

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 9, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. GRANT ACCEPTANCE

Arizona State Library, Archives and Public Records, to provide for Southwest Books of the Year 2015 Project, \$4,500.00 (GTAW-15-50)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:37 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 9, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. INVOCATION

The invocation was given by Pastor Peter Kraft, Eastside Assembly of God.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINT OF PRIVILEGE

Supervisor Elías announced there would be an upcoming wreath laying scheduled at Holy Hope Cemetery to honor soldiers from our community who gave their lives serving this country.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Bonnie Kampa, Chief Executive Officer of Interfaith Community Services, proclaiming the day of Friday, December 12, 2014 to be: "BONNIE KAMPA DAY"

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

6. Presentation of a proclamation to June Webb-Vignery, Executive Director, M.E.C., proclaiming the month of December 2014 to be: "METROPOLITAN EDUCATION COMMISSION MONTH"

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

7. **CALL TO THE PUBLIC**

Mary Murphy addressed the Board regarding her Green Valley neighborhood and historic world events.

8. **CONVENE TO EXECUTIVE SESSION**

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

9. **RECONVENE**

The meeting reconvened at 9:58 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the taxpayer notice of claim for all real property in the taxing jurisdiction of the City of South Tucson for tax years 2011, 2012 and 2013, and related pending or contemplated litigation.

Chris Straub, Chief Civil Deputy County Attorney, stated the item had been for information only. The Board took no action on this item.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Star Valley Specific Plan; Star Valley Master Block Plat and abandonment and Re-Plat of Star Valley Blocks 4, 7, and 8; development issues and transportation improvements related to Star Valley and Star Valley Village plats; Valencia Road: Ajo Highway - Mark Road transportation improvements; and, the following lawsuits: Broadway Realty and Trust, Inc., et al. v. Pima County, et al., Pima County Superior Court Case No. C20145528, Stewart Title and Trust as Trustee under Trust No. 3701, et al. v. Pima County Board of Supervisors, et al., Pima County Superior Court Case No. C20144304, and Joseph Cesare, et al. v. Pima County, et al., United States District Court Case No. 14-CV-02514.

Chris Straub, Chief Civil Deputy County Attorney, stated the item had been for information only. The Board took no action on this item.

BOARD OF SUPERVISORS

12. Taxpayer Notice of Claim

Pursuant to A.R.S. §42-16254, et seq., response to the Taxpayer Notice of Claim filed with the Pima County Board of Supervisors on October 14, 2014, for all real property in the taxing jurisdiction of the City of South Tucson for Tax Years 2011, 2012, and 2013.

Luis Gonzales, City Manager of the City of South Tucson, addressed the Board and provided a written statement from the Mayor of South Tucson. He maintained the City's position that the imposition of the secondary property tax was not an error and added that the State Attorney General was currently conducting a review of this matter. He stated that there was a shared responsibility and that the County had a fiduciary responsibility to ensure the levy was legal and correct prior to setting the taxes.

Supervisor Valadez questioned the options available to the Board once the original tax levy Ordinance had been received from the City of South Tucson, if the County held any fiduciary responsibility for legal review of that tax levy, how did the statute regarding errors in the imposition of a tax rate applied to this matter and what the Board's current options were.

Chris Straub, Chief Civil Deputy County Attorney, stated there were no options available to the Board and that it was the Board's administrarial duty to include what had been provided by the jurisdiction in the formulation of the tax bills. He added the Board did not have a legal responsibility to review the information provided by the jurisdiction. Mr. Straub stated there was a difference between an illegal tax and an illegal tax rate and added that there seemed to be a dispute on whether this had been an illegal tax. He said the Board had two options, one to approve the claim and the other to dispute the claim on the basis that the issue was not the tax rate but rather the validity of the tax itself, that this was the wrong forum and the matter should be resolved by a court of law not this Board.

Supervisor Valadez questioned whether the Ordinances received by the City of South Tucson had been approved by the City attorney. Mr. Straub stated some had been and others had not and that it would have been up to the City of South Tucson to make a determination on the legality of the ordinance.

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

13. Board of Supervisors - Expenditures

Approval of the following:
District 3 - Ajo Copper News, \$43.00

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

CLERK OF THE BOARD

14. Revision to Board of Supervisors Policy

Staff recommends approval of the revisions to the Board of Supervisors Policy No. C4.2, Pima County Records Management Program.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

15. Handmaker Jewish Services for the Aging Project

RESOLUTION NO. 2014 - 121, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$16,000,000.00 revenue and refunding bonds (Handmaker Jewish Services for the Aging Project), Series 2014 and declaring an emergency.

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

BOARD OF SUPERVISORS

16. Process for Requesting Data and Additional Background Materials

Discussion and vote on a process for requesting data and additional background materials in preparation for Board of Supervisor meeting agenda and addendum items. (District 1)

Supervisor Miller stated her concern regarding submittal of incomplete or inaccurate background materials for Board of Supervisors' Meeting agendas and the difficulties associated with getting answers to questions on the information in a timely manner. She added that contracts were being presented for approval with effective dates that were months earlier.

It was moved by Supervisor Miller and seconded by Chair Bronson to direct staff to develop a policy with a clear set of procedures for submittal of background materials to the Board, including requirements that the Procurement Department material be complete and as accurate as possible with current information and dates.

Supervisor Valadez stated there needed to be a minimum threshold of information provided that a reasonable person could expect by the departments and if not the item would not be placed on the agenda.

Chair Bronson added that incomplete information is confusing to the Board and to the public.

Supervisor Elías stated there could be ramifications and unforeseen consequences in changing contract dates.

Supervisor Valadez offered an amendment to the motion to direct the Clerk of the Board to revamp the process and the form for submittal of agenda item with the authority to not place items on an agenda that do not meet the minimum threshold of information; and to direct the County Administrator to develop a procedure/process to ensure that lapses do not occur. Both Supervisor Miller and Chair Bronson accepted the amendment to the motion.

Mr. Huckelberry stated he would work with the Clerk on the process.

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

COUNTY ADMINISTRATOR

17. Board of Supervisors Policy

Staff requests approval of the Board of Supervisors Policy regarding Budget Development Transparency and Transfer to Community Nonprofit Organizations for Public Services.

Without objection, this item was continued to the Board of Supervisors' Meeting of December 16, 2014.

18. Star Valley Development

Staff recommends approval of abandonment plats to re-plat all or portions of Star Valley Blocks 4, 7 and 8, returning the land to generally the same boundary configuration which existed before recording of the subdivision plats.

Without objection, this item was continued to the Board of Supervisors' Meeting of December 16, 2014.

CONTRACT AND AWARD

COUNTY ATTORNEY

19. The Board of Supervisors on December 2, 2014, continued the following:

Kathryn Kellner, d.b.a. Kellner Studio, to provide presentation skills and communication strategy professional services, Special Revenue Fund, contract amount \$50,000.00 (CT-PCA-15-141)

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

INFORMATION TECHNOLOGY

20. Nextel West Corp., a.k.a. Sprint Corporation, to provide for the mandatory 800 MHz Rebanding Project, contract amount \$104,375.60 estimated revenue (CTN-IT-15-53)

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

GRANT APPLICATION/ACCEPTANCE

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

U.S. Department of Housing and Urban Development, Amendment No. 1, to provide for the 2013 Continuum of Care Program-La Casita, no cost (GTAW 15-29)

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

22. **Acceptance - Health Department**

Arizona Department of Health Services, Amendment No. 1, to provide for the Empower Plus Program, Nemours Foundation, \$27,900.00 (GTAM 15-31)

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

CONSENT CALENDAR

23. **Approval of the Consent Calendar**

It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to pull Consent Calendar Item Nos. 4, 5 and 9 for separate discussion and vote.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Economic Development and Tourism

4. University of Arizona Foundation, College of Science, Amendment No. 2, to provide for the Geo-Tourism Marketing Initiative Program and extend contract term to 6/30/15, Special Revenue Fund, contract amount \$15,000.00 (CT-ED-13-660)

Supervisor Miller stated incorrect information had been provided and the contract was back dated therefore she would not support this contract.

It was moved by Supervisor Miller to deny this item. The motion died for lack of a second. It was then moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

Facilities Management

5. Menlo Park Neighborhood Association, Amendment No. 1, to provide for a use agreement for the grounds and guest house at 17 N. Linda Avenue for rainwater harvesting and gardening projects and extend contract term to 12/8/16, no cost (CTN-FM-12-149)

Supervisor Miller stated she could not support this contract due to the conflicting information provided.

It was moved by Supervisor Miller to deny this item. The motion died for lack of a second. It was then moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

Procurement

9. WSM Architects, Inc., Amendment No. 10, to provide for the Fleet Services Facilities Project, extend contract term to 2/28/15 and amend contractual language, Certificates of Participation, contract amount \$27,821.00 (CT-FM-11046556-P) Facilities Management

Supervisor Miller noted that the additional work had moved forward without approval of the Board and that the contract was funded by Certificates of Participation and for these reasons, she could not support approval of the contract amendment.

Chuck Huckleberry, County Administrator, explained that the Procurement Director has historically had the authority to move ahead with small amendments to professional service contracts at the closeout of project in order to get a clearer picture of the actual cost and that delaying the contract would result in additional incurred costs.

It was moved by Supervisor Miller to deny this item. The motion died for lack of a second. It was then moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

* * *

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

* * *

CONTRACT AND AWARD

Community Services, Employment and Training

1. SER-Jobs for Progress of Southern Arizona, Inc., to provide for the Youth Services Program, U.S. DOL, ADES WIA Grant (69%) and General (31%) Funds, contract amount \$175,204.06 (CT-CS-15-208)
2. St. Elizabeth's Health Center, Inc., Amendment No. 1, to provide for the Community Services Block Grant Program and amend contractual language, no cost (CT-CS-15-222)
3. Portable Practical Educational Preparation, Inc., to provide for the Youth Services Program, U.S. DOL, ADES WIA Grant (28%) and General (72%) Funds, contract amount \$120,432.52 (CT-CS-15-228)

Economic Development and Tourism

4. University of Arizona Foundation, College of Science, (PULLED FOR SEPARATE ACTION)

Facilities Management

5. Menlo Park Neighborhood Association, (PULLED FOR SEPARATE ACTION)

6. Logan Simpson Design, Inc., Amendment No. 4, to provide a lease for property located at 33 N. Stone Avenue, Suite 1460, extend contract term to 12/31/15 and amend contractual language, contract amount \$37,436.38 revenue (CTN-FM-CMS142168)

Information Technology

7. T-Mobile West, L.L.C., Amendment No. 3, to provide a Nonexclusive Right-of-Way Use License Agreement for the telecommunications site located at 6048 E. Sunrise Drive and amend contractual language, contract amount \$14,586.07 reduction in revenue (CTN-IT-15-48)

Procurement

8. Award

Sole Source: Award of Contract, Requisition No. 15-80, Selectron Technologies, Inc., (Headquarters: Portland, OR) for IVR System upgrade and maintenance services in a not to exceed amount of \$184,623.59. Contract is for a five year term. Funding Source: Capital Improvement Project Fund. Administering Department: Information Technology.

9. WSM Architects, Inc., (PULLED FOR SEPARATE ACTION)

10. DOWL HKM, L.L.C., Amendment No. 2, to provide construction management services for Orange Grove Road: Camino de la Tierra to La Cholla Boulevard Project and amend scope of work, 1997 HURF Bond (95.6%) and RTA Intersection Safety (4.4%) Funds, contract amount \$5,000.00 (CT-PW-13-777) Public Works Administration

11. Award

Low Bid: Award of Contracts, Requisition No. 15-3, Oakleaf Energy Partners Ohio, L.L.C., (Headquarters: Denver, CO) three contracts in the cumulative 20 year amount of \$5,250,940.00 for electricity to be provided from solar photovoltaic facilities designed, financed, installed, operated and maintained by the vendor for Green Valley, Avra Valley and Corona de Tucson wastewater reclamation facilities(WRF). Funding Source: RWRD Operating Fund. Administering Department: Regional Wastewater Reclamation.

Real Property

12. RESOLUTION NO. 2014 - 122, of the Pima County Board of Supervisors, accepting a donation from June Woodman for a portion of Tax Parcel No. 214-46-0020 via Special Warranty Deed containing deed restrictions, and designating the donation parcel part of the County parks system, General Fund, contract amount not to exceed \$4,500.00 including closing costs (CT-PW-15-223)

GRANT APPLICATION/ACCEPTANCE

13. Acceptance - Pima County Attorney's Office

Department of Health and Human Services - Substance Abuse and Mental Health Services Administration, to provide for the Drug Court Treatment Project, \$325,000.00. (GTAW 15-49)

SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273

14. Ruth A. Dormanen, Catalina Crusaders, Players Pub, 16024 N. Oracle Road, Tucson, December 6, 2014.
15. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, December 7, 2014 and January 3, 2015.
16. Christine Joan Manson, International Sonoran Desert Alliance, Plaza Rec Hall, 38 W. Plaza Street, Ajo, January 17, 2015.

SPECIAL TAXING DISTRICT

17. Irrigation District Canvass

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 11, 2014 Election conducted by the following:

- Flowing Wells Irrigation District
- Avra Valley Irrigation and Drainage District

RATIFY AND/OR APPROVE

18. Warrants: November, 2014

* * *

24. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:37 a.m.

CHAIR

ATTEST:

CLERK

12-9-2014 (10)