

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, April 18, 2023. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Heinz joined the meeting in-person at 9:09 a.m. He left the meeting at 1:04 p.m.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan for a flood plain use permit for a manufactured home on the property located at 13667 West Manville Road, located within Regulated Riparian Habitat classified as Important Riparian Area with an underlying classification of Xeroriparian D and Xeroriparian Class D Habitat. (District 3)

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

2. CONTRACT

Marjorie R. Humphreys, to provide for Acquisition Agreement - Acq-1145 and Warranty Deed for property located at 4320 E. Havasu Road, Tax Parcel No. 109-05-2040, in Section 3, T13S, R14E, G&SRM, Pima County, AZ, Flood Control Non-Bond Projects Fund, contract amount \$696,700.00 (CT-RPS-23-360)

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

Supervisor Christy commented that this was an acquisition in a Flood Control plain of a private home. He stated this was similar to another property that was purchased by the Flood Control District that was a home business. He added that this property was a home located within a subdivision surrounded by numerous other homes. He questioned why this property was the only home selected for purchase.

Jan Leshar, County Administrator, responded that she would provide a follow-up to the Board.

Supervisor Bronson asked whether there would be any issues if the item was continued.

Ms. Leshar responded no.

Supervisor Bronson withdrew her original motion.

Ms. Leshar stated that Supervisor Christy could delineate all his questions now or speak to staff.

Supervisor Christy questioned why the County had not dealt with the hazard, instead of purchasing the property, what was the plan to resolve the hazard, inquired about the status of the other homes in the flood plain and asked about the funding source. He commented that he was concerned that the County kept purchasing properties without addressing the problem of the flooding and it would take the property off the tax rolls.

It was then moved by Supervisor Bronson and seconded by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of May 2, 2023. No vote was taken at this time.

Supervisor Scott expressed his opposition to continuing the item. He stated that the project was located within his district and he was well aware of the back-and-forth appraisals and negotiations that had taken place between the Flood Control District, Real Property Division and the property owner. He stated that this was not the first property the County had purchased and although the vote was divided on the one property used as a business, the Board had unanimously voted in favor of purchasing two other properties within that same area. He stated that a settlement had been reached between all parties and indicated that removing this property from the flood plain would ensure future floods were less destructive and would provide relief to the owner from a program that had been in place with the County for decades. He stated that he could not support the continuation of the item.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the Floodprone Land Acquisition Program (FLAP) focused on removing residents from areas of flood hazard. He stated that this particular property was located within the Finger Rock Wash area that had scar damage from the Bighorn Fire. He stated that from a flood control standpoint the damages on the mountain and upstream were irreparable and the best method of reducing the hazard was to remove the individuals from that location. He explained that the program was a willing seller/willing buyer type of program and property owners were not required to sell their property to the County to reduce that hazard. He stated that the FLAP program was only used when the owner expressed interest about the County acquiring their property and indicated that this property had been identified as one of those

repetitive loss residents that had experienced flooding on multiple occasions and most recently with the Bighorn Fire. He explained that an appraisal was done for each instance and the value was set based off of that appraisal and indicated that Supervisor Scott was correct with his statement that other properties had been purchased by the County in this area in a similar fashion.

Supervisor Christy commented that the plan to deal with the hazard was to bulldoze it and asked how bulldozing the property prevented future flooding and whether any other homes would be affected.

Mr. DeBonis, Jr. responded that demolishing the residence would not repair the existing flood situation. He indicated that the current flood plain management ordinance would not have been permitted at this location because they were built at a time prior to the modern requirements. He explained the homes were in a hazard area and by purchasing and demolishing the homes, it would remove any potential hazard to residents in that particular structure. He stated there was no fix for the upstream flooding, it was a watershed with significant flows that were exacerbated by the Bighorn Fire which damaged the vegetation and scarred the ground making the flows greater today than they were prior to the fire.

Supervisor Christy questioned whether this was the only home within that subdivision that was affected by the unusual flooding situation.

Mr. DeBonis, Jr. responded that other residents were affected and some properties had been purchased and others were still in conversation. He noted that it was at the initiation of the homeowner to sell their property and stated that a full report would be provided to the Board regarding FLAP properties already purchased by the County and those which were currently in discussion for potential purchase.

Supervisor Christy requested clarification of the Flood Control Non-Bond Project Fund.

Mr. DeBonis, Jr. responded that the Flood Control District Tax Levy was the source of the funds. He explained that different project names existed under the Capital Program and the FLAP was one of them. He indicated that FLAP was a descriptive term to describe the funds, but there was Flood Control District Tax Levy monies that were placed into a funding bucket and used for acquiring flood prone lands.

Supervisor Christy commented that he understood about the flooding remediation process because of previous flooding issues within the Tanque Verde Valley. He stated that he assumed that these types of issues could be addressed elsewhere. He stated that he looked forward to seeing the full report from staff regarding homes within this particular area, including the amount and the date of sale.

A substitute motion was made by Supervisor Scott and seconded by Chair Grijalva to approve the item. Upon roll call vote, the substitute motion carried 4-1, Supervisor Christy voted "Nay."

Supervisor Bronson explained her vote with the caveat that she was concerned about the FLAP and questioned if there was a need to revisit it or consider other options. She stated that there appeared to be no remedy and the County would continue to purchase properties and remove them from the tax roll.

Supervisor Scott requested that the Board be provided with a presentation regarding the FLAP.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:16 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 18, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair
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Also Present: Jan Leshar, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
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1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was offered by Cerina Quiroz, Ellie Towne Flowing Wells Community Center Coordinator, Pima County Natural Resources, Parks, and Recreation.

3. PAUSE 4 PAWS

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

4. MOMENT OF SILENCE

Chair Grijalva observed a moment of silence for the passing of Barbara Escobar, former Director of Environmental Quality and offered condolences to her family and friends.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Susan Finkenberg, representing Pet Partners, proclaiming the day of Sunday, April 30, 2023 to be: "NATIONAL THERAPY ANIMAL DAY"

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

6. Presentation of a proclamation to the Honorable Jeffrey T. Bergin, Presiding Judge, Superior Court; the Honorable Janet Bostwick, Judge, Superior Court; and Jennifer Richardson, Assistant Director, Court Children Family Services, Pima County Juvenile Court Center, proclaiming the day of Saturday, June 10, 2023 to be: "FAMILY REUNIFICATION DAY IN PIMA COUNTY"

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

7. Presentation of a proclamation to Avonna Hernandez, Nurse Director, NaphCare, proclaiming the week of May 7 through 13, 2023 to be: "NURSES WEEK"

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

8. Presentation of a proclamation to Sheriff Chris Nanos and Corrections Lieutenants Tiffany Wilhelm, Brian Hunt and Gabriel Figueroa, proclaiming the week of May 7 through 13, 2023 to be: "CORRECTIONAL OFFICERS WEEK"

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

9. Presentation of a proclamation to Alfonso Dancil, ~~President~~ **Chairman**, Tucson International Mariachi Conference Board, proclaiming April 19 through 23, 2023 to be: "TUCSON INTERNATIONAL MARIACHI CONFERENCE WEEK IN PIMA COUNTY"

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

10. **CALL TO THE PUBLIC**

Cory Stephens addressed the Board regarding acceptable behavior during meetings and felt that some Board members lacked respect and loyalty to their oaths of office.

Pilar Ruiz spoke about slanderous comments, voiced her opposition to Minute Item No. 14, and stated that she hoped the Heath Fox Lawsuit filed against the County would not be settled during an executive session.

Michael Aaron expressed his opposition to Minute Item Nos. 18 and 34.

Tim Laux addressed the Board regarding First Amendment rights, his displeasure with the County Attorney's Office refusal to investigate Supervisor Heinz and his disdain for the Democratic Party. He indicated that the homeless crises could end if fentanyl trafficking was stopped.

Martha Michaels and Linda Leedberg thanked the Board for their approval to supply equitable road preservation funds to failed neighborhood roads and indicated those funds had paid for the milling and paving of their roads in 2021.

Kent Blumenthal, Vice President, Solar del Viejo Homeowners Association (HOA), requested that the Board apply the legal authority vested to them by the State of Arizona to remedy grievances the HOA had with the Green Valley Water District.

David Doscher addressed the Board in support of the Road Preservation District's changes to their policies and guidelines.

Gisela Aaron expressed her opposition with continued COVID funding and aid for asylum seekers.

Brook Doty addressed the Board regarding Board of Supervisors Policy Nos. D 21.1, D 21.2 and D 21.3, and commented that instead of following those policies the Board had used them as retaliation against one of their own constituents.

Jane Hubbard spoke about the Board's sworn oath to support the Constitution of the United States and asked why they had rejected Operation Stone Garden grant funds. She requested those funds be reinstated for the safety of the community.

Elizabeth Moll addressed the Board regarding Supervisor Scott's op-ed article on transgender children. She commented about a statement he made regarding false claims from parents about the district's anti-discrimination policies and their effects, and indicated that there was no need to tear down one group in order to build up another group.

Steve Selvy expressed his opinion about Wokeism that was spreading throughout the country and that was embraced by County public libraries.

Sharon Fickes addressed the Board in opposition to continued COVID funding and using taxpayers' money for asylum seekers.

Jen Wagner thanked Supervisor Scott for his support of transgender youth and read a statement written by her transgender child, which thanked him for being a supportive voice of the community.

Jim McFadzean spoke in opposition to Minute Item No. 33.

Paul McCreery spoke about the political power purposes of government, his opposition to continued COVID funding and his displeasure with the books children were allowed to view at County libraries.

Laurie Moore spoke about the Board's violation of First Amendment rights and expressed displeasure with the lack of investigation of Supervisor Heinz by Chair Grijalva and Human Resources.

Rafael Polo expressed his opposition of digital currency, the 15-minute cities and COVID lockdowns.

Dan Wann addressed the Board regarding Minute Item No. 40, Pay-As-You-Go (PAYGO) Road Repair Program, the 15-minute cities; and the Economic Development plan.

Keith Loganbill thanked Supervisor Christy for the generous donations he had provided to the Amity Foundation during his employment with Galloway Motors and spoke to the Board regarding freedom and the violation of women's rights.

Mathew Levitt spoke to the Board regarding inadequate representation of Corona de Tucson since 52 unincorporated communities were being overseen by only five district supervisors. He stated that the Board should petition the State Legislature to further divide the nation's 16th largest county.

Bettie Thompson voiced her concerns with the lack of representation in unincorporated areas and indicated that her tax dollars were being used to help the City of Tucson when they should be used for County road repairs. She indicated that the County should be further divided and people within unincorporated areas should be allowed to vote in Tucson elections.

Dave Smith spoke to the Board about freedom of speech, re-establishment of First Amendment rights, law-enforcement's heroic nature and expressed his opposition of the continued aid for asylum seekers.

Rosemary Byrd expressed her concerns about the Arizona Department of Child Safety and the Pima County Adult Probation Office regarding a child endangerment case.

Anastasia Tsatsakis spoke in opposition to partnering with the City of Tucson for 15-minute cities, violation of the Constitution and civil rights, carbon taxes for gas powered appliances and indicated there was a desperate need for road repairs.

Shirley Requard addressed the Board regarding the revocation of her constitutional rights and expressed her displeasure with Supervisor Heinz not being held accountable for the incident that had taken place during a previous meeting.

Stephanie Kirk spoke to the Board in opposition to mandated COVID-19 vaccinations and the high death rate for those that had received the vaccine.

Ann Rose addressed the Board in opposition to COVID-19 protocols and the World Health Organization's push for amendments to international health regulations that would give them unprecedented power over personal health care.

Keith Van Heyningen spoke to the Board about the corruption of the Democratic Party.

Susan Kelly addressed the Board in opposition to COVID-19 masks, the approval of Minute Item Nos. 18 and 34, her displeasure with the behavior of Supervisor Heinz and the lack of resolution from the Board.

J.P. Salvatierra spoke to the Board about privacy issues and asked the County Attorney to exercise due caution and care with the use of content from speakers to identify the differences between hate crime and hate speech. He praised the County Administrator for her recommendation of denial of the HUD Bay application for land auction and recommended that the use of glyphosate in County parks and lands be stopped due to certified risks.

* * *

Supervisor Heinz answered the questions that were asked of him during Call to the Public and indicated the public's behavior was disturbing to him. He stated insults and abuse should be focused towards the Board and not on other County staff. He stated that he was disturbed to see what was happening and that his incident was being used as an excuse to speak hatefully about the community he belonged to and for scoring cheap political points. He stated that this behavior needed to cease and if anyone was concerned about actual child abuse it should be reported to the Arizona Department of Child Safety (DCS). He provided the DCS website address and toll free hotline number and added that actual instances of true child abuse was happening in the community and responsible adults should be looking out for those children.

Supervisor Christy directed staff to respond to the concerns and questions raised by Mr. Kent Blumenthal regarding the Green Valley Water District.

Supervisor Bronson stated she had experienced similar issues with companies within District 3 and asked staff to address any concerns with small water companies within unincorporated Pima County.

EXECUTIVE SESSION

11. The Board of Supervisors on April 4, 2023, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding P22CU00013 - Wolverton Revoc TR - S. Sierrita Mountain Road.

At the request of the County Attorney's Office and without objection, this item was removed from the agenda.

COUNTY ADMINISTRATOR

12. Update on County Initiatives to Address Homelessness and Public Safety

Steve Holmes, Deputy County Administrator, provided an overview of the housing efforts that were currently being conducted, specifically within the unsheltered space. He stated that it was a complicated system and he had asked the Director of Community and Workforce Development and staff from the City of Tucson (COT) that worked with the Tucson Pima Collaboration to End Homelessness (TPCH), to be in attendance to help answer questions from the Board. He stated that during collaboration efforts, it was discovered that TPCH had been operating as the sole entity in this space since its inception, and in 2019 there was big influx related to the pandemic, which included rising rent costs that helped identify TPCH's need for collaborated efforts with COT and the County. He stated that one of the first collaborating steps was gaining a better understanding of how the system worked and explained that the County Administrator's Memorandum dated April 17, 2023, specifically outlined what the Continuum of Care was and how the Housing and Urban Development (HUD) funds were being allocated to respective jurisdictions. He stated that a big area of focus was the street living homeless and was the impetus for the beginning of discussions that had led to this collaboration. He stated that they discovered that the continuum of housing services were very broad. He stated that recent efforts from HUD funds were being allocated to families and individuals unable to afford rent and were on the verge of becoming homeless. He stated that there had been multiple efforts within the memorandum that discussed how that subpopulation was being supported and how it had become such a big factor on the distribution and prioritization of funds. He stated that an equally important issue was determining ways in which individuals were being housed through the coordinated entry program and indicated that one area of focus was finding ways to rapidly streamline them collaboratively with TPCH. He indicated that policy recommendations were being reviewed to ensure people that needed housing were housed more quickly. He explained that the current process used an assessment tool that prioritized individuals and then qualified them for housing later on in the process and this was one of the steps staff was trying to expedite. He indicated that the bottom line was there was just not enough shelter space for everyone, and other systems needed to be explored to address those issues. He stated that the Board had directed staff to review the role of the judicial system in this process and that the role of the health care system was equally important. He stated that there needed to be a review on how the health care system could provide a support system and temporary housing to individuals experiencing severe mental illness or drug abuse to ensure all of those efforts were successful.

Supervisor Scott questioned whether the proposed policy changes presented to the TPCB Board were approved and if the Board could expect the changes to be in effect. He also inquired about coordinated entry.

Daniel Sullivan, Director, Community and Workforce Development, explained that coordinated entry was a policy used by HUD to equalize how individuals qualified for housing based on the severity of their need. He stated that it was a way to manage people who had morbidity issues that would make them more likely to die in the streets and helped prioritize the limited funding in the community within the limited housing space. He stated that currently, it was the street outreach workers and the places who served people experiencing homelessness that administered uniform assessments and prioritized them into HUD funded housing. He stated that the TPCB Board had shown broad support for the coordinated entry updates and had asked the committee to return with recommendations within a month.

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

ECONOMIC DEVELOPMENT

13. The Board of Supervisors on March 7, 2023, continued the following:

Economic Development Strategic Plan

Staff recommends approval of the 2023-2026 Economic Development Strategic Plan.

Jan Leshner, County Administrator, explained that this item had been continued since the Board had requested staff to focus on fewer items within the plan for the upcoming years. She stated staff had met with most of the Board members, gathered their feedback and presented a revised plan for Board approval.

Supervisor Christy thanked staff for offering to meet with him to review the plan, but stated he had not taken them up on their offer because he felt they had profound philosophical differences about the role of government and economic development. He indicated that he felt the presented plan was still a boiler plate, generic plan that would cost the County over \$110,000.00 with a Canadian firm to generate the plan. He questioned why it could not be done with existing staff or by a local entity like the University of Arizona to avoid spending that amount of money. He stated that the plan was Metro Tucson centric and did not address outlining Pima County communities. He indicated that it was not the role of government to connect businesses because the County already had the Small Business Commission (SBC), and there were trade associations and chambers. He felt that this was just one more insertion of government into the private sector. He stated that leadership and heavy involvement of County government in economic development over the last several decades had been underwhelming and the County was still viewed as not business friendly even with all of the money spent by the County throughout the years. He stated all of the economic development gains the County claimed to have

achieved in recent years had all been achieved prior to the production of this plan and it was purposed only to receive federal dollars. He indicated that federal dollars always had strings attached and for those reasons he could not support approval of the plan.

Supervisor Scott stated that he was grateful to staff for the addition of Key Performance Indicators (KPIs) by strategic priority because measurement of the success of the plan was something he was greatly concerned about. He stated that there would be great public interest in three workforce development KPIs that dealt with reduced unemployment, increased workforce participation rate and increased higher wage jobs. He stated that the plan referred to short-term, medium-term and long-term goals and questioned how often the Board would receive reports on its progress, if approved.

Heath Vescovi-Chiordi, Director, Economic Development, responded that reports could be provided at any interval, but indicated that a minimum of two updates per year would be provided, as requested by Chair Grijalva at the March 7th meeting. He added that the Board would also be provided with a memorandum notifying them if a goal or a certain metric attached to a goal was achieved.

Supervisor Scott stated that a letter of support from all ten members of the SBC was attached to the item, which indicated they had voted unanimously to encourage the Board's approval. He asked Mr. Blumenthal to share the reasons why the plan was unanimously supported by the commission.

Kent Blumenthal, Commissioner, Pima County Small Business Commission, responded that the commission fully supported the plan because its focus was on small businesses, which would be beneficial for the success of business owners and their employees, and also for the overall health of Pima County's economy. He stated that the commission encouraged the Board to prioritize support for small businesses by endorsing the plan. He stated that the plan checked all of the items the commission was interested in by ways of training, resources and having places where businesses could go to have questions answered about how they could streamline work and become more effective. He stated he could not speak on the commission's behalf regarding the contract with a Canadian firm and it was not something the commission was apprised of.

It was moved by Supervisor Scott and seconded by Chair Grijalva to approve the revised Economic Development Strategic Plan. No vote was taken at this time.

Supervisor Bronson expressed her objection to the revised plan. She stated that the plan should focus on two or three goals or points at a time and added it was an overarching document that included too much information and had no real focus on any specific achievements or goals.

Chair Grijalva stated that it was important for the County to have a plan. She found it interesting when looking at the gaps, that the prior plan had not included K-12 or

K-20 pipeline. She stated those issues had been addressed in this plan. She added that her office had been able to meet with staff to address some concerns and she was appreciative of the fact that some of the concerns had been modified or highlighted within the plan. She stated that it was important to note that this plan was a living document and a good foundation that would and should continue to change and be flexible enough to meet the needs of the community.

Supervisor Scott commented on Supervisor Christy's previous statement that the plan should be submitted to the Federal Economic Development Administration (EDA) for review and questioned whether that would make Pima County and any other jurisdictions within the County eligible for EDA funds if all of the requirements were met.

Mr. Vescovi-Chiordi responded in the affirmative and stated that the plan had been developed with EDA requirements in mind, which would allow the County to apply for specific grants through the Department of Commerce and the EDA. He stated that the County and other jurisdictions would be eligible because of the regional economic development strategic plans that existed within all surrounding communities. He indicated it was an added resource for acquiring additional funds in support of businesses for attraction retention or expansion within the community at-large.

Ms. Leshar stated that she appreciated Supervisor Bronson's comments, but wanted to make note that the County had an Economic Development Plan in place since 2017 and the plan being amended initially contained 172 points or goals and objectives. She explained that the focus was to make it a workable document based on input provided from a variety of public meetings and outreach held throughout the County and all incorporated jurisdictions for real goals. She stated that it was narrowed down to 30 objectives and then focused down even further to 5, per Board direction for the first year of operation.

Supervisor Christy asked whether the main purpose for the plan was to allow the County to have the ability to apply for federal grants.

Mr. Vescovi-Chiordi responded in the affirmative and indicated that it was part of its primary purpose.

Supervisor Bronson commented that some of the federal monies could be used wisely should the County qualify, but indicated she saw no specificity in the plan that provided confidence.

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

JUSTICE COURTS

14. The Board of Supervisors on December 20, 2022, continued the following:

Judge Pro Tempore Appointment

Appointment of Judge Pro Tempore of the Pima County Justice Courts for the period of January 1, 2023 through December 31, 2023:

Dr. Damond Holt

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

CONTRACT AND AWARD

Community and Workforce Development

15. Nancy Chow, Amendment No. 5, to provide for academic tutoring services, extend contract term to 6/30/24 and amend contractual language, State Equalization Fund, contract amount \$44,000.00 (CT-CR-21-353)

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

16. Joseph Michael Casey, Amendment No. 5, to provide for academic tutoring services, extend contract term to 6/30/24 and amend contractual language, State Equalization Fund, contract amount \$62,400.00 (CT-CR-21-351)

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

Health

17. Arizona Department of Health Services, to provide for expansion of the Behavioral Risk Factor Surveillance System in Pima County, Health Special Revenue Fund, total contract amount \$77,815.00/5 year term (\$15,563.00 per year) (CT-HD-23-303)

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

Supervisor Christy inquired how individuals were chosen to take the survey and questioned the expansion of participants 1,000 to 1,500.

Jan Leshar, County Administrator, responded that the size of the sampling allowed for a much greater sense of accuracy or determination of what the numbers would be in the poll and the larger sample allowed for more accuracy on sub-samples such as a breakdown by regions or areas.

Supervisor Christy questioned how participants were selected.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that the methodology for the behavioral risk factor surveillance system was a national sampling framework and both landline and cell phone numbers were identified and then randomly selected for the survey.

Supervisor Christy asked for more information about the questions related to firearms.

Dr. Garcia responded that the survey contained 300 items with a variety of questions and explained that the current iteration included questions regarding firearm ownership and whether they were kept loaded and had the benefit of a child lock.

Supervisor Christy inquired about the purpose of compiling the information.

Dr. Garcia responded that it was part of the accident and injury prevention set of questions that also asked about seatbelt usage, distracted driving and cell phone usage when performing other dangerous activities.

Supervisor Scott questioned the cost for each survey.

Dr. Garcia responded that information would be provided to the Board.

Ms. Leshar explained that survey costs were in relation to the size of the number of questions and 300 questions would keep staff on the phone for quite a bit of time and added that this was the cost for a completed survey.

Supervisor Scott asked why the Arizona Department of Health Services had taken two months to approve the IGA after it had been submitted by the County.

Dr. Garcia responded that staff was unaware of the reason why it had taken so long for approval.

Supervisor Scott asked that the Board be provided with a copy of the survey.

Dr. Garcia responded that a hard copy would be provided to the Board and that the survey was also publicly available on the Centers for Disease Control website.

Supervisor Bronson asked staff to provide the Board with a link instead of a hard copy.

Dr. Garcia responded that a link would be provided to the Board.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

18. The Tohono O’odham Nation, to provide an intergovernmental agreement for COVID-19 Health Disparities grant funds, Centers for Disease Control and Prevention via ADHS Fund, total contract amount \$199,998.00/2 year term (\$99,999.00 per year) (CT-HD-22-123)

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

Supervisor Christy asked if Minute Item Nos. 18 and 34 could be taken together because he felt they were interconnected.

Chair Grijalva stated that the items had different funding sources and he could voice his concerns about them separately.

Supervisor Christy questioned whether there was a connection between the two items and if they were the same grant.

Jan Leshner, County Administrator, explained that this item was a pass-through agreement for funds that were going to the Tohono O’odham Nation and Minute Item No. 34 was a no cost extension of a current grant to finish work.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that this item was an intergovernmental agreement which allowed for the pass-through of federal and state funds to Pima County and then in turn to the Tohono O’odham Nation. He stated that Minute Item No. 34 was a no cost extension of an underlying grant award from the Arizona Department of Health Services that allowed for the expenditure of those resources.

Supervisor Christy commented that there was an amendment request made for an extension of the grant term through May 31, 2024, for the purposes of dealing with COVID-19 testing and asked about the reason for that request since the pandemic was over.

Chair Grijalva questioned whether he was addressing Minute Item No. 34 and indicated that the current discussion and vote was for this item.

Supervisor Christy stated that he had no further questions for this item.

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

19. Pause for Change, L.L.C., Amendment No. 2, to provide for a Public Schools Task Force Group, extend contract term to 4/20/24, amend contractual language and scope of services, no cost (CT-HD-21-336)

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

Procurement

20. Award

Award: Master Agreement No. MA-PO-23-159, Horizon Distributors, Inc. (Headquarters: Covington, LA), to provide for irrigation parts and supplies. This master agreement is for an initial term of one (1) year in the annual award amount of \$477,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General (75%), Stadium and WW Ops Funds. Administering Department: Natural Resources, Parks and Recreation.

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

21. Award

Award: Master Agreement No. MA-PO-23-163, Miovision Technology, Inc. (Headquarters: Kitchener, ON), to provide for Miovision signal analytics and equipment. This master agreement is for an initial term of one (1) year in the annual award amount of \$1,500,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Transportation Fund. Administering Department: Information Technology and Transportation.

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

Supervisor Scott stated that the offer agreement mentioned that the Board would receive summary reports on corridor performance dashboards and executive reporting. He questioned what specific corridors were being referred to, how the executive reporting would be utilized, what executive reporting was and what information would be made available to the general public to make them aware of the benefits of the expenditure. He stated that the background material indicated the benefits and read them aloud. He indicated that they seemed like outstanding benefits and questioned which department would be handling and distributing that information to the public. He questioned some of the terms in the program goals and predicted outcomes, such as the turning movement counts, volume density and arrivals on red travel times. He added that he could support the item, but was curious on how the County would make use of the reporting received, and how the public would be informed of what and where this would take place.

Jan Leshner, County Administrator, responded that a full report would be provided to the Board.

Supervisor Christy commented that this was another Canadian company and inquired about the selection of the vendor.

Steve Holmes, Deputy County Administrator, responded that the competitive procurement process for contracts had been used without bias towards any other company and Miovision had met their needs and was the selected bidder of choice.

Ms. Leshar explained that County procurement rules did not specify points against or for any kind of bias towards companies within or outside of the United States. She stated that if the Board wanted to move forward with a policy change, County Administration could work on that.

Chair Grijalva questioned whether any extra points were given to local firms or businesses during the procurement process and whether it was something that could be done for encouragement of small businesses within the community.

Ms. Leshar responded that the process did not focus on local entities, which had been previously opined by the County Attorney's Office, but indicated a full report would be provided to the Board.

Chair Grijalva stated that the question of where the businesses came from had come up a few times before and it would be nice if those dollars were given to a local firm that was available and willing to perform the job.

Supervisor Bronson requested the Board be provided with a list of the bidders and their scores for transparency purposes.

Supervisor Christy commented that the metrics indicated a wireless connection. He questioned whether the wireless connection was a new connection that would be installed, if it was one that was already in existence and what was the wireless connection.

Kathryn Skinner, Director, Transportation Department, stated that the Miovision System had been installed five years ago and this was a continuation of those technologies for both the hardware and software components for all 105 signalized intersections in unincorporated Pima County. She explained that the wireless component was the connectivity so that those signals could communicate back to the County's Signals Engineer for adjustments that could be made from a desk rather than the field which was a large component of the annual cost of the project. She stated that the remaining portion was related to the hardware required to maintain those systems at all intersections.

Supervisor Christy asked for clarification on whether this was strictly for enhancement purposes, what was the Pima County Corridor and if the City of Tucson had been involved to synchronize lights or whether it stopped at County lines.

Ms. Skinner responded affirmatively and stated it would be for system maintenance. She stated that she would review how Pima County Corridor was being referenced in the agreement, but indicated that another benefit was an insight software component that could analyze corridor effectiveness in unincorporated Pima County. She added corridors being focused on was only for a series of signalized intersections where they could look further at things like hitting a signal during a green or red light. She added signalized intersection stopped primarily at County lines, but stated some had been installed within the Town of Marana and staff was currently working with partners through some of the committees at the Pima Association of Governments (PAG) to try and coordinate signalization.

Supervisor Christy questioned whether this was part of the Center for Applied Transportation Science (CATS) Program with the University of Arizona or PAG.

Ms. Skinner responded that the CATS Program analyzed some of the data, but since the County was responsible for maintaining those signals and ensuring their functionality, the system would be maintained by Pima County staff. She added PAG was not involved as it was funded by the County.

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

22. Award

Amendment of Award: Master Agreement No. MA-PO-21-200, Amendment No. 2, Phoenix Pumps, Inc. and E-Konomy Pool Service, Inc., to provide for small pumps and pump parts 15hp or less. This amendment increases the shared annual award amount by \$112,000.00 from \$253,000.00 to \$365,000.00 for a cumulative not-to-exceed contract amount of \$618,000.00, approves an average 15.12% price increase for Phoenix Pumps, Inc. and appends the Forced Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. § 35-394. Funding Source: General (25%), Stadium District and WW Ops Funds. Administering Department: Regional Wastewater Reclamation.

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

23. Award

Amendment of Award: Master Agreement No. MA-PO-19-200, Amendment No. 5, GEA Mechanical Equipment US, Inc., to provide for centrifuge parts and service. This amendment increases the annual award amount by \$272,600.00 from \$240,000.00 to \$512,600.00 for a cumulative not-to-exceed contract amount of \$1,031,400.00. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

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

24. **Award**

Amendment of Award: Master Agreement No. MA-PO-22-216, Amendment No. 2, Diamondback Police Supply Co., Inc., LN Curtis and Sons, d.b.a. Curtis Blue Line and Proforce Marketing, Inc., d.b.a. Proforce Law Enforcement, to provide for tactical equipment and supplies. This amendment increases the shared annual award amount by \$135,000.00 from \$270,000.00 to \$405,000.00 for a cumulative not-to-exceed contract amount of \$405,000.00. Funding Source: General Fund. Administering Department: Sheriff.

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

25. DLT Solutions, L.L.C., d.b.a. DLT Solutions, Amendment No. 1, to provide for Oracle products and services and amend contractual language, Recorder's Document Storage and Retrieval Fund, contract amount \$30,000.00 (MA-PO-22-143) Administering Department: Information Technology

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

26. Ennis-Flint, Inc., to provide for pavement markings, traffic paint and ~~performed~~ **preformed** thermoplastics, Transportation Ops Fund, total contract amount \$1,404,000.00/3 year term (\$468,000.00 per year) (MA-PO-23-152) Administering Department: Transportation

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

27. A-O Painting, Inc., Nelson J. Greer, Painting Contractor, Inc., and Wiese Painting Contractors, Inc., Amendment No. 1, to provide a job order master agreement for painting services and amend contractual language, Various Funds, contract amount \$300,000.00 (MA-PO-22-194) Administering Department: Facilities Management

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

28. McKinstry Essention, L.L.C., to provide for Office of the Medical Examiner Commissioning Services, FM Capital Non-Bond Projects Fund, contract amount \$398,385.93/2 year term (\$199,192.97 per year) (CT-FM-23-356) Administering Department: Facilities Management

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

Real Property

29. Stephen G. Ralls, to provide for Sales Agreement No. Sale-0109 and Special Warranty Deed for a portion of vacant land that consists of 943 sq. ft. and located along alignments of South Greasewood Road and South Westover Avenue, Tax Parcel No. 119-35-1910, contract amount \$2,100.00 revenue (CTN-RPS-23-155)

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

Chair Grijalva expressed concern that this situation was happening more frequently and asked how long had this encroachment taken place and when was it discovered by the County.

Carmine DeBonis, Jr., Deputy County Administrator, responded that he was unaware of the date construction had taken place, but indicated that it was an infrequent occurrence for these types of improvements and a chronology of the timeframe would be provided to the Board. He explained that both of these properties immediately adjoined County owned land and in some instances property owners might have a hard time discerning where the boundaries were. He indicated the County felt no malicious or intentional thoughts were involved and this was discovered during performance of routine monitoring operations and maintenance activities. He stated that although the improvements themselves required expenses from both property owners, the encroachment was minimal and felt that it was more appropriate to sell the encroached areas to the property owners.

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

30. Claude David Ralls, to provide for Sales Agreement No. Sale-0110 and Special Warranty Deed for a portion of vacant land that consists of 1309 sq. ft. and located along alignments of South Greasewood Road and South Westover Avenue, Tax Parcel No. 119-35-1910, contract amount \$2,600.00 revenue (CTN-RPS-23-154)

(Clerk's Note: See Minute Item No. 29, for discussion and action on this item.)

GRANT APPLICATION/ACCEPTANCE

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

Arizona Department of Housing, Amendment No. 3, to provide for the Weatherization Assistance Program, amend grant language and scope of work, \$30,404.00 (GTAM 23-65)

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

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

Arizona Department of Housing, to provide for the U.S. Department of Energy Weatherization Assistance Program, Bipartisan Infrastructure Law Funding Agreement, total grant amount \$749,880.00/5 year term (\$149,976.00 per year) (GTAW 23-116)

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

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

Federal Emergency Management Agency (FEMA), Emergency Food and Shelter Program (EFSP), National Board, to provide for the FEMA EFSP Humanitarian Relief ("Phase HR23"), \$6,790,032.00 (GTAW 23-115)

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

Supervisor Christy stated that at the April 4, 2023 Board meeting, the Board had accepted a grant in the amount of \$3.3 million and indicated that this was another grant for \$6.7 million that would be used for the same purposes of feeding, clothing and sheltering asylum seekers that were released by the U.S. Department of Homeland Security. He stated that the first grant in April, had referenced a Ukraine Supplemental Appropriations Fund and questioned the funding source for this grant.

Jan Leshar, County Administrator, responded that she was currently unable to reference the April 4th documents, but indicated that this was a federal program that had always been funded by the Federal Emergency Management Program.

Supervisor Christy stated that if the item was approved the Board would have accepted \$10 million dollars within two meetings for the same mission.

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

34. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for COVID-19 Health Disparities, extend grant term to 5/31/24, amend grant language and scope of services, no cost (GTAM 23-68)

(Clerk's Note: See Minute Item No. 18, for discussion related to this item.)

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

35. **Acceptance - Health**

Arizona Department of Health Services, to provide for the Pima County Tuberculosis Control Program, total grant amount \$111,524.00/4 year term (\$27,881.00 per year) (GTAW 23-113)

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

36. **Acceptance - Office of Emergency Management**

Arizona Department of Emergency and Military Affairs, to provide for the FFY 2022 Emergency Management Performance Grant, \$635,585.35 (GTAW 23-112)

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

37. **Acceptance - Sheriff**

State of Arizona - Department of Public Safety (AZDPS), to provide a Memorandum of Understanding for the AZDPS Border Strike Force: Prosecutorial and Jail Expenses, \$166,666.66 (GTAW 23-109)

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

FRANCHISE/LICENSE/PERMIT

38. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, April 24, 2023 at 7:30 p.m.

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

DEVELOPMENT SERVICES

39. The Board of Supervisors on February 7 and April 4, 2023, continued the following:

Hearing - Type III Conditional Use Permit

P22CU00013, WOLVERTON REVOC LIVING TR - S. SIERRITA MOUNTAIN ROAD

Ivan R. and Margery A. Wolverton Revoc Living Tr, represented by Vertical Bridge, L.L.C., request a Type III Conditional Use Permit for a wireless communication

facility (Parcel Code 301-74-1450) in accordance with Section 18.07.030.H. of the Pima County Zoning Code in the GR-1 (Rural Residential) zone, located approximately 500 feet west of the intersection of S. Sierrita Mountain Road and W. Scotland Street, addressed as 11990 S. Sierrita Mountain Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Becker and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Standard Requirements per the Pima County Zoning Code:

1. Adherence to all requirements of Section 18.07.030H (General Regulations and Exceptions) of the Pima County Zoning Code.

Recommended Special Conditions:

1. The new top height of the tower structure shall not be more than the requested one hundred ten feet (110').
2. The new tower structure and antennae arrays shall be camouflaged as a faux eucalyptus tree.
3. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
4. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8') tall and be constructed of masonry. It shall be painted a light tan color.

Supervisor Bronson asked for a status update on the project due to the number of concerns received regarding tower height and asked that staff address the issue of the Board's authority over this type of project since most of its authority was delegated through a federal process.

Thomas Drzazgowski, Chief Zoning Inspector, Development Services Department, provided a staff report and stated that since the case was continued on February 7th, the applicant had provided written responses to the Board's articulated questions and had held a couple of different meetings with neighbors. He stated that the original proposed height was 110 feet, but indicated that the applicant had worked diligently with neighbors and their client, T-Mobile, to reduce that height by 45 feet and that their current proposal was for a 65 ft. Elm Tree, which was a 41 percent reduction in height. He explained that the Federal Communications Act of 1996 and the Federal Communication Commission highly regulated and limited what counties and cities could do in regards to regulation of communication towers. He stated the County had flexibility in one area that included how the gap in coverage was filled. He indicated that staff had articulated that shorter towers and co-locations on existing structures and commercial zones were the preferred options. He stated that the applicant took the options into consideration and had presented something that was much lower in height and would integrate more into the rural community.

The following speakers addressed the Board in opposition to P22CU00013:

- Philip Lutz
- Sandra Richardson
- Dan Hartke
- Jim Griffin
- Gisela Aaron
- Stefanie Kirk
- Tim Laux

They offered the following comments:

- The tower would be in violation of Pima County land use regulations if placement was allowed.
- There was insufficient outreach to neighbors.
- T-Mobile already had more than adequate coverage for that area.
- The height of the tower was not consistent with the area and was too tall, the tower would be placed too close to existing homes and would obstruct the beautiful views and ruin the peaceful, quiet, rural environment.
- The tower would devalue properties in the area.
- There were concerns with health effects and radiation would affect wildlife.
- There would be adverse aesthetic impacts to the surrounding properties and that the tower should be placed farther away from neighboring homes.
- Clear Blue did not act in the best interest of the community when it notified the public of the project and properties had been purchased as retirement homes in the location due to lack of cell towers and the beauty of the area, which would be ruined with its placement.
- Property values would decrease by up to 20% with one installation of a cell tower and Tucson already had 450 cell towers.
- Concerns of negative health effects to children and the County should research the implications.
- Other sufficient sites were not explored to determine least obtrusive options.
- One neighbor expressed concern that the tower would be seen from the entire perimeter of her property and she spent 95% of her time at home and outside on her property.
- Three hundred affidavits had been served to the Tucson City Council and Mayor regarding the deployment of cell towers and their health threats.
- 5G tower technicians had confirmed that towers had to be shut down before being worked on due to the severe radiation they emitted and placing one closer to the ground would only put a person's health at greater risk.

Jacob Maskovich, Representative for Applicant, Bryan Cave Leighton Paisner, L.L.P., addressed the Board and explained that Vertical Bridge built cell phone towers at the request of carriers. He stated that T-Mobile requested to locate a site for a cell phone tower in order to meet a gap in their network coverage. He provided a PowerPoint presentation to the Board and highlighted important points regarding the lack of coverage. He stated T-Mobile had given them a propagation map and asked them to examine whether cell phone coverage could be enhanced in that area and stated that a T-Mobile RF Engineer was on the line and available to answer questions regarding coverage needs. He showed what the enhanced coverage would be with a 65-foot tower and explained the difference of coverage with the antennas at 60 ft. He stated there was a site 4 miles north of the proposed site and another mountaintop site 11 miles to the south, which was the area where they were trying to link up the coverage and indicated that cell phones needed overlapping coverage. He explained that they were given a search ring by T-Mobile and were told by the engineers to find a suitable location within that ring. He stated they had first looked at commercial or non-residential sites, but were unsuccessful

with finding a location. He stated that the next step was checking for other verticality, other things that were tall enough that could be used for placement and indicated that power poles were not an option because of their short height for this particular case. He stated this parcel had been identified because of its closeness to the northwest corner of two major intersections and it had a property owner willing to lease the location to the applicant since placement could not be forced on anyone. He stated that they wanted to put it on a corner instead of having it embedded within the neighborhood and this location was as close as possible to Scotland Street, which had 45 foot tall power poles running down it. He stated that health concerns were being addressed to the wrong form and indicated that health issues with respect to radio frequencies of these towers was governed by federal law and could not be addressed by the Board. He added that all federal regulations had been met.

It was moved by Supervisor Bronson and seconded by Chair Grijalva to close the public hearing and deny P22CU00013. No vote was taken at this time.

Supervisor Scott questioned whether a state statute existed that impeded the ability of local governments to weigh in on these matters.

Mr. Drzazgowski responded in the affirmative and stated that both the Federal Communications Commission and State legislature had passed regulations that highly limited the ability of local jurisdictions to regulate certain aspects of cell towers.

Supervisor Scott encouraged anyone present and concerned about the issue to contact their members of Congress and their representatives in the Arizona legislature and voice their concerns. He stated that since becoming a Board member he had seen a pattern of behavior by companies that did the absolute bare minimum in terms of public outreach and public contact. He stated that this pattern had been shown and heard repeatedly with multiple projects that had come before the Board, and when a vote had to be made, it would be taken into consideration. He added that there was one in his district that was still being considered by the Planning and Zoning Commission that had the same issues as this item.

Chair Grijalva stated that she had concerns and questioned whether any in-person meetings had been noticed.

Mr. Maskovich responded that no in-person meetings were held due to its rural nature, but indicated that notices had been mailed and he had provided his personal contact information to members of the community and invited them to contact him directly.

Chair Grijalva commented that this project only needed Board approval because the tower height was over 50 feet and asked if Board approval was required for a request that was under 50 feet.

Mr. Drzazgowski replied in the affirmative and stated that towers above 50 feet were subjected to Type III Conditional Use and required Board approval.

Chair Grijalva commented that she thought there was a reason for that and knew everyone involved was hamstrung due to Federal and State legislation requirements and a reason it came to County Boards to make the decision. She stated that she was very concerned about a 7-foot building structure being placed in the middle of a residential area and thanked everyone who attended and spoke on the item.

Supervisor Bronson commented that she shared the same concerns as stated by Supervisor Scott and that the project needed to be addressed at the State and Federal level.

Chris Poirier, Deputy Director, Development Services Department, stated that from a staff perspective it was important to mention the limits and controls of local jurisdictions that cell providers had a lot of rights and abilities when filling gaps in coverage, but indicated that local jurisdictions could not consider the health effects. He stated that if the Board was inclined to recommend denial, the type of reasons for denial should be focused on whether it was an appropriate location, height, or if views would be blocked. He stated those reasons were important key issues that he believed were brought up by some of the speakers including alternative sites that may not have been explored.

Supervisor Bronson clarified that her motion for denial was due to the tower height and location issue.

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

BOARD OF SUPERVISORS

40. Pay-As-You-Go (PAYGO) Road Repair Program

Discussion/Direction/Action regarding the staff-proposed re-imagination of Pima County's PAYGO road repair program. (District 4)

Supervisor Christy read from the former County Administrator's Memorandum dated November 5, 2019. He stated that the current County Administrator's Memorandum dated April 5, 2023, had an attachment that showed five fiscal years with no funding listed. He expressed concern with the fact that in 2019, the Board made a promise to County residents that all road work would rate at least a good or passing grade within 10 years. He stated that taxpayer revenue had not decreased and questioned what the annual budget amount was in 2019 compared to the current amount.

Jan Leshner, County Administrator, responded that in 2019 County budget was just over \$1 billion and the current budget was approximately \$2.1 billion including the delta for federal funds.

Supervisor Christy questioned where the funds had gone because the Board promised road repair in 10 years, but half of the years showed no funding. He further asked whether there were other capital projects utilizing Pay-As-You-Go (PAYGO) monies.

Ms. Leshar responded that in 2019 the Board committed to spending \$225 million over a span of 10 years. She explained that the allocated amounts for the first two years were \$5 million, then \$10 million, then it went to \$20 million, and finally \$25 million per year for the remainder of the years. She stated that the then Board believed that fixing the roads was critical enough to frontload the dollars and indicated that \$15 million had been used for the first year instead of \$5 million, and then \$50 million dollars a year for 3 years was spent through Certificates of Participation (COPs). She stated that at this point, the County needed to ensure that \$170 million dollars were available during the first 4 years that provided for 847 miles of road. She explained there was pause in fixing roads because the County had repaired roads that were in very bad shape that required continued maintenance to avoid being in the same position as they were in the initial days. She stated that starting with 2019 and with every budget since then, PAYGO had paid for all capital improvements including roads. She indicated that to date, 52% of PAYGO monies had gone to roads and the rest had gone to other capital projects approved by the Board. She added that the Board should be proud that it showed that roads were their priority by allocating and frontloading \$225 million to spend the amount for the first 8 years within the first 4 years.

Supervisor Christy questioned when had the Board been informed that by accelerating the program, it would result in defunding it for those specified years.

Ms. Leshar responded that she believed it was explained in the August 2020 memorandum, that \$9.8 million would be required for interest payments if the three \$50 million dollar segments were frontloaded and stated she would provide that information to the Board. She clarified that nothing was defunded with the commitment and the County would continue with it. She stated that if the Board wished to accelerate the spending it could, but they would move forward with the total \$225 million commitment in the plan. She further explained that for the following year \$20 million remained versus \$25 million that would be dedicated to roads.

Supervisor Christy expressed concern with the commitments made and questioned when all of the originally advertised roads would be repaired and how many residents would not get the roads in front of their homes repaired within the promised timeframe.

Ms. Leshar responded that the frontloaded funds had addressed the first seven or eight years of funding and all of the County residents who were aware their roads would be repaired between the years of 2019 through 2027, 2027 being the eighth year of the program, have already had their roads repaired. She stated some

individuals were told repairs would be made within the last two years of the program in 2028 and 2029, and indicated they would be completed within that timeframe.

Supervisor Christy asked for clarification if residents whose roads had not yet been repaired would have them completed by Fiscal Year 2028/2029.

Kathryn Skinner, Director, Transportation Department, explained that the program never outlined specific years local roads would be repaired. She stated that every year staff prepared a list of roads to be repaired with the funding that was allocated for that year and indicated it was impossible to predict what year a road would be repaired. She stated they continued to focus on both repairing the worst local roads first and were now layering in some funding so the County could start maintaining the roads that were repaired earlier in the program due to the acceleration of funding.

Supervisor Christy questioned whether everyone would have their local roads fixed by the end of the 10-year term initially started in 2019 with PAYGO.

Ms. Skinner responded that that was their goal and indicated they could run an evaluation that showed what was being done. She stated with the new evolved program, there would never be more than five percent of roadways, locals, arterials and collectors in the very poor condition category. She stated that roads continuously degraded so it was impossible to keep all roads in good condition, but it would address them with the most cost-effective treatment.

Supervisor Bronson asked that the Board be provided with a tabulation of the prepared roads to date with their locations by district for both the arterials and the locals.

Ms. Leshar responded that information would be provided to the Board.

Chair Grijalva commented that increased supply costs would impact the number of roads depending on when the items were purchased, and the County would have been able to repair more in 2019/2020 versus what the cost would be in 2029/2030.

Ms. Leshar responded that staff would prepare a list of the collector, arterial and local roads which showed what had already been repaired and included an indication of how the approved 2019 work plan was implemented into the current plan. She added that the citizen's Transportation Advisory Committee made the annual recommendations, but the Board would be provided with the specificity and projects.

Supervisor Bronson requested a fiscal note be attached to the report.

Ms. Leshar responded that it would be included.

Supervisor Christy commented that the County Administrator's latest memorandum stated that miles of roads were in very poor condition and requested more information. He asked that the list include all roads in failed condition and those that would fall within that very poor or failed condition category over the next four years and questioned whether road condition ratings had been recalibrated to accommodate any proposed repairs.

Ms. Leshar explained that a Pavement Surface Evaluation and Rating System (PASER) index was used when the program started in 2019 and the County now used a modified Pavement Condition Index (PCI). She stated they were two very different rating systems in respect to how they looked and how they were evaluated by consultants and added that additional follow up information might be needed.

Ms. Skinner explained that when the program originally started the County had used a PASER system which was a visual rating system with a 1 to 10 scale. She stated that the County then procured a Street Saver System which was used to forecast and propose this program back in 2019/2020. She stated they used a rough correlation of a PASER to a PCI index and explained that was multiplied by 10 with 100 being the highest PCI. She stated that the value to the PCI was a vehicle procured through a vendor to run all streets using multiple measurements to scientifically figure out the PCI. She stated that originally the County ran the roads in late 2019 and incorporated those values into the Street Saver System in early 2020. She indicated that the first fiscal year, the ratings were used to develop the list for fiscal year 2021. She stated staff was dedicated and committed to rerunning the roads every three to five years with the PCI System to see what the degradation looked like on the roads and specifically in the region because the hot weather degraded roads faster than other parts of the country. She stated that the roads had been run again last winter and fall and staff was working to incorporate those conditions into the Street Saver System so that updated ratings could be provided to the Board. She indicated those would be available by the end of April and would be used for development of the fiscal year 2024 program.

Supervisor Christy asked whether there could be scenarios developed that showed what dollar amount it would take to reinstitute the PAYGO system as it was originally formulated over the barren and defunded years without raising taxes.

Ms. Leshar asked for clarification if Supervisor Christy suggested adding an additional \$125 million to the original \$225 million to fill in the years questioned.

Supervisor Christy responded in the affirmative.

Supervisor Bronson requested the list also include all of the capital projects that had used PAYGO and any projected projects as PAYGO moved forward.

Supervisor Scott stated that according to the Transportation Memorandum dated April 3, 2023, to the County Administrator, it indicated next year's split was going to be 70% maximum to arterials and collectors, and 30% minimum to local roads

because the majority of the very poor roads that remained in that category were arterial and collectors. He questioned whether the County anticipated a similar split in subsequent fiscal years, or was this simply unique to the following fiscal year.

Ms. Skinner responded that it was something that was evaluated every year and one of the goals with having this type of split was it showed funding for local roads would continue for the foreseeable future. She indicated there were years prior to the program where local roads had not received much funding at all from a pavement repair preservation standpoint. She stated that the funding split changed every year and generally more had been spent on local roads for the first four years of the program. She stated 66% of the funding in Fiscal Year 2021 went towards local roads and the other third was spent on arterials and collectors. She stated that currently, arterials and collectors needed more funding to get them to the same point as the locals because they were the roads that most people drove on and ones that received the most wear and tear.

Supervisor Scott commented that up to 35% of the program's yearly budget would be for preventative maintenance and questioned whether that percentage would rise in subsequent years given the County's commitment to voters regarding this issue.

Ms. Skinner responded that any changes to the guiding principles would be made through the Transportation Advisory Committee and indicated that they were already sufficient enough for moving forward. She stated as a point of reference that the cost was \$5 dollars per square yard for preventative maintenance treatment versus \$20 dollars per square yard for repair treatment and indicated the County would be able to address far more roads with less money with preventative maintenance.

Supervisor Scott stated two significant factors had brought this about and those factors were detailed in both of the provided memorandums dated April 5th and April 12th. He stated that the previous Board in its last fiscal year infused additional funds into the program through the purchase of COPs and short-term debt and indicated that the current Board had done the same in their first two fiscal years. He indicated that meant more roads would need to be maintained and repaired with a tremendous increase in costs for both materials and labor. He stated both he and Deputy County Administrator DeBonis, Jr., had been present when the Arizona Transportation Builders Association made their presentation to the Regional Transportation Authority (RTA) about those increased costs. He stated those costs would need to be taken into account with the fulfillment planning for the current RTA Plan and when the RTA Next Plan was presented to voters. He indicated he felt the priority of the previous and current Board was to continue fixing the roads and keeping them well maintained after they were fixed. He stated that the PAYGO plan had been unanimously adopted by both the previous and current Board and both Boards had consistently supported it with needed resources. He stated that the "worst roads first" philosophy continued to prevail except for fiscal year 2023/24 where its resources would be applied to arterials and collectors. He added that he

viewed the program as reconfiguring based on the Boards' decision to accelerate repairs in the first four years, maintain those repairs and the desire to use resources that were strained by extraordinarily increased costs, on the worst roads.

Supervisor Christy added for clarity to his request of the scenarios to be provided was how much it would cost the County to keep its promise to residents that all roads would be in good condition within 10 years.

Ms. Leshner responded that one of the reasons PAYGO had been used only for roads within unincorporated Pima County was due to some related tax equity issues. She explained that much of the dollars from the '97 Bonds were spent within incorporated jurisdictions and indicated PAYGO monies could only be spent in unincorporated Pima County until that \$298 million number was attained. She stated staff was looking at what it would cost to fix the roads and also how much those costs had gone over the committed \$225 million. She stated this would help delineate when funds could then be spent in the incorporated jurisdictions or whether it should continue to only be spent within the unincorporated areas. She wanted to make sure any limitations that might exist about where those roads could be constructed was completely understood. She stated she would provide the Board with follow-up information about what the County was planning to spend now with the current plan and the amount of additional dollars it would take to repair all of the roads.

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

BOARD, COMMISSION AND/OR COMMITTEE

41. Library Advisory Board

Appointment of Mariana Padias, to fill a vacancy created by Barbara Escobar. Term expiration: 6/30/24. (District 2)

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

CONSENT CALENDAR

42. Approval of the Consent Calendar

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

* * *

BOARD, COMMISSION AND/OR COMMITTEE

1. Election Integrity Commission

- Reappointment of Misty Atkins. Term expiration: 4/19/25. (District 1)
- Reappointment of Brian E. Bickel. Term expiration: 5/7/25. (Democratic Party recommendation)

SUPERIOR COURT

2. Judge Pro Tempore Appointments

Appointments of Judges Pro Tempore of the Superior Court for the period of July 1, 2023 through June 30, 2024:

Judges Pro Tempore (Voluntary Attorneys/Without Pay)

Michael Aaron; John Eli Aboud; Laura Belleau; Lee L. Blackman; Mark Bockel; John R. Bolt; John J. Brady; Suzanne Brei; Lindsay Brew; Caleb N. Brown; Luke E. Brown; Dan Cavett; Douglas H. Clark, Jr.; Roger H. Contreras; Katrina M. Conway; Suzanne L. Diaz; James P.F. Egbert; Melissa Errico; Erin K. Fox; Roberto C. Garcia; Abbe M. Goncharsky; Ann M. Haralambie; Phoebe L. Harris; Megan Hill; Gary (Todd) Jackson; Michael A. Johnson; Daniel Jurkowitz; Leonard Karp; Brian Keith Kimminau; Kevin F. Kinghorn; Reagen A. Kulseth; Zelma Letarte; Robert G. Lewis; Jennifer Manzi; Annalisa Moore Masunas; Peter A. Matiatos; Kathleen A. McCarthy; Lisa C. McNorton; Timothy M. Medcoff; Andrew P. Meshel; Kathryn B. Nelson; Karen Nygaard; Natalie Ann Evans Parkman; J.C. Patrascioiu; Alyce Loraine Pennington; Riisa Petersen Mandel; Karen R. Pollins; Terri Lynn Pones; Carrie L. Rednour; Annie M. Rolfe; Nathan Seth Rothschild; Michael J. Rusing; Dee-Dee Samet; Susan Marie Schauf; Ted Schmidt; Dev K. Sethi; Denice R. Shepard; Russell B. Stowers; Grant L. Stratton; Victoria R. Thompson-Torrilhon; David Burr Udall; Bernardo M. Velasco; Nanette Warner; Robert M. Way; James A. Whitehill; Paul E. Willman; Jeffrey S. Wohlford; Sarah L. Wright; Dawn Deann Wyland; Kaytlyn Yrun-Duffy; Ronald Zack; Raymond (R. Douglas) Zirkle

Court Commissioners to serve as Judges Pro Tempore (With Pay)

John Assini; Lisa Bibbens; Randi Burnett; Jane Butler; Julia Connors; Jennifer Espino; Geoffrey Ferlan; Patricia Green; Lori Jones; Nicholas Knauer; Jennifer Langford; Cathleen Linn; Bunkye Olson; Deborah Pratte; Gilbert Rosales; Kristin Schriener; Lisa Schriener Lewis; Helena Seymour

Judges Pro Tempore/Hearing Officers (With Pay)

Howard Fell; Teresa Godoy; Renee Hampson; June Harris; Lee Ann Roads

TREASURER

3. 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 \$3,885.64.

REGIONAL WASTEWATER RECLAMATION

4. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone Avenue, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 2955 W. Calle Agua Nueva, Tucson, Arizona 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Kingwood Collision, Inc., d.b.a. Gerber Collision & Glass. The proposed settlement in which Kingwood Collision, Inc., located at 6108 N. Travel Center Drive, agrees to pay a penalty of \$500.00 and submit to Pollution Prevention School is in accordance with the Industrial Wastewater Enforcement Response Plan.

RATIFY AND/OR APPROVE

5. Minutes: February 21, 2023

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43. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:16 p.m.

CHAIR

ATTEST:

CLERK