

## **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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### **1. TENTATIVE BUDGET HEARING**

Review and adoption of the Flood Control District Tentative Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Flood Control District Tentative Budget in the amount of \$18,202,680.00 at an effective tax rate of \$0.3271. Upon roll call vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

### **2. CONTRACT**

KE&G Construction, Inc., to provide for Bighorn Fire Flood Hazard Mitigation: Canada Del Oro Levee Augmentation (5BGHRN), Non-Bond Projects Funds (Capital Project Funds), contract amount \$4,158,359.29 (CT-FC-24-394)  
Administering Department: Regional Flood Control District

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

3. **GRANT ACCEPTANCE**

State of Arizona Department of Emergency and Military Affairs, Amendment No. 1, to provide for the Hazard Mitigation Grant Program - HMGP FM-5310-003-03R, Canada Del Oro Levee Augmentation Project, extend grant term to 3/31/25 and amend grant language, \$2,521,525.11/\$1,844,752.14 Regional Flood Control Non-Bond Projects Fund Match (GTAM 24-45)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

ATTEST:

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CLERK

## IMPROVEMENT DISTRICT BOARD MINUTES

The Pima County Improvement 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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
 Sam Brown, Chief Civil Deputy County Attorney  
 Melissa Manriquez, Clerk of the Board  
 Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. TENTATIVE BUDGET HEARING

Review and adoption of the following County Improvement District Tentative Budgets for Fiscal Year 2024/2025:

<u>IMPROVEMENT DISTRICT</u>	<u>FY 24-25 PROPERTY TAX LEVY</u>
<u>Other Improvement District</u>	
HAYHOOK RANCH	\$40,000
<u>Street Lighting Improvement District</u>	
CARDINAL ESTATES	\$14,771
CARRIAGE HILLS NO. 1	\$ 9,084
CARRIAGE HILLS NO. 3	\$ 3,112
DESERT STEPPES	\$ 5,452
HERMOSA HILLS ESTATES	\$ 4,672
LAKESIDE NO. 1	\$ 7,272
LITTLETOWN	\$28,115
LONGVIEW ESTATES NO. 1	\$ 9,864
LONGVIEW ESTATES NO. 2	\$11,420
MAÑANA GRANDE B	\$ 7,788
MAÑANA GRANDE C	\$12,720
MIDVALE PARK	\$15,972
MORTIMORE ADDITION	\$35,671
OAKTREE NO. 1	\$24,797
OAKTREE NO. 2	\$20,526
OAKTREE NO. 3	\$26,898
ORANGE GROVE VALLEY	\$ 8,116
PEACH VALLEY	\$ 4,115
PEPPERTREE	\$10,769
ROLLING HILLS	\$19,622
SALIDA DEL SOL	\$15,825

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Improvement District Tentative Budgets, as presented. Upon roll call vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. TENTATIVE BUDGET HEARING

Review and adoption of the Library District Tentative Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Library District Tentative Budget in the amount of \$51,495,204.00 at an effective tax rate of \$0.5537. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Heinz voted "Nay."

### 2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

ATTEST:

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CLERK

## ROCKING K SOUTH COMMUNITY FACILITIES DISTRICT BOARD MINUTES

The Pima County Rocking K South Community Facilities 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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. TENTATIVE BUDGET HEARING

Review and adoption of the Rocking K South Community Facilities District Tentative Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Christy to close the public hearing and adopt the Rocking K South Community Facilities District Tentative Budget in the amount of \$2,726,179.00. Upon roll call vote, the motion unanimously carried 5-0.

### 2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

ATTEST:

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CLERK

## STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium 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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. TENTATIVE BUDGET HEARING

Review and adoption of the Stadium District Tentative Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Stadium District Tentative Budget in the amount of \$10,153,658.00. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

### 2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

ATTEST:

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CLERK

## WILDFLOWER COMMUNITY FACILITIES DISTRICT BOARD MINUTES

The Pima County Wildflower Community Facilities 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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. TENTATIVE BUDGET HEARING

Review and adoption of the Wildflower Community Facilities District Tentative Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Wildflower Community Facilities District Tentative Budget in the amount of \$0.00. Upon roll call vote, the motion unanimously carried 5-0.

### 2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

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CHAIR

ATTEST:

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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, May 21, 2024. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Sam Brown, Chief Civil Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Lt. Ryan O'Connor, Sergeant at Arms

\*Supervisor Heinz joined the meeting at 10:08 a.m.

\*\*Supervisor Christy participated remotely.

### 1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

### 2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Elizabeth Rivera, Principal, Tucson High Magnet School.

### 3. PAUSE 4 PAWS

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

### PRESENTATION

### 4. Recognition

Recognition of the retirement of Karyn Prechtel-Altman, Deputy Director, Library District.

Chair Grijalva acknowledged Karyn Prechtel-Altman on her upcoming retirement and thanked her for her dedication and contributions to the community.

Jan Leshar, County Administrator, recognized Ms. Prechtel-Altman for her 33 years of dedicated service with Pima County and presented her with her retirement certificate.

Amber Mathewson, Director, Library District, commented that Ms. Prechtel-Altman was an innovator within the library system who always put the community first and was a true public servant who would be greatly missed.

No Board action was taken.

## **PRESENTATION/PROCLAMATION**

5. Presentation of a proclamation to Nancy Cole, Pima County ERP Executive Project Manager and Arizona APWA President, and Kathryn Skinner, Director, Pima County Department of Transportation, proclaiming the week of May 19 through May 25, 2024 to be: "PUBLIC WORKS WEEK"

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

6. **CALL TO THE PUBLIC**

Sharon Fickes addressed the Board regarding her concerns with illegal immigration, open borders and spoke in opposition to Minute Item No. 71.

Michelle Hands spoke about her experience in the Pima Community College Adult Basic Education Program and thanked the Board for their support of the program.

Natalia Honchourova expressed her appreciation to the Board for their support of the Pima Community College Adult Basic Education Program and spoke about the benefits of the program for refugees.

Robert Reus spoke about his preparations to initiate a City of Tucson petition that sought recognition of a Jeffersonian Party and indicated that too many signatures were needed for a Pima County ballot.

Steven Valencia, Chair, Arizona Jobs with Justice, addressed the Board in support of Minute Item No. 20, regarding extreme heat.

Trish Muir, Chair, Pima Area Labor Federation, and member of the Pima County Workforce Investment Board, addressed the Board in support of Minute Item No. 20. She thanked Chair Grijalva for her vision and leadership on the extreme heat issue and encouraged the other Board members to support that directive.

Jim McFadzean expressed displeasure with the climate change agenda that was promoted by Mayor Romero and expressed concerns with the housing and transportation of asylum seekers included in the Tentative Budget.

Barbara Coon expressed opposition to the closure of the North Campbell Trailhead, which was done without public notice or public opinion. She asked the Board to rescind the closure and that the public be notified before any such closures were contemplated in the future.

Sarah Roberts addressed the Board on behalf of the Southside Workers Center, in support of Minute Item No. 20 and requested that workers and representatives be invited to participate in the creation of a heat protection ordinance which included expanded coverage for all county employees, contractors, and other workers.

Sharon Greene read a statement regarding God's guidance on making decisions that benefitted the residents of Pima County.

Don Hayles spoke about the loss of freedom and the rise in homelessness.

Cory Stephens voiced her concerns regarding illegal immigration and asylum fraud.

Michelle Escalante addressed the Board regarding the death of her son and demanded that both drivers that were involved in the accident be held accountable by the Pima County Attorney's Office.

Jerry Ciches spoke about stalking laws and expressed displeasure with the permit fee he was charged to store a shipping container on his Diamond Bell Ranch property.

Joel Tiger expressed opposition to the environmental impact fees the County charged in the Diamond Bell Ranch area and stated that it was unconstitutional.

Honorable Sara Mae Williams, Justice of the Peace, Ajo Justice Courts, addressed the Board regarding the \$30,000.00 budget cut that the rural court faced with the Tentative Budget and discussed its negative impacts.

Jan Bell, former Chair, Pima County Trail Access Citizen Advisory Committee, spoke in opposition to the closure of the North Campbell Trailhead and claimed that the standard of obtaining approval from the Board prior to closure had not been followed.

Paul Stapleton-Smith addressed the Board in support of Minute Item No. 20. He thanked them for their forward thinking and urged that the process be facilitated as quickly as possible.

Araceli Benitez expressed her concerns with plea deals. She commented that they were handed out without regard for the lives of the victims or their families, which made the victims feel unsafe.

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Supervisor Scott asked staff to provide Ms. Coon and Ms. Bell with contact information for the Natural Resources, Parks and Recreation (NRPR) Department so that they could provide a response to their concerns regarding the North Campbell Trailhead closure. He also requested that NRPR's response be provided to the Board.

Supervisor Heinz asked that staff provide clarification to Mr. Ciches and Mr. Tiger regarding their issue with the environmental impact fees.

Supervisor Lee requested that staff provide clarification as to why there was no public comment period prior to the closure of the North Campbell Trailhead. She asked the County Administrator to investigate the concerns raised by Judge Williams regarding their budget and what could be done. In addition, she asked the County Attorney's Office to provide her with clarification on plea deals and with additional information regarding the individuals who were charged in the case that Ms. Benitez spoke about. She commented that the shipping container issue in the Diamond Bell area was a difficult balancing act between the homeowners and the individual landowners and described a recent incident that had placed a County employee in a dangerous situation. She asked that staff consider using that situation as a training opportunity in order to ensure employees' safety.

Supervisor Christy requested that staff address the issue of the North Campbell Trailhead closure without approval from the Board and for that information to be provided to the Board.

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7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Scott, seconded by Supervisor Heinz and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:52 a.m.

8. **RECONVENE**

The meeting reconvened at 12:42 p.m. All members were present.

**EXECUTIVE SESSION**

9. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding a proposed settlement in Welch, et al. v. NaphCare, et al., Superior Court Case No. C20233645.

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

10. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding a proposed settlement in Roth-Walker, et al. v. Napier, et al., Superior Court Case No. C20181773.

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

11. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding Mesch, Clark & Rothschild, P.C.'s request for a conflict of interest waiver to represent Lloyd Construction Company, Inc.

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

12. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding Arizona Citizens Defense League, Inc., et al. v. Pima County, et al., C20242478.

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

13. Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding Aaron Cross, et al. v. Chris Nanos, et al., 4:24-CV-00232-JAS.

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

#### 14. **TENTATIVE BUDGET HEARING**

The Chair inquired whether anyone wished to address the Board regarding the Tentative Budgets for FY 2024/2025. No one appeared.

#### **BOARD OF SUPERVISORS**

15. Review and adoption of the Tentative County Budget for Fiscal Year 2024/2025.

Jan Leshar, County Administrator, stated that the County's proposed budget for next year was \$1,726,493,259.00, which had decreased 1.9% or approximately \$34 million from the prior year. She reminded the Board that there was \$121 million in State cost shifts, or 26.8% of shifted costs from the State. She stated that the Board's policy of keeping the fund balance at 17% of the previous year's expenditures had been maintained and was proposing to keep the tax rate at \$4.0990 for the coming year. She stated that the document also included Schedule F, the strategic framework that identified the four pillars and goals that showed an icon for the different budget items which corresponded to how the monies would be spent in accordance with those overviews, goals, and pillars. She stated that while Full Time Equivalents (FTEs) increased 23 positions in the current year, it had decreased by 5 positions over the last six years and 15% since the 2008 peak. She added that the tax rate had dropped over \$0.50 per \$100 of assessed valuation since 2018/19.

Ellen Moulton, Director, Finance and Risk Management, provided a slideshow presentation and stated that the recommended budget was \$1.7 billion, which was down about \$30 million from the current year. She stated that they recommended no change for the overall tax rate of \$5.1048, which had been broken down into multiple areas. She stated that the primary tax rate was \$4.0990, which would generate approximately \$775 million worth of primary tax revenue and the slide also showed the secondary taxes for the Library, Flood Control, and Debt Service. She stated that the Debt Service rate had dropped \$0.09 from the current year, while the Library and Flood Control rates remained flat, however a slight change related to State cost shifts would be seen as a result of the Class 1 properties changes, which would impact both the primary and secondary rates and due to the increase in net assessed value, this flat tax rate would result in the average homeowner experiencing an annual tax increase of approximately \$58.50, but noted that the rate itself was proposed to remain flat.

Chair Grijalva asked what the average home cost was for this valuation.

Ms. Moulton responded that it was \$224,000.00.

Supervisor Heinz commented that the County had currently dealt with \$126 million in State cost shifts, and some had been incorporated and were passed along to County taxpayers. He inquired about the tax rate if the entire amount was passed along to taxpayers.

Ms. Moulton stated that at the moment she could not answer the question adequately, but ever since the Board passed the policy to include State cost shifts, those costs had been passed along every year, except for the first year, which was \$5.61 million from FY23 and equated to an approximate five-cent increase in the tax rate.

Ms. Leshar clarified that three years ago the Board had established that policy and the vast majority of the \$121 million had already been absorbed and from that point cost shifts were passed along.

Supervisor Heinz stated that his back-of-the-envelope would be \$1.00 to get to that \$126 million in State cost shifts, context was important, and he would propose that the tax rate be increased to \$0.10 cents to be fiscally and financially prudent. He added that if the County had absorbed and passed along these shifts for decades, the tax rate would have been much higher.

Ms. Moulton continued with her presentation and referred to the slide that showed an alternate proposal based on the Board's discussion at the last meeting about what would happen if property taxes were increased to \$0.10. She stated this would generate an additional \$11 million in tax revenue for the General Fund and increase the average homeowner's additional annual increase by \$22.41. She stated that if the Board chose to move through the alternate proposal, they would recommend any additional budget authority be placed in a budget stabilization fund, due to the

State not yet passing their budget. She indicated that the State has historically moved costs to counties, but the amount was not yet known, and it was not known when they would pass their budget. She referred to the following slide which showed a short analysis of the primary property tax rates. She stated that the FY24 adopted primary property tax rate was \$4.0102 and the FY25 recommended budget primary property tax rate was \$4.0990, which was a \$58.50 annual increase in overall taxes to the average homeowner. She stated that Supervisor Lee had asked about the maximum allowable primary tax rate at the Board's last meeting, which was set by statute at \$4.7175 and would require a unanimous approval by the Board of Supervisors. She added that there was an additional threshold of the Truth in Taxation rate plus 15%, which would result in a primary property tax rate of \$4.4251 and was the maximum rate increase allowed without a unanimous vote of the Board which meant that a simple majority could move the taxes to that rate. She stated that a five-cent increase in the primary property tax rate would cost the average homeowner \$11.20 annually and generate a \$5.5 million increase in property tax revenue. She referred to the following slide that showed a graph that illustrated the increase from \$4.0990 to the maximum in five-cent increments showing the steady progression. She stated that if the Board moved forward with the proposed tax rate of \$4.0990, the average homeowner would pay \$918.51 versus the \$991.60, if the Board moved forward with the maximum allowed Truth in Taxation plus 15% rate. She stated that the red line on the graph represented the alternate proposal of raising the taxes by ten cents and how the two worked in conjunction.

Supervisor Heinz referred to the previous slide and stated that it was important for people to understand that a unanimous vote seemed unlikely and felt that the Board should consider the Truth and Taxation rate and increasing it to \$0.32 without the requirement of a unanimous vote. He stated that the legislature had not done its dastardliness yet with its budget which was a reason for the need to slightly raise taxes if the Board's policy required an increase in taxes the following year by \$0.42 based on the outcome of the legislature, but the Board would not be able to because it did not increase it \$0.10 for this year. He stated that he wanted his colleagues to understand that there was a need to be fiscally prudent and that limitations being seen would make it difficult for the Board to do their jobs and be financially responsible for County residents moving forward if the legislature massively shifted those costs.

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Chair Grijalva commented that before the Board voted on the Tentative Budget, they would consider Supervisor Heinz's item proposed in Minute Item No. 71, FY25 General Fund Priorities – Adjusted Primary Rate.

Supervisor Heinz stated that he has talked about this in other meetings, but since they did not have a clear understanding of what the legislature would do, it made sense to put aside the specific priorities and create a budget stabilization fund to strengthen the County's financial position considering the unknowns and the

potential massive cost shifts. He read from the County Administrator's Memorandum dated May 21, 2024, regarding the alternative option and expressed his agreement in the purpose of establishing the fund and that more of an increase would be appropriate. He reminded his colleagues that if the Legislature and Governor did not shift costs, he would support the proposal of the County Administrator's recommended budget and would agree to the same rate when set by the Board in August and asked his colleagues to share their thoughts on the subject.

Chair Grijalva asked if Supervisor Heinz wanted to move forward with his \$0.09 recommendation or the alternative graph presented in the slide show.

Supervisor Heinz stated that he supported the \$0.10 increase which gave the potential for them to expend as much as what that amount would bring in, stating it was prudent however it did not have to happen, and the Board was currently setting the primary tax rate and he felt it was important to consider.

Supervisor Lee spoke to the proposal of the \$0.10 alternative scenario and stated that she supported it being placed into a budget stabilization fund rather than being committed elsewhere until more was known about what was going on with the State and hoped more information was available on June 18th when the Board set the budget.

Chair Grijalva stated that the Board had been provided with an alternative budget and a recommended budget and asked for clarification on which version was to be considered by the Board.

Ms. Moulton clarified that if the Board voted on the \$0.10 alternative option, it would consider the conversations related to the 2023 \$5.6 million cost shift, which was layered in as the first \$0.05 scenario effecting the Library District, Flood Control District, as well as the primary property tax, and the other \$0.05 would only impact the primary property tax in the General Fund.

Chair Grijalva stated that before the Board proceeded, they would need to determine whether the \$0.10 would be added so that the correct amounts were considered during the vote.

Supervisor Christy requested clarification of the item being discussed.

Chair Grijalva clarified that during the budget presentation, an alternative option was proposed by adding \$0.10 to the tax rate, and as she began to read the amounts she noted two different budget proposals and numbers and that before proceeding with the individual budget adoptions, the Board would need to decide whether to add the \$0.10 cents.



Supervisor Heinz reiterated that this was not setting the tax rate which occurred in August, rather this would set the maximum level of expenditures to anticipate potentially increasing the tax rate dependent on the State's budget.

It was moved by Supervisor Heinz and seconded by Supervisor Lee to approve the presented alternative to increase the primary tax rate to \$0.10 cents, as presented by staff. No vote was taken at this time.

Supervisor Scott encouraged his colleagues to oppose the motion. He stated that the Board should not be asking taxpayers for additional revenue beyond the County Administrator's recommendation and that her recommendation would not result in any diminution of services to the people of Pima County and the Board needed to do everything it could to put its fiscal house in appropriate order before requesting additional revenue.

Supervisor Heinz pointed out that part of the Board's job was to be good financial stewards and stated that \$7.8 million in contingency funds had been approved, and millions more before that and if there was no increase, the contingency fund would be \$600,000.00 for the next cycle which was not financially responsible and hoped that his colleagues would consider that they had a duty to their taxpayers to be transparent and not surprise them with these expenses at a later time.

Supervisor Christy stated that in the current inflationary climate there would be a double-edged sword that people would suffer from if there was a raise in primary property taxes or the tax rate and indicated people in his district and throughout the County were on fixed incomes. He stated that even if it seemed like a small amount for an average price increase, every little bit hurt and when you had inflationary items like food, gasoline, and everything else needed to conduct life, business, or personal errands, raising the primary taxes at this level would be egregious and irresponsible. He indicated that despite Supervisor Heinz raising this issue and suggesting a fiduciary arrangement between the Board and the taxpayers, however the things he had promoted had increased costs with affordable housing, primary education, etcetera. He stated that what the Board needed to delve into when it came to transparency was addressing what was being spent outside, over and above setting the tax rate

Chair Grijalva stated that she appreciated why Supervisor Heinz brought this forward and felt that there was a real fear that this could happen with more State cost shifts coming to Pima County. She stated that although she understood the reason, she would not be able to support it because she felt they were regressive taxes that would hurt many people even though it was a nominal amount. She added that for the overall budget she was not in favor of moving forward incrementally and that at some point the Board needed to discuss what a bond or override would look like for the County, but preferred to move forward with a full package with full transparency. She stated that without the opportunity to roll this out to the community as a reality, and based on what she thought the Board would do and the conversations she had with her constituents, she had been assuring them

that the Board would not change the tax rate. She stated that at this point, she would not feel comfortable moving forward with those changes, understood the reasoning for it and did not think it was irresponsible that Supervisor Heinz brought this item forward or irresponsible for those voting against it.

Upon roll call vote, the motion failed 2-3, Chair Grijalva and Supervisors Christy and Scott voted "Nay."

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The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Tentative County Budget for Fiscal Year 2024/2025 in the amount of \$1,726,493,259.00 at an effective tax rate of \$5.1048 with the exemption of Ajo Justice Courts from the FY24/25 cuts. No vote was taken at this time.

Supervisor Scott referred to comments made by the County Administrator in the Monthly Financial Forecast presented to the Board in February and stated that since the Board's last meeting, the number of vacant positions was 950, which stayed the same as shown on the Vacancy Report issued on May 20th, yet the recommended budget called for an overall increase in funded positions. He stated that given the long-standing number of vacant positions cited by Ms. Leshner over three months ago, constituents should reasonably question the reasons for this. He added that the Board recently passed with no dissenting votes and one abstention, a policy designed to address the unacceptably high number of vacant positions, which would go into effect on the same day the new budget year began with the hope that it had the desired effects. He stated that even with this new policy, it struck him as unreasonable and unwarranted that the recommended budget called for an increase in funded positions. He stated that as noted at the Board's last meeting, there were 12 departments with vacancy rates of 16% or higher, none of which faced significant cuts in funded positions within the recommended budget and five of them would see an increase and that the most significant cut any department faced came about because some of its positions would be moved into a newly created department. He stated that he would vote to tentatively adopt the recommended budget, but his vote on final approval would largely be contingent on whether or not the number of recommended positions was substantially reduced. He stated that as a result, he asked the County Administrator to partner with the Deputy County Administrators to work towards this goal and demonstrate to the constituents that a budget was constructed to ensure delivery of the services and supports they depended upon and that there were only as many funded positions as required. He added that one of the subtopics connected with the number of vacant positions was the undeniable fact that some of those jobs were hard to fill and he was informed by Ms. Leshner that she was working with the Deputy County Administrators and the Human Resources Department to develop a hotlist of positions that the County needed to address to be more competitive to attract applicants. He expressed his interest in reviewing an initial draft of the list on or

before the Board's June 18th meeting, citing the names of the positions and how many recommended positions were included. He added that when he introduced the policy regarding vacant positions that the Board adopted, he had indicated that fiscal responsibility, accountability, and transparency warranted its adoption and hoped that the same qualities applied to the number of recommended positions in the budget that would be adopted by the Board.

Chair Grijalva stated it was important from her standpoint that the reason she approved the vacancy policy was to ensure that it would continue to allow flexibility to Administration with the understanding that some positions would remain unfilled due to being hard to fill and did not want to unnecessarily cause stress due to Supervisor Scott's statement. She understood his position, but her stance was that some of those positions that were hard to fill would remain and she was okay with it.

Supervisor Lee concurred with Chair Grijalva and stated that Administrator Leshner put forth the recommendation and trusted that the Deputy County Administrators had vetted those positions together with the department directors and she would not hesitate to approve it.

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

16. Review and adoption of the Debt Service Tentative County Budget for Fiscal Year 2024/2025.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Debt Services Tentative Budget in the amount of \$103,851,301.00 at an effective tax rate of \$0.1250. Upon roll call vote, the motion unanimously carried 5-0.

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

Supervisor Scott stated the Regional Transportation Authority (RTA) Board held a special meeting on May 8th and there was a presentation regarding a proposal crafted in partnership between Pima County and the Town of Sahuarita. He thanked Deputy County Administrator DeBonis for his work on the proposal. He indicated that members of the RTA Board were very interested and eager to discuss it with their staff and he expressed optimism that a draft plan would be available for public review soon, perhaps after the RTA Board's next meeting, which would be held on May 30th.

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

18. **Pima Community College Report**

Pima Community College Interim Chancellor Dolores Duran-Cerda provides a report on the college. (District 5)

Dr. Dolores Durán-Cerda, Interim Chancellor, Pima Community College (PCC), thanked the Board for their support of PCC, invited them to the graduation ceremony the following night for over 4,000 students receiving their degrees and certificates and provided a slideshow presentation. She stated that PCC had approximately 35,000 learners per year, 75% part-time, 57% female, was a Hispanic-serving institution with 48% of their students identifying as Hispanic or Latino and 43% were over the age of 25. She stated that after becoming Interim Chancellor, she worked with their governing Board, administrators, faculty and staff to determine what goals should be accomplished for the year. She stated the four goals would be to continue with their accreditation process; increasing enrollment which included persistence, retention and completion; enhancing the culture of caring; and improving effectiveness and efficiencies. She stated their mission was commitment to learner success and empowerment of every student every day to achieve their goals and they had established the goals as guidance through this process. She thanked the Board, the County Administrator, and the Superintendent of Schools for the approval of the intergovernmental agreement between the County and the Pima Adult Education Program because 4,000 students had been served and they were very proud of that accomplishment. She stated that it was important for education to be aligned with business, industry, and government and in order to serve the community well they needed to be aware and responsive to the evolving workforce needs of the region and indicated that they had a strong partner and ally in those efforts with the County. She stated as part of those efforts they had prioritized partnerships with local and regional businesses to ensure learners developed the skills necessary for entering the workforce and regularly consulted and collaborated with business and industry leaders. She provided an example that showed growth and enhanced their Pima Fast Track Program which was a way for learners to quickly develop in industry-recognized skills and prioritized their growth in updating facilities and equipment through investments in the Centers for Excellence. She stated that the Downtown Campus had the Automated Industrial Technology Program, East Campus had Cyber Security, Desert Vista had Hospitality Leadership, developing the Arts at their West Campus and Sciences in the Northwest Campus of which many of the improvements had been done in partnership with the County and a detailed representation of that collaboration had been provided to the Board in a separate document prior to the presentation. She stated that with the County's partnership, they were able to purchase equipment, software, and other materials, offer scholarships and provide job training and support for the students as they sought employment. She stated that as mentioned with the culture of caring goal was to create that sense of belonging due to the pandemic and changes to their long-term Chancellor had left uncertainty of that legacy, so they kept up with the momentum and expanded it to ensure it was a priority and instilled it with employees, the community and by listening to students. She added that the pandemic had changed student and community needs and they

hosted student forums, and they preferred flexibility in their schedules because they juggled family and work responsibilities, so they would try to offer courses in the evenings and weekends and continued with the fast-track options. She expressed gratitude to the Board for funding them through the American Rescue Plan Act to establish and grow their micro-pathways, which were created in response to the impact of the pandemic on low-income Pima County residents. She shared that fast-track courses were available in Information Technology, Automotive Technology, Health Information Technology and Emergency Medical Technology, taken within four months and indicated that the curriculum was developed in collaboration with local employers because they were interested in knowing what employers needed from students after graduation so that they could find employment and were prepared with the needed skills. She stated that over the past two weeks she had attended some very inspiring graduation ceremonies because these students had been through so much with their families and the college was flourishing because of the support from the community and from Pima County.

Supervisor Lee inquired about the greatest challenges for PCC moving forward.

Dr. Durán-Cerda responded that there were several challenges, such as continuing to increase enrollment. She stated that due to the birth dearth there was a decrease in high school graduates and an aging population, although in their conference discussions, there may be opportunities for older citizens to continue working or change careers and obtain upskilling or reskilling at PCC. She added that they also needed to focus on retention to ensure students continued their education and accomplished goals and would place more emphasis on retention strategies for students of color and all students. She stated that PCC was currently developing their strategic plan, which would be an extension of the current one until a permanent Chancellor was in place, but it would include strategies for retention and enrollment. She felt that the sooner students were involved in thinking about education at the elementary, middle and high school levels, and with PCC mentors and faculty members making their presence in the schools, students would be encouraged and would also ensure that current teachers were discussing career opportunities and their possibilities. She added that there was a need for them to be “student-ready” versus being “college-ready” but that needed to be flipped to focus on and elevate the student voice which was part of the culture and caring by listening to students’ needs beyond the classroom. She stated they also had food and hygiene pantries, childcare and hoped to develop more childcare opportunities at all campuses.

Supervisor Scott appreciated the statements regarding outreach to students in K-12 schools and hoped that included positive reciprocal relationships with middle and high school counselors to be well informed about PCC and hoped there would be outreach to the Metropolitan Education Commission so that their Regional College Access Center would be up-to-date as well. He requested that periodic updates regarding PCCs accreditation and increased enrollment plans be provided to the Clerk of the Board’s Office for distribution to the district offices and asked whether those updates could be included in the District 1 newsletters.

Dr. Durán-Cerda responded affirmatively and stated that the information would be provided. She added that PCC was fully accredited and had gone through a regular cycle every ten years where the Chicago team came out and examined every aspect of the college. She stated students, faculty, staff, administrators and board members had been preparing for this accreditation process and she was confident that they were in good shape, but would include the requested enrollment updates. She stated enrollment had increased for seven consecutive semesters and each semester they hosted a breakfast for counselors and advisors, to have that face-to-face connection and personal conversations with the counselors from PCC. She stated they also had a team of staff from their Dean of Dual Enrollment and High School Programs that visited the high schools and middle schools regularly, but more could always be done. She stated that in addition to sharing their classroom experiences, students were invited to the five different campuses, since many of them had never been to a college campus, and felt that it was important for them to be able to visualize themselves attending school at one of their campuses.

Supervisor Scott commented that directors of guidance and counseling from the various districts could offer some input in terms of what their middle and high school counselors were hearing.

Dr. Durán-Cerda concurred and she periodically attended the superintendents' meetings and provided them with updates to be able to support their students' transfers to PCC.

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

19. **Amended Board of Supervisors Meeting Schedule**

Approval of the Board of Supervisors' Amended Meeting Schedule for the month of August, 2024, to include the August 12, 2024 Special Meeting for the Canvass of the Primary Election. This Special Meeting will be held virtually.

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

20. **Extreme Heat**

Discussion/Direction/Action: Rising temperatures, more frequent extreme weather events, and deteriorating indoor and outdoor air quality adversely affect human health. People with heart disease, diabetes, respiratory illnesses, and those who work outdoors are particularly susceptible to the adverse impacts of extreme heat due to climate change.

Pima County is projected to experience 160 days of temperatures at or above 90 degrees Fahrenheit by 2035. In 2023, there was a total of 176 heat-related deaths in Pima County.

Individuals whose work requires them to work outdoors or in environments lacking access to air conditioning are at higher risk of heat-related illness, injuries, or death.

Directing the Pima County Administration to:

- Develop requirements for County Departments to implement by June 3, 2024, for protecting employees from heat-related health issues as delineated in the March 26, 2024, City of Phoenix Heat Ordinance applying to external contractors.
- Immediately develop and carry out a public campaign to inform all local businesses what the county is doing to protect its employees from extreme heat and encourage them to undertake similar measures.
- Develop and implement a plan for County enforcement of internal and external mandates for protecting workers from extreme heat, and
- Develop language for inclusion in all future contracts that would require their adoption of Heat Plans to protect workers from extreme heat, working with the Departments of Health, Procurement, and Risk Management. (District 5)

Chair Grijalva read the following statement:

*“We live in a desert and its summer heat always has been an issue. Climate change, however, last summer brought the hottest summer in the Northern Hemisphere, in recorded history. Each year, the summer death toll rises, and more residents suffer from heat-related illness. As a member of the Board of Health, this was a huge item we discussed at our last board meeting and there was data to prove the increased heat-related illness and death. To try to remedy this, Pima County has created cooling centers for the general public. The increase in heat-related illness and death has prompted our office to bring this item forward for your consideration. The time is now for us to act to protect our workers who toil in this increasing heat from all of the effects of this heat-related illness. We need specific plans for protecting those who must work outdoors or in our buildings or enclosures lacking adequate cooling. It is not onerous, and it is the right thing to do.”*

Chair Grijalva suggested modifications to the direction to County Administration that was listed on the agenda. She stated that considering staff was heavily involved with the budget and with the acknowledgement that summer was fast approaching, the area was on schedule to project a record 100-degree day starting the following day. She proposed the following modifications:

- Develop requirements for County Departments to bring back to the Board of Supervisors by June 4th a plan for protecting employees from heat-related health issues as delineated in the March 26, 2024, City of Phoenix Heat Ordinance applying to external contractors.
- Develop a public campaign to be shared at the Board of Supervisors' Meeting June 4th, that would inform local businesses what Pima County is doing to protect its employees from extreme heat and encourage them to undertake similar measures.

- Develop a plan for County enforcement of internal and external mandates for protecting workers from extreme heat, and
- Develop language for inclusion in all future contracts that would require their adoption of Heat Plans to protect workers from extreme heat, working with Departments of Health, Procurement, Risk Management and focus groups with employees who work a significant portion of their routine day to create language.

Chair Grijalva felt this would be critical to collaborate with employees who worked in the heat each day and she hoped that based on these discussions, a plan be implemented to include quarterly access to on-site medical to conduct skin cancer checks, clothing with UV protection, such as hats, gloves and portable shading, and indicated that some of those items had already been purchased by employees. She stated that it was important to ask employees what they thought would be helpful, such as modified days by starting work early and ending late to provide a break from the heat and felt all of those things would become apparent when these employees were asked. She stated that the impetus for the item was the action taken by the City of Phoenix when they passed their heat ordinance which motivated her to look at what the County was doing to protect its employees and hoped with Board approval, all Pima County vendors, organizations and companies would be asked to sign on to this heat protection plan.

Supervisor Christy requested clarification on whether Chair Grijalva's suggestion to amend the item was in the form of a motion and if it was to be brought back for a vote at the June 4th Board of Supervisors' Meeting.

Chair Grijalva responded in the affirmative.

It was moved by Chair Grijalva and seconded by Supervisor Heinz to approve the item, as amended and that it to be brought back to the Board of Supervisors' Meeting of June 4, 2024. No vote was taken at this time.

Supervisor Christy asked whether the Board would be voting on this item on June 4th or was it for approval as presented at this time.

Chair Grijalva clarified that the Board would be voting on the motion to approve the item, as amended and it included direction to staff to bring back all the information on June 4th. She added that there were many moving parts involved and she wanted this piece done by way of formal direction and vote.

Supervisor Christy commented that when this was discussed at the last Board meeting, the County Administrator had assured the Board that they would not act in haste, but would take the time to ensure the County did not implement similar mandates and incursions into the private or employee sectors as was done during COVID. He stated that this resolution was premature to be voted on at the next meeting and would be implemented before the Board made a vote and believed it lacked the public transparency everyone was concerned about. He added concerns



with the legality of the material referencing the City of Phoenix Ordinance, but he had yet to review the ordinance and questioned how the Board could vote on, and the public have knowledge of what was being voted on, without the replication of that ordinance. He suggested that the item be continued until a copy of the ordinance was received and he felt there may be a legal question to be addressed before a vote regarding whether there would be a problem with a County replicating a City ordinance and questioned why Maricopa County's ordinance was not referenced. He added that this was not apples to apples and that it lacked transparency. He stated that the County always began developing these things by first placing employees under mandates with how they were to react to heat, then by telling County contractors they could not do business until they adapted to the heat ordinance, and finally to the private sector that the County would mandate regulations on their own employees that could lead to higher wages and business closures as was done with COVID. He stated that if the Board implemented this process being discussed, it would set a high bar, and provided an example that if the temperature reached 90 degrees and sustained that temperature for a certain number of days, employees would automatically get compensated an additional amount of money. He stated that this would be a difficult situation for businesses to adapt to and it seemed that with the scarcity of the workforce, employers would ensure on their own that employees were protected and aware of the hazards of heat. He stated that a government regulation or County resolution was not needed to tell employers how to treat their employees and they were having a difficult time filling positions and wanted to ensure they had a healthy stable workforce. He added that this was redundant and an incursion to the business community that was not taken into consideration.

Chair Grijalva clarified that the Board would review the plan on June 4th, which was why she read the changes she proposed to the direction printed on the agenda and although there was some urgency due to the fact that the temperature was rising quickly, she believed that the Board should review all of the information before deciding on a plan. She stated that this was why she changed it to develop rather than immediately develop and carry out, so that there was buy-in from all departments and employees affected and she did not want to rule anything out and felt no one on the Board wanted to implement something that was not thoroughly vetted. She stated that the other projection about imposing things on Pima County businesses had not been discussed as part of any plan and felt it was a reference to some of the COVID restrictions that were done statewide and indicated that this item was a regional approach.

Supervisor Heinz stated that it was important to be as proactive as possible and spoke to the perspective of the health care community and they would love not to have people coming into emergency room departments with heat exhaustion induced injuries which could result in death. He stated hospitals throughout the state and especially those in Pima County, were at or over capacity, with some patients waiting several hours for admission and that anything the County could do to preserve lives and the health of the population was something that needed to be pursued as quickly as possible.

Supervisor Scott stated he would not be available to participate in the June 4th meeting and questioned what would be the processes the County would follow in terms of follow-up with protections for County employees and reaching out to business industry and labor for input with anything the County sought to do in the private sector and how the County would take into account any existing local, state and federal laws already in place, especially in the private sector.

Jan Leshner, County Administrator, responded that Supervisor Scott had delineated some of the organizations and individuals that would be pulled together as part of focus groups or meetings and many of them had done a great job within the community and the County could learn from them. She stated that in order to determine the best practices and how they should be implemented, staff continued discussing UV protection, long sleeves, and breaks throughout the day with County employees and additionally, the Communications Department was developing a number of fliers and information that could be downloaded and used by the community and businesses on the County's website, but no amendments would be made to current contracts at this time. She stated other administrative procedures and directives would also be cross walked, for example, Fleet Services prohibited car idling for various reasons, however during the summer months, employees were encouraged to sit in their vehicles with the air conditioning on and she wanted to ensure employees were not simultaneously encouraged to do something while prohibited. She stated that the results of those preliminary conversations with employees and community businesses would be presented to the Board at the June 4th meeting.

A substitute motion was made by Supervisor Christy that no action be taken on the item and that it be continued to the Board of Supervisors' Meeting of June 4, 2024, so that all of the peripheral information cited by the Chair, County Administrator and himself could be presented and made available to the public and that no action would be taken by the Board on this day. The substitute motion died for lack of a second.

Chair Grijalva stated that the Board was back to the original motion.

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

**21. Constable, Justice Precinct 4**

- A. Acceptance of the resignation of the Honorable Oscar Vasquez, effective May 6, 2024.

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to accept the resignation of the Honorable Oscar Vasquez, effective May 6, 2024.

- B. Discussion/Direction/Action regarding a selection process to fill the vacancy of Constable, Justice Precinct 4.

It was moved by Chair Grijalva and seconded by Supervisor Scott to not fill the vacancy. No vote was taken at this time.

Chair Grijalva stated that Constable Vasquez had not worked for several months and she was aware that there were several concerns regarding the Board not filling the position, but felt that the voters in that precinct would have the opportunity to select a candidate in the upcoming election.

Supervisor Scott concurred with Chair Grijalva and stated that the Board had suspended Constable Vasquez until the end of this calendar year at the recommendation of the Constables Ethics and Standards Training Board and therefore appointing a replacement was unnecessary.

Supervisor Heinz commented that he and former Supervisor Bronson had always agreed that the constabulary was a very suspicious and unnecessary vestigial that was dangerous, and providing them with firearms and sending them into the community made it an extremely serious situation. He stated that their role made no sense to him, but hoped with the assistance of contract lobbyists, a legislative change could be made to possibly convert to a single constable, who would then hire a professional service to handle the duties and hoped it would be included in their legislative agenda.

Supervisor Scott indicated that Supervisor Heinz would be interested in hearing what supervisors from other counties had to say about the constable position and that his concerns were widely shared throughout the state. He stated the topic of eliminating that position could, at some point, be discussed at the legislative policy summit for the County Supervisors Association, but there were an equally significant numbers of supervisors and legislators of both parties who would oppose it, and if it were to proceed, it would be an interesting division of opinion that would not necessarily break along partisan lines.

Supervisor Christy disagreed with Supervisors Heinz and Scott and stated that constable caseloads were out of control and expressed concern that his colleagues had a personal agenda. He stated these were legal matters that needed to be addressed and not doing so would be a travesty of justice. He emphasized the importance of filling the position.

Chair Grijalva requested a roll call vote on the motion.

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

## **COUNTY ADMINISTRATOR**

22. The Board of Supervisors on May 7, 2024, continued the following:

### **Non-Competitive Outside Agency Funding for 2024-2025**

Discussion/Direction/Action: Non-Competitive Outside Agency Funding for the 2024-2025 recommended budget specific to the County Administrator's recommendation to reduce JobPath, Inc., General Fund annual budgetary contribution from \$750,000.00 to \$600,000.00.

Chair Grijalva stated that she would entertain the idea of reducing their contribution further, to \$450,000.00 instead of \$600,000.00 since \$350,000.00 had not been used from their previous funding, which would keep them at the same amount. She stated that there had been several concerns raised regarding their financials and how JobPath calculated their success, and she felt there was still much more work that needed to be done there and as a result of what was discovered, revealed and made public, the County might end up in a situation where a finding could be made to its financial audit.

Supervisor Heinz understood Chair Grijalva's concerns, but supported JobPath's general goals. He stated that he read with interest the memorandum from the County Administrator dated May 17, 2024, which noted in significant detail the work that JobPath staff had done with Grants Management and Innovation (GMI) to address the compliance concerns and he believed everyone involved were hopeful that the remediation effort would be successful and did not want a reduction, however, he was willing to support the County Administrator's recommendation to reduce the amount from \$750,000.00 to \$600,000.00.

It was moved by Supervisor Heinz and seconded by Supervisor Scott to approve the County Administrator's recommendation. No vote was taken at this time.

Supervisor Lee requested clarification whether this was for the One-Stop program or JobPath being considered for a reduction. She stated that both entities' clients received paid job training along with other support services, including rent, utilities, tools, clothing, transportation, emergency assistance, homeless services, Pima Early Education Program Scholarships, summer youth programs, and eviction prevention. She stated that she had previously discussed the issue with One Stop and the duplication of services and that the need for services outweighed the funding available for an agency that served the same population and services as One Stop. She stated that at the Board's May 7th meeting, she asked JobPath to work closely with Pima County One Stop to determine if there were other at-risk populations that could compliment, but not duplicate that work and suggested that they also partner with other nonprofits, such as Youth on Their Own, Literacy Connects, Pima Community College's Adult Education, ESL programs, high school drop-outs, charter schools, veterans and with low pay or low skilled jobs. She stated the Metropolitan Education Commission recently informed the Board that there had

been a significant reduction in the number of applicants for the Pell Grant, so there was a great need to assist high school students in completing their Pell Grants and transitioning to post-secondary education and indicated there was too much need for duplication. She stated that her proposal for an amendment to the original motion was to approve JobPath at \$450,000.00 and that the \$150,000.00 difference be given to Community and Workforce Development (CWD) for clients above Workforce Innovation and Opportunity Act (WIOA) and request the County Administrator to determine which County department or organization was best suited to monitor JobPath.

Chair Grijalva asked for clarification of Supervisor Lee's suggestion.

Supervisor Lee clarified her amended proposal was that JobPath be awarded \$450,000.00 in General Funds and that the program be moved to the competitive Outside Agency process, with continuous monitoring determined by the County Administrator, and that the \$150,000.00 remaining from the original recommendation of \$600,000.00 be allocated to Pima County One Stop to provide additional needed assistance to clients above the WIOA level of poverty.

Melissa Manriquez, Clerk of the Board, inquired whether Supervisor Lee had asked for a friendly amendment to the original motion or if it was a substitute motion.

Supervisor Lee responded that it was a friendly amendment.

Chair Grijalva stated that both Supervisors Heinz and Scott would have to agree to the friendly amendment since they were the maker and seconder of the motion on the floor, but if not accepted, Supervisor Lee could make a substitute motion.

Supervisor Heinz respectfully declined the friendly amendment and wanted the original motion voted on before accepting any lower amount.

Chair Grijalva asked Supervisor Lee if she wanted to move forward with a substitute motion.

A substitute motion was made by Supervisor Lee and seconded by Chair Grijalva that JobPath be awarded \$450,000.00 in General Funds and that the program be moved to the competitive Outside Agency process, with continuous monitoring determined by the County Administrator, and that the \$150,000.00 remaining from the original recommendation of \$600,000.00 be allocated to Pima County One Stop to provide additional needed assistance to clients above the WIOA level of poverty. No vote was taken at this time.

Chair Grijalva stated that it was important to point out that in the County Administrator's May 17th Memorandum, it clearly outlined the corrective action needed. She stated that regardless of the vote, she wanted to ensure that compliance requirements 1 through 7 would be required regardless of the amount of money allocated to JobPath. She asked if Board members understood this and

wanted to ensure that no one disagreed. She asked what would happen to the monthly payment if, for example, monthly invoices were not submitted in a complete and timely manner or if they did not respond to invoice clarification within 5 business days. She further questioned if the County would pay monthly, quarterly or if they would receive the entire amount.

Jan Leshar, County Administrator, responded that if that was the direction of the Board, it could be included in the new contract and believed that there were monthly requirements and a payment. She stated that she did not know whether a check would be withheld if requirements were not met, but would provide clarification to the Board.

Chair Grijalva stated that it was her understanding it had been a concern that invoices were paid, but the backup documentation was not submitted, and she wanted to ensure they would clear up the issues. She added that one of the reasons she supported Supervisor Lee's motion was because having JobPath with extra support of case managers and Outside Agency would be helpful. She stated that in her experience as a former Outside Agency organization that received funding, their invoices were monitored every month, and if there was question, they had to quickly respond otherwise the invoice was not paid and felt there would be accountability on both sides.

Supervisor Scott stated that he could not support the substitute motion in its entirety, but there were components of it that he would be willing to discuss dependent on the outcome of the motion.

Upon roll call vote, the substitute motion failed 2-3, Supervisors Christy, Heinz and Scott voted "Nay."

Chair Grijalva stated that the Board was back to the original motion.

Supervisor Scott agreed with the part of Supervisor Lee's motion that the County Administrator would determine which department should best oversee the JobPath contract and relationship and requested that the Board be provided with a report. He stated that the Board had been provided with memoranda by JobPath and CWD separately, but requested a joint memorandum be provided that addressed what each would continue to do and also focus on areas of future collaboration. He stated that the Board and the County had been investing in JobPath since its inception and also a great deal of resources into the many fine programs within CWD and he felt that by working in partnership, the two entities could do a great deal of good on behalf of a large number of Pima County residents. He asked the County Administrator to follow up with the development of the joint memorandum. He added that he was unsure when JobPath's annual contract would be considered by the Board, but reiterated that it needed to address the diversification of the funding base for the current year.

Supervisor Heinz asked whether Supervisors Scott wanted to add that information to the motion as a friendly amendment or by way of direction.

Supervisor Scott confirmed that it was by way of direction and asked if it needed to be done as a friendly amendment.

Chair Grijalva questioned what the joint memorandum would try to address and if it was to address potential partnerships and stated that some of the concerns needed to be addressed.

Supervisor Scott concurred.

Chair Grijalva stated that some of the concerns with the documentation were the most critical and she had another concern about JobPath indicating that Pima County's GMI questioning of their documentation and reporting was more rigorous than any of its other funders and believed that that was the wrong angle to come from since there were some serious concerns for Pima County and this was needed in order to prevent a negative audit finding. She stated that it was important to include some safeguards within the contract so that if JobPath went past one month without providing the proper documentation, that funding and checks would be paused until the documentation was received to ensure the corrective action plan was followed. She asked whether the maker and seconder of the motion would be willing to add this to the contract.

Supervisors Heinz and Scott concurred.

Supervisor Scott stated he absolutely would because GMI Director Kelly had made a strong point in one of her memoranda that if JobPath were to adopt consistently some of the practices that GMI had shared, it would have been helpful to them in more ways than just following up on the immediate concerns.

Chair Grijalva commented that they would then become a low-risk auditee, which would be a positive outcome for everyone.

Supervisor Lee stated that the issue of duplication had not yet been addressed which was why she suggested JobPath should work closely with CWD to identify at-risk pockets so they could begin assisting and reiterated the need had outweighed the available funding. She stated the report indicated that the majority of JobPath clients were in both systems and hoped that her colleagues would agree that duplication should be avoided and suggested consideration of the other non-duplicative areas she had mentioned.

Supervisor Scott stated that he appreciated Supervisor Lee's comments and asked that the County Administrator ensure that the joint memorandum he requested also addressed the issues raised by his colleagues.

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

## **ELECTIONS**

### **23. Cancellation of Uncontested Precinct Committeemen Races**

Staff recommends the cancellation of uncontested Precinct Committeemen races for the July 30, 2024, Primary Election and the appointment of those who have filed nomination petitions or write-in nomination papers.

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

Supervisor Scott questioned whether he should recuse himself from voting on this item since he was a candidate in one of the uncontested races.

Sam Brown, Chief Civil Deputy County Attorney, responded in the affirmative.

Supervisor Heinz stated that he seconded the motion since Supervisor Scott needed to recuse himself from the vote.

It was then moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Scott recused himself, to approve the item.

### **24. Vote Centers**

Pursuant to A.R.S. ~~§16-248~~ **§16-411(B)(4)**, designation of vote centers for the 2024 Primary and General Elections.

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 Elections Director had received a great deal of input from the Board and other entities related to this election and he expressed appreciation for the wide distribution of the vote centers.

Sam Brown, Chief Civil Deputy County Attorney, stated that the referenced statute listed on the agenda was incorrect and should be A.R.S. §16-411(B)4, which authorized the designation of voting centers.

Upon the vote, the motion to approve the item, as amended, unanimously carried 5-0.



## **FINANCE AND RISK MANAGEMENT**

### **25. Monthly Financial Update**

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

Ellen Moulton, Director, Finance and Risk Management, provided a slideshow presentation and stated that it was the financial update for Period 9 representing where the County stood as of March 31, 2024. She noted that there were increased revenues at \$15.5 million over what was budgeted from the areas of State Shared Sales Tax, interest income, and a refund from the State for the Arizona Long Term Care System Program, which had not changed in the last few months. She added that expenditures were also \$5.3 million lower than originally budgeted and overall, it came in at \$781 million worth of expenditures as compared to a budget of \$879 million with the majority of that difference coming from the General Fund, Fund Balance Reserve that had been set aside. She stated that the Board would also be considering the Recommended Uses of Inflation Contingency item in the FY23/24 budget on this day. She explained that \$5 million had been set aside to address inflation in the General Fund and that in December and January staff requested the Board allocate approximately \$1 million to various departments, mostly for Facilities Management and the Sheriff's Department. She stated that they continued their analysis from the prior month through the end of April and as a result were requesting an additional allocation from the Contingency Fund for inflation to a series of departments as listed on the slide being shown, with most of that going to Facilities Management and the Sheriff's Department. She stated that their analysis included the areas of electricity, food supplies, fuel and oil and that they were requesting this installment of \$475,000.00 of the contingency to be allocated and that the total allocation from the inflation contingency would have been \$1.6 million. She referred to the next slide and stated that another item the Board would consider was the Budget Remediation Plan Updates. She explained that throughout the year the Board received monthly updates when departments identified that they would be going over budget. She stated that for Period 9 – March as listed, had five General Fund departments that were projecting to be over budget as of March 31st and that the departments had made some efforts to control their costs. She stated that the Superior Court reported Juvenile Court was back in budget effective for Period 10 however, the Recorder was projected to be almost \$500,000.00 over budget due to the Bill that the State Legislature passed that provided the Recorder an additional \$900,000.00 worth of funds to be spent on election and election-related activities. She stated the Recorder had started spending the funding, but in late February and early March, the State indicated that the funding would be clawed back. She stated that their recommendation to mitigate the overruns would be to implement a hiring freeze for the listed departments and to suspend any discretionary spending for items like travel, training, and expenditures that were not essential for the core services of the department and to identify any costs that could be shifted to the next fiscal year. She stated that these austerity measures would help facilitate dropping that number from the \$7.7 million in the General Fund to something significantly

lower than that. She stated that they also recommended the same austerity measures for the three Non-General Fund departments listed so that they lived within their budgeted allotment.

Supervisor Heinz stated that a couple of zeros could be added to the Recorder's Office due to the State's claw back and that it was at no fault of the Recorder. He expressed his concern with implementing a hiring freeze for Public Defense Services (PDS) because services for people that were on criminal trial were required and if there were no adequate staff within PDS, the Public Defender's Office or the Legal Defender's Office, the services were still provided and it would be more expensive to contract with outside counsel and this would drive the number up.

Supervisor Christy asked whether the hiring freezes would affect Sheriff's Deputies or Corrections Officers.

Ms. Moulton responded that it would not affect Deputies or Corrections Officers and that their recommendation would be that hiring freezes be in place unless those positions were related to the core functions of that department.

Supervisor Scott asked whether it affected the intermittent hires that the Recorder's Office made to prepare for the upcoming general election.

Ms. Moulton responded no and that their goal was not to impact the core functions of the department, but to tighten the nonessential expenditures as much as possible.

Supervisor Lee stated that with the exception of PDS, the other listed departments were elected offices. She stated that the Sheriff's Department had an overage of about \$4 million and they had slowly been reducing it to where they currently were, which showed an improvement. She added that suspending travel might be critical to the department and she felt that they should allow the budget to move forward as-is. She expressed concern with the increase to PDS since they had gone beyond the Sheriff and asked if their overage was farther ahead from the prior year.

Jan Leshar, County Administrator, explained that they had been reviewing and evaluating PDS, but a few years ago they received a budget adjustment increase and further discussions occurred about whether or not that was added to their base. She stated that if it was not, then this was how the problem was created with them being over budget each year. She stated that they would continue with a review of it and that Deputy County Administrator Holmes and the Finance Department would work together to determine whether it was a core adjustment and what was needed to rectify it. She stated that historically they reviewed the increase in vacancies in PDS, which also provided the funding for the Office of Court Appointed Counsel (OCAC) or for outside counsel, but that in the last several years they had been able to hire more people due to increased salaries, then creating less vacancy savings, therefore not having the kinds of dollars they historically had to provide to OCAC

even though they needed those lawyers. She stated they continued to work with them on a daily basis on how they were working through their budget. She stated that they also had a rather significant increase in the Information Technology functions in the organization due to how they maintained the record system and how the Attorneys were tracking all the different cases going to court, which required them to purchase a specific software that caused additional costs.

Steve Holmes, Deputy County Administrator, stated that they were currently examining whether the \$3 million was included in the expenditures coupled with the fact that they still had vacancy savings that had not been applied to this overage. He added that the situation was fluid, and they were trying to hone in on it, but they did not believe it represented quite the \$3 million that was currently on the books because they currently had about 33 vacancies. He stated that as they continued to finalize that, they would come back with a firmer number. He echoed Administrator Leshner's point that vacancy savings from Attorneys would cover OCAC, but the last few years have shown that OCAC's expenditures have gotten more expensive, and they had to entice folks to take those cases and they would try to remedy those discrepancies.

Supervisor Lee stated that in her opinion those services were mandated so it needed to be provided, the others were elected and based on where the County currently was in the budget, her preference was to not limit them.

Ms. Leshner responded that every elected official and department director had the right to request any adjustment or reallocation in some way and if they needed to travel for training purposes that could be provided. She stated that as the monthly reports are presented, they wanted to ensure that the Board understood that they would examine every department that was over budget, why they were over budget, and how the Finance Department was working with them to scrub every single line item.

Chair Grijalva acknowledged that this was for General Fund line items and that anything that was part of a grant or travel required for a grant was separate and was not subject to these restrictions. She asked if this information was correct.

Ms. Leshner replied affirmatively and stated that Supervisor Heinz's concern with hiring Attorneys within PDS was considered to be part of that critical mission of the organization.

Supervisor Heinz stated that it had been observed that the Superior Court ignored the Board on occasion and questioned whether the Board could withhold their \$900,000.00.

Ms. Leshner responded that some of the concerns that dealt with the Court, for example, the State had recently cut \$2.5 million related to Probation Officers which eliminated 25 to 30 Probation Officers in the State and was part of the Court's budget. She stated that they worked closely with the Courts to ensure they watched

each of those expenditures, but that everyone would agree that Probation Officers and Pretrial Services was a precursor to the County's budget and part of the \$121 million that was passed to the County as expenditures from the State.

Chair Grijalva indicated that the Board had heard from Judge Williams regarding the Ajo Court's budget, and she questioned when it would be an appropriate time for the Board to consider exempting the 2% cut from the Ajo Court and that it was a nominal amount for the overall budget.

Ms. Leshar responded that the 2% reduction the following year for Ajo Court equated to \$17,372.00 and they were also concerned with the 3% cut for the remainder of the current year, which was not much. She stated that approximately \$35,000.00, being the high figure due to doubling the projections for the following year, could be absorbed elsewhere.

Supervisor Heinz commented that he had not seen a remediation plan submitted by the Sheriff and believed that was the only department that refused to provide one and felt like the Board had been ignored even though the other departments had complied.

Ms. Moulton responded that the Sheriff had been reporting directly to the Board via emails and that their last formal notification was at the end of January. She stated that they directly worked with them every month to try to mitigate their overruns, and she could encourage them to submit the form like the other elected officials.

Ms. Leshar explained that as of the end of March, the Sheriff was about \$3.5 million over budget, which was significantly less than projected when these conversations started, they had been working with them as they reduced the amount. She added that the majority of why they were over was due to overtime, some personnel costs and more recently the vacancy rate had decreased, and salaries increased primarily for the Deputies and Correction Officers. She stated that the hope was that overtime would continue to decrease.

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

**26. Fiscal Year 2024 and 2025 Expenditure Limitation Reports**

RESOLUTION NO. 2024 - 22, of the Board of Supervisors, designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2024 and 2025 Expenditure Limitation Reports to the Arizona Auditor General.

Ellen Moulton, Director, Finance and Risk Management, stated the request was to designate herself as Chief Financial Officer to officially submit the expenditure limitation reports to the Auditor General. She stated that it was an annual requirement that was missed last year, which was why there were two reports.

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

## **INFORMATION TECHNOLOGY**

### **27. Enterprise Resource Planning (ERP) Presentation**

Presentation of an overview of the ERP implementation to include project status and cost revisions to the project.

Jan Leshner, County Administrator, stated that there were several contracts that would be considered during this meeting related to the ERP system and that this was a project that was started by the County Administrator in 2020, to replace most of the software package within Pima County as they were required to do. She stated that Nancy Cole had been the director of that effort and that she worked very closely with the Information Technology director on its implementation.

Nancy Cole, Senior Advisor, County Administrator's Office, provided a slideshow presentation and expressed her appreciation for the opportunity to provide an update on this important project for the County. She explained that an ERP system was a software suite that together operated all daily business needs relating to any County resources, including financial resources, asset resources or Human Resources and that it was very important that they had these functioning and in a current-century system to be efficient and effective at work each day. She explained that an ERP system was needed to conduct everyday business like Procurement activities, paying bills, or processing contracts and the County needed a new system because the current system had reached its end-of-life cycle. She added that in 2020, it was found that the current system required significant upgrades, so they were tasked with reviewing a new system. She stated that an open and competitive bid process was conducted to find the best system that met the County's needs and to be effective moving forward. She stated they needed to address lacking functionality which included grant management, e-solicitation, e-procurement, payroll software and project management to resolve critical issues that became problematic with system patching and the need for increased security with the Information Technology system. She added that the new system would keep the County continuous and current with improvements that would occur twice per year instead of sitting stagnant for a decade like the current system.

Javier Baca, Director, Information Technology Department, stated that the ERP system was highly complex, and the previous system had reached its end of sustainable life so maintaining the complex environment previously supported would become more expensive and complex. He stated this would allow them to reconsider current practices and evaluate best practices that could be implemented and eliminated outdated practices. He stated that the previous system had lacking capabilities that the new system would enhance and that the increased security and recoverability spoke to their core tenant of risk mitigation, which mitigated significant risk related to a complex ERP system as such. He stated that it would increase

functionality and gain efficiency by migrating to a more sustainable architecture through this migration to the new ERP system. He referred to the slide and provided an overview of the complexity of the ERP system and explained that it was an interconnected system with a set of integrations of how data were exchanged between the core system and all the ancillary systems that communicated back to the core system. He stated that there were many endpoints that existed for each of the components that were referred to as an entire ecosystem of collection of endpoints that communicated back and forth between the ERP system. He referred to the slide that reflected the County's financial area which would go live on July 1st, and it included the number of endpoints that were interconnected which would directly affect approximately a thousand employees who would begin to utilize this system to replace what they currently used. He referred to the following slide that showed an additional layer of complexity of the Human Capital Management (HCM) which would go live on January 1, 2025, that would affect all 7,000 County employees. He reiterated that the ERP system was a critical component of how business was done in the County and emphasized the level of integrations which was why there were some adjustments to the timeframe and also how employees would benefit from these changes.

Ms. Cole referred to the slide regarding Employee-Focused Project Goals and stated that it would implement a Countywide user-friendly software, to improve transparency, reporting and access to data both internally and externally, to the public being able to have better use and review of the data to better plan and make decisions moving forward, and to improve those integrations between best of class software systems to meet current business needs or exceed what it had in the past. She stated that this would help eliminate manual processes of extracting and reloading data and ensured everything was in sync so that those reporting tools were more consistent. She then referred to the timeline and stated that there were concerns that this was delayed, although they had chosen to take more time with the Phase 1 Financials to ensure that those integrations and critical connection points were well vetted, well tested and would stand up to that go live, they added another quarter to that area to coincide with the end of the fiscal year to be able to go live on July 1. She added that this would benefit the County by allowing them to end the fiscal year in the old system so that it would contain the information for auditing and reporting and then start in the new system in July moving forward. She stated that the HCM Phase 2, Human Resources, would run concurrent with the financial system that would be completed by December 2024 and would need to occur by the last pay period in December and would also roll into the new calendar year of 2025. She stated it was required in order to be consistent and complete with one system due to necessary reporting for tax purposes. She stated that the red dot on the slide (April 2025) indicated that the current systems would no longer be supported and the need to meet this deadline with no opportunity for failure. She pointed out that this was not a significant change to the original plan, but being prudent with a one-time system that touched everything in the County and to be certain that moving forward they did the right thing for Pima County.

Mr. Baca went over the cost comparisons between the previous system and also related to what was being considered by the Board, the request for approval of some of the changes. He stated that the slide showed a breakdown of the total increase from preliminary budgetary costs that was presented back in February 2023, and it realized a net increase of about 14.9%, and was broken down by each of the different subcategories of the type of increased costs. He added that many of them were primarily integration related which spoke to the complexity of the integrations which was due to not being able to closely examine it until fully beginning the implementation process. He stated that they understood the scope and complexity from a preliminary review and award, but as they started to work with it, the complexity of it and to fully understand how it worked, it took more time to implement. He reiterated that it was the prudent decision to implement this in the most effective way for the County to realize the County's goals and to add some of these additional integrations so that those goals were reached. He stated that equally important was the maximum implementation, which was an additional item for consideration by the Board, was an increase of \$500,000.00, or 27% from what was initially proposed for the contract for Maximo, but it was for the same reason, for integrations that ensured the realization of the goals of the upgrade and for greater efficiency and automation, and to eliminate manual work processes and workflows that existed for years, and that would ultimately improve in greater efficiency to the County overall.

Ms. Cole went over the yearly ongoing costs and stated that when they compared those to the current systems being used, they would review those yearly costs being spent and as they utilized the system they would consolidate the backbone into Workday, which covered many of the areas that used different or separate software previously. She stated that they would still contain Maximo as before and that the current core system costed about \$3.5 million, which would decrease, but that they added that missing functionality to manage grants, which brought in hundreds of millions of dollars to the County and would better oversee them; e-procurement and e-solicitation, the ability to accept digital proposals and be able to evaluate them digitally and then move to contract negotiation all digitally; project management software to be able to track on average \$200 million being spent on projects. She stated that those were significant increases in their ability to understand and manage what they spent in the County. She pointed out on the slide to the items in gray for IT Support and On-Premise Hardware Costs would be eliminated which would be to internally host on site and instead they would have an ongoing support service to help manage change over time with these complex integrations between these different systems by outsourcing it due to it being very high tech, high knowledge based that they could not keep in a public organization. She stated that it would ensure they continued with it at that high level over time, realizing that the software continuously updated and changed to manage the systems appropriately.

Mr. Baca commented that another item that would be considered by the Board was a contract for ongoing support services for those integrations which acted as an extended warranty from the manufacturer rather than trying to find someone that could continue to maintain such a complex environment which was a prudent decision and the right way to go given the other considerations regarding maintaining the level of skillset and a level of complex integrations that had been developed to improve the County's ERP system.

Supervisor Heinz asked whether the Human Resources system would sunset or become inoperable three months after the new system started, whether it was enough time in case things did not go as planned and whether it was the standard amount of time needed.

Ms. Cole responded that they were equally concerned about that timeframe, but they could not influence it due to it being so out-of-date that the ADP software could no longer be supported after that date. She added that was the critical aspect of the project and with the extremely short timeframe to implement a project of this scale and magnitude and everyone on the team was well aware of it and they were focused on completing the project before that timeframe.

Supervisor Christy questioned how late the ERP system implementation was and the amount it was overbudget.

Ms. Cole responded that it was not late, and it would be completed as planned in December, however Phase 1 was one quarter late and that they intended to go live April 1st, but they added in time to be able to handle the financials coming later, which meant they were overlapping those two phases concurrently. She stated that for the IBM contract, which was the implementation of Workday, was \$2.6 million over budget which they had originally planned to spend \$17.5 million, putting them at \$20.1 million. She stated that was more than they intended but a significant portion of that increase, as much as \$1.8 million, was based on the inclusion of integrations not done internally by the County, which was the original plan, but to utilize IBM and their expertise to build those integrations and the County did not have the resources to be able to follow the original plan and have it stay in-house. She added that the Maximo contract's six amendments had added up to that total value and a considerable portion of that \$500,000.00 was specifically for integrations, instead of using out-of-the-box, they provided custom integrations that would match, meet or exceed the way the current system operated and they would be using a much newer version which they had tried to upgrade in the past, but was unable to do so and they were very excited to be bring this new functionality on board.

Ms. Leshar stated it was important to discuss the additional services and support being added to the initial package, in what was believed to provide for greater efficiencies in many of the County's processes, many of which were the ways in which the County served the public and provided customer service. She stated that it was not one of those cases where they reviewed what was currently being done, it



took longer than expected and costed more, rather they considered additional packages and that for full transparency, the contracts had been presented to and would be considered by the Board, she felt it appropriate to provide an overview of what was occurring with the ERP system to ensure the Board was clear about what those costs might be for the new services.

Supervisor Christy commented that the Sheriff's Department had recently experienced hacking and questioned whether this new system had an implementation to prevent future hacking.

Mr. Baca clarified that there was no hack of the system and that the issue that occurred at the Sheriff's Department was ultimately proven to be a fortuitous false alarm caused by the layers of the security monitoring systems that had a recent update that triggered something that was constantly being scanned for, but with that recent update it caused it to be triggered. He added that there were firewalls at the Sheriff's Office due to a recent update to a layer of security monitoring that occurred, which had started to detect some of the queries that were generated out of that firewall that indicated a potential communication to an external threat actor, however, those indications started alerting once the new system was upgraded. He stated that previous to this, those firewall rules had already been there just to ensure that any traffic directed towards that external threat actor was detected and, in some ways, this was a verification of the extra layer of security that was implemented. He stated this was seen as an effective false alarm and was not an internal hack and that it was investigated by outside expertise to ensure that they were absolutely certain there was no internal intrusion, which was determined there was none.

Supervisor Scott stated there was reference made with existing software that was extraordinarily out-of-date and questioned, as they transitioned to the new ERP system, what internal controls would be implemented so that the County always stayed on top of the age of its software and knowing throughout the County when and how it should be replaced so that it does not get to that point.

Mr. Baca responded that Supervisor Scott had hit on one of the key benefits of this upgrade and that they were moving towards a system that was going to be maintained by the vendor itself. He stated that there would be a six-month update that occurred on a standard schedule that affected all Workday customers, which would force them to stay current. He added that the County could no longer afford to lose sight of that and that was how they found themselves in a difficult spot with the previous system, because it was hosted internally and were not being able to stay current with the most current version and suffering inefficiencies related to and the lack of current capabilities.

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

## **PROCUREMENT**

### **28. Revisions to Board of Supervisors Policy**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 29.3, Small Purchase.

Supervisor Christy stated elements of Minute Item Nos. 28 and 29 were connected to the Enterprise Resource Planning (ERP) implementation and asked the Information Technology Department (ITD) Director to address the proposed amendments to both policies.

Jan Leshar, County Administrator, stated that the items were not ITD related and that the policies dealt with contracts. She stated that Minute Item No. 28 dealt with small purchases and was last updated in 2017. She stated the proposed changes reflected the procedural direction that any software purchase that was less than \$10,000.00 could be approved by the Procurement Director. She indicated that it was ITD directed, but was related to the procurement process.

Supervisor Christy stated that ERP was reflected in the background materials for both items.

Ms. Leshar responded that Minute Item No. 28 was related to software purchases and was an amendment to the procurement piece regarding the handling of small purchases and it clarified that the amount that could be procured without returning to the Board was \$10,000.00.

Chair Grijalva requested clarification of Minute Item No. 29.

Javier Baca, Director, ITD, responded that Minute Item No. 29 was tied to the ERP discussion because the Procurement Department had updated its policies to reflect the new practices related to the newer system. He explained that prior to the implementation of ERP, the County did not have an e-procurement system in place and these policies were being updated to reflect the new practices that would be provided by the ERP system.

Ms. Leshar explained that these were for modifications to the contract process that dealt with the current and best practices that staff looked at to develop the ERP. She stated that staff needed the delegation of authority regarding some of the user agreements.

Mr. Baca stated that staff had extensively reviewed its procurement procedures over the past year and a half, and worked closely with the County Attorney's Office, as well as with the Procurement Department, to update the policies that allowed them to procure items in a way that was consistent with the current marketplace and procurement guidelines. He stated this policy updated the processes used to receive authorization to proceed with a contract, as well as ensured that all

contracts were compliant with legal terms and conditions required to enter into any contract, especially one that involved software purchases.

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

29. **Revisions to Board of Supervisors Policy**

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 29.4, Contracts.

(Clerk's Note: See Minute Item No. 28, for discussion related to this item.)

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

**REAL PROPERTY**

30. The Board of Supervisors on April 16, 2024, continued the following:

**Contract**

C-2 Area Company, L.L.C., to provide for Acquisition Agreement Acq-1199 and Deed of Easement for participation in the Readiness and Environmental Protection Integration (REPI) Program, REPI Agreement Fund, contract amount \$1,707,000.00 (CT-RPS-24-416)

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

**CONTRACT AND AWARD**

**Attractions and Tourism**

31. Arizona Aerospace Foundation, to provide an operating agreement for Titan Missile Museum, contract amount \$1,194,556.00 revenue/25 year term (CTN-ED-24-171)

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

**Community and Workforce Development**

32. Marana Public School District, d.b.a. Marana Unified School District, Amendment No. 3, to provide for the Pima Early Education Program, extend contract term to 5/31/25 and amend contractual language, Town of Marana Grant Fund, contract amount \$155,545.20 (CT-CR-21-489)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Lee was not present for the vote, to approve the item.

33. State of Arizona Early Childhood Development and Health Board, d.b.a. First Things First, Amendment No. 1, to provide for the Pima Early Education Program, extend contract term to 12/31/25, amend contractual language and scope of services, U.S. Department of Treasury, American Rescue Plan Act - Coronavirus State and Local Fiscal Recovery Funds, contract amount \$11,738,092.00 decrease (CT-CR-22-385)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Lee was not present for the vote, to approve the item.

34. Town of Marana, Amendment No. 3, to provide for the Pima Early Education Program, extend contract term to 9/1/25 and amend contractual language, contract amount \$155,545.20 revenue (CTN-CR-21-128)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Lee was not present for the vote, to approve the item.

### **Facilities Management**

35. Baggin's, Inc., Amendment No. 6, to provide a lease for 33 N. Stone Avenue, Suite 140, extend contract term to 5/31/29 and amend contractual language, contract amount \$371,014.27 revenue (CTN-FM-CMS139840)

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

36. De La Warr Investment Corp., Amendment No. 10, to provide a lease for 33 N. Stone Avenue, Suite 850, extend contract term to 5/31/25 and amend contractual language, contract amount \$29,007.07 revenue (CTN-FM-CMS139839)

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

### **Health**

37. El Rio Santa Cruz Neighborhood Health Center, Inc., d.b.a. El Rio Health Center, Amendment No. 2, to provide for the Well Woman HealthCheck Program, extend contract term to 2/14/24 and amend contractual language, no cost (CT-HD-22-420)

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

## Procurement

### 38. Award

Amendment of Award: Master Agreement No. MA-PO-17-229, Amendment No. 11, Amazon.com, L.L.C., to provide for On-Line Marketplace for the purchase of products. This amendment extends the termination date to 5/31/26 to align with the cooperative contract renewal and adds the annual award amount of \$1,700,000.00 for a cumulative not-to-exceed contract amount of \$6,350,000.00. Funding Source: General Fund. Administering Department: Procurement.

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

### 39. Award

Amendment of Award: Master Agreement No. MA-PO-21-215, Amendment No. 4, Polydyne, Inc., to provide for Polymer. This amendment is for a one-time increase in the amount of \$1,070,000.00 for a cumulative not-to-exceed contract amount of \$6,164,000.00. Funding Source: Wastewater Ops Fund. Administering Department: Regional Wastewater Reclamation.

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

### 40. Lloyd Construction Company, Inc., Amendment No. 9, to provide for Construction Manager at Risk Services: Northwest County Service Center (XNWHLC), extend contract term to 12/31/25 and amend contractual language, no cost (CT-FM-20-205) Administering Department: Project Design and Construction

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

### 41. The Lincoln National Life Insurance Company, d.b.a. Lincoln Financial Group, to provide for short term disability insurance, Health Benefit Self-Insurance Fund, contract amount \$2,000,000.00 (MA-PO-24-187) Administering Department: Human Resources

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

### 42. International Business Machines Corporation, d.b.a. IBM Corporation, Amendment No. 6, to provide for enterprise resource planning (ERP) system implementation services, amend contractual language and scope of services, no cost (MA-PO-23-125) Administering Department: Analytics and Data Governance

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

43. International Business Machines Corporation, d.b.a. IBM Corporation, to provide for application support for Workday ERP integrations, Non-Bond Projects Funds (Capital Project Funds), contract amount \$3,000,000.00/5 year term (MA-PO-24-151) Administering Department: Information Technology

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

44. dormakaba Workforce Solutions, L.L.C., to provide for dormakaba time clocks and related software, Non-Bond Projects Funds (Capital Project Funds), contract amount \$525,000.00/5 year term (MA-PO-24-156) Administering Department: Information Technology, on behalf of Human Resources and Finance

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

45. Borderland Construction Company, Inc., Hunter Contracting Co., and SMS Construction, L.L.C., Amendment No. 7, to provide a job order master agreement: wastewater reclamation facilities construction services and amend contractual language, Various Funds, contract amount \$3,000,000.00 (MA-PO-20-215) Administering Department: Regional Wastewater Reclamation

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

46. International Business Machines Corporation, d.b.a. IBM Corporation, Amendment No. 3, to provide for Maximo Upgrade and Workday Integration, extend contract term to 7/26/24, amend contractual language and scope of services, Non-Bond Projects Fund (Capital Project Funds), contract amount \$500,000.00 (MA-PO-23-127) Administering Department: Information Technology

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

47. AZTEC Engineering Group, Inc., to provide for Cultural Resource Services for Pima County Regional Middle Mile Project (PCRMMP), Non-Bond Projects Funds (Capital Project Funds), contract amount \$1,326,081.48 (CT-CPO-24-429) Administering Department: Project Design and Construction

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

48. Kitchell Contractors, Inc. of Arizona, Amendment No. 4, to provide for Construction Manager at Risk Services: Office of the Medical Examiner (XFORSC) and amend contractual language, Non-Bond Projects Funds (Capital Project Funds), contract amount \$250,000.00 (CT-FM-21-518) Administering Department: Project Design and Construction

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

49. Dell Marketing, L.P., to provide for Dell hardware, software, peripherals and related services, Internal Service Funds, contract amount \$8,000,000.00 (MA-PO-24-164) Administering Department: Information Technology

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

Supervisor Christy commented that Minute Item Nos. 49 and 50 looked similar and Minute Item No. 51 was a \$400,000.00 contract with Hewlett Packard, a company he thought the County no longer dealt with and asked staff for further clarification.

Javier Baca, Director, Information Technology Department, responded that two different Dell contracts were being awarded, and Dell had recently changed its practices and no longer allowed direct sales for certain types of software services, specifically hardware and storage services, but would continue to provide direct sale for laptops and desktops. He explained that Minute Item No. 49 was a renewal of a contract used annually by the County that ensured laptops and user devices were replaced on a life cycle basis and that departments had up-to-date equipment. He stated Minute Item No. 50 represented a change to the server storage line items that were available to purchase from Dell and due to their new policy, they could no longer be purchased directly. He stated the County had completed a recent solicitation and awarded a contract, which allowed for the purchase of a different type of Dell storage equipment and enabled the County to make those purchases, as well.

Supervisor Christy inquired about the HP, Inc., contract.

Mr. Baca responded that a large numbers of Hewlett Packard printers and scanners still existed throughout the County and the majority of this contract would be spent on maintenance of that equipment.

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

50. Dell Marketing, L.P., to provide for Dell server and storage hardware, software and related services, Internal Service Funds, contract amount \$8,000,000.00 (MA-PO-24-165) Administering Department: Information Technology

(Clerk's Note: See Minute Item No. 49, for discussion related to this item.)

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

51. HP, Inc., to provide for HP computer hardware, software, peripherals and related services, Internal Service Funds, contract amount \$400,000.00 (MA-PO-24-167)  
Administering Department: Information Technology

(Clerk's Note: See Minute Item No. 49, for discussion related to this item.)

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

### **Real Property**

52. 6971, L.L.C. and 6991, L.L.C., to provide an Agreement, Deed of Easement and Modification of Deed of Easement for Tax Parcel Nos. 141-03-036B and 141-03-037B, extend contract term to 8/19/24 and amend contractual language, REPI Agreement Funds, contract amount \$7,000.00 for closing costs (CT-RPS-24-456)

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

53. Fatbeam, L.L.C., Amendment No. 1, to provide for a Nonexclusive Right-of-Way Use License for a Fiber Optic Communications System, extend contract term to 5/21/29 and amend contractual language, no cost (CTN-RPS-24-173)

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

### **Sheriff**

54. Town of Marana, to provide for video court hearings of municipal prisoners, contract amount \$5,000.00 estimated revenue (CTN-SD-24-150)

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

55. Town of Oro Valley, to provide for video court hearings of municipal prisoners, contract amount \$2,500.00 estimated revenue (CTN-SD-24-152)

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

56. Town of Sahuarita, to provide for video court hearings of municipal prisoners, contract amount \$2,000.00 estimated revenue (CTN-SD-24-153)



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

## **GRANT APPLICATION/ACCEPTANCE**

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

Arizona Office of Economic Opportunity, to provide for the Quality Jobs Grant Agreement, \$130,318.83 (GTAW 24-146)

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

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

State of Arizona Department of Housing, Amendment No. 1, to provide for the U.S. Department of Energy Weatherization Assistance Program, Bipartisan Infrastructure Law, amend grant language and scope of work, \$349,880.00 (GTAM 24-70)

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

### **59. Acceptance - Environmental Quality**

Arizona Department of Environmental Quality, to provide for Pima County Department of Environmental Quality Voluntary No Drive Day/Clean Air Program, \$265,182.00 (GTAW 24-136)

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

### **60. Acceptance - Grants Management and Innovation**

U.S. Department of Homeland Security, Federal Emergency Management Agency, Grant Programs Directorate, to provide for the Fiscal Year 2024 Shelter and Services Allocated, \$21,827,581.00/2 year term (GTAW 24-152)

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

Chair Grijalva requested confirmation whether this was the \$21 million that would be received by the County, since there had been some questions regarding when that would be.

Jan Leshar, County Administrator, responded in the affirmative.

Supervisor Christy stated that it was unclear when and how the County would receive the funds and he read from the purpose section in the background material. He questioned where the budget was, as referenced, what was being approved with this item since the County had not received the formal grant award notice, and how the County currently paid for shelter and services. He stated that the Board was told that funds would end on March 31st and if the burn rate was at \$1 million per week, the County should be out of pocket \$7 million. He added that there was no budget on how this money would be spent and it was unclear what would be approved by the Board since it did not stipulate as to when the County would receive the grant.

Ms. Leshar clarified that if the Board approved this grant the County would receive the dollars from the federal government and that the budget had been submitted for \$21,872,581.00 and could be provided to the Board, and as previously indicated, if the County continued with spending at the burn rate of \$1 million per week, the funds would run out by the end of March, which would ensure the County would never spend money not received, and the program would end at that time. She stated that the burn rate and the number of individuals had significantly decreased, which also decreased the amount spent on food and some of the internal services. She stated they had been able to stretch the dollars received in order to continue operations and if the Board allowed acceptance of the next bucket of money, they would be able to transition into those dollars without tapping into the General Fund at any point.

Supervisor Christy commented that the background material indicated a retroactive status and questioned how these dates were set.

Ms. Leshar responded that she was unsure, but could get the specifics from the Grants Management and Innovation Department. She added that the County could not have one funding source and could not blend those dollars. She stated that this would be for new Shelter and Services Program dollars that would be starting in May and would be continued from the end of the initial dollars received. She stated the information that specifically showed where one bucket ended and the other began would be provided to the Board.

Supervisor Christy expressed his confusion that the grant amendment information had a commencement date of October 1, 2024, however the County would draw down funds that had not been received on May 1st.

Ms. Leshar clarified that the County continued to spend the end of the dollars that remained from the first bucket and that out of an abundance of caution, they anticipated they would be ending the program because of what the burn rate was at that time, which was why they worked hard to ensure that additional dollars were provided and that the choices were either to end the program or receive additional funding from the federal government, which was received.

Supervisor Christy questioned whether the budget could be presented that showed where the money was spent and as requested by the Federal Emergency Management Agency (FEMA).

Ms. Leshar responded affirmatively and stated the budget that staff submitted to FEMA would be provided to the Board.

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

61. **Acceptance - Health**

Arizona Department of Health Services, to provide for the Ryan White Part B HIV Care and Services, \$235,000.00 per year/5 year term (GTAW 24-147)

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

62. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 5, to provide for the Health Start Program, extend grant term to 7/5/25 and amend grant language, \$221,773.00 (GTAM 24-68)

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

63. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 4, to provide for the Title V Maternal and Child Health, Healthy Arizona Families and amend grant language, \$230,738.00 (GTAM 24-69)

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

64. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for the Public Health Improvement Program and amend grant language, \$113,700.00 (GTAM 24-72)

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

65. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for Senate Bill 1847 and extend grant term to 6/30/25, no cost (GTAM 24-73)

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

**DEVELOPMENT SERVICES**

66. The Board of Supervisors on April 16, 2024, continued the following:

**Hearing - Comprehensive Plan Amendment**

P23CA00004, VICKERY - S. OLD SPANISH TRAIL PLAN AMENDMENT

Christopher and Lori Vickery, represented by KAEKO, Inc., request a comprehensive plan amendment on approximately 6.13 acres (Parcel Code 205-65-009A) from the Resource Sensitive (RS) to the Rural Crossroads (RX) land use designation. The site is located northwest of the intersection of S. Old Spanish Trail and E. Saguaro Crest Place, and addressed as 5400 S. Old Spanish Trail, in Section 5, T15S, R16E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 9-1 (Commissioner Cook voted NAY.) to recommend APPROVAL SUBJECT TO A REZONING POLICY. Staff recommends APPROVAL SUBJECT TO A REZONING POLICY. (District 4)

Rezoning Policy:

Future rezoning will be restricted to CB-1 (Local Business Zone). Use of the property is limited to a restaurant with/without a bar as described in 18.43.030.G. Drive-through restaurants, stand-alone bars and event centers/venues are prohibited.

The following speakers addressed the Board:

Mel Meister voiced his opposition to this comprehensive plan amendment. He stated that the property was being assessed at 1 acre commercial and 5.13 acres residential and the applicant wanted to double it to 2 acres. He stated that the County had received opposition letters from nearly every one of the properties within a thousand foot notification area and then many more outside of this zone with the exception of a national park which had not commented He added that the property's nonconforming exemption expired when the business closed and its proper Resource Sensitive designation was reinstated to conform to the surrounding properties and that it had been over 9 years that the property was vacant. He stated that they had been told that the property had historic value, yet the applicant told them that the existing historical building was beyond repair and needed to be removed. He stated that a comment had been made at the last hearing that neighbors knew it was a restaurant when they moved in, but they moved in after the restaurant was permanently closed and when it was classified as Resource Sensitive. He stated that the applicant closed on the property a couple of years ago and knew that the property was classified as Resource Sensitive, and

that the applicant stated in the letter to the County that he currently did not have the resources to develop the land. He urged the Board to deny the request.

Richard Brown urged the Board to look after their constituents' wellbeing with the day-to-day activities, like walking their dogs, gardening, playing with children and grandchildren, having a quiet dinner on their porch or taking an evening stroll. He asked the Board to respect and encourage these moments by preventing the disturbing traffic patterns, general commotion, vendor deliveries and nuisance noise that accompanied the operation of a restaurant.

Alice DeMatteo stated that she and her husband lived 1,000 feet from the property and purchased their property because of the park and the buffer zone, but were concerned about the vacant restaurant although they were informed that the property was Resource Sensitive, and that no business could be opened there. She stated that the applicant purchased the property a few years after they knew the same thing applied to his property. She stated that the applicant wanted to change the law for his own profit and that years ago, the community leaders created a buffer zone which was why all properties in the area had to be 3.5 acres or more, but they were currently fighting for the very thing that they were trying to prevent. She stated that they recognized there would be people who wanted to develop, but good development had to be planned. She asked what would happen to the other properties adjacent to the park. She stated that what was happening was a rapid-fire development despite the County' classifications being changed due to the evolving needs of the community and that Valencia and Houghton Roads had exploded in residential and commercial corridors. She added that the true need would be to shore up protection of the single road along the park which was only about 2 miles total and they asked that it not be infringed upon.

Dick Bell spoke in opposition to the project and he and his wife cherished the wilderness and the community was a wonderful place to live. He stated that it was more than just roads and the quality of life was the best place he had ever lived. He stated that one of the biggest assets was the wilderness area at the 550,000 acres of national park wilderness and forests directly across from their house which was on the outskirts of a city and worth millions and that the west national park, Tucson Mountain Park, also needed protections.

Ruth Margaret McCurdy expressed her opposition and that their wonderful neighborhood was quiet. She stated that the restaurant in question was there temporarily and it should not move forward due to the historical value since it was in a movie years ago and the building was amazing. She indicated that their road was not paved and the area was supposed to be rural and the applicant was trying to make it a free-for-all and traffic would be an issue. She stated that although the Department of Transportation reported no traffic issues, when Vail Road and Valencia Road was opened, it was remodeled to add a stoplight and they currently had a huge amount of traffic on Old Spanish Trail. She added that when they left their parking, which was right next door to this proposed restaurant, they would have to stop and there was a blind turn 30 feet to the right of them with no visibility.

Ira Winograd spoke in opposition and stated that the proposed zone was for Rural Crossroads and the purpose of that zone was to provide services for the local community. She stated that for standard zoning practice, Planning and Zoning was to create nodes to reduce reliance on automobile pollution and gasoline. She stated that in their case, there were 27 houses on their street with most of them occupied by 2 people, that were put on a third of an acre and the community could not expand because of the national park on the other side of the street. She stated that this would not serve their community as Saguaro Crest was a private gated driveway with a 20 mph speed limit and was a dead end and that by it being a crossroads meant that 100,000 people could apply whenever they wanted to see the property, which would increase the value. She stated there were concerns that the Planning Commission had requested the applicant meet with neighbors, but that never happened, demolition was done with heavy equipment and they had not obtained a permit.

Supervisor Christy stated that he wanted to hear a report from staff.

Chair Grijalva stated that all of the information from staff was included in the item and asked if Supervisor Christy wanted specific information.

Chair Grijalva closed the public hearing. She inquired if there was a motion on the floor.

It was moved by Supervisor Christy to approve P23CA00004, Comprehensive Plan Amendment, subject to a rezoning policy. The motion died for lack of a second.

It was then moved by Chair Grijalva and seconded by Supervisor Scott to deny P23CA00004, Comprehensive Plan Amendment. No vote was taken at this time.

Supervisor Christy commented that normal procedure for this type of item was that the Board usually heard from the developer, the owner, and staff. He stated that the Board heard from the residents that opposed it, but he felt it was fair that staff be allowed to provide a report of their findings since they recommended approval.

Chair Grijalva responded that she understood which was why she asked if there was a motion, which Supervisor Christy had made, but there was no second to his motion. She stated that Board members had opportunities in their offices to listen to constituents and staff. She stated that there was a motion on the floor for denial and requested a roll call vote.

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

67. **Hearing - Specific Plan Rezoning**

P24SP00001, UNIFIED HOLDINGS, L.L.C. - S. ARCADIA AVENUE SPECIFIC PLAN REZONING

Unified Holdings, L.L.C., represented by The Planning Center, request a specific plan rezoning for approximately 9.92 acres (Parcel Codes 140-01-0920, 140-01-091D, and 140-01-091F) from the CI-2 (AE) (General Industrial - Airport Environs) to the SP (AE) (Specific Plan - Airport Environs) zone, located at the southwest corner of E. Canada Street and S. Arcadia Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Military Airport. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Becker, Hook and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 2)

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the specific plan shall apply. The specific plan does not regulate Building Codes.
3. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
4. Transportation conditions:
  - A. A Traffic Memorandum shall be submitted for review and approval by the Department of Transportation with the submittal of the development plan. Offsite improvements determined necessary as a result of the Traffic Memorandum, shall be provided by the property owner.
  - B. The number, location, and design of access points on Arcadia Avenue shall be determined at the time of development plan submittal and is subject to Department of Transportation's approval.
  - C. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the northeast corner of the project boundary adjacent to the Arcadia Avenue and Canada Street intersection, prior to development plan approval. A curve radius of twenty-five (25) feet is required. The private metal fence will need to be reconfigured to be located out of the right-of-way dedication, or a license agreement is obtained.
5. Flood Control District conditions:
  - A. Low Impact Development practices shall be distributed throughout the site area proposed for redevelopment.
  - B. 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.
6. Environmental Planning condition: Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(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.
7. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during

excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

8. Adherence to the specific plan document as approved at the Board of Supervisors' public hearing.
9. Tucson Airport Authority conditions:
  - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
  - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
  - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.
  - D. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux, Manager of Planning  
Tucson Airport Authority  
7250 South Tucson Boulevard, Suite 300  
Tucson, AZ 85756
10. In the event the subject property is annexed, the property owner shall adhere to all applicable 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.
11. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."



The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Chair Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P24SP00001, subject to standard and special conditions.

68. **Hearing - Rezoning**

P23RZ00006, YARBROUGH TR - W. IRONWOOD HILL DRIVE REZONING

Leland and Velma Yarbrough, represented by Stephen Yarbrough, request a rezoning of approximately 4.77 acres from the SR (BZ) (Suburban Ranch - Buffer Overlay) to the SR-2 (BZ) (Suburban Ranch Estate - Buffer Overlay) zone, located on the southside of W. Ironwood Hill Drive approximately 1,000 feet east of the T-intersection of W. Ironwood Hill Drive and N. Camino De Oeste, addressed as 4375 W. Ironwood Hill Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 7-1 (Commissioner Gungle voted Nay; Commissioners Becker and Hook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The properties shall be limited to a single, shared access point to Ironwood Hill Drive. A one-foot no access easement is required along the north property boundary with the exemption of the access point is required within six months of the Board of Supervisors' approval.
  - B. A shared access easement for legal access between the properties is required within six months of the Board of Supervisors' approval.
  - C. Surface treatment for dust control purposes, for the private drive(s), is required within six months of the Board of Supervisors' approval.
  - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
4. Wastewater Reclamation condition: The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan or request for a building permit is submitted for review.
5. Each lot is required to maintain 50% natural open space.
6. The guest house is required to be permitted/converted to a single-family residence.

7. Adherence to the sketch plan as approved at public hearing.
8. Maximum building height restriction of 24 feet as measured in accordance with the Pima County Zoning Code
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The following speakers addressed the Board:

Donna Snyder, President, Gates Pass Area Neighborhood Association (GPANA), spoke in opposition to the rezoning. She stated that she lived in the Gates Pass area for the past 17 years and that they were an all-volunteer nonprofit organization who represented over 200 individuals who lived in the Gates Pass area. She stated that their mission was to act in the interests of members on issues, such as limiting commercial development, reducing litter and crime and retaining environmental quality. She stated that they were concerned with retaining environmental quality and urged the Board to deny the request. She stated that the Tucson Mountains was classified as a special area within the Pima Prospers Plan and the Yarbrough property lied within the buffer zone, a one-mile designated area abutting a federal, State or County park, in this case, Tucson Mountain Park and Feliz Paseos Park. She stated that the buffer zone was established to preserve wildlife corridors and habitat which allowed the native animals to move freely throughout the Tucson Mountains and that rezoning the property from SR to SR-2 could send a signal to other larger property owners in that area that they could request rezoning, which would chip away at their low density properties and provide themselves a financial windfall. She added that no mitigating circumstances were presented by the Yarbrough Family Trust at the Planning and Zoning (P&Z) meeting on March 27<sup>th</sup>, and GPANA concluded there was no dire or legitimate reason for the property to be rezoned and they stood on the principle that they did not want an increase in residential density in the Tucson Mountains special area and to keep the Tucson Mountains a low-density haven for the residents and the Sonoran Desert wildlife that lived in this unique place.

Steve Dolan, Board Member, Tucson Mountains Association (TMA), urged the Board to deny the rezoning to protect the Tucson Mountains and the Sonoran Desert environment. He stated that TMA had been protecting the open land, animals, plants and lifestyle for 90 years and the Tucson Mountains were better protected than most places because it was so unique and when he had given a tour to a New York artist, they mentioned how the houses were far apart and there were many desert plants and room for the animals. He stated that at the March 27<sup>th</sup> P&Z meeting, the Development Services Department (DSD) reported that the proposed

rezoning met the Comprehensive Plan, Low Intensity Urban (LIU) 1.2, but there was no information about Suburban Ranch (SR) zoning, and this was a rezoning request. He added that the day after the P&Z decision, DSD explained the 2015 Pima Prospers Comprehensive Plan to some TMA members, but it made them more confused and surprised because the comprehensive plan allowed higher density than the SR zoning code in the Tucson Mountains. He added that the 2015 Comprehensive Plan included a S8 Tucson Mountains Special Area, the purpose in the special area was to protect this special environment and that it included LIU for the entire Pima County, but to TMA's surprise three of the four LIU land designations were higher density than SR zoning allowed and only LIU 0.3 matched the SR code and that the S8 Tucson Mountains map showed 130 SR properties in the higher LIU areas with 59 of them being LIU 1.2 just like the rezoning request. He stated that DSD indicated each rezoning request was separate, but they seemed to lack the authority to deny a rezoning application and let it move forward because it met the comprehensive plan. He stated that by approving this rezoning based on only the comprehensive plan and not zoning code it could set a precedent for up to 130 rezoning cases and felt that there could be unintended consequences of increased buildings and traffic, animal odors near their neighbors and less open space for wildlife.

Steve Borozan spoke in opposition and stated that he had retired from public service after 20 years with Pima County and he had searched to find a great neighborhood for his next chapter and recently purchased a home adjacent to the subject rezoning. He showed a photo that depicted his home's proximity to the Yarbrough residence and each property's current use. He stated that the revised scheme would allow the guest house to be converted to a single-family residence and would use the same driveway as the existing house. He shared the views expressed by the TMA, GPANA, and numerous area residents and was concerned that if granted, there would be subsequent requests, which would greatly and seriously affect the neighborhood's character and lifestyle and urged the Board to deny the request.

Stephen Yarbrough, applicant, stated that his family purchased 20 acres and built the family home on one parcel, which had been split into five-acre parcels, and also built the home on the parcel owned by Mr. Borozan. He stated that since that time, they developed CR-1 all around the 20-acre parcel and it was completely wrapped except for the north side, which was still the SR zoning. He stated that they originally kept it at CR-1 since everywhere else was the same and he proposed that zoning to the TMA for input or feedback, but he received a lot of resistance and issues that they were concerned with, so he went back to the SR-2 zoning, which he had to deal with the HDZ issues, the open space issues and that the Suburban Ranch Estates designation was kind of a transition between high density and low density housing, so he thought that would work perfectly. He stated that he was born and raised in the area and had lived there for the last 60 years and there was no one that loved the Tucson Mountains more than him for the Sonoran Desert, the vegetation, and the wildlife. He stated that his research of applicants showed that the majority of those people lived on CR-1 lots or smaller and felt it was

disingenuous because the CR-1 zoning was there to allow people to enjoy the prestige environment and was a very special place to live and to negate the ability to live on 2.4 acres and that the disruption to the current property was basically complete and there was not going to be a lot of changes other than tearing down an old tack room that used to be for horses, an old hay barn, and construction of a small garage for the guesthouse.

Ken McCutcheon spoke in support and stated that he lived in the Tucson Mountains for 40 years and had seen five antenna towers installed and unapproved satellite dishes. He added that the Trails Inn had not been there before or the two to three houses on the very top of the mountain. He stated that they scarred the hill and plowed down saguaros to build those houses and that this request was unique with only two structures that would use the same common driveway and there would be no visibility or impact to the split lot.

Brenda Mohr expressed her support of the rezoning and stated that this would always be ongoing with people building a house, building a guest house, and splitting lots, but the Board needed to consider that this was not going to be a guest house, it would be his residence and he would receive the property as promised with his mother's passing plus the acreage above it and would continue to sit on the 3 acres that it had in the past 50 years. She added that the County should have thought about the development when they decided to build the one-acre lots in front of the Tucson Mountains area and requested that the Board honor their mother's wishes.

Chair Grijalva closed the public hearing.

Supervisor Heinz asked staff for confirmation whether this type of rezoning could not be used for anything other than what was being presented and that it could not be used commercially as a restaurant or bar.

Chris Poirier, Deputy Director, DSD, responded affirmatively and indicated that there were specific conditions that only allowed it to be split in half to be utilized as a house in the front and a guest house in the back and that no other uses were allowed.

Chair Grijalva questioned whether staff and the homeowner had the opportunity to work with the neighborhood association since all the details were clearly delineated. She stated that some of the things that she heard about was what this meant and what they were being told would happen with the property were different and she wanted to ensure that everyone understood what would be changing with the footprint of the property.

Mr. Poirier responded that when the applicant first submitted their original application, they wanted the property split into three different lots and in order to accommodate that they would also install a parallel driveway to Ironwood, which would have jogged up closer to Mr. Boroza's property. He stated that from a policy

standpoint, and other aspects of the zoning code, DSD pushed back on the applicant and suggested he meet with the TMA, which he had done and returned with what they thought was a much better application by dropping the third lot and allow them to utilize the shared drive. He added that the disturbance would be the historic disturbance of the home and the guesthouse, and staff had also met with TMA at least twice and engaged GPANA with their long-range planning efforts to Pima Prospers. He stated that this case was a good example of what they should be focusing on as the County discussed the long-range plan and the impact of the plan on a rezoning. He added that they tried to educate the group as much as possible, but there seemed to be some misunderstandings about the difference between zoning and the plan designation. He stated that if this was approved, it would be for only two homes over the entire property, which would not necessarily set any precedent to the Board and that each rezoning stood on its own and had to be reviewed and approved by the Board accordingly.

Supervisor Scott quoted comments that staff made during the public hearing that SR-2 zoning was a perfect transition between the SR and CR-1 zoning and that the request did not set precedence as each rezoning request was weighed on its own merit, which he felt could be taken at face value, but asked what would preempt a future applicant or their legal counsel from stating that they had already set a precedent.

Mr. Poirier responded that this was a good conversation to have because adjacent to their property directly to the west and one lot over to the east were two CR-1 subdivisions, but the Board was not being compelled to approve the request because they were adjacent to CR-1 zone and the other CR-1 zones that they were surrounded had not set a precedent for their decision. He added that they reviewed the long-range plan designation, which was LIU 1.2, which meant that they were eligible to request a rezoning that would be consistent with CR-1. He stated that throughout the process they had seen it work, where they had compromised to request for SR-2, and that this case was a good example of other rezonings in the area that did not set precedent.

Supervisor Scott stated that DSD's actions and intervention at the beginning of the process had pushed back on the initial plan and questioned if they would likely do the same in the future if they thought it was something that was incongruent with the area.

Mr. Poirier concurred and stated that the Board's adopted policies would be reviewed which would then impact DSD's recommendations. He stated that Mr. Dolan from TMA had brought up a policy specific to the Tucson Mountains, which helped DSD get to the outcome of their recommendation and that policy had included aspects like scenic quality, a change of density as it moved closer to the park, and they also reviewed the comprehensive plan.

It was moved by Supervisor Scott and seconded by Supervisor Heinz to approve P23RZ00006, subject to standard and special conditions. No vote was taken at this time.

Chair Grijalva stated that she was fairly conflicted on the issue because she had spoken in detail with both Gates Pass and the TMA and she appreciated Mr. Yarbrough's explanation of what the desire was for this property and that it was a property he had planned to live on. She stated that there was some comments in the notes about whether the other property would be sold and that was something that the Trust would decide. She stated that this was a beautiful place to live, and that the Tucson Mountains was gorgeous and not something that anyone wanted to continue to chip away at as some of the letters had stated which was the reason for her concern. She felt that there were certain areas in the community where the rezoning needed to stop and appreciated the speaker who said that the Board had made some really bad decisions as it related to development and the Tucson Mountains and she did not want to be part of any of those decisions that could be looked back at as not the best thing for the community.

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

69. **Hearing - Zoning Code Text Amendment**

P23TA00004, TRANSIT ORIENTED DEVELOPMENT

An ordinance of the Board of Supervisors of Pima County, Arizona, relating to zoning (Title 18); amending the Pima County Zoning Code Chapter 18.07 (General Regulations and Exceptions) to add standards for residential development on developed properties along major transportation corridors. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Becker, Hook and Tronsdal were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2024 - 7

Brendan Lyons, Government Affairs Director, Southern Arizona Home Builders Association (SAHBA), addressed the Board in support of the ordinance and extended sincere gratitude for the opportunity to provide input on the proposed amendments. He stated that the amendments were essential for setting standards for residential development along major transportation corridors, which SAHBA believed would significantly transform underdeveloped properties into vibrant, multi-use infill centers and it addressed the need for increased housing supply in Pima County. He stated that promoting infill development would make efficient use of existing infrastructure and contributed to sustainable growth and community revitalization. He stated that SAHBA proposed one additional change for consideration to Section W.2.e., that the current language be revised to the following: "must be located within a water service area of a provider that complies with Arizona's Assured and Adequate Water Supply Program, as demonstrated by

the designation of Assured Water Supply or Certificate of Assured Water Supply.” He indicated that the proposed revision ensured that future developments adhered to Arizona Water Law and aligned with the goals of the Active Management Areas Program, and doing so would guarantee that new developments were sustainable and adequately supported by the reliable water source, which was a crucial factor for long term planning and environmental stewardship. He expressed appreciation for the hard work of County staff and the Commission in creating the amendment and was excited to continue working together on policies that would create more opportunities for commercial, multifamily and residential development within the community.

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 3-1 vote, Supervisor Christy voted “Nay,” and Supervisor Scott was not present for the vote, to close the public hearing and adopt the Ordinance, as presented.

**70. Hearing - Rezoning Resolution**

RESOLUTION NO. 2024 - 23, P15RZ00005, Pacific International Properties, L.L.P. - N. Thornydale Road Rezoning. Owner: Fidelity National Title Agency, Inc., Tr 60466, et al. (District 1)

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

**BOARD OF SUPERVISORS**

**71. FY25 General Fund Priorities - Adjusted Primary Rate**

Discussion/Direction/Action: Increasing the General Fund Primary Property Tax Rate by up to 9.0 cents over the Administration’s recommended Tentative Budget level, while holding all other recommended tax rates the same, which would generate approximately \$10.125M in additional revenue for the General Fund, while costing the average homeowner in Pima County an additional \$20.16 for the year, or \$1.68 a month. Such additional General Fund revenues would be devoted to the following:

- 1) Increasing our FY25 investment in Conservation/Open Space Acquisition by at least \$1,500,000.00;
- 2) Increasing our FY25 investment in Affordable Housing by at least \$1,500,000.00;
- 3) Increasing our Contingency Fund by at least \$3,000,000.00 from its current level of only \$690,677.00; and
- 4) Devoting the balance to the furtherance of any one or more policies laid out in the Prosperity Initiative. (District 2)

(Clerk's Note: See Minute Item No. 15, for discussion related to this item.)

It was moved by Supervisor Heinz and seconded by Supervisor Lee to approve the presented alternative to increase the primary tax rate to .10 cents, as presented by staff. Upon roll call vote, the motion failed 2-3, Chair Grijalva and Supervisors Christy and Scott voted "Nay."

72. **Cabeza Prieta National Wildlife Refuge**

RESOLUTION NO. 2024 - 24, of the Board of Supervisors, supporting expansion of the Cabeza Prieta National Wildlife Refuge. (District 3)

Supervisor Lee acknowledged Mike Quigley and Aaron Cooper who were key in the Cabeza Prieta Refuge and the resolution and also acknowledged Nicole Fyffe, who had been instrumental in drafting the resolution. She stated that the Tohono O'odham Nation put forth a resolution in 2023 and she read part of their resolution as follows, "The incorporation into the Cabeza Prieta National Wildlife Refuge would provide greater protection, prevent incompatible development, limits damage from motorized recreation, preserve the cultural resources and sacred sites. It is in the nation's best interest to support the managed management transfer of lands managed by BLM near Ajo, into Agua Prieta Refuge." She stated that as she studied this, Senator Kelly had written a letter to Interior Secretary Haaland and one of things that was really very fragile in this area was the endangered Sonoran Pronghorn which existed in that segment of land that she would like to have transferred over and she read the proposed resolution aloud.

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

Aaron Cooper, Executive Director, International Sonoran Desert Alliance, explained that they were a tri-national organization that worked at the intersection of Sonora, Mexico, southwest Arizona and the Tohono O'odham Nation and they had a nexus in Ajo and were based in Ajo and this really came about from four different areas of interest. He stated that one area was what had already been discussed as a vested interest by the Tohono O'odham Nation and the Hia C-eḍ O'odham community of some locations of sensitivity that were being exposed to incompatible usage profiles. He stated that was to review what some of the options were for things that could be done differently. He stated that the second area was a growing economic development initiative that many had worked on, which was attracting more visitation and branding Ajo as that small town with a big backyard, but wanted to ensure that some guardrails were added to that by having a present and thoughtful steward of the landscape. He stated that currently the Bureau of Land Management (BLM) had a single staff that oversaw 180,000 acres, so that was one law enforcement staff for that entire block, which was very focused on drug interdiction and not really worried about how people were using the landscape. He stated that the Cabeza Prieta National Wildlife Refuge had an office in Ajo with staff and wildlife biologists and that it was present and available to better steward some of those



lands. He stated that a third area was a location for recreation for the local Ajo community and wanted to ensure that it continued to be the case and that the local community does not get evicted from or displaced from being able to use the landscape in a recreational way, which had started this conversation and they explored some of opportunities that were available and realized that the legislation in place for the Department of the Interior to do an internal transfer of management from BLM to Fish and Wildlife Service, and requesting the Department of Interior to start the National Environmental Policy Act process and insist on robust community engagement and community feedback

Mike Quigley, Arizona State Director, The Wilderness Society, stated that they reviewed the Cuerda de Leña Area of Critical Environmental Concern (ACEC) and approximately 58,000 acres of BLM managed federal public lands South of Ajo located in Pima County where the Organ Pipe Cactus National Monument met Cabeza Prieta National Wildlife Refuge and the Cuerda de Leña ACEC was being reviewed for a number of reasons. He stated that one reason was that it was a great habitat for species like the Sonoran Desert Pronghorn, which were endangered and were using that area currently from the release captive breeding pen on Cabeza Prieta National Wildlife Refuge, which was a great endangered species recovery story. He stated that the Sonoran Desert Tortoise and the LeConte's Thrasher also used this landscape and the high cultural value to the Tohono O'odham Nation and the Hia C-eḍ O'odham community in that area, including the old town site by Derby Well, which was referenced in the resolution. He stated that it was proximal to the town of Ajo so recreational use was happening by Ajo residents and winter visitors and tourists coming to that part of the County and they felt that by Cabeza Prieta National Wildlife Refuge and the U.S. Fish and Wildlife Service discussing their first mission as an agency was best positioned to manage this particular acreage. He stated that the BLM had a multiple use mission, which was appropriate in many places, but they were also managing this landscape from Phoenix rather than from Ajo, so since it could be an internal transfer authorized by the DOI, The Wilderness Society urged that the Board adopted this resolution to have a broader public discussion with DOI and local residents about the best path forward.

Chair Grijalva thanked both speakers for their presentations and the resolution would also be shared with congressional delegation so they were kept updated.

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

**73. Tucson Country Club Estates Fire District**

RESOLUTION NO. 2024 - 25, of the Board of Supervisors, ordering an increase in the number of members of the governing Board of the Tucson Country Club Estates Fire District. (District 4)

Chair Grijalva questioned whether the Board had the authority to increase the number of members.

Sam Brown, Chief Civil Deputy County Attorney, responded that he was unsure if the fire district had any governing documents that needed to be reviewed, but was not aware of any prohibitions.

Supervisor Christy stated that this had been requested by the fire district and was permitted by law.

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

Chair Grijalva wondered why this item had not come through the Clerk's Office, instead of through an individual Supervisor if it was requested by the fire district.

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

**74. Lack of Access to Affordable Dwelling Insurance in Wildfire Prone Areas**

Discussion/Direction/Action by the Board of Supervisors directing correspondence to Governor Hobbs and the Arizona Department of Insurance and Financial Institutions Director as to the actions that can be taken by them to address the lack of access to affordable dwelling insurance in wildfire prone areas throughout Pima County. (District 4)

Supervisor Christy stated this was an issue that affected all districts and there was concern regarding the availability of fire insurance for homeowners, as well as the shocking increase in premiums. He thanked Supervisor Lee for her suggestions and for working with his office on the issue. He stated this was a request for the Chair to work with the County Administrator to develop effective wording on behalf of the entire Board of Supervisors, which could be sent to Governor Hobbs, the Director of the Arizona Department of Insurance and Financial Institutions, and State Legislators so that they could begin analyzing and looking into this issue. He stated people's homes were becoming exposed without insurance or they could not afford the premiums and he was unsure of what could be immediately done, but felt an investigation was needed.

Chair Grijalva stated she would have the County Administrator draft a letter and it would be sent to her Board colleagues for feedback, to make sure it represented what was being requested.

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

## **COUNTY ATTORNEY**

### **75. Proposed Settlement in Welch v. NaphCare**

Discussion/Direction/Action regarding a proposed settlement in Welch, et al. v. NaphCare, et al., Superior Court Case No. C20233645.

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

### **76. Proposed Settlement in Roth-Walker v. Napier**

Discussion/Direction/Action regarding a proposed settlement in Roth-Walker, et al. v. Napier, et al., Superior Court Case No. C20181773.

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

### **77. Conflict of Interest Waiver**

Discussion/Direction/Action regarding Mesch, Clark & Rothschild, P.C.'s request for a conflict of interest waiver to represent Lloyd Construction Company, Inc.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to waive the conflict of interest.

## **FINANCE AND RISK MANAGEMENT**

### **78. Recommended Uses of Inflation Contingency**

Staff recommends approval for the use of inflation contingency set aside in the Fiscal Year 2023/24 Adopted Budget, to relieve financial pressures on impacted departments due to inflation.

Supervisor Christy commented that inflation was not transitory and was a factor that should have been looked at better than it had been, at this point.

Jan Leshner, County Administrator, responded that inflation as a contingency had always been budgeted for and explained that this last year, inflation contingency funds were consolidated into one line item rather than relying on department estimates, which allowed for more accurate and flexible allocation to departments. She appreciated the Board's consideration of this fund allocation.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-2 vote, Supervisors Christy and Heinz voted "Nay," to approve the item.

79. **Budget Remediation Plan Updates**

Staff recommends review and action on the remediation plans submitted by Departments and Elected Officials to carry out their programmatic needs through the remainder of this year, FY 2023/24.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-2 vote, Supervisors Christy and Heinz voted “Nay,” to approve the item.

**FIRE DISTRICTS**

80. **Tanque Verde Valley Fire District**

Tanque Verde Valley Fire District consists of three (3) board members and all three board members submitted their resignation, effective June 2024.

Discussion/Direction/Action regarding a selection process to appoint interim district board members to fill the vacancies or an administrator to administer the district with the same duties and obligations of the elected board to serve until the next election, pursuant to A.R.S. §48-803(B).

Without objection, this item was removed from the agenda.

**BOARD, COMMISSION AND/OR COMMITTEE**

81. **Public Art and Community Design Committee**

Appointment of Anthony Avila, to fill a vacancy created by Roberta Zelikow. No term expiration. (District 3)

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

82. **Board of Adjustment, District 5**

Appointment of Juan Villegas, to fill a vacancy created by Susan Adler. Term expiration: 8/31/25.

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

**CONSENT CALENDAR**

83. **Approval of the Consent Calendar**

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

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## **FINANCE AND RISK MANAGEMENT**

### **1. Duplicate Warrants - For Ratification**

Laurie Ann Loux \$550.00; Nutrien AG Solutions, Inc. \$2,726.20; Springhill Apartments \$1,069.01; Priscilla Denisse Bojorquez Cardenas \$10.00; Michella Buchanan \$295.00; Global Water - Las Quintas Serenas Water Company \$543.52; Tamou Law Group, P.L.L.C. \$12,695.50; One Green Heart, L.L.C. \$1,280.00; Olive Tree Apts, L.L.C. \$4,810.00; City of Tucson \$51,342.84; Joseph J. Mahoney, Trustee \$4,550.00; Canyon Ridge 116, L.P. \$4,025.75; Serrano Rentals Group, L.L.C. \$4,135.00; Bradshaw Apartments, L.L.C. - Alias/DBA Village Mobile Home Park \$1,353.28; Parkside Terrace Apartments \$819.00; Jadeyn St. Peter \$140.00; Applied Research Team, L.L.C. \$924.00; Desert Cove MHC, L.L.C. \$1,919.86; Element on the Loop \$8,185.00; Mayra Ramos Mendoza \$120.00; Janeway Law Firm, L.L.C. \$60.00; Jadeyn St. Peter \$345.00; Pima Corrections Association \$1,443.00; Carla Ridge Estates, L.L.C. \$4,390.38; The State of Arizona \$45,580.00; Rebecca Jaeger \$203.00; Lakeside Casitas, L.L.C. \$2,476.50; Literacy Connects \$7,777.19; Dominic A. Evans \$65.00; Airgas, Inc. \$1,056.95; And Liberation, L.L.C. \$6,875.00; Rio Mercado Partners, L.L.C. \$4,384.00; Patrick James Geare \$11,760.00; Alborada Apartments, L.P. \$2,565.00; Cirrus Visual Communication \$1,349.72; Mario Alberto Razura \$1,456.46; Assured Imaging Women's Wellness of Southern Arizona, L.L.C. \$9,896.44; Ramiro Fabio Alviar \$151.25; Ramiro Fabio Alviar \$458.75; Samantha C. Martin \$147.50; Arizona Humanities Council \$100.00; Goodman Water Company, Inc. \$737.56; R & G Psychological Services \$530.00; R & G Psychological Services \$530.00; T-Mobile \$14,364.65; Valley Income Properties \$4,984.99; MHC Continental, L.L.C. - Alias/DBA Continental West \$2,790.95.

## **SUPERIOR COURT**

### **2. Court Commissioner Appointment**

Appointment of Court Commissioner:

#### **Superior Court and Juvenile Court Commissioner**

Daniel R. Huff

## **TREASURER**

### **3. Request to Waive Interest**

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$296.68.

4. **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 \$48,779.97.

**RATIFY AND/OR APPROVE**

5. Minutes: March 5, 2024

\* \* \*

84. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK