revenue Bond Program of 2025 of the Industrial Development Authority of the County of Pima (which may also include the Industrial Development Authority of the City of Tucson, Arizona); approving standards and requirements related thereto; approving a general plan related thereto; approving program documents related thereto; and authorizing and approving the issuance of its not-to-exceed \$150,000,000.00 Single Family Mortgage Revenue Bonds, in one or more series or subseries; and declaring an emergency.

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

Supervisor Christy asked if a representative was in attendance.

Chair Grijalva responded in the affirmative.

Supervisor Christy stated that he wanted to discuss various perspectives in regards to subsidizing public housing, rent, and rent controls within the housing industry. He sought clarity on the confusion surrounding those issues, particularly regarding feedback from housing authorities and industry professionals. He noted that some had indicated that providing funds for down payments on mortgages could increase homeownership opportunities. He expressed concern that, with limited inventory, it could lead to rising prices as more buyers competed for the few available homes. He asked if Mr. Slania had encountered similar viewpoints.

Michael Slania, Attorney, Slania Law, stated that they had not and acknowledged that, on behalf of the Industrial Development Authority, they were aware of the inventory issue. He noted that Pima County lacked a sufficient number of affordable homes and the demand for such housing had increased over the past couple of years.

Supervisor Christy inquired whether offering down payment assistance might lead to more buyers entering a market with an already limited inventory.

Mr. Slania clarified that there had not been a difference in home costs for first-time homebuyers participating in the program. He explained that it was a first-time homebuyers program and the availability of the program did not affect home prices. He stated that funding was typically distributed in \$25 million tranches, which would finance around 100 homes out of the total available amount. He stated that there was no difference in home prices based on the availability of loans, and that for the next three months after the program's completion, down payment assistance would remain unchanged. He noted that there were various down payment assistance programs available, which included options through federal and state agencies, as well as specific programs offered by some lenders.

Supervisor Christy questioned if the availability of funds to assist first-time homebuyers with down payments was commensurate to the available inventory.

Mr. Slania responded that there was no direct relationship to the inventory and that there were federal tax requirements that governed the income and purchase price for first-time homebuyers. He explained that if buyers found and qualified for homes, they would have access to the assistance. He stated that the lenders worked with buyers to determine their eligibility for down payment assistance, but the agency only knew what the lenders reported about what was available. He stated that \$150 million had been allocated in the past year and a half, but it coincided with significant housing appreciation nationwide, which did not attribute to their efforts.

Supervisor Christy asked if the appreciation observed was not related to an increase in the number of people that were able to purchase those homes. He clarified that when prices increased, it usually suggested there was less inventory and greater demand.

Mr. Slania responded in the affirmative.

Supervisor Christy stated that while down payment assistance could be provided, it had no impact on the appreciation of home values.

Mr. Slania responded that no study had shown that down payment assistance impacted overall housing prices.

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

CONTRACT AND AWARD

Community and Workforce Development

22. Southwest Nonprofit Housing Corporation, Rio Azul Apartments, L.L.C., to provide for an Affordable Housing Gap Funding Agreement and Affordable Housing Restrictive Covenant for the Rio Azul Apartments Project, General Fund, contract amount \$1,000,000.00 (PO2400003678)

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

23. Aspire Business Consultants, Inc., Amendment No. 1, to provide for financial accounting and reporting services - Pima Vocational High School, extend contract term to 6/30/25 and amend contractual language, State Equalization Fund, contract amount \$35,000.00 (CT-23-346)

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

Chair Grijalva asked whether the contract was being extended, even though Pima Vocational was no longer in existence and if this would be the final year of payment for the financial and accounting services.

Jan Leshar, County Administrator, responded in the affirmative.

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

Conservation Lands and Resources

24. Arizona Game and Fish Department, Amendment No. 1, to provide for fence installation and surveys at abandoned mine features at Tucson Mountain Park, extend contract term to 10/1/25 and amend contractual language, no cost (PO2400006252)

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

Detainee and Crisis Systems (formerly Behavioral Health)

25. Old Pueblo Community Services, to provide for Opioid Abatement Funding - Coordinated Reentry Planning Services Programs, Attorney General State of Arizona Opioid Abatement Grant Fund, contract amount \$249,000.00 (PO2400000685)

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve Minute Item Nos. 25, 26, and 27. No vote was taken at this time.

Supervisor Christy asked to what extent these three programs/entities interfaced with the Pima County Transition Center. He stated that they all seemed to be related and that it would be very beneficial if there was coordination with the transition center. He also asked about the direction of these three programs and the status of whether they were currently interfacing.

Jan Leshner, County Administrator, stated that these were a blend of programs, but that staff could address these programs, and the Inmate Navigation, Enrollment, Support and Treatment (INVEST) Program and the coordination overlap with the transition center.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that in April the County Administrator provided a memorandum to the Board, that notified them the Behavioral Health Department had been awarded with the Opioid Abatement Award, specifically to provide for their medication assisted treatment in the jail setting, at that time, it was conveyed that there would be three contracts forthcoming which were being considered today. He explained that the Old Pueblo Community Services (OPCS) contract was to provide actual residential in-house services for individuals within the jail, and then released, but then needed to continue to have residential treatment after their release from the jail setting. He stated that the LeCroy & Milligan Associates, Inc. contract was for longer or an intermediate term housing for some of the individuals that had completed the residential inpatient treatment to move into a community setting. He stated that the Community Bridges, Inc. contract was an evaluation contract required by the funder, the Attorney General, for their portion of the Opioid Abatement Fund. He stated that this single program was about people that were within the facility and slightly different from the individuals served by the transition center, but although certainly complimentary to them.

Steve Holmes, Deputy County Administrator, explained that there had been a coordinated effort between what was formerly known as Behavioral Health and that much of their work with these entities were for individuals who stayed longer in the jail. He stated that the transition center focused on people that were entering and leaving within the 24 to 48 hours, and did not actually receive any type of release planning services. He added that they were really trying to focus on not overlapping services, but these entities worked with them in the transition center and when they first opened the Mission Annex, Community Bridges was also there working with individuals exiting the jail, so they were co-housing with that same individual with coordination between both entities.

Supervisor Christy stated that it sounded like out of the three items, at least one was more directly related, being the contract with OPCS with the potential of the transition center.

Dr. Garcia reiterated that the focus of those served by this program were for long term individuals that had been in the jail for many days, weeks and months and different from those who were immediately served, however were the same agencies, the same level of coordination and integration, but for a slightly different, higher risk population. He explained they had a very high criminogenic risk of recidivism and also had a substance misuse and behavioral health diagnosis, which were some of their toughest individuals in the jail that were being served through these three contracts.

Supervisor Christy stated that the end result was pretty much the same from all three contracts and the transition center. He suggested a deeper review at some interfacing and some working together would be appropriate, since there were monies and grants available that could possibly be utilized in the same fashion used at the transition center.

Supervisor Scott questioned if LeCroy & Milligan was the firm the County was working with on their role in the opioid settlement funds discussion the Board previously had regarding how the funds were going to be used in partnership with the City of Tucson, Marana and South Tucson, and if the County worked with them partly because of the relationship they had with them since 2020 with the INVEST Program.

Dr. Garcia responded that LeCroy & Milligan was a firm that the County used for a variety of evaluation work in the substance use space, and they had done some of the Overdose to Action - CDC funded evaluations, one of which would be the subject of a memorandum that would be coming out shortly from the County Administrator.

Supervisor Scott recalled that when the Board discussed the Opioid Settlement monies there was some interest in the work that they had done with that population and with some of the results of the interviews that they did in terms of what worked and what did not work. He requested anything that could be shared with the Board regarding this work.

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

26. LeCroy & Milligan Associates, Inc., to provide for Opioid Abatement Funding - Coordinated Reentry Planning Services Programs, Attorney General State of Arizona Opioid Abatement Grant Fund, contract amount \$89,704.00 (PO2400000758)

(Clerk's Note: See Minute Item No. 25, for discussion and action on this item.)

27. Community Bridges, Inc., to provide for Inmate Navigation Enrollment Support and Training Project, Attorney General State of Arizona Opioid Abatement Grant Fund, contract amount \$261,351.20 (PO2400000864)

(Clerk's Note: See Minute Item No. 25, for discussion and action on this item.)

Economic Development

28. Pima County Community College District, to provide an intergovernmental agreement for Pima County Aviation Alliance, American Rescue Plan Act - Coronavirus State and Local Fiscal Recovery Funds, contract amount \$35,822.00 (PO2400005863)

Supervisor Scott inquired about the request for removal of this item from the agenda and if it was expected to come back to the Board.

Steve Holmes, Deputy County Administrator, explained that the item included ARPA dollars and there needed to be a subrecipient agreement.

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

Office of Emergency Management and Homeland Security

29. U.S. Department of Agriculture Forest Service, to provide a Communications Use Lease for Ground Air Transmit Receive (GATR) Communications Site, no cost/28 year term (SC2400002242)

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

Parks and Recreation

30. Heirloom Farmer's Market, Inc., Amendment No. 1, to provide for the Rillito Regional Park Farmer's Market, extend contract term to 10/17/29 and amend contractual language, contract amount \$110,000.00 revenue (CTN-PR-20-23)

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

31. YMCA of Metropolitan Tucson, to provide a promissory note for repayment of 50% of the total cost of the replacement of pool filters at the Northwest YMCA campus, contract amount \$288,491.22 revenue/3 year term (CT2400000026)

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

Procurement

32. Origami Risk, L.L.C., Amendment No. 6, to provide for risk management information system, amend contractual language and scope of services, General Fund, contract

amount \$50,000.00 (SC240000793) Administering Department: Finance and Risk Management

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

33. Sundt Construction, Inc., to provide for Construction Manager at Risk Services: Superior Court - Public Service Center Tenant Improvement (XSCPSC), Non-Bond Projects Funds (Capital Project Funds), contract amount \$266,168.00/5 year term (PO2400005178) Administering Department: Project Design & Construction

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

Chair Grijalva stated that there had been discussions regarding co-locating City and County courts for some time and questioned the funding for this project. She stated that if the Superior Court moved into the Public Service Center then the idea of the City and County courts co-locating would be off the table.

Jan Leshner, County Administrator, explained that the Superior Court, Justice Courts, and Constables were all an interesting phenomenon in that while they may be directed by the State, the State's total contribution was part of the salaries. She stated that County taxpayers paid for construction services and buildings other than just part of the salaries. She stated that the funding would come from the General Fund and the main Superior Court Building was going through some reconstruction and renovation, they had explored options and hoped they would have some construction in the Public Works Building, allowing the courts to move over temporarily and potentially move back and be able to rotate through. She stated that they could continue to look at other opportunities in the building to co-locate with the City if that became a possibility.

Chair Grijalva asked whether the \$266,168.00 would be the total amount over the five-year term, or if it was an annual amount.

Carmine DeBonis, Jr., Deputy County Administrator, explained that this was for a Construction Manager at Risk (CMAR) Project which was different than a design, bid, and build. He stated that it was the initial services contract and there would be other contracts coming forward that would include the subsequent pieces of construction costs that went along with this and the dollar amount was the initial service expense, even though the term of the contract was five years, they would be guaranteed maximum price components as part of this project.

Chair Grijalva stated that in the background materials it indicated the amount was not to exceed \$18 million and questioned the outcome if the contract was not approved by the Board.

Mr. DeBonis, Jr., responded that if the contract was not approved then the project would not proceed.

Chair Grijalva asked how it would impact the services of Superior Court operations, and the Family Law Division and if those services were currently running.

Mr. DeBonis, Jr., responded that they currently occupied space at 110 W. Congress, but that space was not sufficient to meet their total needs. He stated that while functioning there in less than optimal space, this would allow for them to be in a newly constructed space that would better meet the operations. He added that if the contract was not approved, they would have to make do in their current space.

Chair Grijalva stated that the only reason she asked was because of discussions about other County facilities and those needs. She stated that she felt that the County was committing \$18 million to this project in isolation because there were other needs with the downtown Library and other areas in the County. She stated that she was hesitant to invest \$18 million in renovations to this space, and while it would be nice to have, it was not vitally necessary for the function of these programs. She asked for feedback on why it was a good idea because there would be some upcoming requests fairly shortly for other big concerns in the system that she was concerned with.

Ms. Leshar stated that this had been part of the Capital Improvement Plan started on the County's integrated infrastructure plan that moved into the capital projects plan. She stated that it had been in the works for a while and that there were concerns similar to the building at 130 W. Congress, so they would need to empty that building to make things safe with the addition of the expansion.

Mr. DeBonis, Jr. concurred and stated that the project had made its way through the process for several years, dating back to when the former County Administrator was with the County. He explained that this project was identified as one to move forward and had been through various iterations. He stated that there were certain aspects beyond efficiency of space utilization and the space was not designed to meet current standards, which was always a concern for them. He agreed that there were multiple needs in the County and those needs outstretched current resources. He added that this project initially was a temporary placeholder, as they would need to vacate the building space they were in until the space got built out, and then they would move back. He stated that there were no funds identified for when they move back, so while this was a placeholder space, it may be over a longer duration of time until they could identify funds and prioritize those funds to meet the multitudes of needs that were out there. He stated they worked with the County's Facilities Management, Project Design and Construction Department, as well as those departments that occupied space to get a comprehensive look at what the needs were across all of the building spaces occupied by the County. He stated that there were conversations about what was the most effective and efficient utilization of space and how they developed standards to better utilize the floor area, get people into maybe fewer buildings, make those vacated buildings available for sale through

a public auction, and put them back on the tax rolls and generate revenue to help with those project needs that they had in buildings that the County chose to remain in. He added that it was a complicated assessment, but that Chair Grijalva was correct in terms of how they would ensure they were spending monies most efficiently and effectively to meet the space needs.

Chair Grijalva asked when they would be able to come back to the Board with a full analysis of where the County was and the needs to help them get through a process to prioritize those. She stated that with a finite amount of money, it was important for them to determine the needs of the community and what should be a priority. She stated that she was not suggesting that these services were not important, but they were going to be pulled in different directions for resources.

Mr. DeBonis, Jr., stated they were meeting with the County Administrator and many of those departments to work on a template that would present the needs assessment and provide a sense of where the greatest return on investment of dollars in the County's building space were. He stated that they should then have a fairly well fleshed out format or template they could utilize to run other buildings through and be able to provide that information back to the Board. He stated that it could be completed before the end of this calendar year, and they would be able to share information with the Board that showed the assessments. He stated this would allow for a conversation and feedback to refine it to get to something where they could make recommendations on prioritization of where to invest the limited dollars into buildings that were going to best meet the County's needs and allow for the safe operations and occupancy by departments and help to meet some of the other goals that the County and the Board had set, like energy efficiency, reduction in energy consumption, carbon footprint and water usage.

Chair Grijalva asked if this was for the approval of the project design and construction, and when the County started to identify some other projects, those would still come back to the Board, but the other projects were going to equal up to the not-to-exceed \$18 million.

Mr. DeBonis, Jr., clarified that typically with CMAR projects, they requested the Board grant approval for the not-to-exceed amount, and then the Procurement Director was authorized to approve those items submitted by the construction manager at risk and they did come back to the Board each time, but he would verify the information.

Chair Grijalva stated that she would not be able to move forward with that and after discussing the pre-construction services and what that entailed, if this vote was for \$18 million, she wanted to make sure everyone understood that was what the Board was voting on.

Mr. DeBonis, Jr., confirmed, that within the Board of Supervisors Agenda Item Report (BOSAIR), it indicated that it was not only the pre-construction services amount, but the project was expected to have multiple guaranteed maximum price

items that did not exceed \$18 million and indicated that the Board authorized the Procurement Director to execute all modifications, including one or more of those guaranteed maximum price packages up to that not-to-exceed amount.

Chair Grijalva stated that she would not be able to vote for this as presented and that there should be a more comprehensive review before committing to \$18 million. She stated that she would feel more comfortable to have a discussion about all the needs of the County before committing to an \$18 million investment. She stated that the Board could always ask that this item be returned, perhaps during the same meeting of a review of the other projects.

A substitute motion was made by Supervisor Lee to approve the \$266,168.00 for the Construction Manager at Risk, but that the \$18 million be brought back in the form of discussion at a time when the Board could review the entire County building needs.

Chair Grijalva asked for clarification on whether to bring the entire item back at a future meeting or to vote solely on the project design aspect at this time.

Mr. DeBonis, Jr., clarified that the Construction Manager at Risk approach to this, approving the pre-construction services, really did not accomplish much. He requested that this item be continued to the next Board meeting, when they could provide a report about the specifics of the project and how it would fit into the overall set of project needs. He stated that even though they did not have a complete template to provide the Board a full analysis of all of the building needs, they could at least provide a fairly good picture of what was out there as potential needs without the return on investment or the prioritized list of how to use resources.

Chair Grijalva stated that the item could be resubmitted within a couple of weeks or perhaps individual board members could reach out to have a specific meeting or Supervisor Lee could withdraw her motion.

Supervisor Lee withdrew her substitute motion.

A substitute motion was then moved by Chair Grijalva and seconded by Supervisor Lee to continue the item until it was ready to be brought back by the County Administrator. No vote was taken at this time.

Supervisor Scott requested a memorandum be provided to the Board that would set the stage for the discussion they would have on October 1st, given the nature of the item and everything that was engaged and asked for clarification that it was continued to October 1st.

Chair Grijalva clarified that she left the date open, but they had suggested two weeks. She stated that she asked for a comprehensive review of the needs of the County because she wanted more of an understanding of those needs and was sure every office had conversations about what their needs. She stated that the

library had a draft plan and there were discussions of different buildings that needed different attention. She stated that for her to feel comfortable before voting for an \$18 million investment, she wanted to understand how it would fit into the grand plan of the County's other needs. She added that perhaps every Supervisor could directly reach out to Administrator Leshner to talk about what it was they would like to see in an upcoming presentation that would help them feel comfortable about voting on the item.

Ms. Leshner stated that they may bring this one back separately, but the work on it began about five years ago and she wanted to assess how much had gone into it thus far, rather than completely wrapping it into the entire discussion of all future plans. She understood the Board wanted a report of a full understanding of the project, what was involved, and where they were going after it.

Chair Grijalva stated that when this project was discussed five years ago, only one current Board member was seated when this was a concept, and the needs of the County continued to evolve. She stated that it was good to be able to pivot when needed, but if not, then do not pivot. She reiterated that this item will be brought back by the County Administrator.

Supervisor Lee stated that if Chair Grijalva had not read the Procurement Method on the BOSAIR that included more information she would have voted to approve this item. She stated that the purpose was very specific, but in reality, the project was expected to have multiple projects and it was not to exceed \$18 million and questioned if that should have been in the purpose and when it dealt with the budget and that kind of money, was that not the purpose that should be primary and the rest secondary because it fell within it.

Chair Grijalva stated that the Clerk had brought to her attention that instead of continuing the item, the item be removed from the agenda and then when it was brought back it addressed those concerns about what exactly the Board was voting for and there would be more transparency.

Supervisor Lee concurred.

Chair Grijalva amended her substitute motion to remove the item from the agenda. Supervisor Lee seconded the substitute motion. Upon the vote, the motion unanimously carried 5-0.

Real Property

34. Maher Pedersoli and Mary Pedersoli, to provide for Sales Agreement No. Sale-0119 and Special Warranty Deed for property located at 5081 N. Kolb Road, Lot 49 Quail Canyon, Tax Parcel No. 114-13-0700, contract amount \$131,000.00 revenue (CT2400000030)

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

35. Southwest Gas Corporation, to provide for a Non-Exclusive Franchise Agreement to operate natural gas facilities within public rights-of-way, no cost/25 year term (SC2400002268)

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

36. Farmers Investment Co., Amendment No. 1, to provide for a First Amendment to Lease Agreement, extend contract term to 8/31/29 and amend contractual language, PR - Continental GV Fund, contract amount \$5.00 (PO2400006322)

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

GRANT APPLICATION/ACCEPTANCE

37. **Acceptance - Grants Management and Innovation**

U.S. Department of Homeland Security, Federal Emergency Management Agency, Grant Programs Directorate, to provide for the Shelter and Services Program - Competitive for the term 10/1/24 - 9/30/26, \$18,706,639.00/2 year term (G-GMI-74766)

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

Supervisor Christy stated that the chart provided only went back to January 2021, despite the mission starting in 2019. He questioned why earlier funding sources were not included in the chart and emphasized the importance of recognizing the full history of efforts.

Jan Leshar, County Administrator, explained that the chart illustrated the funding received from the Federal Emergency Management Agency (FEMA) and the Emergency Food and Shelter Program (EFSP).

Supervisor Christy clarified that his request was for the initial funding sources.

Ms. Leshar clarified that the two sources mentioned were not included in the current data, but she would provide that information to the Board.

Supervisor Christy stated the terminology used in the background documentation was confusing and that recipients of the grant were referred to as noncitizen migrants instead of legally processed asylum seekers (LPAS). He questioned why that change occurred and sought clarification on the distinction between the terms.

Ms. Leshar explained that noncitizen migrant was the terminology used by the federal government for that specific grant, while legal asylum seekers had been historically used by the County and in other funding rounds. She clarified that both terms referred to the same group of individuals.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, stated that the federal terminology specified in the FEMA award letter had been used since the beginning of the process. He stated that legally processed asylum seekers was the term used by the County.

Supervisor Christy asked if the County initiated that term.

Dr. Garcia responded in the affirmative and explained that County used that term to emphasize the fact that those individuals had been processed by the federal government and been allowed permission to enter into the community.

Supervisor Christy sought clarification if the same groups undergoing that process were referred to as noncitizen migrants.

Dr. Garcia reiterated that it was the term used by FEMA for this program.

Supervisor Christy requested clarification on the most current proper terminology.

Dr. Garcia responded that the County's term was legally processed asylum seekers.

Supervisor Christy indicated that the Welcoming Centers had been renamed Respite Centers and that Casa Alitas was no longer in operation and questioned the reasons behind those changes, whether there were legal reasons for them.

Dr. Garcia responded that they had updated their language to reflect evolving changes in operations and use. He stated that the Drexel facility was no longer operated by Catholic Community Services and was referred to as the Pima County Drexel Respite Center to accurately identify its function. He stated that Casa Alitas Welcome Center remained the title used by Catholic Community Services for their operation at the Ajo facility.

Supervisor Christy asked if they were no longer in operation.

Dr. Garcia responded that Catholic Community Services continued to be one of the County's operators at the Ajo facility.

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

38. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for immunization services, extend grant term to 6/30/25 and amend grant language, no cost (GA-HD-70293)

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

39. **Acceptance - Justice Services**

John D. and Catherine T. MacArthur Foundation, Amendment No. 3, to provide for the Safety and Justice Challenge Focused on Racial Equity Cohort and extend grant term to 12/31/24, no cost (GA-JS-66342)

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

40. **Acceptance – Sheriff**

State of Arizona Office of the Arizona Attorney General, to provide for the Victims' Rights Program, \$36,600.00 (G-SD-70357)

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

41. **Acceptance – Sheriff**

Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide for the Pima County Wireless Integrated Network Radio Replacement Project, \$3,520,000.00/4 year term (G-SD-74203)

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

42. **Acceptance – Sheriff**

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide for the Pima County Adult Detention Complex, \$458,000.00/4 year term (G-SD-74260)

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

Supervisor Christy questioned whether this was for repairs or maintenance on the current jail or if it was for a rebuild in pieces.

Jan Lesher, County Administrator, responded that this was for work in the front part of the facility for security purposes.

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

FRANCHISE/LICENSE/PERMIT

43. Hearing - Fireworks Permit

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, September 26, 2024 at 8:30 p.m.

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

Supervisor Scott explained his reasoning for voting in favor of these permits. He recalled at a previous meeting where he had encouraged his colleagues to vote against a permit for a fireworks show at the Westin La Paloma Resort, which was surrounded by residential communities in District 1. He stated that his office received numerous complaints emanating from the fireworks shows at that resort and unlike other resorts in District 1, La Paloma had been hosting shows for commercial purposes, which he felt was excessive in terms of the disruptions it caused to people and their pets. He expressed his appreciation in denial of that fireworks permit. He mentioned that the Caterpillar headquarters was located in District 4 and was unsure if Supervisor Christy had received any complaints regarding these shows, as that facility was not surrounded by many residential areas.

Supervisor Christy stated that it was a proving ground.

Supervisor Scott stated that he would vote in support of the permits, but felt that it was important to provide an explanation in the interest of consistency. He inquired about a proving ground.

Supervisor Christy explained that a proving ground was where Caterpillar tested the products that they made.

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

44. Hearing - Fireworks Permit

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, September 27, 2024 at 8:30 p.m.

(Clerk's Note: See Minute Item No. 43, for discussion related to this item.)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and approve the permit. Upon the vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

45. **Hearing - Fireworks Permit**

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, September 28, 2024 at 8:30 p.m.

(Clerk's Note: See Minute Item No. 43, for discussion related to this item.)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and approve the permit. Upon the vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

DEVELOPMENT SERVICES

46. **Hearing - Concurrent Plan Amendment and Rezoning**

P23CR00001, MARYVALE DEVELOPMENT, L.L.C. - W. VIOLET AVENUE PLAN AMENDMENT AND REZONING

Maryvale Development, L.L.C., represented by The Planning Center, request a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Neighborhood Activity Center (NAC) to Industrial (I) and to rezone from CR-4 (Mixed-Dwelling Type) to CI-1 (Light Industrial/Warehousing) zone on approximately .94 acres (Parcel Codes 103-07-0050 and 103-07-0060). The site is located on the north side of W. Violet Avenue, approximately 100 feet east of the T-intersection of N. Maryvale Avenue and W. Violet Avenue, in Section 21, T13S, R13E, in the Central Planning Area. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Completion of the following requirements 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 condition: The property shall be limited to the existing access point on Violet Avenue.
3. Regional Flood Control conditions:
 - A. Engineering analysis provided at the time of permitting shall include the outside storage area and shall provide a flow path for the drainage to get to the downstream ADOT infrastructure.
 - B. Water harvesting shall be provided within the landscape borders to supplement irrigation in the landscape buffers and minimize the frequency of runoff from the property.
 - C. This project shall comply with detention and retention requirements at the time of site permitting. If a Detention Waiver is allowable the application and supporting

documents shall be submitted to the Floodplain Administrator prior to the site construction permit approval.

4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment of capacity to serve any new development within the plan amendment/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 plan amendment/rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources condition: 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
7. Adherence to the sketch plan as approved at public hearing.
8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
9. 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.
10. The property owner shall execute the following disclaimer regarding 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 anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve P23CR00001, subject to standard and special conditions.

47. **Hearing - Rezoning**

P24RZ00005, TAYLOR - W. DORSEY STREET REZONING

Rebecca Taylor represented by Clifford and Fonda Ritchie, request a rezoning of approximately 0.22 acres from the CR-4 (Mixed-Dwelling Type) to the CMH-1 (County Manufactured and Mobile Home-1) zone, located on the northwest corner of W. Dorsey Street and N. D'Armitt Avenue, addressed as 1634 W. Dorsey Street. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Completion of the following requirements 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 condition: Vehicular access to the property shall be limited to D'Armitt Avenue.
3. 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.
4. Adherence to the sketch plan as approved at public hearing.
5. 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.
6. 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 anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve P24RZ00005, subject to standard and special conditions.

48. **Hearing - Time Extension, Modification (Non-Substantial Change) of Rezoning Condition**

A. **Hearing - Rezoning Time Extension**

Co9-88-80, LANDON - ORACLE ROAD REZONING

Hilltop Farm, L.L.C., represented by Oracle Engineering Group, Inc., request a five-year time extension on an approximately 3.2-acre rezoning from the GR-1 (GZ-1) (Rural Residential - Urban Gateway Overlay Zone) to the CB-2 (GZ-1) (General Business - Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, and addressed as 15801 and 15803 N. Oracle Road. The rezoning was conditionally approved on February 7, 1989, has received six rezoning time extensions and expired February 7, 2022. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

1. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.
2. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
3. Regional Wastewater Reclamation Condition: The owner(s) must secure approval from Pima County Department of Environmental Quality (PCDEQ) to use an on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.
 - 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.~~
4. Transportation conditions:
- A. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.
- B. Written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Development Services Department prior to development plan approval.
- C. Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
- D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
5. Flood Control condition: First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
56. 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.
67. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those 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 spp.</i>	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria spp.</i>	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis spp.</i>	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)

<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum spp.</i>	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 spp.</i>	Russian thistle
<i>Schinus spp.</i>	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix spp.</i>	Tamarisk

- 78. Landscaping to consist of low water use and low pollen producing vegetation.
- 89. Adherence to the revised preliminary development plan as approved at public hearing.
- 910. No more than one (1) parcel.
- 4011. Heights shall be limited to two stories or 24 feet in height.
- 4412. In the event the subject property is annexed, the property owner shall adhere to all applicable zoning 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.
- 4213. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and approve Co9-88-80, five-year time extension subject to original and modified standard and special conditions. No vote was taken at this time.

Supervisor Scott noted that the project was initially approved in 1989 and had received six time extensions from this Board, and the current extension expired on February 7, 2022. He questioned why this had become such a lengthy saga.

Chris Poirier, Deputy Director, Development Services Department, stated that some projects took a long time to come to fruition. He noted that if the Board approved it, it would be the longest extended rezoning in Pima County's history.

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

B. Hearing - Modification (Non-Substantial Change) of Rezoning Condition Co9-88-80, LANDON - ORACLE ROAD REZONING Hilltop Farm, L.L.C., represented by Oracle Engineering Group, Inc., request a modification (non-substantial change) of rezoning condition No. 8 which states "Adherence to the preliminary development plan as approved at public hearing". The applicant requests to amend the preliminary development plan from a retail center to allow RV storage. The subject site is approximately

3.2 acres and is conditionally zoned CB-2 (GZ-1) (General Business - Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as 15801 and 15803 N. Oracle Road. Staff recommends APPROVAL OF THE MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

1. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.
2. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
3. Regional Wastewater Reclamation Condition: The owner(s) must secure approval from Pima County Department of Environmental Quality (PCDEQ) to use an on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.
 - 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.~~
4. Transportation conditions:
 - A. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.

- B. Written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Development Services Department prior to development plan approval.
 - C. Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
5. Flood Control condition: First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
- ~~56.~~ 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.
- ~~67.~~ Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those 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 spp.</i> | Pampas grass |
| <i>Cynodon dactylon</i> | Bermuda grass (excluding sod hybrid) |
| <i>Digitaria spp.</i> | Crabgrass |
| <i>Elaeagnus angustifolia</i> | Russian olive |
| <i>Eragrostis spp.</i> | Lovegrass (excluding E. intermedia, plains lovegrass) |
| <i>Melinis repens</i> | Natal grass |
| <i>Mesembryanthemum spp.</i> | 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 spp.</i> | Russian thistle |
| <i>Schinus spp.</i> | Pepper tree |
| <i>Schismus arabicus</i> | Arabian grass |
| <i>Schismus barbatus</i> | Mediterranean grass |
| <i>Sorghum halepense</i> | Johnson grass |
| <i>Tamarix spp.</i> | Tamarisk |
- ~~78.~~ Landscaping to consist of low water use and low pollen producing vegetation.
- ~~89.~~ Adherence to the revised preliminary development plan as approved at public hearing.

- ~~9~~10. No more than one (1) parcel.
- ~~40~~11. Heights shall be limited to two stories or 24 feet in height.
- ~~41~~12. 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.
- ~~42~~13. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207~~ rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-88-80, subject to original and modified standard and special conditions.

49. Hearing - Rezoning Ordinance

ORDINANCE NO. 2024 - 12, P21RZ00008, Vistoso Catalina L.P., et al. - E. Golder Ranch Road Rezoning (Lago Del Oro Zoning Plan). Owner: Title Security Agency, L.L.C. TR 201665-T. (District 1)

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

50. Hearing - Rezoning Ordinance

ORDINANCE NO. 2024 - 13, P23RZ00006, Yarbrough Tr - W. Ironwood Hill Drive Rezoning. Owner: Leland & Velma Yarbrough Tr. (District 5)

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

51. Hearing - Rezoning Ordinance

ORDINANCE NO. 2024 - 14, P24SP00001, Unified Holdings, L.L.C. - S. Arcadia Avenue Specific Plan Rezoning. Owner: Unified Holdings, L.L.C. (District 2)

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

PROCUREMENT

52. **Hearing - Solicitation No. RFP24000243, Landscape Maintenance Services and Repairs**

A. **Appeal of Procurement Director's Decision**

Pursuant to Pima County Code 11.20.010(H), CDK Design, L.L.C., d.b.a. Arcadia Landscape, appeals the decision of the Procurement Director regarding Solicitation No. RFP24000243, Landscape Maintenance Services and Repairs.

Supervisor Christy stated that he wanted to understand what was happening and what had transpired.

Jan Leshner, County Administrator, stated that the Procurement Director was in attendance and could provide an overview of the items, which included the process and the order in which the Board should consider them.

Terri Spencer, Director, Procurement, explained this item was for landscape services and on August 1st, a Notice of Recommendation for Award (RFA) was submitted to award two services, Group A services was for miscellaneous County sites, Library and Sheriff sites to the Underwood Brothers, a.k.a. AAA Landscape in the amount of \$1 million, and Group B was for wastewater facility sites to CDK Design, L.L.C., d.b.a. Arcadia Landscape in the amount of \$320,000.00. She stated that on August 8th, Arcadia Landscape submitted a protest of the RFA pursuant to Procurement Code 11.20.010(F), and on August 15th, she as the Procurement Director, dismissed Arcadia's protest due to a lack of stated basis. She stated that on August 21st, Arcadia submitted a protest appeal to the Board which would be considered first and afterwards the Board would consider the award of contract.

Ms. Leshner requested Ms. Spencer to provide additional information about the nature of the protest and the reasons behind her rulings, to the extent that she could share with the Board.

Ms. Spencer explained that this was a qualifications based selection process and was a Request for Proposal (RFP) procurement. She stated that it was not a low bid, where bids were entertained from respondents and the award would be made based on the lowest possible cost, rather this procurement was a qualifications based process with evaluation criteria. She stated that there was an evaluation committee that had convened to evaluate a multitude of criteria, qualifications and contract qualifications, their key personnel and then the references. She added that cost was a component of that procurement, but it was not the primary evaluation factor, it was 30% of that evaluation factor. She stated that Arcadia's appeal was that they felt that they were the lowest bidder in this process, and also felt that they were not adequately evaluated on their references. She explained that in the reference process, there were two components to that evaluation criteria, the first of

which would have been for them to submit reference forms, which they provided, but they failed to provide the reference letters that were required in Exhibit C, so they were scored accordingly. She stated that after evaluating that process, they believed that based upon the scoring and the outcome of that evaluation process by the committee, that Arcadia Landscape was the best suited to receive the Group B services for the wastewater facility sites. She stated that they valued their long-standing relationship with Arcadia, however, believed that was the best fit for them, which was the outcome of that evaluation process.

Supervisor Scott indicated the last item mentioned by Ms. Spencer was about the references material and when he reviewed the documents prior to this day, that seemed to be the area where perhaps the County could have had some more flexibility, where there could have been some wiggle room and it seemed like there was a misunderstanding between the County and Arcadia as to what was really required and when.

Ms. Spencer clarified that when an evaluation for a RFP was conducted, they had to evaluate whether or not the respondents adhered to those requirements and submitted the required information, and in this circumstance, although they had provided the reference forms, they had not provided the required reference letters.

Supervisor Scott questioned whether it was consistent with the integrity of the process to inform an applicant that, despite understanding their intent, they were not meeting the specific requirements of the regulations.

Ms. Spencer clarified that it was part of the process to ensure they followed each and every component of the evaluation, and if in fact there were any questions during the process, there was an open question period to entertain that, by asking whether or not there was any leeway in that process. She stated that it was up to each of the individual evaluators as they evaluated the content, not just whether or not they submitted the information, but they also evaluated the content of those reference forms. She stated they were looking to the ability to speak to qualifications which is what that was about, therefore the reason why this was a qualifications based selection process.

Chair Grijalva asked Robert Underwood if he wished to speak and address the Board.

Robert Underwood, CEO, Underwood Bros., d.b.a. AAA Landscape, addressed the Board and stated that this was a RFP based on a scorecard. He stated that they had worked for Pima County on the roads and rights-of-way for over 15 years, so they understood the criteria to take care of the community. He stated they based their bid on their qualifications, and they had been in business for 50 years. He stated that they understood what it took to care of the facilities, so they based their bid to ensure they had the proper employees to do the job, because their tagline as a company was 'beautify the world'. He stated they wanted to ensure they took care of every obligation they had, not only for the County, but for anyone that they

worked for, so they based that bid on what it took and the manpower to do it. He stated they believed they had a solid bid, and that they could do a good job and based on the criteria, they scored the highest with their qualifications, and should be awarded the contract. He thanked the Board for their consideration.

Chair Grijalva asked for clarification if Part A of that piece of the Procurement was awarded to another company.

Ms. Spencer responded that Group A was for the miscellaneous County sites, the Library and the Sheriff sites, which was to be awarded to AAA Landscape and Group B was for the wastewater facility sites to be awarded to Arcadia Landscape.

Chair Grijalva stated that she felt uncomfortable to make a decision when she knew the County had people that did the evaluations and were experts in this area, however she would rely on staff's recommendation.

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and deny the appeal.

B. Award

Award: Multiple Supplier Contracts, to provide for landscape maintenance and repair services. These contracts are for an initial term of one (1) year in the annual award amount of \$1,320,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Facilities Management.

Group No./Vendor Name (Headquarters)/Supplier Contract No./Annual Award Amount

Group A/Underwood Brothers, Inc. (Phoenix, AZ)/SC2400002235/\$1,000,000.00

Group B/CDK Design, L.L.C. (Tucson, AZ)/SC2400002236/\$320,000.00

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

BOARD OF SUPERVISORS

53. Attorney General's Office Response regarding Request for Independent Investigation

Discussion/Direction/Action regarding the County Administrator's memorandum of September 4, 2024, entitled "Response from the Attorney General's Office regarding Request for Independent Investigation". (District 4)

Supervisor Christy expressed his disappointment that the Sheriff was not present to address the Attorney General's (AG) response regarding the request for the independent investigation. He stated that the AG noted there were four issues that were contrary to the policies of the Sheriff's Department that they were in violation

of and he had hoped the Sheriff could address and discuss them and provide clarity as to why the AG would make those allegations, give him a chance to clear the air, and provide the opportunity for the Board to ask questions. He stated that the whole process seemed to be delayed and veered into areas that were perhaps not necessarily at the sole root of the issue, which was the situation that transpired. He hoped that at some point the Sheriff individually reviewed those items the AG had issues with and provide the community some kind of reasoning as to what the Sheriff thought about it and what he would do about it.

Supervisor Lee asked whether the Sheriff was formally asked to respond to the Board regarding the four issues that were brought up as possible policy violations. She stated that she also wanted to understand why, if that was true from his point of view, and if so, what he would do to ensure it did not happen again.

Jan Leshar, County Administrator, responded that it had not yet been a request so far and that she would reach out to the Sheriff to invite him to respond and come back to the Board with that information.

Supervisor Christy questioned if a motion was needed.

Chair Grijalva stated respectfully, that the Board could ask for it and vote on it, but that he was a duly elected official and so he was not compelled to do anything.

Supervisor Christy stated that was why he had not made a compelling motion on this, but hoped he would come on his own. He stated that with Supervisor Lee's permission, he would defer to the County Administrator to make the request if it might have a better impact than a request from the Board.

Ms. Leshar replied that she was not suggesting that she would have better luck, but simply as a first step of asking him.

It was moved by Supervisor Christy to formally request that the Sheriff provide a response to the Board in regards to the four allegations raised by the AG, and to come before the Board to have a discussion with them.

Chair Grijalva stated that she was comfortable requesting information or requesting that the Sheriff come before the Board. She questioned if the Sheriff was asked to come to today's meeting when the item was submitted since she did not know if he knew this was on the agenda and was being requested of his office.

Supervisor Christy stated that was a possibility and assumed that as much as an issue that this had become in the public realm, that he would be very sensitive to these types of things, and that it would require any kind of a formal request to appear that he took upon himself to do it, or perhaps provide a written response. He stated that if he did not want to come before the Board in person, he could have provided a written response, but thought it would be appropriate that the Board

made a formal request for a response to address the issues, either in person or in writing.

Supervisor Lee seconded the motion. No vote was taken at this time.

Supervisor Scott stated that his understanding was that the AG investigation indicated that there might have been violations of four internal departmental policies of the Sheriff's Department. He asked if the AG indicated there might be violations, what was the Board's role in terms of asking the Sheriff to respond to a report about policies within his department, and added that he was unsure what the Board's role was in this context.

Supervisor Christy stated that the Sheriff was the number one law enforcement official in the County, and these allegations had been made by the AG investigation. He stated that it would be compelling on his part to come before the Board and as requested, or in a motion, to address them and lend some clarity. He stated that he wanted to give him the opportunity to come before the Board and explain it, and if it required a formal motion to give him that opportunity, then so be it. He stated that if there was no reason that he felt that he was not or his department was not in any issue with the AG, then it would not really matter if he came before the Board. He stated that there was a lot of concern in the community and all he was trying to do with this motion was to give the Sheriff an opportunity to address them and if he chose not to, or to ignore it, it would be a very telling reaction.

Supervisor Heinz suspected the Sheriff might not be present at the advice of counsel because it was his understanding that there was ongoing litigation. He stated that what was seen from the AG appeared that the head of the largest law enforcement agency in the County failed to investigate a rape allegation amongst his own department, leadership, and workforce. He stated that it was hard to put into words and this kind of failure did not make sense. He added that he could support the motion.

Supervisor Scott referred to the attached County Administrator's Memorandum dated September 4, 2024, and read as follows, "The Attorney General's office found no criminal wrongdoing in the investigative process. The office did, however, note four rules of the Pima County Sheriff's Department that may have been violated." He stated that they had not indicated they were violated, but that they might have been violated. He added that it noted those four internal policies, and after each one, it stated that the policy might have been violated. He stated that the AG noted their willingness to review the Internal Affairs investigation after it was completed by the Sheriff's Department, should the Board continue to have concerns. He stated that when Supervisor Christy put this item on the agenda, if his office had notified the Sheriff about the item perhaps the Sheriff would have come and was unsure if the Sheriff had employees in his department who routinely reviewed Board agendas. He stated that having a vote to ask him to come before the Board to talk about four rules that the AG said might have been violated, he did not see what the Board's role would be and felt like they were overstepping their bounds because it

was not an area with which they had authority. He stated that he thought having the Sheriff come before the Board or asking that he come before them was a hollow exercise because they did not have that authority. He stated that the County Administrator made an offer to reach out to him to ask if he wanted to provide something to the Board and that would be his preferred course of action, given the Board's role in this situation.

Supervisor Heinz stated that when this had been approved by the Board to refer to the AG that the word criminal showed up, the reply back was that they would review to see if there was any criminal wrongdoing. He stated that the Board did not vote on that as part of former Supervisor Bronson's motion in any way. He stated that the AG was only reviewing for a criminal conspiracy to cover something up and had not done an assessment of the various civil things or internal and it made sense to him on why that word showed up, but any time you had this kind of colossal failure on the part of leadership for this type of issue, the Board needed to have a role in that because the people expected them to be the leaders of the County, and he knew he was a separately duly elected official, but he had to answer for this somehow.

Chair Grijalva stated that she believed they were not the Body to which the Sheriff answered to.

Supervisor Christy stated that there was no one answer to anything, and the Board was not compelling him to do anything other than to provide clarity to the situation and an opportunity to address them, and he thought Supervisor Heinz's point was very well taken. He stated that he constantly received questions and letters from constituents and from residents of Pima County regarding the Sheriff since he was not addressing things, and they needed to be addressed. He added that they looked to him for protecting their property, lives and well-being in the County. He asked why he could not come before the Board and provide some explanation, giving him a chance to clear up a lot of things. He stated that by ignoring or his refusal to appear, or respond in writing, added to the insecurity of the public that perhaps there was something going on that the Sheriff did not want them to know about.

Chair Grijalva stated that her preference was to go with the route through the County Administrator because they had a good working relationship and met fairly often and in this case, it was put on his radar, that it was something he had the opportunity to come back or provide information to the Board if he wanted to respond.

Supervisor Christy asked if they should address his motion.

Melissa Manriquez, Clerk of the Board, requested clarification if the motion was to make a formal request to the Sheriff to either respond in person or a written response on the four rules that the Sheriff's Department might have violated.

Supervisor Christy concurred.

Upon the vote, the motion carried 3-2, Chair Grijalva and Supervisor Scott voted "Nay."

54. Regional Transportation Authority (RTA) Next Draft Plan Presentation

Discussion: A presentation from General Ted Maxwell (Ret.), the chair of the RTA Board, on the RTA Next draft plan currently being considered by the RTA Board. The RTA Board will next meet on September 26. After General Maxwell's presentation, he will be available to respond to questions from Board members. (District 1)

General Ted Maxwell, Chair, Regional Transportation Authority (RTA), provided the Board with a copy of the latest version of the RTA Next draft plan that included updates that were decided at their last meeting. He invited each Board member to individually meet with them to talk about the importance of RTA Next, as well as what was in it. He stated that the draft plan he had provided was not what was going to the ballot, but whenever it was forwarded to the Board, then forwarded to the ballot. He stated that in his opinion, it was as close as they could come as the RTA Board without going out to the public in the community and receiving their input for what they would see in it. He stated that it was a plan that he saw going to the citizens for a vote and would keep RTA Next moving forward. He stated that there were parts that he liked and parts that he did not like, but in a community like Pima County, they were not going to have a plan of such significance. He stated that the question he asked everyone to think about was, if you took a look at RTA One, and there were issues with finishing RTA One, but had the RTA had a positive impact on their infrastructure, transit and the total environment of the transportation system. He stated the answer to that was yes, but it was time to push something forward. He stated that they spent over six years between the Citizens Advisory Committee, the Technical Management Committee and multiple municipalities working on coming up with a plan, and they needed to get it out for feedback from the community. He stated that they needed to find the leaders, much like the RTA One, it was not until significant community leaders such as Supervisor Christy and State Senator Farley supported it. He stated that this was what he was asking for, that the RTA Board push the process forward, because if it kept being delayed trying to make it perfect, instead of the good, they would find themselves in a position where this region would lose two-thirds of its regional infrastructure funding. He stated that in his role in the State Transportation Board, the state and federal government would not come to save regional infrastructure in Pima County, so that was what needed to be considered moving forward. He stated that the changes that had occurred from the last iteration that was discussed and kind of put forward, currently, the RTA Board indicated that this was the plan they would build off of before they considered moving it forward to the community. He stated that not much had changed in the roadway elements, the biggest thing was about \$1.1 billion over 20 years, with the biggest change being the addition of the Marion Cleveland Way widening project. He stated that other than that, these projects had been the projects in the plan for months. He stated that they also listed the deferred projects and reminded the Board that they moved four projects out of RTA One into RTA

Next. He stated that on the back side of the page, they would find the other elements and it was very important that when they got to this phase, they discuss something that the RTA Board voted unanimously to consider the pessimistic economic forecast. He stated that 80% of the time, the revenues should come in above that pessimistic view that came from the University of Arizona, but due to the problems with 2008, the economic downturn and the funding shortfall of RTA One, combined with increasing prices, they wanted to take that pessimistic view, but this plan built out all the way through the baseline surplus. He stated they would discuss the money above pessimistic below baseline surplus when looking at this plan. He stated that anything in the baseline would only be funded if the regional sales tax proceeds came in above the pessimistic view. He stated that one of the additions in this plan was the safety Americans with Disabilities Act (ADA) and active transportation element it needed in some of the funds allotted to them. He added that the environmental element was going to be one of controversy because they moved \$25 million out of that at the last meeting to put \$25 million of contingency funds back in, moved it out of the pessimistic view, did not move it out of the baseline view. He stated that the transit element was solid with the amount of money there and was being flushed exactly how to best show it and explain it to the voters, but effectively, it was intended to do no harm to the current transportation program and opportunity for growth through the City of Tucson (COT), through a couple different options. He pointed out that to him the biggest change in this was the addition of arterial rehabilitation, reconstruction of roads, but it was effectively limited curb to curb and addressed the concern about the roads, the regional roads, because it could only be used on arterials. He stated that there was only money allotted to the COT, but it opened the possibility for funds, depending how they came in, that it could expand to include unincorporated Pima County if the funding came in at a sufficient level. He went over the baseline revenues, stating that the COT was taking the biggest risk in this because a lot of funding was in that baseline surplus or below the baseline and above the pessimistic view, it included more money for contingency funding. He stated that it included \$25 million for the environmental element and the most significant piece was the \$190 million for arterial rehabilitation that would be available to the COT to fix the roads that even those who did not live inside of the COT that drove on all the time, that would provide the total down to the baseline views.

Supervisor Christy asked about the issue with rehabilitating roads within the COT and if it meant that the maintenance would be paid for by the RTA for COT roads that were the beneficiary of RTA.

General Maxwell explained it meant that rehabilitation was reconstruction, which was limited to curb to curb and did not allow for any changes in the road. He stated that it saved because it did not require them to design roads and other elements that did not have to be addressed. He stated that it would reconstruct the roads, but that it would take them back to a level of new. He stated that he was aware of Supervisor Christy's extensive experience on the Arizona Department of Transportation (ADOT) so he would understand the difference between a mill and

fill, but this was a 2-to-4-inch removal of pavement, replacement of pavement that would effectively give the road a new life.

Supervisor Christy asked whether there would be any other instances of this occurring in unincorporated Pima County.

General Maxwell responded that it depended on the funding that came in and then what the COT or County decided to do with the funding. He stated that they had allocated all the funds up to baseline revenue, which was the middle estimate. He stated that 50% of the time it was going to the revenues that would come in above that and 50% of the time they would come in below that, so if they came in above it, then that money would become available to the RTA Board to make the determination when working with the municipalities and the jurisdictions that made up that Board, then those funds could be used in arterial rehabilitation in Pima County if deemed necessary, if that was what was asked by Pima County.

Supervisor Christy asked if this plan and the items highlighted adhered to the original mission of the RTA that nothing would be changed from the original plan as the voters had voted for that plan.

General Maxwell explained this was the RTA Next plan going forward, which would only be considered with the four projects that were moved out of RTA One into RTA Next, would only go with the half percent sales tax that would go towards these funds. He stated that the statutes regarding RTA Next had not changed, the administrative code probably would, but the RTA One next projects that were still due to be completed had to be completed with other non-RTA Next funds, so these funds could not be used to complete the RTA One projects, which was why there was a lot of concern about what RTA was going to do to complete those RTA One projects. He stated that the only thing that changed in the statute since 20 years ago was the ability to go from a half cent to a full cent and the Board had been very clear that they would stay at a half cent, and they wanted a continuation by the citizens and the community to fund regional infrastructure the way it had been funded for the last 20 years.

Supervisor Lee thanked General Maxwell for his leadership and Vice Chair Scott, but what she thought was really critical was what he said about not going for more of a tax, so the voters, the individuals that paid for this would not see a change in their RTA taxes because for 20 years they were already paying for it.

General Maxwell responded that it was very important to remember because it was a new tax, the courts in Arizona had ruled that they had to ensure they indicate every time they go to the voters for a tax, that it was a new tax, but the fact of the matter was, for the last 20 years in Pima County, and for the last 40 years, in Maricopa County, the citizens of that region had used a half percent sales tax to fund regional roads and plans. He stated that most importantly was the regionalism and there was a lot of conversation amongst many of the municipalities that they could go on their own, that they may be better off, but then they put aside the

regional concept of this. He stated that the plan was not perfect, but it was the time to listen to the community and see what their thoughts on this were. He stated that from a perspective of a current sitting member of the Arizona State Transportation Board and from working in a public policy organization, this reduction in regional funding for roads would have a significant impact. He stated that there was a lot of funding that some of these projects that then would not necessarily be there for the region but would be there for a regionally based project and program. He stated that the future unincorporated Pima County projects on this list, whether they were for the Cortaro Interchange, Tangerine, or Thornydale, those were going to impact the residents of unincorporated Pima County to an incredible extent if they were not built out and so would the continued funding for the transit element. He stated there was a large amount of money every year that went from RTA to support the current transit system and sometimes forgot that it was not just adding roads, infrastructure, opportunities, but also supported the transit system, which made up part of the regional transportation system because it was a collaborative system.

Supervisor Heinz thanked General Maxwell and everyone involved in this because he had been trying to follow along and learn about this, which seemed it went in every direction. He asked why \$25 million was moved out of the environmental element and if was a vote by the Board.

General Maxwell explained that the decision was made by the RTA Board. He stated that the concern in this plan he had removed the contingency fund out, other than a placeholder, because they had to have below the pessimistic line, which was the line that would go to the ballot with the other caveats. He stated there had to be a line if they were going to move money into it, so they had to keep that contingency line there, but he moved it all out, there were several members of the RTA Board who were concerned of starting the plan with zero contingency funding, which would obviously put the early programs at risk if they either had overruns or once they went to design, they were coming in higher than the dollar amount, so they moved \$25 million down, in order to provide some coverage for those early projects that were coming out this year.

Supervisor Heinz recalled a meeting he had with the executive director in early 2021, which was primarily an introductory conversation and at that time he was assured that funding would be available for major projects in the COT, that were largely within his district, but that did not happen, and the assurance was not confidence inspiring. He stated that as elected officials, the Board also had been embarrassed when the former County Administrator retired without notification and noted his displeasure since the Board was charged with oversight. He stated that he understood that the RTA/Pima Association of Governments (PAG) was not only for Pima County, but included representation of everyone through all five districts and all residents of the County. He stated that the County contributed about \$300,000.00 annually to PAG and had shared the same concerns as Council Member Dahl that if they moved forward with the program and continued with the same leadership, it would not be reassuring. He added that the loss of 35 out of 55 team members over 6 or 7 years, including five agency directors, were warning

signs and after what he had experienced felt misled when he initially tried to learn/navigate the RTA/PAG. He asked whether it made sense to continue with the same leadership or a different leadership. He stated that however it moved forward, the Board's action was ministerial, and it required being put on the ballot. He stated that he wanted a plan that made sense, but it seemed very difficult and lacked transparency. He then asked how much money RTA/PAG had and where it went. He expressed his desire to vote for it, but did not feel confident in the leadership of the executive director.

General Maxwell clarified that RTA One and RTA Next were two different issues and there were many people that said if RTA One could not be completed, then they should not move forward with RTA Next, however, when asked if RTA One benefitted the region, the answer was absolutely. He stated that they received two times as much funding from the RTA than from the State and Federal combined. He explained that there were regional needs and requirements on roads and infrastructure and the transportation system. He stated those conversations should be separated because in June 2026, if RTA Next was not passed there would be no funding and they would still have the issues with RTA One that would need to be finished. He stated that there had been a significant change since 2021, in the cost of projects, and early on with RTA One had faced dropped revenue projections from the effects of the 2008 recession. He stated that current projections were really close and had exceeded the forecast revenue and currently were slightly under the baseline. He explained that on the State Transportation Board they had approved contracts 40% to 50% above the state transportation projections, but they had stabilized in some ways and were decreasing. He stated this might have been due to better estimations from ADOT, but were not having to approve contracts as many to that extent and were approving some that were above or some below. He stated that their current revenues were on forecast and costs were higher. He stated that RTA One needed to be addressed and it was going to be a lengthy discussion on where they got those funds because PAG served many purposes. He added that they had used PAG money to complete the projects, but was probably not the way they wanted to go in the future because there was a lot of other responsibilities PAG had. He explained that if RTA Next did not get approved, the RTA authority was still there because of statute, but it would not have any money and PAG would still be responsible towards the roads and infrastructure, which was critical. He stated that the situation with the executive director was something that an individual decided for themselves and what they believed, but he did not think he was intentionally misleading, however they were entering a phase of talking about the RTA One projects which would be difficult because there was no funding to complete them, and this had been known for several months. He stated that he hoped to hear from the executive director that he needed to be vocal about what they could or could not do and what their options were to complete RTA One because it was owed to the citizens. He stated that despite their lack of plan for RTA One and did not move forward with RTA Next, they would not have the continuation or the ability to have regional funding later and would be in worse shape as a community. He added that it would be very difficult for this Board to come to an agreement to raise a half cent sales tax to fund the necessary road infrastructure inside unincorporated Pima

County and would be harder for some of the municipalities that believed they would receive funding. He stated that his concern was that when they received the funding, they would not have access to that other fund that came with it, and that if it was RTA money, they would not be able to complete the projects on a truly regional based perspective. He stated that Mayor Joe Winfield made it clear that 13,000 citizens left Oro Valley every day to go work in the COT, and 10,000 citizens came from outside of Oro Valley to work in Oro Valley and everyone used those roads and benefitted from them. He added that some roads were frustrating and did not score high on polling until it was reported and then would become a priority.

Chair Grijalva stated that she wanted to touch base on something that Supervisor Heinz brought up regarding preserving the connectivity for the wildlife corridors and the linkage funding. She stated that she was concerned with cutting funding in this area and hoped that minimally, they would be able to transition some of that back, because it was critically important. She added that as a district that was predominantly in the COT, she wanted to ensure there was equity across funding for it and that the District 2 and 5 areas had been minimally approved for funding, so all of the other funding, especially through RTA Next, would directly benefit their district.

General Maxwell explained that the COT's position and what they are doing on this plan was that they told them what they needed, and it met what they were looking for in a pessimistic view. He stated that former City Manager Ortega was the one that proposed they had more confidence in the region and the RTA was willing to take a relatively low percentage compared to both the tax that was received inside the COT, although obviously more money was spent by people in the COT, they were willing to take the risk because they believed in the region it would do well. He stated that was why so much of the baseline surplus was going to improve COT arterial roads, the roads in Districts 2 and 5 that were used every day by people inside and outside the COT which provided some alliance. He stated he was very clear the prior week, when they had moved the money, and had received opposition and feedback on why that was done. He explained the importance of putting this towards the citizens and moving it forward to the community to let them provide input and he had heard from some of the municipalities that they would not support that, and the citizens needed to show up so they could build it as a community. He stated that Mayor Murphy referred to this as the "People's Plan" and he felt it was time they put it forward to the people and had no doubt that the advocates for programs, whether it was the environmental element, the transit element, or the roadway element. He stated that they would show up and ensure they had the opportunity to go to the ballot and they needed to be in a position that if they did not succeed the first time, they could try again before the funding stopped. He stated that Maricopa did not have that luxury, and they were going to get one shot at the ballot.

Supervisor Scott thanked General Maxwell for his leadership, acknowledged the challenge of achieving consensus among the RTA members, as they did on September 5th, to advance the plan to the public review period. He stated that

General Maxwell had worked really hard to ensure he understood the needs and concerns of all the different members and kept their focus on the importance of regionalism and how that had to be their guiding principle as they moved forward. He stated that it had been mentioned many times at the RTA Board that over a third of County residents lived in unincorporated Pima County and that the Board of Supervisors were their voice. He stated that if they did not move forward with a RTA Next plan, the segment of the population that was going to be most deleteriously affected were people that lived in the unincorporated portion of the County. He stated that it was not ideal that they would talk about costs to complete RTA One projects on September 26th, when also talking about moving an RTA Next plan forward into the public review period, but it had been pushed forward because there was no quorum in July. He asked what the RTA would be discussing on September 26th in terms of the cost to complete this discussion.

General Maxwell reiterated that he liked to ensure these were separate conversations because they were about two different things, one about completing what they promised and the current one was about their future. He stated it would be a difficult conversation because as Supervisor Heinz mentioned, the funds were not there and more had interacted with the executive director that it was clearer the funds were not there and there would be some tough decisions to be made on how they could do that. He stated that the Board voted unanimously in the past that they would complete all the RTA One projects, but no one had voted for how they would achieve it, so there still needed to be that conversation. He stated that he hoped it would not muddy the waters for getting something to the community on RTA Next and believed that this plan was as close as they would be to targeting all RTA members' support. He acknowledged that whatever plan moved forward, he knew not everyone would agree to all of the parts. He stated that they were a diverse community, second largest County in the State with over a million citizens and with grossly different needs depending on the area in the community. He stated that he hoped they would put the conversation for RTA Next to bed and get serious and go out to the community and collect all the information on what they thought of the RTA Next plan, then they could have those hard discussions on how they would finish RTA One.

Supervisor Scott stated that the County had questions about the cost to complete and he had met with Ms. Leshner, Mr. DeBonis, Jr., Ms. Skinner from the Transportation Department, and Ms. Hiller from his office, that the RTA was ready to pose in July, but would pose them in September. He stated that they felt comfortable and confident about moving the RTA Next plan forward to the public review period and would support that.

General Maxwell stated that was the best part of the plan. He stated that County staff had been incredibly involved and engaged on trying to get to a solution that worked regionally and Countywide throughout and commended staff from the Transportation Department and the great leadership going forward and hoped to continue working together.

Supervisor Heinz sought clarification on the process of how the RTA Next plan would be presented to the public for review and how the RTA anticipated what would be incorporated from that feedback.

General Maxwell responded that at the last meeting, there was discussion about how and who was going to collect the data and there was some talk about possibly a third party to augment what PAG was doing on their collection process, as well. He stated that they wanted to ensure to reach all the different areas of the County. He stated that the data would be collected and be briefed on a routine basis with the collection period of 3 to 6 months. He stated that if they went out 6 months they would probably have to come to a decision by May and into November for it to go to the ballot. He stated that it would be brought back to the RTA Board and was ultimately their decision to make the movements based on the recommendations from the folks that interacted with the community input they might bring to them some recommendations. He stated that they would rely on PAG staff, but would also be open to hearing from the other elected bodies and that Supervisor Scott was the Board's point of contact for the County and process wise, suggested Board member ideas be relayed to them in that prospect.

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

CLERK OF THE BOARD

55. Avra Valley Irrigation and Drainage District Annual Election Cancellation

Discussion/Action regarding a request, pursuant to A.R.S. §16-410(A), to cancel the annual election of the Board of Directors of the Avra Valley Irrigation and Drainage District and appoint Craig Bratton as Director of Division III of the Avra Valley Irrigation and Drainage District, to serve a 3-year term, effective January 1, 2025.

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

COUNTY ATTORNEY

56. Proposed Settlement in Julie Pitz v. Pima County

Discussion/Direction/Action regarding a proposed settlement in Julie Pitz v. Pima County, et al., Superior Court Case No. C20220730.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve as discussed in Executive Session.

CONTRACT AND AWARD

Project Design and Construction

57. Southern Arizona Arts and Cultural Alliance, to provide for Public Art Coordinator Services, Various Capital Improvement Program Funds, contract amount \$146,160.00/2 year term (SC2400002267)

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

BOARD, COMMISSION AND/OR COMMITTEE

58. **Corrections Officer Retirement Board**

Reappointment of Leo Duffner. Term expiration: 12/31/27. (Chair recommendation)

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

59. **Public Safety Personnel Retirement Board**

Reappointment of Leo Duffner. Term expiration: 12/31/27. (Chair recommendation)

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

60. **CONSENT CALENDAR**

Approval of the Consent Calendar

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Pima County/Tucson Women's Commission**

Reappointment of Lisa Nutt. Term expiration: 5/19/26. (Commission recommendation)

2. **Regional Affordable Housing Commission**

- Ratification of Town of Sahuarita appointment: Nathan Barrett, to replace Anna Casadei. Term expiration: 12/5/26. (Jurisdictional recommendation)

- Ratification of City of Tucson appointment: Daniel Bursuck, to replace Sarah Meggison. Term expiration: 12/19/26. (Jurisdictional recommendation)
3. **Workforce Investment Board**
Reappointments of Dr. Deborah Bright, representing Business, and Victor Gonzalez, representing GECD; Philanthropic Organization. Term expirations: 9/30/27. (Staff recommendations)
 4. **Board of Adjustment, District 3**
Appointment of Beverley Hester, to fill a vacancy created by Brian Kopcsik. Term expiration: 9/16/28.
 5. **Library Advisory Board**
Appointment of Anna Sanchez, to replace Elizabeth Soltero. Term expiration: 6/30/25. (District 5)

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

6. **Special Event**
 - John Walter Kenning, Jr., Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, September 24, 2024.
 - Alejandro Torres, Corpus Christi Roman Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, September 28, 2024.
 - Meredith Bode, TMC Foundation, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, November 16, 2024.
7. **Temporary Extension**
06100203, Jeffrey Craig Miller, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, October 3, 4, 5, 6, 10, 11, 12, 13, 17 and 18, 2024.

FINANCE AND RISK MANAGEMENT

8. **Duplicate Warrants - For Ratification**
Barbara Jane Tellman \$150.00; Unifirst Corporation \$1,521.22; The University of Arizona \$21,484.94; Al Terrence Hutchinson \$734.76; Waste Management of Arizona, Inc., \$200.34; Nicole Tapia \$1,000.00; The University of Arizona \$27,923.32; SJM Premier Medical Group, L.L.C., \$5,903.40; Nahrin Jabro \$75.72; Waste Management of Arizona, Inc., \$22,332.93; Patrick Coppen \$4,705.00; City of Tucson \$51,342.84; Patrick Coppen \$1,000.00; Diaper Bank of Southern Arizona \$2,111.85; Kelsey Camps \$232.91; Kelsey Camps \$93.50; Kelsey Camps \$178.16; Toshiba America Business Solutions, Inc., \$5,327.26; Pima County Justice Court \$19,000.00; Ada Rojas \$13,635.62; Pauline Maria Kousoulas \$1,095.00; City of Tucson \$1,330.26; Andrea M. Santamarina \$203.08; Kossi Venuny Ekpeh

\$271.50; Robert Christopher King \$2,011.90; Pauline Maria Kousoulas \$2,155.00.

RATIFY AND/OR APPROVE

9. Minutes: July 2, 2024

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61. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:56 p.m.

CHAIR

ATTEST:

CLERK