

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 6, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 *Ally Miller, Member
 *Steve Christy, Member
 Betty Villegas, Member

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

*Supervisors Christy and Miller participated remotely.

1. **CONTRACT**

United States Department of the Interior, U.S. Geological Survey, to provide a joint funding agreement for water resource investigations, Flood Control Ops Fund, contract amount \$65,811.00/4 year term (CT-FC-21-179)

It was moved by Supervisor Bronson, seconded by Supervisor Villegas 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 12:48 p.m.

CHAIRMAN

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 6, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
Sharon Bronson, Vice Chair
*Ally Miller, Member
*Steve Christy, Member
Betty Villegas, Member

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

*Supervisors Christy and Miller participated remotely.

1. REVISIONS TO BOARD OF SUPERVISORS POLICY

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. D 32.2, Pima County Public Library - Circulation Policy.

It was moved by Supervisor Bronson, seconded by Supervisor Villegas 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 12:48 p.m.

CHAIRMAN

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, October 6, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
Sharon Bronson, Vice Chair
*Ally Miller, Member
*Steve Christy, Member
Betty Villegas, Member

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

*Supervisors Christy and Miller participated remotely.

1. **INVOCATION**

The invocation was given by Pastor Demetrius Miles, Tucson Church International.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Supervisor Christy addressed the arrest of Kelly Walker on September 15, 2020 and urged that the charges against him be dropped and an apology be issued.

Supervisor Miller encouraged prayers for the President to get well soon.

Supervisor Villegas recognized Breast Cancer Awareness Month, National Domestic Violence Awareness Month, Mental Illness Awareness Week and the National Week of Mourning all of which were occurring in the month of October.

PRESENTATION

4. Presentation of a Certificate of Recognition to Pastor Demetrius Miles for outstanding contributions made to the citizens of Pima County as Senior Pastor of the Tucson Church International. (District 3)

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Shannon Roberts, Diaper Bank of Southern Arizona and Magdalena Verdugo, YWCA Southern Arizona, proclaiming the day of Saturday, October 10, 2020 to be: "NATIONAL PERIOD DAY IN PIMA COUNTY"

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

6. Presentation of a proclamation to Arnold Palacios, proclaiming the day of Tuesday, October 6, 2020 to be: "MR. ARNOLD PALACIOS/COMMUNITY & WORKFORCE DEVELOPMENT APPRECIATION DAY"

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

7. **CALL TO THE PUBLIC**

Robert Reus suggested that the Old Tucson property be used as a native arts market, which would help mitigate the maintenance and upkeep costs.

Gretchen Daschke and Malinda Sherwyn addressed the Board regarding lawsuits filed against the Department of Child Safety and inquired which organization was responsible for oversight of that department.

Keith Van Heyningen and Jill Henderson opposed the actions of the Board regarding Kelly Walker and virus protocols.

John Lashley, Manager, Tucson Speedway, addressed the Board regarding the Health Department's requirements and the negative effects it was having on tourism.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:42 a.m.

9. **RECONVENE**

The meeting reconvened at 9:54 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to file an amicus curiae brief on behalf of Pima County in support of the City of Peoria in *Shires v. Carlat*, Arizona Supreme Court Case No. CV-20-0027-PR.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to file an amicus curiae brief on behalf of Pima County in support of the City of Peoria.

It was moved by Supervisor Bronson, seconded by Chairman Valadez and carried by a 3-2 vote, Supervisors Christy and Miller voted "Nay," to file an amicus curiae brief in support of the City of Peoria, as discussed in Executive Session.

COUNTY ADMINISTRATOR

11. **Updates and Action on COVID-19**

(Clerk's Note: See the attached verbatim related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID 19.)

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12. **RECESS**

Without objection, the Chairman recessed the meeting due to technical difficulties causing Supervisors Christy and Miller to be disconnected and unable to remotely participate.

13. **RECONVENE**

The meeting was reconvened once Supervisors Christy and Miller were reconnected. Minute Item Nos. 14-29 were reconsidered.

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COUNTY ADMINISTRATOR

14. The Board of Supervisors on September 15, 2020, continued the following:

Board of Supervisors Policy No. C 6.3 - Anti-Racketeering Revolving Fund

Staff recommends approval of the Anti-Racketeering Revolving Fund applications under Board of Supervisors Policy No. C 6.3.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

Supervisor Miller stated that she would not support the applications since they had not been reviewed by the attorney per the policy and procedure defined by the Board. Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay."

CLERK OF THE BOARD

15. Flowing Wells Irrigation 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 Flowing Wells Irrigation District and appoint Mack Dickerson as a Board member of the Flowing Wells Irrigation District, to serve a three-year term, effective January 1, 2021.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

16. Petitions for Redemption of Property Tax Exemption Waiver

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties)

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

ATTRACTIONS AND TOURISM

17. Titan Missile Museum Maintenance Project

Staff recommends approval for elevator repairs at the Titan Missile Museum. Repair costs are approximately \$150,000.00.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

INDUSTRIAL DEVELOPMENT AUTHORITY

18. **Edkey Charter Schools Project**

RESOLUTION NO. 2020 - 78, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$100,000,000.00 Education Facility Revenue and Refunding Bonds (Edkey Charter Schools Project, the northeast corner of Roosevelt Street and Verrado Way, Buckeye, Arizona; 19265 N. Porter Road, Maricopa, Arizona; 2820 W. Kelton Lane, 16454 N. 28th Avenue, 1648 S. 16th Street, Phoenix, Arizona; 1460 S. Horne, 2906 N. Boulder Canyon, 4816 S. Eastmark Parkway, Mesa, Arizona; 982 Full House Lane, Show Low, Arizona; 2030 E. Cherry Street, Cottonwood, Arizona; 132 W. General Crook Trail, Camp Verde, Arizona), Series 2020 and declaring an emergency.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

TRANSPORTATION

19. **Acceptance of Project/Roadway for Maintenance**

P17SC00065, Rancho Del Lago, Block D, Phase 2B, Lots 22-80 and Common Areas "A" and "C". Owner/Developer: KB Home. (District 4)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

20. **Acceptance of Project/Roadway for Maintenance**

P16SC00035, New Tucson Unit 5.3, Lots 1-7, 20-55 and 131-136. Owner/Developer: D.R. Horton. (District 4)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

21. **Acceptance of Project/Roadway for Maintenance**

P18SC00004, Dakota Vista, Lots 1-32 and Common Areas "A" and "B".
Owner/Developer: KB Home. (District 5)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

22. **Acceptance of Project/Roadway for Maintenance**

P17SC00054, Hardy 30, Lots 1-84 and Common Areas "A" and "B".
Owner/Developer: D.R. Horton. (District 1)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

23. **Acceptance of Project/Roadway for Maintenance**

P17SC00001, Magee 17, Lots 1-35. Owner/Developer: Richmond American Homes.
(District 1)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

24. **Acceptance of Project/Roadway for Maintenance**

P17SC00016, New Tucson Unit 5.4, Lots 98-115, 178-191 and 193-256.
Owner/Developer: D.R. Horton. (District 4)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

25. **Acceptance of Project/Roadway for Maintenance**

P18SC00020/P18SC00042, Rancho Del Lago Reserve, Block 28, Lots 1-79.
Owner/Developer: Meritage Homes. (District 4)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

26. **Acceptance of Project/Roadway for Maintenance**

P18SC00061/P18SC00065, Saguaro Station, Lots 1-28. Owner/Developer: KB Home. (District 1)

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

FRANCHISE/LICENSE/PERMIT

27. **Hearing - Liquor License**

Job No. 117561, Jason Fred Kafcas, Fat Willy's Family Sports Grill, 8701 S. Kolb Road, Tucson, Series 12, Restaurant, New License.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

28. **Hearing - Liquor License**

Job No. 117568, Jason Fred Kafcas, Fat Willy's Marketplace, 8701 S. Kolb Road, Tucson, Series 10, Beer and Wine Store, New License.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

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

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

13103003, Susan Craig, Charron Vineyards & Winery, 18585 S. Sonoita Highway, Vail.

(Clerk's Note: Minutes Item Nos. 14-29, were reconsidered due to technical difficulties.)

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit subject to the fact that additional permitting through Development Services may be needed and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

30. The Board of Supervisors on July 7, September 1, and September 15, 2020, continued the following:

Hearing - Rezoning

P19RZ00010, YATES IRA JON - N. COMO DRIVE REZONING

Request of Ira Yates represented by the Planning Center, for a rezoning of approximately 12.49 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, parcel code 225-43-0030, located approximately 300 feet north of E. Magee Road and 10 feet east of N. Como Drive addressed as 7801 N. La Cholla Boulevard. 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 5-4 (Commissioners Bain, Membrila, Becker and Johns voted NAY; Commissioner Hook was absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS. (District 1)

Chairman Valadez noted that the item required a supermajority vote for approval.

Chris Poirier, Deputy Director, Development Services Department, explained that this was a request to rezone approximately 12.49 acres from the SR to the CR zone. He indicated that approval would increase the number of homes allowed from 3 to 55. He stated that the supermajority protest requirement had been achieved. He indicated that staff recommended approval, subject to special and standard conditions, including an amendment to Condition No. 2b. He stated that the Planning and Zoning Commission had recommended denial. He also indicated that the applicant had accelerated the submittal of a traffic impact study due to concerns raised by neighbors and the Planning and Zoning Commission. He added that although the study was helpful, it did not include any mitigation and was not conclusive.

The following individuals addressed the Board in opposition to P19RZ00010:

- Ed Booth, President, Tucson National Homeowners' Association
- Fred Eigenbrod, Board Member, Tucson National Homeowners' Association
- David Carroll
- David Blough
- Suzi Hileman
- David Pett
- Matthew North

They offered the following comments:

- The expansion of Magee Road and La Cholla Boulevard intersection eliminated safe access points to the Yates property.
- The proposed homes were not compatible with the community to the west of the property.
- The property lacked emergency access.
- The traffic study predicted an increase of three accidents.

The following individuals addressed the Board in support of P19RZ00010:

- Craig Courtney, Magee Center
- Mike Byrne, Planner, WLB Group

They offered the following comments:

- It was desirable to have residential traffic flowing through a commercial project.
- A traffic signal at Magee Center would address safety and traffic issues.
- Formation of an action committee that included the applicant, neighbors and County staff was recommended to study the feasibility of a traffic light.

Ira Yates, applicant, stated that the County had removed access to his property during the Magee Road/La Cholla Boulevard redesign. He indicated that he had made every attempt to identify and resolve the concerns raised by the neighborhood and was dedicated to working with neighbors and County staff.

Brian Underwood, The Planning Center, applicant representative, reviewed the history of the project and the alterations that were made to address the concerns of the neighborhood and to comply with the County's Comprehensive Plan density criteria. He stated that the applicant was willing to contribute to mitigation measures, continue conversations with the surrounding neighbors and work to create a safer situation.

Supervisor Miller inquired why the emergency vehicle access response condition from La Cholla Boulevard was removed.

Mr. Poirier responded that the applicant had requested that condition be removed and based on the fact that the access point would not meet County standards, staff consented.

It was moved by Supervisor Miller and seconded by Supervisor Christy to close the public hearing and deny P19RZ00010. No vote was taken at this time.

Supervisor Bronson stated that the rezoning suited the Comprehensive Plan and was located in a growth area. She indicated that the circumstances were unfortunate, as was Pima County's role when the access point was removed.

Upon roll call vote, the motion carried 4-1, Chairman Valadez voted "Nay."

31. **Hearing - Rezoning**

P20RZ00005, TAYLOR ET AL. - S. KOLB ROAD REZONING

Request of Michael Taylor, et al., represented by Coronado Engineering and Development, Inc., for a rezoning of approximately 3.47 acres from the SR (AE) (Suburban Ranch - Airport Environs) to the CB-2 (AE) (General Business - Airport Environs) zone located approximately 1,300 feet south of the intersection of S. Kolb Road and E. Valencia Road addressed as 6400 S. Kolb Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Military Airport (MA). On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Membrilla were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

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. Prior to Development Plan approval, written proof of coordination with the City of Tucson is required.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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.
5. Adherence to the preliminary development plan as approved at public hearing.
6. 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.
7. The property owner shall execute the following disclaimer regarding 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(l)."

Chris Poirier, Deputy Director, Development Services Department, indicated that this request was for a rezoning from SR to CB-2. He stated that the rezoning would allow for a self-storage operation in an area which contained multiple self-storage operations. He stated that both the Planning and Zoning Commission and staff recommended approval, subject to standard and special conditions.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00005, subject to standard and special conditions.

32. Hearing - Rezoning Closure/Time Extension/Modification (Substantial Change) of Conditions

A. Hearing - Rezoning Closure

Co9-99-43, RIVROAD ASSOCIATES, L.L.C. - RIVER ROAD REZONING Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request a closure of a 2.05 acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone located on the north side of River Road approximately one-fourth of a mile east of La Cañada Drive and addressed as 1100 W. River Road. The rezoning was conditionally approved in 2000 and expired on October 17, 2010. Staff recommends DENIAL OF THE CLOSURE of the rezoning. (District 3)

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for denial of closure of Co9-99-43.

B. Hearing - Rezoning Time Extension

Co9-99-43, RIVROAD ASSOCIATES, L.L.C. - RIVER ROAD REZONING Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request two consecutive five-year time extensions. The 2.05 acre rezoning from SH (Suburban Homestead) to the TR (Transitional) zone expired on October 17, 2010. The property is located on the north side of River Road approximately one-fourth of a mile east of La Cañada Drive and addressed as 1100 W. River Road. Staff recommends APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined~~

- appropriate by the various County agencies.
4. ~~Provision of development related assurances as required by the appropriate agencies.~~
 5. ~~Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
 - 6.1. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
 - 7.2. Transportation conditions:
 - A. Provision of all necessary access improvements to Hansen Avenue River Road as determined during the plan review process. 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. ~~These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~
 - B. Access to River Road shall only be allowed to this site at the west and/or east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties prior to development plan approval. ~~Access shown midway on the PDP shall not be allowed.~~
 - 8.3. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts that are needed as a result of the proposed development shall be constructed at no cost to the District.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
 - 9.4. Wastewater Management conditions:
 - A. The owner(s)/~~developer~~ shall construe no action by Pima County as a commitment to provide sewer service of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer to that effect.
 - B. ~~The owner/developer 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.~~ The owner(s)/~~developer~~ shall obtain written documentation from the Pima County Regional Wastewater Reclamation Management 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)/~~developer~~ shall enter into a written agreement addressing have 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. ~~Pima County Wastewater Management Department.~~
 - C. ~~The owner/developer 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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit.~~ 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/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements. 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)/developer shall fund, design and construct all the 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)/developer 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.~~
- 10-5. ~~An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.~~
- 11-6. ~~Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office townhouse development (EXHIBIT B).~~
- 12-7. ~~Site shall comply with all the fire code regulations. The property owner shall provide written documentation demonstrating compliance with Sun Tran for the augmentation of the River Road bus stop adjacent to the property with Americans with Disabilities Act (ADA) accessibility.~~
- 13-8. ~~In the event the subject property is annexed into the City of Tucson, 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.~~
- 4-9. ~~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. recommend the following Special Condition:
Under no circumstances shall the following exotic plant species be planted anywhere on the site:
Fountain grass (*Pennisetum setaceum*)-
Buffelgrass (*Pennisetum ciliare*)
Johnson grass (*Sorghum halapense*)~~

Giant reed (*Arundo donax*)
 Common crabgrass (*Digitaria sanguinalis*)
 Pampas grass (*Cortaderia selloana*)
 Red brome (*Bromus rubens*)
 Mediterranean grass (*Schismus spp.*)
 Tree of heaven (*Ailanthus altissima*)
 African sumac (*Rhus lancea*)
 Russian olive (*Eleagnus angustifolia*)
 Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
 African rue (*Peganum harmala*)
 Iceplant (*Mesembryanthemum crystallinum*)
 Arabian Grass (*Schismus arabicus*)
 Natal Grass (*Melinis repons (Rhynchelythrum repens)*)

10. The property owner shall execute the following disclaimer regarding 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)."

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve two consecutive five-year time extensions for Co9-99-43, subject to original and modified standard and special conditions.

C. Hearing - Modification (Substantial Change) of Rezoning Conditions

Co9-99-43, RIVROAD ASSOCIATES, L.L.C. - RIVER ROAD REZONING Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request a substantial change of rezoning Condition No. 11 which requires adherence to the approved preliminary development plan and limits the use of the property to office development to allow a revised preliminary development plan for a residential townhouse development. The 2.05 acre property is conditionally zoned TR (Transitional) and is located on the north side of River Road approximately one-fourth of a mile east of La Cañada Drive and addressed as 1100 W. River Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Membrilla and Cook were absent) to recommend APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION NO. 11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION NO. 11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- 6.1. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
- 7.2. Transportation conditions:
 - A. Provision of all necessary access improvements to Hansen Avenue River Road as determined during the plan review process. 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. ~~These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~
 - B. Access to River Road shall only be allowed to this site at the west and/or east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties prior to development plan approval. ~~Access shown midway on the PDP shall not be allowed.~~
- 8.3. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts that are needed as a result of the proposed development shall be constructed at no cost to the District.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- 9.4. Wastewater Management conditions:
 - A. The owner(s)/~~developer~~ shall construe no action by Pima County as a commitment to provide sewer service of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer to that effect.
 - B. ~~The owner/developer 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.~~ The owner(s)/~~developer~~ shall obtain written documentation from the Pima County Regional Wastewater Reclamation Management 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)/~~developer~~ shall enter into a written agreement addressing ~~have~~ 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. ~~Pima County Wastewater Management Department.~~

- C. ~~The owner/developer 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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit. 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/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements. 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)/~~developer~~ shall fund, design and construct all the 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)/~~developer~~ 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.
- 10.5. ~~An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.~~
- 11.6. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office townhouse development (EXHIBIT B).
- 12.7. ~~Site shall comply with all the fire code regulations. The property owner shall provide written documentation demonstrating compliance with Sun Tran for the augmentation of the River Road bus stop adjacent to the property with Americans with Disabilities Act (ADA) accessibility.~~
- 13.8. In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable rezoning conditions, including but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 4.9. 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. recommend the following Special Condition:

Under no circumstances shall the following exotic plant species be planted anywhere on the site:

- Fountain grass (Pennisetum setaceum)
- Buffelgrass (Pennisetum ciliare)
- Johnson grass (Sorghum halapense)
- Giant reed (Arundo donax)
- Common crabgrass (Digitaria sanguinalis)
- Pampas grass (Cortaderia selloana)
- Red brome (Bromus rubens)
- Mediterranean grass (Schismus spp.)
- Tree of heaven (Ailanthus altissima)
- African sumac (Rhus lancea)
- Russian olive (Eleagnus angustifolia)
- Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)
- Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda
- Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)
- African rue (Peganum harmala)
- Iceplant (Mesembryanthemum crystallinum)
- Arabian Grass (Schismus arabicus)
- Natal Grass (Melinis repens (Rhynchelythrum repens))

10. The property owner shall execute the following disclaimer regarding 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(l)."

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve the modification (Substantial Change) of Rezoning Condition No. 11 for Co9-99-43, subject to original and modified standard and special conditions.

33. **Hearing - Rezoning Closure**

P18RZ00003, HILDRETH EUGENE LIVING TR - W. MICHIGAN STREET REZONING

Request of Jesus Hernandez and Ana Noriega, and Jose Robles Jimenez, represented by Southwest Consulting Engineering, for closure of a 7.66 acre rezoning from the SR (Suburban Ranch) to the GR-1 (Rural Residential) zone, located at the northwest corner of S. Camino Verde and W. Michigan Street and addressed as 6710 W. Michigan Street and 4302 S. Camino Verde. The rezoning was conditionally approved on September 18, 2018 and expires on September 18, 2023. Staff recommends CLOSURE. (District 3)

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve Staff's recommendation of closure for P18RZ00003.

TRANSPORTATION

34. Valencia Road to Mary Ann Cleveland Way Project

A. Hearing - Establishment of Houghton Road

RESOLUTION NO. 2020 - 79, of the Board of Supervisors, providing for the establishment of a County Highway within the incorporated limits of the City of Tucson for the Houghton Road IGA Improvement Project between Valencia Road and Mary Ann Cleveland Way, situated within Sections 23, 24, 25, 26, 35 and 36, T15S, R15E, G&SRM, Pima County, Arizona. (District 4)

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

B. Contract

City of Tucson, to provide for the Houghton Road: Valencia Road to Mary Ann Cleveland Way Project, HURF Bond Fund, contract amount \$10,168,702.00/5 year term (CT-TR-21-142)

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

35. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 30, of the Board of Supervisors, relating to traffic and highways; regulating traffic at the Blanco Wash Bridge on Silverbell Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

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

36. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 31, of the Board of Supervisors, relating to traffic and highways; establishing reasonable and prudent speed limits for motor vehicles on Moore Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

37. **Hearing - Traffic Ordinance**

ORDINANCE NO. 2020 - 32, of the Board of Supervisors, relating to traffic and highways; prohibiting trucks over 3/4 ton from using portions of Via Alamos, Rio Altar, and San Ignacio as a through street in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

BOARD OF SUPERVISORS

38. **National Week of Mourning**

RESOLUTION NO. 2020 - 80, of the Board of Supervisors, in support of a National Week of Mourning honoring COVID-19 victims. (District 3)

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

CLERK OF THE BOARD

39. **Petitions for Redemption of Property Tax Exemption Waiver**

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

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

40. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), Mount Olive Church of God in Christ, Inc., has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2016, 2017 and 2018, for Parcel No. 115-02-479U.

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

41. **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 Billie Deen as Director of Division II of the Avra Valley Irrigation and Drainage District, to serve a three year term, effective January 1, 2021.

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

HUMAN RESOURCES

42. **Revisions to Personnel Policies**

Staff requests approval of the revisions to the following Personnel Policies:

- Personnel Policy 8-103 - Civic Duty Leave and Uniformed Services Leave
- Personnel Policy 8-122 - Group Insurance

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

CONTRACT AND AWARD

COMMUNITY AND WORKFORCE DEVELOPMENT

43. Interfaith Community Services, Amendment No. 1, to provide for Emergency Services Network, extend contract term to 9/29/21, amend contractual language, scope of services and scope of work, HPOG Fund, contract amount \$82,540.00 (CT-CR-21-175)

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

44. SER - Jobs for Progress of Southern Arizona, Inc., to provide for the Homeless Veterans' Reintegration Program, USDOL - Veterans Employment and Training Services Fund, contract amount \$61,863.10 (CT-CR-21-112)

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

45. La Frontera Partners, Inc. and Center of Hope Apartments, L.P., to provide for the Center of Hope Apartments Permanent Supportive Housing Project, HUD - HOME Investment Partnership Program Fund, contract amount \$906,850.00/2 year term (CT-CR-21-104)

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

COUNTY ATTORNEY

46. Community Health Associates, Amendment No. 1, to provide for enhancing Drug Court Services, Coordination and Treatment and extend contract term to 9/30/21, SAMSHA Fund, contract amount \$120,000.00 (CT-PCA-20-171)

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

GRANTS MANAGEMENT AND INNOVATION

47. Fourth Avenue Foundation, Inc., to provide for the COVID-19 Back 2 Business Initiative, U.S. Department of Treasury, Coronavirus Relief Fund, contract amount \$450,000.00 (CT-GMI-21-187)

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

HEALTH

48. City of Tucson, to provide for repayment of COVID-19 testing expenses, contract amount \$2,000,000.00 revenue (CTN-HD-21-38)

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

PROCUREMENT

49. El Rio Santa Cruz Neighborhood Health Center, Inc. and Rescue Me Wellness, L.L.C., to provide COVID-19 testing services, Various Grant Funds, contract amount \$4,000,000.00 (MA-PO-21-57) Health

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

GRANT APPLICATION/ACCEPTANCE

50. **Acceptance - Community and Workforce Development**

Arizona Community Action Association, d.b.a. Wildfire, Amendment No. 1, to provide for the 2020-21 Utility Assistance Programs and amend grant language, \$75,000.00 (GTAM 21-29)

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

51. Acceptance - Community and Workforce Development

Arizona Department of Economic Security, Amendment No. 1, to provide for the Community Action Services Program and amend grant language, \$2,514,889.00 (GTAM 21-30)

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

52. Acceptance - Community and Workforce Development

Arizona Department of Education, to provide for the Multi-Tiered System of Support at Pima Vocational High School, \$21,555.00 (GTAW 21-34)

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

53. Acceptance - Community and Workforce Development

Arizona Department of Education - Title IV, to provide for a Homeless Liaison at Pima Vocational High School - Irvington campus, \$10,000.00 (GTAW 21-35)

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

54. Acceptance - Community and Workforce Development

Arizona Department of Education - Title II, to provide for a Compliance Specialist at Pima Vocational High School, \$3,009.51 (GTAW 21-36)

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

55. Acceptance - Community and Workforce Development

Arizona Department of Education - Elementary and Secondary Education Act - Title I, to provide for a Homeless Liaison at Pima Vocational High School, \$26,542.66 (GTAW 21-37)

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

56. **Acceptance - Community and Workforce Development**

Arizona Department of Education, to provide for the FY21 Comprehensive Support and Improvement Grant at Pima Vocational High School, \$83,872.72 (GTAW 21-38)

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

57. **Acceptance - Community and Workforce Development**

Arizona Department of Housing, to provide for the Weatherization Assistance Program, \$96,863.00 (GTAW 21-43)

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

58. **Acceptance - Community and Workforce Development**

Arizona Department of Housing, to provide for the Weatherization Assistance Program - Low Income Home Energy Assistance Program, \$128,192.00 (GTAW 21-44)

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

59. **Acceptance - Health**

Arizona Department of Health Services, to provide for COVID-19 Containment, \$944,471.00/2 year term (GTAW 21-47)

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

60. **Acceptance - County Attorney**

City of Tucson, to provide for the 2020 Edward Byrne Memorial Justice Assistance Grant Program Award, \$77,620.00/4 year term (GTAW 21-49)

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

61. **Acceptance - Pima Animal Care Center**

Friends of Pima Animal Care Center, to provide for the PACC Veterinarian and Vet Technician Funding Agreement, \$240,000.00 (GTAW 21-52)

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

BOARD, COMMISSION AND/OR COMMITTEE

62. Workforce Investment Board

Reappointments of the following members: Term expirations: 9/30/23. (Staff recommendations)

- Bruce Grant; Lea Márquez Peterson; Aric L. Meares; Marji Morris; Jeannetta "Jaybee" Nickelson; Laura Oldaker; Carol Stewart, representing Business.
- Michael Guymon and Mary K. Boegemann, representing GECD.
- Dustin Williams, representing Education and Training; Educational Agency.
- Kari Hogan, representing Workforce; CBO.

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

63. Board of Adjustment, District 3

Reappointment of Eric Greeson. Term expiration: 3/31/24.

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

CONSENT CALENDAR

64. Approval of the Consent Calendar

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

* * *

CONTRACT AND AWARD

Community and Workforce Development

1. Habitat for Humanity Tucson, Inc., to provide for the Carter Court HOME Down-Payment Assistance Project, HUD - HOME Investment Partnerships Program Fund, contract amount \$275,000.00 (CT-CR-21-116)
2. Catholic Community Services of Southern Arizona, Inc., Amendment No. 4, to provide workforce development services, extend contract term to 9/29/21, amend contractual language, scope of services and scope of work, HPOG Fund, contract amount \$59,669.60 (CT-CR-21-178)

County Attorney

3. Humphrey & Petersen, P.C., to provide for representation of Pima County and Mark Napier in Murillo v. Pima County, et al., C20201462, Risk Management Tort Fund, contract amount \$100,000.00 (CT-FN-21-150)
4. Assistance Dogs of the West, Amendment No. 2, to provide for the Courthouse Dogs Program and extend contract term to 9/30/21, no cost (CT-PCA-19-245)

Procurement

5. **Award**
Award: Master Agreement No. MA-PO-21-51, FX-Tactical, L.L.C. (Headquarters: Peoria, AZ), to provide for Sheriff's Department uniforms and accessories. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$480,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.
6. **Award**
Award: Master Agreement No. MA-PO-21-54, Enterprise Networks Solutions, Inc., d.b.a. ENS (Headquarters: Mesa, AZ), to provide for desktop phone replacement. This Master Agreement is for two (2) years in the award amount of \$1,265,000.00 (including sales tax). Funding Source: TeleData Fund. Administering Department: Information Technology.
7. Sunland Asphalt & Construction, Inc., to provide for Sandario Road: Ajo Highway to Emigh Road, Certificates of Participation Fund, contract amount \$3,273,077.00 (CT-TR-21-170) Transportation
8. Pima Paving, Inc., to provide for Skyline Drive at Sunrise Drive: Intersection Improvements (4SUNTE), Transportation CIP Projects, (Federal (FHWA) - 78%, HURF Bonds (DOT-57) - 22%) Funds, contract amount \$407,565.82 (CT-TR-21-174) Transportation

Real Property

9. CenturyLink Communications, L.L.C., Amendment No. 2, to provide for a Nonexclusive Right-of-Way Use License for wireless communications facilities, extend contract term to 8/20/25 and amend contractual language, contract amount \$6,395.90 revenue (CTN-IT-12-571)
10. Rocking K South Master Association, Inc., to provide for a Right-of-Way Encroachment License, contract amount \$30,625.00 revenue/25 year term (CTN-PW-21-31)

GRANT APPLICATION/ACCEPTANCE

11. Acceptance - Health

Arizona Department of Health Services, to provide for the Healthy People Healthy Communities Program, \$1,445,521.67/5 year term (GTAW 21-21)

BOARD, COMMISSION AND/OR COMMITTEE

12. Election Integrity Commission

Reappointment of Barbara Tellman. Term expiration: 9/30/22. (District 5)

ELECTIONS

13. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Catherine D. Ripley-179-DEM

APPOINTMENT-PRECINCT-PARTY

Joel B. Feinman-045-DEM; Zoey R. Fife-045-DEM; Ronald W. Gallagher III-045-DEM; Kelly L. Spicer-111-REP; Vickie Inez Scantlin-176-REP; Jorge F. Paredes Obeso-190-REP

FINANCE AND RISK MANAGEMENT

14. Duplicate Warrants - For Ratification

The Quail Canyon Homeowners Master Association \$36.12; Maricopa County \$23,349.20; JPDK Enterprises, L.L.C. \$7,000.00; Lance V. Waring \$14.15; Phoenix Children's Medical Group \$950.00; Phoenix Children's Medical Group \$2,200.00; Wick Communications Co. \$50.00.

TREASURER

15. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$39,674.01.

RATIFY AND/OR APPROVE

16. Minutes: August 17 and September 1, 2020
Warrants: August, 2020

* * *

65. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:48 p.m.

CHAIRMAN

ATTEST:

CLERK

DRAFT

COUNTY ADMINISTRATOR

11. Updates and Action on COVID-19

Verbatim

RV: Chairman Valadez
SB: Supervisor Bronson
SC: Supervisor Christy
AM: Supervisor Miller
BV: Supervisor Villegas
CH: Chuck Huckelberry, County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
AF: Andrew Flagg, Chief Civil Deputy County Attorney
JC: Julie Castañeda, Clerk of the Board

RV: Moving on to Item No. 10, Updates and Action on COVID-19. Mr. Huckelberry.

CH: Mr. Chairman, Members of the Board, yesterday we provided you with the 11th update regarding the COVID-19 pandemic. We provided additional information as well as the weekly infection rates and the location of those and described a number of items that we have been involved in. I think the summary would be fairly simple, is that over the last three weeks we have seen a steady decline in the number of infections within the region and that is Pima County. Three weeks ago we had 961 infections in a one-week period. That fell to 438, the following week and then the week most recently, that closed on this Saturday, 334. Our biggest concern earlier was the University of Arizona and if you look at the 961 cases, 687 of those were at the University of Arizona or 71%. The following week, that had dropped to 207 out of the 438 and then this most recent week, we were at 76 out of 334. So, the actions that were imposed by the Health Department, which was basically a voluntary quarantine, over a very specific geographic area. In addition, the Health Department suspended the pool permits of any institution within that area, which basically closed many of the pools that were in off campus student housing, as well as the gymnasiums in those same facilities and common areas. Actions of the University also, with regard to breaking up parties that were occurring mostly in fraternities and sororities, has also led to that decline. I think we are obviously optimistic that the current process and outbreak is under control. We obviously monitor these things weeks at a time, not simply days and so I think that the next two weeks will tell us a little bit more about the regional infections and whether we have any additional outbreaks that may occur as we start to, in the next couple of weeks, begin hybrid learning in schools. That is our next issue of concern, but we have established liaisons with all the school districts with our public health agency, ready to basically respond if that occurs. I do

not have anything more really to add. You can read the report as well as anyone else. I do know that we have provided, at least in the front page, an issue because I think we had heard previously, well, you know, we have some cases reported this way and some cases reported that way. What we have done is shown you how the cases are actually reported. Some of the confusion is in one case it is date reported by the case and the next it is actually collection date of the sample. I do not think it makes much difference as to what the different numbers are, but you can see the trends. The trends are all the same. With that, Dr. Garcia, do you have anything to add?

RV: Dr. Garcia.

FG: Mr. Chairman, Members of the Board, Mr. Huckelberry, the only thing that I would add is that, during the last couple of weeks, we have been working very intensely with our colleagues at the University of Arizona, in the implementation of the restrictions that are associated with the University of Arizona outbreak, and those have largely ended as of last week. That is, that the voluntary stay-at-home recommendation has been lifted. One of the things that we continue to monitor very closely is how that is impacting both infections there in the immediate area, as well as surrounding census tracts and trying to be mindful of the kinds of social activities and interactions that were occurring. At this time, things look like they are on the mend. Things look like they are continuing to move on in a positive direction and I think that is a positive note. The other thing I would note is that as per our, the County Administrator's, previous memoranda, we have really expanded our mobile testing, especially with regards to vulnerable communities, especially with regards to areas of town and of the County that may have been underserved and that really has expanded tremendously. That is well summarized, I believe in the memo. Most notably, our outreach in some of these communities has generated lots of buy-in on the part of those communities. We have identified those census tracts that are adversely impacted by COVID in general, as well as the co-occurring poor socioeconomic conditions and so that has been our focus most recently. For example, one of the testing efforts, mobile testing efforts, has been at Quincie Douglas, Dunbar, various churches, and for the first time, something that is occurring for the first time in Arizona, we have been able to pair some of that testing with influenza vaccination. That occurred at Dunbar Springs Center on a trial basis and we will be looking to expand to other community facilities. That concludes my remarks.

RV: Supervisor Villegas.

BV: I just want to say thank you to Francisco and the team for your diligence. It is good to see the numbers go down, especially on the south side of District 5, and the work that you are doing by the University. I also encourage everyone to look at the new dashboard on the public health department website. It is very inclusive and you will be able to get a lot more information from it. I know that we still have issues and it is really important that we press on. You know, it is important that we do not let our guard down and that we keep educating

our community on the importance of the social distancing and the mask wearing because we know this is what worked. And again, I commend the public health department and the County Administrator's Office for being diligent and for listening to concerns and I just... One thing I do want to say with the University, I think we need to be really careful with where they are going because I heard some rumors that they are renting Airbnbs for parties and I do not know how we can stop that or confirm that, but just be on the lookout and it is really going to take the community to be on the lookout as well. Again, thank you.

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: I do not know where this question should be directed to, either Dr. Garcia or Mr. Huckelberry, but I want first, to confirm something. Looking at the County website, under the reporting for the ability to file a complaint about a business not being in compliance with the regulations, I just want to confirm that the County states that it does not pursue or investigate anonymous complaints. Is that correct?

RV: Mr. Huckelberry. Dr. Garcia.

FG: The practice of the Health Department and the practice of a lot of health departments, is to follow up on every single complaint, whether it is anonymous or not. The actions taken by the Health Department typically reflect only those complaints that have been validated, whether anonymous or not. Our actions only reflect validated complaints.

SC: Well, I think if you go to the website and the page for filing complaints there is a statement that says the County, that the Health Department will not investigate anonymous complaints.

CH: Mr. Chairman?

RV: Mr. Huckelberry.

CH: I think the key is, if it is truly anonymous, meaning that there is no one attached to it and no one will give a name or any information that can be followed up, then there is no way to investigate.

SC: Okay. I am looking at the site right now and it does make references that the County will not investigate anonymous complaints. Which I think is fine. My point of these questions are how do you verify the identification of someone who complains as being a legitimate individual who actually exists and is complaining? What is the process there?

CH: Mr. Chairman and Supervisor Christy, every complaint that is attached to either an email address or a phone number receives a follow-up call from the County. It is either my office or the public health agency, so there is verification that the complaint was made and the purpose of the call or the email contact is to gain additional information that might help in the investigation.

SC: Well, I appreciate that. I think the issue that the community is experiencing right now is on the enforcement side and clearly there is a great deal of controversy, confusion and consternation by businesses being forced to comply with inspection codes. They have identified a number of areas with the enforcement side. For instance, inexperienced inspectors from the Health Department. Many of the Pima County health inspectors seem to be newly hired and unaware of the laws and applications of those laws. This just adds to the confusion. There is now the perception that there is selective enforcement, that some establishments have received multi-inspections while others have not had one and this creates that mistrust and that confusion in the business community as well. The businesses are already adversely affected, particularly most restaurants and bars who have needed to spend money on increased cleanliness protocol and extra staff, while at the same time they are required to operate and with reduced guests. Clearly, there are flaws in the enforcement system. There are areas that need to be revisited and refined and brought back into focus and discussion. I think the most controversial and the issues filled with the most animosity provoking items between the County and private businesses are the face mask requirement violations and the business and the community violations, which are on the County website. At this time, Mr. Chairman, I would like to make a motion. I would like to move that the following two pages on Pima County's website be removed and terminated. The first page is the face mask requirement violation. And the second page is the business and community violations.

AM: I will second that, but I have some comments and possibly some additions.

RV: Supervisor Miller.

AM: I am in agreement with Supervisor Christy and I think the issue comes from, and I know we had a long discussion about this at the time when the rules were set up regarding anonymous reporting, because there are legal implications here for these businesses and they have a right to meet their accuser and cross-examine their accuser. That is the anonymous thing we agreed up front which I believe is why it is on the website, that there would be no anonymous complaints. I am still hearing issues with folks being attacked on social media and we discussed this in the last Board meeting and it call comes back to the wall of shame and the fact that there are individuals out there who are targeting certain businesses and constantly filing complaints because they want to either drive that person out of business or they are targeting them for their religious beliefs or political beliefs and this is out there and it has been getting louder and louder. One of the businesses that contacted me, they told me that they have had 11 or 12 inspectors visits and

that some of those inspectors stayed there for three to four hours on their site, from a minimum of about an hour to three to four hours. That is pretty heavy handed. I think, you know, going out and observing is fine, but when you are spending three to four hours at a business, that is half of their business day and it also is not giving the public a real good feeling about what is going on here. I do not know if these people go in with name tags and badges that say they are from the Pima County Health Department or not. I also heard the same thing that Supervisor Christy is hearing, is that there are a lot of new people doing the enforcement that do not understand the rules and they are having to make calls back, which is fine to get clarification. But it is causing a lot of confusion and one of the things I was told yesterday was that if you have a party of ten coming into a restaurant, that none of them can be seated until all ten of them are there. I did not know that. I thought if I got there, you know, with a couple of my friends and I was meeting other people, that I could go ahead, get the table and then people could come in. I do not think the restaurant would have any way of knowing that you have ten people coming in. I think that makes that very difficult that they have to be doing this type of enforcement when, you know, there are all of these questions about how we are executing. The other thing that I think would help this situation tremendously and actually aid and assist these businesses is to get rid of the wall of shame altogether. Keep that an internal document for the Health Department to use instead of allowing these people to continue to target these businesses. We saw in the last meeting what an unfortunate situation that created, because this individual is so stressed out and they were getting death threats. The young lady that was there to testify, she was threatened with rape and this all stems from this wall of shame. So, I would like to, you know, I definitely support that we eliminate that. Maybe keep it internally for the Health Department to use and also I think we need a lot more education for our enforcement people, because I have heard this from numerous different businesses, that one will come out and tell them one thing and then they say, wait a minute, we were told this and then they have to make a call back. So it is creating a lot of confusion. I would like to see, you know, more education of the enforcement people and let us just end this wall of shame, because who is it serving? It is serving a group of vindictive individuals who want to, for whatever reason, whether it is religious reasons, whether it is political reasons, it is discrimination and it is assisting in that discrimination against these restaurant owners. They also feel very targeted that there are such a very long list of rules against their, for restaurants and bars. While we heard the gentleman testify earlier that he had a business that was a speedway and he did not even know that they were any requirements for them. I think there is a case to be made that there is a lot more enforcement against restaurants and bars than there is against any other sector of the population and I would like to hear from the County Attorney on that one. Thank you.

SC: Mr. Chairman, may I make a point of clarification on my motion?

RV: Supervisor Christy.

SC: Just so everybody is clear on the motion, I am asking for the removal of the face mask requirement, the violations page. That is known as the wall of shame and the second item that I am asking to be removed and terminated from the Pima County website, the business and community violations. That is known as the snitch line. Just to back up what Supervisor Miller is saying and it has also been noted that there are the same businesses on both the violations and on the ones that have passed the inspections. We have got a number of businesses that are on both lists and have remained on those lists. So, clearly the wall of shame and the snitch line need to be completely removed. This is part of the enforcement issue that is roiling the community and it has even gotten more confusing when you see the same business on both lists. Thank you

RV: Alright, we have a motion before us. Is this any further comments or questions? All those in favor please signify by saying, "Aye."

SC: Roll call. Roll call, please, Mr. Chairman.

RV: Madam Clerk.

JC: Supervisor Bronson?

SB: No.

JC: Supervisor Christy?

SC: Yes.

JC: Supervisor Miller?

AM: Yes.

JC: Supervisor Villegas?

BV: No.

JC: Chairman Valadez?

RV: No. By your vote of 2-3, motion fails. Are there any further comments?

SC: Chairman?

RV: Supervisor Christy.

SC: In light of the failure of the motion to pass, I would like to make another motion to address the items that I discussed earlier about the business community and the restaurant community having mixed messages and the issues that are being driven by the enforcement side that really need to be completely reanalyzed, revisited, redefined. So I would, accordingly, I would like to move that the Board of Supervisors direct the Pima County Health Department to revisit and address current restaurant inspection and enforcement procedures, as there is a need to clarify policy and improve the inspection process so the current issues and confusion that is being experienced by the restaurant business community and other businesses, can be avoided and quickly ended.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I would like to get my issues addressed, if we are, you know...as Supervisor Christy is making a motion, the clarification...

RV: Supervisor Miller?

AM: Yes?

RV: He has made a motion. Would you like to second the motion?

AM: I will second the motion, but I would like to add the things that I brought up as well, and I will go through that list. I would like to add that we do a significant amount of training for the new enforcement people. I would like to add that we clarify and end anonymous complaints because I will go back and pull the video. We had a tremendous amount of discussion on this and we agreed, as is defined on the website, that anonymous complaints would not be accepted. I would like a response on that now from either the Health Department or the County Attorney. Don't these people have a right to know who is complaining against them?

RV: Counsel.

AM: If you want me to wait until after the motion I will and we want vote on that first, that is fine. I can do that.

RV: Okay. Why don't we go ahead and do that, Supervisor Miller and I am going to ask counsel to please address some of the issues you brought up. Counsel?

SC: Mr. Chairman? Before we make a vote on the motion, is there an opportunity for Supervisor Miller to make any friendly amendments to my motion?

RV: Tell you what, I have been trying to get an answer to the question she keeps asking, but if you could please let me let counsel answer the questions and then I will let her proceed, okay?

SC: That will be fine. Thank you.

RV: Counsel.

AF: Thank you, Mr. Chairman. As I understand the question, it is whether there is a right to know the identity of the complainant. The answer is no.

RV: Alright. Supervisor Miller.

AM: So the discussion that we had, where there are legal actions that can be taken against these businesses, they have no right to know who is filing a complaint against them?

RV: Counsel.

AF: Thank you, Mr. Chairman, Supervisor Miller, there is not a right to know who the complainant is. The complaint initiates an investigation by the Health Department and action only taken based on validated complaints, meaning the investigation has validated the complaint. So that is the due process that is provided and that satisfies any applicable legal requirement.

RV: Supervisor Miller.

AM: I would like to go back to the fact that we had a significant discussion on this and agreed that we would not be accepting anonymous complaints as it is, Supervisor Christy pointed out, it is defined on the website. So what are we going to do to eliminate confusion here? Mr. Huckelberry, I guess that would go to.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Members of the Board, I think the confusion basically eliminates itself. In a previous update report, I think I reported that we had received something like 1,500 complaints and that, I think, found only about 40 of them valid and then only acted on about 20. So you can see the ratio is pretty obvious. It is almost impossible for us to follow up on an anonymous complaint and, you know, whether because there is no one to verify anything. If the Board wants to say, "Do not follow up on anonymous complaints," we probably do not, we do not do it anyway, because there is no one to contact. I think the main point...

AM: So then why do we not eliminate it?

CH: ...main point is that we will listen to any concern that gets expressed to us, whether or not it is, and we will assess it, whether it has any validity. I can tell you that typically anonymous complaints almost exclusively fall into the no-action category.

AM: What you are telling me is that we will follow up on anonymous complaints?

CH: Mr. Chairman, we will look at every complaint that comes across our desk.

AM: Then I suggest we change the website to reflect what we are doing, that we will follow up on anonymous complaints because Supervisor Christy just pointed out that the website says we do not follow up on anonymous complaints.

SC: If Supervisor Miller would like to include that in my motion, I would be most willing to allow that.

AM: Yes, I would and I would also like to ask that the Health Department and the County Administration examine why this wall of shame, why do we feel, and I do not know if somebody has the answer there right now, why do we feel that this is an important function to put people's names up there, restaurant names up there and leave them up there and allow them to be targeted, because that is what is happening. They are being targeted. It played out in last week's Board meeting. You saw individuals being threatened physically and I do not understand the purpose of this. I do not understand what we as a County are trying to accomplish. Are we not trying to assist the businesses? Help them be in compliance? Understand what our requirements are versus we want to put you up on a wall so people can target you, make phone calls to your home, threaten you, threaten you with rape? This is unacceptable and I do not know why we would want to keep that up there in the public square, when this kind of activity is happening against these businesses. The Health Department or Mr. Huckelberry, I will be happy if one of you could answer that. Why are, what is the purpose of this, quote, wall of shame?

RV: Mr. Huckelberry.

CH: Mr. Chairman, Members of the Board, if you recall, it was actually placed in the, I believe, the resolution or the policies that dealt with the iterative process. It went back and forth with the Members primarily of the Restaurant Association. Initially there were monetary penalties and fines and those were all deleted to basically go to education. First violation, education. Second violation, education. The third violation of the same, and I think you have to read it very carefully. The same exact issue, if in fact, you found a third violation, the remedy was, and the Board approved, that you would publicly disclose the violation and the name of the firm or the violator because it was in, I believe, the opinion of both the staff and, I think, the Board in enacting the requirement, that the public had a right to know what the potential exposure was to COVID-19 or the probability of being infected in an institution or a restaurant or a business that had a disregard for, the same disregard for conditions that have been designed to minimize the infection rate and spread of COVID-19.

RV: If we will recall, part of that was a discussion with the Arizona Restaurant Association, as well as other restaurants, and it was a compromise, because originally there were, as Mr. Huckelberry said, potential both fiscal and civil penalties, which this Board decided to do away with. But this was the compromise.

SC: Mr. Chairman, I just want to again reiterate that I am looking right now on the website. There are two businesses, one is, both of them are both on the Ready for You list and both of them are on the wall of shame list. I think this needs to be analyzed and responded to as well. How can this happen? Where is all the confidence building that this whole enforcement system is supposed to be producing in the business community and in the general community, when you have two examples of two businesses being on both lists?

RV: Mr. Huckelberry.

CH: Mr. Chairman, Members of the Board, it is possible that they can because they have maybe passed an inspection by the health agency and received the Ready for You certificate. Then, based on the investigation of subsequent complaints, with an investigation by the Health Inspector, found to be in violation and that violation occurring multiple times and then they are, in fact then listed on the webpage as pursuant to the resolution. It is then the Ready for You certificate is taken down in a subsequent week.

SC: I would have to disagree with that analysis, because these two businesses have been on both lists for many weeks. I think your response to this issue just illustrates and is indicative of the situation in the community of confusion and unfairness and that obviously the left hand does not know what the right hand is doing in the Health Department on these issues. This is why there needs to be a complete reformation of the enforcement policies and procedures. There needs to be clarity and transparency in how the enforcement procedures are conducted and obviously, with the response in the restaurant community and the general public, it is not working what we are doing. It needs to be fixed. It needs to be analyzed. It needs to be brought back to this Board and it needs to have the discussion of all parties concerned right away, because the next meeting we have could be a death sentence for many of these businesses because it could be an eternity as far as them trying to stay in business until the next time we meet. So that is the force of my motion that this be analyzed and reviewed immediately and brought to the Board of Supervisors so we can clarify these actions that make no sense and that create confusion and the boiling point in the community and in the businesses is reaching the point where these kinds of issues are going to create even more issues. Unintended consequences.

AM: Mr. Chairman?

RV: Supervisor Miller, let me ask Dr. Garcia to please respond to some of the training issues that have been brought up for some of the inspectors because I think we need to kind of, really flesh out that point a little bit. Dr. Garcia?

FG: Mr. Chairman, Members of the Board, indeed we have increased the number of people within the Health Department that are devoted to this function. That has been one of the challenges that we face. We have done this in response to the increased need for those kinds of inspections and services. I will remind the Board that until they gave us this direction we did not really have the infrastructure to conduct these types of inspections in the way that they were envisioned. Our inspectors are Environmental Health Services workers. Are actually very well trained. They are certified. In fact, there are several levels of sophistication. We maintain a very high degree of, a very high training standard. Folks are actually, have their Supervisors do their inspections with them when they are newly hired and for a period of time. I cannot remember if it is three months or six months and I have a great deal of confidence in them. Now, please understand that part of what we have been dealing with here is a changing landscape in terms of what the state's expectation is of what our Health Department should and should not do in this space. The expectation from the Governor and from the State Department of Health has been a shifting landscape that we have had to respond fairly acutely to. So, yes, that has led at times, to misinterpretations or confusion on the part of the way that, perceived confusion, on the part of the way that we are implementing these things. But it is not arbitrary, nor is it done in a punitive fashion. Our inspectors work ultimately to get to "yes" with operators, even bad operators, even operators who persistently are troublesome. We try very, very hard to get to "yes" with them, because we believe it is in the public health's best interest that operators be operating reasonably and within certain standards. So we bend over backwards, in fact, to try to get to "yes" and sometimes we are not able to get there.

RV: Alright. Supervisor Miller.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I guess what I think this gets back to when I look at these metrics, I think, how do you set up metrics for success and I am talking about success of all parties involved. What I am seeing, and by putting up this wall of shame and putting people on these various lists, it is our failure. It is Pima County's failure to either communicate effectively, to educate effectively, to assist. Because I do not think we should be in a punitive role and that is exactly what is happening here and especially with the situation of certain individuals in the community that want to penalize these businesses. There are some people out there, we all know it. We heard the gentleman read those comments in the board room and Dr. Garcia just said, the landscape is constantly shifting. With that in mind, I would really appreciate if we could go back and really look at this and say, "Is

this the appropriate way to be doing this?” What I am seeing is we all talk about the shifting landscape, we talked about the shifting requirements, very confusing for everybody, but we are unwilling to go back. This Board is unwilling to go back and reevaluate. What is the issue with not, you know, taking a second look, reevaluating this? I do not understand why there is so much resistance. It sounds like a very penalty driven environment to me, when we are unwilling to even look at our own policies and procedures and say, “You know, maybe we can do some tweaking here.” Dr. Garcia says the enforcement folks are very highly trained. I assume there is some good training, however, these businesses are reporting back time and time again, that individuals come out and tell them something different than the last person that went out to visit their site. I think a good thing for these businesses to start doing when they are asking these questions is to start holding up a video camera to prove it. Because no one on this Board is willing to trust that they are giving us honest feedback. Are we going to ask these businesses, I mean, I would advise them, put a video camera up when the inspector comes in and record what they are telling you so that we can prove it to this Board that we need to go back and look at them. I do not understand the resistance and I would like someone that is resistant to this to explain why you are unwilling to go back and take a look. We will come back and convene and say, you know, whether we agree with it or not, but why are you unwilling to even take a look?

SC: Is that the sound of crickets that I am hearing?

RV: Supervisor Christy, would you please restate your motion.

AM: It appears to be.

RV: Supervisor Christy, would you restate your motion so that we can go ahead and be very clear what the motion does.

SC: My motion, and it is open for friendly amendments, is that I move that the Board of Supervisors direct the Pima County Health Department to revisit and address current restaurant inspection and enforcement procedures, as there is a need to clarify policy and improve the inspection process so the current issues that we are now discussing and the confusion that we are now experiencing can be avoided and quickly ended.

RV: Alright, that is the motion before us. All those in favor, please signify by saying “Aye.”

SC: Roll call, please, Mr. Chairman.

RV: Madam Clerk.

JC: Supervisor Bronson?

SB: No.

JC: Supervisor Christy?

SC: Yes.

JC: Supervisor Miller? We lost her.

RV: Why don't we go back to her.

JC: Supervisor Villegas?

BV: No.

JC: Chairman Valadez?

RV: No. Let us see if Supervisor Miller is back. I did not hear the ping though. Let us give it a moment.

SC: Is there any attempt to contact Supervisor Miller? Maybe there was a connection problem?

RV: Supervisor Miller?

JC: Supervisor Miller? Supervisor Miller?

AM: Yes.

JC: We are taking a roll call vote.

AM: Hello?

JC: Can you hear us? Can you hear me?

AM: Hello?

RV: Supervisor Miller, can you hear us? Supervisor Miller?

AM: Yes, I can hear you.

RV: Okay. You are up for your vote.

JC: Supervisor Miller?

AM: What was the motion? My phone hung up.

SC: The motion is that I move that the Board of Supervisors direct the Pima County Health Department to revisit and address current restaurant inspection and enforcement procedures, as there is a need to clarify policy and improve the inspection process so the current issues we are discussing and the confusion that we are experiencing can be avoided and quickly ended.

AM: Would you accept that we do this in conjunction with the business commission that is set up to work on this?

RV: Supervisor Miller, that is out of order. The motion is, we are in the middle of a vote. It is either "Aye" or "Nay." I am sorry, I apologize for that, but Robert's Rules dictate that the only response is either "Aye" or "Nay."

AM: Okay. Yes.

RV: Thank you, Supervisor and I apologize for interrupting. By your vote of 2-3 motion fails. Supervisor Miller. Supervisor Miller?

AM: Mr. Chairman, I would just like to, as I was requesting earlier, request that we have staff analyze this and I do not know why any Member of the Board is not willing to allow this analysis to go forward and see if there are any issues. I would make a motion that we go back and ask the County staff to analyze these complaints that we are hearing from the restaurants and analyze our policies and procedures and come back to the Board and make a recommendation.

RV: Supervisor Miller, I believe if I am not mistaken, from Supervisor Christy's motion that is duplicative, however, we may be able to...

SC: If we are looking...

RV: Supervisor Christy, let me finish. However, if you would like, we can take that as staff direction, in which case it is not duplicative.

AM: Okay. That would be fine if staff would go and look at this and analyze whether or not there are significant issues. I really would like someone to address the fact that these restaurants are getting threatened by individuals in the community as a result of this wall of shame.

SC: May I add to that, Supervisor Miller, that we receive that analysis and report back by the next Board meeting.

AM: Absolutely.

RV: Mr. Huckelberry.

CH: Mr. Chairman, I think, you know, we will take that as staff direction, but we have always been available to examine any specific case, any specific set of facts, that would lead one to conclude that we are not appropriately following the rules or doing the inspections properly. I would request that Supervisor Christy and Supervisor Miller, if you have specifics, please get those specifics to us and we will look at them.

RV: Are there any further comments on Item No. 10? Hearing none we will move on to Item No. 11.

DRAFT