

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, November 7, 2023. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshner, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
John Stuckey, Sergeant at Arms

Absent: Sharon Bronson, Member

*Supervisor Heinz joined the meeting at 10:11 a.m.

1. The Board of Supervisors on October 17, 2023, continued the following:

Contract

Stantec Consulting Services, Inc., Amendment No. 2, to provide for Brawley Wash Watershed Plan and amend contractual language, U.S. Department of Agriculture Grant and Flood Control Tax Levy Fund, contract amount \$230,957.91 (CT-FC-21-290)

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

Supervisor Christy stated this item had been continued due to the high level of redactions included in the background material and explained that the County Administrator's October 27, 2023, Memorandum did not define why items had been redacted, but used the term "therefore struck." He indicated there was a distinct difference between struck and redaction, because struck implied a redline could be used as opposed to a complete redaction. He stated the background material was a permanent public record and from that standpoint, requested background information not have any redactions.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

2. **Contract**

Insight Hydrology, L.L.C., to provide for rating curve development for Pima County Flood Warning Gauges, Flood Control Ops Fund, contract amount \$45,000.00 (CT-FC-24-143)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

3. **Riparian Habitat Mitigation**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$110,656.00 for placement of a transmission line for SunZia, located within Regulated Riparian Habitat classified as Important Riparian Area with underlying Classification of Hydromesoriparian, Xeroriparian Class C and D Habitat. (District 4)

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

Chair Grijalva indicated that the project had been proposed 17 years ago and there had been controversy regarding the route and its direction. She explained that in a newspaper article, the Chairman of the Tohono O'Odham Nation had issue with the path and what had happened in the San Pedro River Valley. She inquired about SunZia's role and the outcome of the complaints.

Kevin Wetzel, Business Development Representative, Pattern Energy, stated they respected all the rights of the indigenous peoples and any other project stakeholder to have their voices heard during the development process. He explained the project was located on private State and U.S. Federal lands only, and by federal law, any tribal consultation had to be done government to government. He stated the permitting of the route and route selection occurred between 2009 and 2015 and the route selected in 2015 had not changed in Arizona since that time. He stated that since 2009, the Bureau of Land Management (BLM), on behalf of the U.S. Federal government, had engaged with many tribes and other stakeholders under that process. He stated they continued to support that process and all stakeholder engagement between construction and into operations.

Chair Grijalva questioned if the transmission line was 500 miles long and if 16 miles of it went through Pima County.

Mr. Wetzel clarified it was 550 miles long and confirmed 16 miles went through Pima County.

Chair Grijalva indicated that there had been opposition because the power had come from central New Mexico through to California and as a result Pima County would have the opportunity to bid through its utility company. She asked if that was the area the line would be.

Mr. Wetzel responded that the transmission line went from central New Mexico to Pinal County which was the end of the transmission line in Arizona. He explained that the bidding would be done by SunZia to Tucson Electric Power Company and other Arizona utilities and other off takers throughout the Western U.S. to sell their power to those utilities as customers.

Chair Grijalva inquired if Pima County would be able to accept bids.

Mr. Wetzel responded in the affirmative.

Supervisor Christy commented that the project was within District 4 and he appreciated the outreach done with his office and the constituents in the area. He stated that it appeared that SunZia had taken into consideration all the pertinent elements and supported any additional power grid that helped the rural area of District 4. He noted that Pima County staff recommended approval of the project.

Chair Grijalva stated she was concerned with the complaints made by Chairman Verlon Jose and what the outcome of the complaint was.

Mr. Wetzel responded that the BLM would respond and was aware of outreach for additional meetings and written exchanges to address concerns the tribe had through the treatment of any cultural properties present in the area.

Chair Grijalva stated that the Nation's concern was that construction was being undertaken and questioned if there would be any pause in what SunZia would do to address that concern or come up with a process to resolve the issue. She added that the argument was that the area was ancient historic land and artifacts could be found that were important to different tribes.

Mr. Wetzel explained that a cultural survey of the 550-mile route had been completed and stated that anywhere a traditional cultural property was identified, a separate approval process through the Federal government would be followed to allow for construction in those areas which would be paused until those elements could be considered.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

4. Hearing - Riparian Habitat Offsite Mitigation Guidelines Ordinance

ORDINANCE NO. 2023 - FC¹, of the Board of Directors of the Pima County Flood Control District amending the Regulated Riparian Habitat Offsite Mitigation Guidelines for unincorporated Pima County to increase costs for calculating project specific in-lieu fees and to adjust future costs annually to the consumer price index.

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

Supervisor Christy stated the increase in fees was quite large since it was going back to 2011 and indicated that was a long period of time to increase fees. He explained the methodology to increase the fees was a consumer price index (CPI) and thought it was not the most logical or definitive method to use to increase fees. He suggested instead of utilizing a cost of living that a cost analysis be done to find exactly what was needed to be raised concerning fees. He explained that after thirteen years of CPI, it would be a large jump and not a responsible way to increase fees. He asked if this item could be continued and for staff to come back with alternatives to increase the fees by using a cost analysis or more definitive methods rather than it be tied to CPI.

Chair Grijalva responded that she was prepared to vote on the item since the fees had not been adjusted since 2011. She stated the amendments were to ensure the riparian habitat mitigation in-lieu fees remained equivalent to the actual cost to provide on-site riparian habitat mitigation. She explained the plan to adjust for inflation every 2 to 3 years made sense, increases would be made over a period of time and would be reviewed annually. She stated she was surprised when she saw the fees that had been approved and they could not address the actual cost to mitigate.

Supervisor Christy inquired about the cost that justified the fees.

Eric Shepp, Director, Regional Flood Control District, responded staff used the CPI and compared it to actual cost of construction. He explained that based on their own cost that may be higher, but rather than debate what fee to use, a standard index was utilized. He stated when they had spoken with shareholders, they were comfortable with that index, as well.

Chair Grijalva inquired if the actual cost would be more in some cases.

Mr. Shepp responded in the affirmative.

Chair Grijalva indicated that this would lower the cost reimbursement.

Mr. Shepp responded that was possible.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

5. Hearing - Code Text Amendment

ORDINANCE NO. 2023 - FC², of the Board of Directors of the Pima County Flood Control District amending the Floodplain Management Ordinance by amending Chapter 16.30 (Watercourse and Riparian Habitat Protection and Mitigation Requirements), Section 16.30.050 (Mitigation) to repeal the requirement that mitigation plans be approved by the Board of Directors and to add a requirement for

the Chief Engineer to provide the Board of Directors with quarterly reports of approved mitigation plans.

It was moved by Chair Grijalva and seconded by Supervisor Scott for discussion purposes only. No vote was taken at this time.

Chair Grijalva requested clarification of the item.

Eric Shepp, Director, Regional Flood Control District, explained riparian mitigation plans were frequently brought forward and occurred when there were in-lieu fees as opposed to on-site mitigation or when more than 5% of a site of disturbance of a hydromesoriparian or an important riparian area occurred. He stated that after discussion with staff and the applicant, it was the best outcome for restoration of a riparian habitat. He stated the purpose was to change the process of how it was sent to the Board and instead provide information as a quarterly report on the particular program.

Chair Grijalva inquired how the quarterly reports would be provided to the Board.

Mr. Shepp responded that he envisioned it would be a quarterly memorandum from the County Administrator similar to other quarterly reports from other county departments.

Chair Grijalva inquired if it could be included on the Consent Calendar on a quarterly basis so that the Board had the opportunity to review and vote on it. She indicated that she did not want it to get lost among other memorandums.

Mr. Shepp responded that would be fine and indicated that those permits would have already been issued and was unsure if a vote would be needed or if it would be informational, but would make sure the report would be provided to the Board.

Chair Grijalva stated that it could be informational as long as there was a public process since historically these items came to the Board and was hesitant to have it received through email.

Mr. Shepp responded that he would make sure that happened.

Supervisor Scott referenced the background material and asked what format would be used for the quarterly report.

Mr. Shepp responded it would be similar to the content the Board typically received, but would be constituted into one larger report. He explained there would not be a loss of information, but would be a summation of those things.

Supervisor Scott asked if an update on overall fee uses could be included in the report.

Mr. Shepp responded in the affirmative.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Bronson was absent, to close the public hearing and adopt the Ordinance.

6. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:32 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 7, 2023. Upon roll call, those present and absent were as follows:

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

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

Absent: Sharon Bronson, Member

*Supervisor Heinz joined the meeting at 10:11 a.m.

1. INVOCATION

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

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Sgt. Augustine Lopez, U.S. Army Retired, The Pascua Yaqui Tribe Color Guard.

4. PAUSE 4 PAWS

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

5. MOMENT OF SILENCE

Chair Grijalva observed a moment of silence for the passing of Richard Loperena, a Trade Maintenance Specialist assigned to the Adult Detention Center, and for the passing of Kenzo, who was a Sheriff's canine partner. She offered condolences to their families and friends.

6. **POINT OF PERSONAL PRIVILEGE**

Supervisor Christy shared that the Tanque Verde Unified School District schools received an A grade and the Vail Unified School District received an overall A grade, with one school that received a B grade, from the Arizona Department of Education. He stated that he was proud of what they had accomplished and were great examples of excellence created by community, parental, and student involvement that all worked together.

Chair Grijalva indicated that all Pima County schools had improved dramatically and was proud of their hard work to recover from the closure of the pandemic. She congratulated Old Tucson for another successful Nightfall and encouraged everyone to attend their next event, which would be Yuletide.

PRESENTATION/PROCLAMATION

7. Presentation of a proclamation to Gilbert Ybarra and Angel Benitez, Transportation Department; Marjava Ramirez and Ana Camarillo, Community and Workforce Development; Dana Morales, Angelica Garcia and Johanna Encinas, County Administrator's Office, proclaiming the month of December 2023 to be: "TOYS FOR TOTS COLLECTION MONTH"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-0 vote, Supervisor Heinz was not present for the vote and Supervisor Bronson was absent, to approve the item. Chair Grijalva made the presentation.

8. Presentation of a proclamation to Demetrius Miles, Lead Pastor, Tucson Church International, proclaiming the day of Saturday, November 11, 2023 to be: "TUCSON CHURCH INTERNATIONAL DAY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-0 vote, Supervisor Heinz was not present for the vote and Supervisor Bronson was absent, to approve the item. Supervisor Scott made the presentation.

9. Presentation of a proclamation to Eileen Wilson, Angie Anderson and Joanie Hammond, Hands of Hope Adoption Agency, proclaiming the month of November 2023 to be: "NATIONAL ADOPTION MONTH IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 3-0 vote, Supervisor Heinz was not present for the vote and Supervisor Bronson was absent, to approve the item. Supervisor Christy made the presentation.

10. **CALL TO THE PUBLIC**

Arnold Montiel addressed the Board and thanked them for their contributions to adult basic education and advocated for further funding.

Mombeo Lunyonyé shared how he utilized adult education and thanked the Board for their support.

Maria Mulera expressed her gratitude to the Board for funding adult basic education.

Michael Ivan urged the Board to condemn the actions of universities that increased their athletic departments' travel miles and carbon footprints.

Sharon Greene spoke about hate speech, securing borders and the need for government to support the constitution and the people.

Cory Stephens expressed her frustration with the actions of Supervisor Heinz during his time in office.

J.P. Salvatierra addressed the Board regarding Tucson Electric Power rates and charter school voucher programs.

Dave Smith shared his opposition to Minute Item No. 43 and urged the Board to manage their resources.

Peter Norquest commented on the right to free elections and the election process.

Janet Neustedter voiced her opposition to Minute Item Nos. 31 and 43.

The following speakers each read a section from a court order filed on August 18, 2023 in Maricopa County regarding unconstitutional actions by public servants:

- | | |
|--------------------|-------------------|
| • Gisela Aaron | • Laura Hinyup |
| • Melissa Conroy | • Eileen Wilson |
| • Laurie Moore | • Angie Anderson |
| • Sarah Price | • Chuck Marrs |
| • Kae Andersen | • Nancy Thornes |
| • Pendleton Spicer | • Shirley Requard |
| • Sharon Fickes | |

Anastasia Tsatsakis spoke in opposition to Minute Item No. 42.

* * *

Chair Grijalva stated that all Board members had taken an Oath of Office and their loyalty oaths were available at the Clerk's Office. She explained that recorded copies of their loyalty oaths were also available at the Recorder's Office.

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11. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was absent, to convene to Executive Session at 10:20 a.m.

12. **RECONVENE**

The meeting reconvened at 11:24 a.m. Supervisor Bronson was absent. All other members were present.

EXECUTIVE SESSION

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding an update from Snell & Wilmer regarding differential water rate litigation.

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

14. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding DeConcini McDonald Yetwin & Lacy, P.C.'s request for a conflict of interest waiver.

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

15. Pursuant to A.R.S. §38-431.03(A) (3), for discussion or consultation for legal advice regarding pros and cons of release of Attorney-Client communication regarding the October 17, 2023 Board of Supervisors Meeting Agenda Addendum Item No. 3.

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

16. Pursuant to A.R.S. §38-431.03(A) (3), for discussion or consultation for legal advice regarding release of Attorney-Client Privileged Memorandum regarding the authority of the Board of Supervisors to establish and enforce a Fee Management Ordinance for the Clerk of the Superior Court.

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

17. Pursuant to A.R.S. §38-431.03(A) (3), for discussion or consultation for legal advice regarding update on litigation regarding deaths at the Pima County Adult Detention Complex.

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

BOARD OF SUPERVISORS

18. Release of Attorney-Client Communication Regarding the October 17, 2023 Board of Supervisors Meeting Agenda Addendum Item No. 3

Discussion/Action: Public release of the Attorney-Client Communication dated October 20, 2023 sent by Stefanie Gillie, Executive Assistant to Chief Civil Deputy County Attorney Samuel E. Brown, on behalf of Mr. Brown to the Board of Supervisors, et al., regarding the October 17, 2023 Board of Supervisors Meeting Agenda Addendum Item No. 3. (District 4)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

COUNTY ATTORNEY

19. Conflict of Interest Waiver

Discussion/Direction/Action regarding DeConcini McDonald Yetwin & Lacy, P.C.'s request for a conflict of interest waiver.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to waive the conflict of interest.

DEVELOPMENT SERVICES

20. Final Plat With Assurances

P22FP00003, Star Valley, Block 9 Phase 1, Lots 1-104, and Common Areas "A", "B" and "C". (District 5)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

ENVIRONMENTAL QUALITY

21. The Board of Supervisors on October 17, 2023, continued the following:

Air Quality Hearing Board Manual of Procedures

The Air Quality Hearing Board requests approval of the revised Air Quality Hearing Board Manual of Procedures.

Supervisor Christy referred to the background material and questioned if best business practices were used in the update of the manual or a quality permit action that was challenged. He inquired if the County had been sued.

Jan Leshner, County Administrator, responded that best business practices were looked at during the update of the manual.

Bern Velasco, Attorney and Hearing Officer, Air Quality Hearing Board, responded the Board's action was not challenged, but there was a risk of a challenge as they had to interpret the 1978 manual and needed to fill in the gaps. He stated there was no lawsuit and explained the Control Officer anticipated additional appeals from its actions that may go to the Board and they needed to have clear policies updated for current practices.

Chair Grijalva thanked the Air Quality Hearing Board members for all their work.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

FINANCE AND RISK MANAGEMENT

22. School Superintendent Pima Cycle Breaker Program

Staff recommends that Special Revenue Budget Authority Contingency be allocated to the Pima County School Superintendent's Office to expend the funds awarded to them, in the amount of \$200,000.00, from the Pottoff Private Philanthropy for the mission of the Pima Cycle Breaker Program to empower lifelong success among youth and young adults.

Supervisor Scott requested that more information regarding the Pima Cycle Breaker Program be provided to the Board because he wanted to learn more about the program.

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

23. Quarterly Report on Collections

Staff recommends acceptance of the Quarterly Report on Collections for the period ending June 30, 2023.

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

HUMAN RESOURCES

24. The Board of Supervisors on October 17, 2023, continued the following

Pima County Health Care Benefits Trust

Staff requests approval of the amendment to the current Pima County Health Care Benefits Trust Document, that allows for staggered Trustee terms effective 2024, and removes term limitations.

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

Supervisor Christy stated this item was regarding term limits, term dates and appointees' time on the Trust and inquired why this was brought up at this time if the issue would have had some effect in 2019.

Jan Leshner, County Administrator, explained that the Health Trust Board was established with staggered terms. She stated that at some point between this time all current members' terms were up for expiration in 2024 and they realized that needed to change because it was not a productive way to run the Trust. She added that this request was to amend it so that the next series of appointments would be staggered terms and would continue to avoid turnover of the entire Board.

Supervisor Christy suggested the terms begin staggered in 2024 with term limits to provide for institutional memory and that appointees did not become permanent appointees.

Ms. Leshner stated if the Board wanted to offer an amendment to remove term limits, that accommodation could be made.

Chair Grijalva stated that she thought it was beneficial to have a Board with a mix of experience and she was comfortable voting on the current item.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

NATURAL RESOURCES, PARKS AND RECREATION

25. Pima County Cooperative Extension Annual Report

Presentation of the Pima County Cooperative Extension Annual Report.

Claire Zucker, Director, Pima County Cooperative Extension, University of Arizona, shared a slideshow of the Pima County Cooperative Extension Annual Report. She stated she had met with each Board member individually in past years to discuss the annual report. She explained that the Cooperative Extension was a unit within the University of Arizona's Cooperative Extension which was about turning research into action. She stated the Cooperative Extension had an exceptional reach and was one of the only ways education was shared throughout the country from universities and funded through Federal, State and County support. She added that

it had been authorized federally in the early 1900's and with State authorization, then reauthorized in the 1970's and 1980's. She shared the County under state statutes supported their office accommodations, appointed their Advisory Board and helped financially through an appropriations process. She shared locations of their offices throughout Pima County and stated they were the only Cooperative Extension unit in the state that had multiple offices thanks to the County's support. She explained they shared information with the Board through their annual report, bi-monthly newsletters and quarterly program reports. She indicated that the three arms of the Cooperative Extension were 4-H Youth Education, Agriculture and Natural Resources and Health. She stated that 4-H was the way they reached out to the youth throughout the County and there were 700 youth in the 4-H Club Program, which included leadership opportunities, attended the County Fair, and life building skills. She stated that there were clubs throughout the County in each of the Supervisorial Districts and they had worked cooperatively with Natural Resources, Parks and Recreation (NRPR) to bring 4-H ranch education to the Bar V Ranch. She stated it was a new program created through the appropriation. She shared many of the 4-H youth were located in rural areas and that there was also an urban 4-H program at Tucson Village Farm. She stated Tucson Village Farm had 35,000 hours of education, 7,000 youth involved, outdoor education, a ropes course, field trips and a culinary program. She highlighted the field trip programs in each district and the number of youths reached which showed variability. She explained that in Agriculture and Natural Resources, the major program was the Master Gardener Program. She stated they had 200 trained Master Gardeners that answered questions, helped people improve their lives, landscapes, water conservation, and use of urban spaces. She stated that there were many presentations and visits to their 1-acre free garden at their main location. She shared the Veterans Garden was a new project at the Green Valley location where veterans were invited to build connections and skills to learn how to grow things and bring self-sufficiency and healthy living into their lives. She explained they had a Smartscape Program funded by Tucson Water that had done rainwater harvesting and water wise landscapes and ran the sustainable landscapes expo that had been attended and used by Pima County departments. She stated the Invasives Outreach was new through the appropriations which had a great first start. She shared that with the Health Program, the Garden Kitchen was a safe haven for people to learn about nutrition, health and activity to better their lives. She explained they completed systems works, partnered with over 30 local organizations and helped with 18 different community gardens. She shared that the Expanded Food and Nutrition Education (EFNE), Family Engagement Program (FEP) provided an in-depth eight class series where individuals could learn to make healthy behavioral changes. She explained they reached out to underserved communities, community centers and schools. She stated the FEP had specialty programs for parents with special needs, youth and incarcerated individuals. She added they worked with parents on things like how children's brains functioned, how to deal with misbehaviors and how to build long term relationships, which was particularly difficult for the incarcerated. She explained the funding through the appropriations enabled groundskeeping around County facilities, the Tucson Village Ropes Course, 4-H Ranch Education and Invasive Species. She explained funding from

the appropriations allowed those dollars to go directly into their programs. She added that for future opportunities they wanted the appropriations to be increased incrementally for next year as they had to reduce their programs due to cost of living and inflation and they were unable to continue without another increase. She stated they had conversations with NRPR to have some 4-H programs moved into other ranch properties, other open spaces and to move into farming. She stated they had discussions with Pima County Public Health and Dr. Cullen for the possibility of leveraging the 4-H hands on youth education to enhance the Pima County Public Health early intervention education. She shared that the Tucson Village Farm had a Healthy Living Ambassador (HLA) Program that had been popular amongst teens that entailed health, nutrition, self-empowerment and futures. She stated that the Supervisorial Districts showed they were at 30% on average of the number of schools in the districts. She added that with the additional funding for the HLA, they could reach an additional 4,000 youth with Phase 1 programming which would bring them to 9,000 youth focused on early intervention, older youth and providing pass-through funds to schools that did not have the budget. She added they could include a Phase 2 for additional schools around Tucson to reach 11,000 youth and their families.

Chair Grijalva thanked Ms. Zucker for the update.

Supervisor Scott thanked Ms. Zucker for the presentation and recommended outreach to principals about the HLA and visits to Tucson Village Farm.

Ms. Zucker responded they could do that, but did not currently have the staff capacity. She explained they currently had many repeats, but not enough staff for additional outreach. She added that with more staff, they would need to seek additional grants, donations and meet with funders. She stated they were at capacity with outreach and it would take meeting with principals to show how they would benefit from the programs.

Supervisor Scott stated that as he looked at the components of the FEP and the EFNE he was hopeful that the community navigators within Community and Workforce Development were aware of the programs because it would be a great way for knowledge of those programs to be brought into the community. He indicated that he saw a connection between what Cooperative Extension had done and what the County would do with the Prosperity Initiative.

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

CONTRACT AND AWARD

Community and Workforce Development

26. Southern Arizona AIDS Foundation, Amendment No. 2, to provide for the Positive Directions Program HUD Housing Opportunities for Persons with AIDS, extend contract term to 9/30/23 and amend contractual language, no cost (CT-CR-23-475)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

27. Santa Cruz County, Amendment No. 1, to provide for H-1B Workforce Program, amend contractual language and scope of services, USDOL Employment and Training Fund, contract amount \$444,363.86 decrease (CT-CR-21-361)

Supervisor Christy requested that Minute Item Nos. 27 and 28 be addressed together.

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

Jan Leshner, County Administrator, explained there were contracts to continue to provide workforce development with other counties and for a variety of reasons they had been unable to achieve the numbers they had hoped for. She stated they worked on new budgets with the subrecipients and this amendment was to decrease some of those dollars.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained this was part of the H1B1 Workforce Program that was designed to develop middle to high-skilled occupations within areas of Information Technology, Manufacturing and Transportation sectors within those counties and partner agencies were unable to produce in the way they had hoped for so that capacity would be absorbed within Pima County.

Chair Grijalva inquired if the County had the capacity to expend those funds.

Dr. Garcia responded in the affirmative.

Supervisor Christy referred to the County Administrator's memorandum dated November 3, 2023, and questioned how the County had the capacity to serve additional participants.

Ms. Leshner explained the County had staff and programs that continued to provide the functions in Pima County every day. She stated that as they looked towards the end of the grant, it showed the other two counties were unable to meet the metrics, the County was able to absorb those dollars and meet the metrics in Pima County. She questioned if Supervisor Christy wanted to know how each program operated, what each employee did within the department, with whom they contacted and how they ran the program.

Supervisor Christy replied in the negative and clarified that he wanted to know if there was a general plan to try to reach the metrics.

Ms. Leshner responded in the affirmative.

Supervisor Christy asked what would happen to the funds if the metrics were not met.

Ms. Leshar responded that the funds would be returned, but that was not something that had previously happened with the program in Pima County.

Supervisor Christy inquired if Ms. Leshar was confident that the metrics could be met by additionally utilizing Pima County into the program.

Ms. Leshar responded in the affirmative.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

28. Cochise Private Industry Council, Inc., d.b.a. ARIZONA@WORK Southeastern Arizona, Amendment No. 1, to provide for H-1B Workforce Program, amend contractual language and scope of services, USDOL Employment and Training Fund, contract amount \$966,965.95 decrease (CT-CR-21-356)

(Clerk's Note: See Minute Item No. 27, for discussion and action on this item.)

Health

29. Town of Marana, to provide an intergovernmental agreement for disbursement of Opioid Settlement Funds, State of Arizona Fund and Various Pharmaceutical Companies, total contract amount \$235,000.00/5 year term (\$47,000.00 per year) (CT-HD-24-190)

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

Procurement

30. **Award**

Award: Purchase Order No. PO-PO-24-9, Arizona Machinery, L.L.C., d.b.a. Stotz Equipment (Headquarters: Avondale, AZ), to provide for one (1) tractor with disc attachment. This contract is for a one-time award in the discrete amount of \$332,095.98 (including sales tax). Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

31. **Award**

Award: Master Agreement No. MA-PO-24-54, James, Cooke & Hobson, Inc. (Headquarters: Albuquerque, NM), to provide for sewer manhole cover sensor system and services. This master agreement is for an initial term of one (1) year in the annual award amount of \$275,500.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

32. **Award**

Award: Multiple master agreements, to provide for Liquid Sodium Bisulfite 40%. These master agreements are for an initial term of one (1) year in the total annual award amount of \$825,000.00 and includes four (4) one-year renewal options. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

MA No./Vendor(Headquarters)/Annual Award Amount:

MA-PO-24-56/Thatcher Company of Arizona, Inc. (Salt Lake City, UT)/\$744,500.00 (including sales tax) - Primary

MA-PO-24-57/Univar Solutions USA, Inc. (Downers Grove, IL)/\$80,500.00 (including sales tax) – Secondary

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

33. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-85, Amendment No. 11, HP, Inc., to provide for HP computer hardware, peripherals and related services. This amendment extends the termination date to 1/31/24. No additional funds required at this time. Administering Department: Information Technology.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

34. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-96, Amendment No. 12, Lenovo Global Technology (United States), Inc., to provide for Lenovo hardware, software, peripherals and related services. This amendment extends the termination date to 1/31/24. No additional funds required at this time. Administering Department: Information Technology.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

35. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-269, Amendment No. 13, Apple Computer, Inc., to provide for Apple computer hardware and support. This amendment extends the termination date to 1/31/24. No additional funds required at this time. Administering Department: Information Technology.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

36. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-101, Amendment No. 11, Dell Marketing, LP, to provide for Dell hardware, software, peripherals and related services. This amendment extends the termination date to 1/31/24. No additional funds required at this time. Administering Department: Information Technology.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

37. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-71, Amendment No. 9, CDW Government, L.L.C., to provide for software value added reseller services. This amendment extends the termination date for this master agreement to 12/31/23. No additional funds required at this time. Administering Department: Information Technology.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

38. Executive Communications Systems, to provide for Winscribe Digital Dictation System, Sheriff's Special Revenue Fund, contract amount \$475,000.00/5 year term (MA-PO-24-41) Administering Department: Information Technology and Sheriff

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

39. Poster Mirto McDonald, Inc., to provide for Himmel Park Library Expansion and Renovation (XLHIML), Non-Bond Projects Fund, contract amount \$607,608.00/4 year term (CT-CPO-24-193) Administering Department: Project Design and Construction

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

Supervisor Christy inquired about the Non-Bond Projects Fund.

Jan Leshner, County Administrator, explained that it was part of the Capital Improvements Project and the budgets came from different funding sources.

Carmine DeBonis, Jr., Deputy County Administrator, explained that because it was the library, Library District tax revenue was being used. He stated he was aware of the nondescript language and would make a point to be more specific in the future.

Supervisor Christy inquired if it fell under Capital Improvements and what the balance was of the Non-Bond Projects Fund.

Mr. DeBonis, Jr., responded the Project Design and Construction Office delivered a variety of different projects across a range of departments. He stated that he did not have the information on the balance, but it would be provided to the Board.

Supervisor Christy commented that it would not be appropriate to characterize it as a slush fund.

Mr. DeBonis, Jr., reiterated it was Library District tax revenue and he would provide the information to the Board.

Chair Grijalva clarified Non-Bond was the title for all the funds and different departments contributed to it. She suggested that in the future it could be referenced as Non-Bond Project and it would be helpful if it listed the line item it came from.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

Real Property

40. Southern Arizona Land Trust, Inc., to provide for Sales Agreement No. Sale-0122 and Special Warranty Deed for a portion of vacant land that consists of 6,582 square feet, located south of Valencia Road and west of Camino De La Tierra, Tax Parcel No. 138-49-2670, contract amount \$5,900.00 revenue (CTN-RPS-24-55)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

41. Salero Dos, L.L.C., Amendment No. 2, to provide for the Sopori Ranch Management Agreement, extend contract term to 12/8/28 and amend contractual language, no cost (CTN-RPS-24-57)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

42. Rancho Seco, L.L.C., to provide an Acquisition Agreement and Warranty Deed, for 240 acres of open space/ranch land located in Section 14, T20S, R10E, G&SRM, Pima County, AZ, NRPR Non-Bond Projects Fund, contract amount \$1,205,000.00 (CT-RPS-24-197)

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

Supervisor Christy referenced the background material and asked about the residential plan and if it would be for affordable housing.

Carmine DeBonis, Jr., Deputy County Administrator, responded there was a residence on the property which would be part of the overall ranch management of the County's ownership. He explained there was active ranching activities and it was not intended for affordable housing. He stated it was part of the daily operations of the ranch.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

43. EMS Leasing Company, L.L.C., to provide an Acquisition Agreement for an industrial building located at 1150 W. Drexel Road, Tax Parcel No. 137-05-5430, American Rescue Plan Act Coronavirus State and Local Fiscal Recovery and State of Arizona Border Security Funds, contract amount \$6,223,150.00 (CT-RPS-24-198)

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 this was an interesting and troubling situation. He stated that this was for the Drexel Road property that was being used for asylum seeker housing due to overcrowding at Casa Alitas. He stated that a sales, leasing rental advertisement from March 18, 2022 had shown a sales price of \$7,900,000.00, and in September 2022, the amount was reduced to \$5,900,000.00, then the owner had a brochure with a description that indicated substantial funds had been spent bringing the building to full occupancy capabilities with over \$500,000.00 in HVAC replacements. He stated there was no sales, lease or rental rates listed and questioned how much the County had spent on tenant improvements.

Jan Leshner, County Administrator, responded that she would provide that information to the Board. She explained that under the County Code the price that was paid was a percentage of or all of an appraised value.

Supervisor Christy questioned why the County's investment in tenant improvements was not deducted from the purchase price. He stated that it was appraised for \$6.2 million and the County would buy it for that amount with no attempt to reduce the price by at least \$500,000.00 for HVAC. He asked if this was the normal standard in real estate transactions and why no tenant improvements permits were pulled by the County. He requested a distillation of the funding sources and the amounts. He stated there was some discrepancy with the amounts listed with the contributions from the County and State, and the Board previously approved this congregate shelter facility in the amount of \$4.1 million. He questioned where the other \$1 million would go.

Ms. Leshar explained that at the time the \$6.2 million was discussed with the Board, they were directed to apply through a grant program with the Arizona Department of Emergency Management. She stated they were told it was not clear if they would receive the full \$3.1 million, which was why they requested \$4.1 million from ARPA dollars if closing costs were needed or if the \$3.1 million was not received from the Governor's Office. She explained that subsequently in the last week, they were informed that the \$3.1 million would be received and would be able to come back to the Board with any modifications of ARPA in the future and that currently the full capacity that had been granted by the Board of the \$4.1 million was not needed for the purchase.

Supervisor Christy asked what would happen with the costs of the tenant improvements.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the property was appraised in August with a \$6.2 million value. He stated the work referenced in the sales marketing brochures was not done by Pima County. He explained that under the lease, the owner was required to complete the HVAC repairs. He stated the County readied the building for use, but did not make any improvements to the building structure that would require building permits. He explained it was equipped with the operational amenities that served the asylum seekers and staff. He indicated that was why there were no records of permits being applied for and the work to the HVAC and building system elements were the responsibility of the owner, not Pima County.

Supervisor Christy referred to the brochure and stated the information was misleading because it indicated the complex was currently leased to the County on a short-term basis and could be available for occupancy within 90 days. He added that made it appear as if the County had paid for the improvements. He questioned if the County had paid for any tenant improvements.

Mr. DeBonis, Jr., responded that the County had not paid for improvements to the building or building systems like HVAC and that the brochure was a commercial real estate marketing brochure that was not prepared or issued by Pima County.

Supervisor Christy inquired if the owners put the tenant improvements at that price.

Mr. DeBonis, Jr., reiterated that the owners were responsible for the repairs to the HVAC system.

Supervisor Christy asked if the Board had previously voted on tenant improvements for the property.

Mr. DeBonis, Jr., responded they would review the documentation presented to the Board for that information. He stated that he thought there were dollars outside of the lease value for the County to prepare the property, but did not go to building system improvements mentioned in the brochure.

Ms. Leshar stated she could provide a list, but believed there were temporary showers, additional portable toilets and improvements that added to the livability of the facility, which were temporary and not part of the facility.

Chair Grijalva stated it was customized for the use that was needed and it made sense for the County to put in those temporary items since they understood what the needs were for those specific programs.

Supervisor Christy requested the additional items discussed. He stated the original term of the lease began in December 2022 and expired June 2023, and asked if the County had been on a month-to-month lease since that time and how it had been facilitated to be occupied.

Ms. Leshar responded in the affirmative.

Supervisor Christy questioned if the total amount was \$411,828.00.

Ms. Leshar responded that it was approximately \$50,000.00 per month, but would provide the information to the Board. She stated that part of it was when they began the negotiations of whether they could purchase the facility.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

Transportation

44. State of Arizona, Department of Transportation, Amendment No. 2, to provide for the design and construction of improvements to Sunset Road: I-10 to River Road, amend contractual language and scope of work, no cost (CT-TR-23-156)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

GRANT APPLICATION/ACCEPTANCE

45. Acceptance - Community and Workforce Development

State of Arizona Department of Housing, to provide for the Weatherization Assistance Program, \$384,857.00 (GTAW 24-27)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

46. Acceptance - County Attorney

Vitalyst Health Foundation, Amendment No. 1, to provide for the FY2223 Pima County Attorney's Office System Change Grant and amend grant language, no cost (GTAM 24-31)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

47. Acceptance – Elections

Arizona Department of Homeland Security, to provide for the Elections Department and Recorder's Office Elections Security Grant, \$54,168.00 (GTAW 24-44)

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

Supervisor Christy listed the improvements that were referenced in the background material and felt it was important that the public knew protective elements were installed on the exterior to prevent any nefarious activity with the Elections Department and Recorder's Office and there were also elements inside of the building that would monitor any activities that needed to be addressed in a security manner.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

48. Acceptance - Health

Arizona Department of Health Services, Amendment No. 4, to provide for the Health Start Program and amend grant language, no cost (GTAM 24-24)

Chair Grijalva commented that Arizona had changed from sending a set amount to a cost reimbursement model, which put more strain on staff. She asked if staff could look into quarterly disbursements for the County's non-profit partners and move away from cost reimbursement.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

49. **Acceptance – Health**

Centers for Disease Control and Prevention, Amendment No. 7, to provide for Racial and Ethnic approaches to Community Health Pima Partnership, extend grant term to 12/29/23 and amend grant language, no cost (GTAM 24-32)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Bronson was absent, to approve the item.

50. **Acceptance - Health**

State of Arizona Governor's Office of Youth, Faith and Family, to provide for the Pima County Health Department Chronic Pain Initiative, total grant amount \$199,860.00/3 year term (\$66,620.00 per year) (GTAW 24-52)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

51. **Acceptance – Health**

Arizona Department of Health Services, to provide for the Women, Infants and Children and the Breastfeeding Peer Counseling Programs, total grant amount \$2,308,238.00/5 year term (\$461,647.60 per year) (GTAW 24-53)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

52. **Acceptance - Public Defense Services**

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 12, to provide for Title IV-E Federal Foster Care Matching Funds Project, \$456,638.26 (GTAM 24-7)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

53. **Acceptance - Public Defense Services**

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 13, to provide for the Title IV-E Federal Foster Care Matching Funds Project, \$348,834.49 (GTAM 24-8)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

54. Acceptance - Public Defense Services

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Amendment No. 14, to provide for the Title IV-E Federal Foster Care Matching Funds Project, \$289,798.49 (GTAM 24-13)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

55. Acceptance – Sheriff

State of Arizona Department of Homeland Security, Amendment No. 1, to provide for the FFY2022 Homeland Security Grant Program Award 220403-01 SWAT van replacement, extend grant term to 10/31/23 and amend grant language, no cost (GTAM 24-29)

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

Supervisor Christy asked why it had taken a year to purchase a SWAT van and if one month made a difference.

Jan Leshner, County Administrator, responded there had been issues with the supply chain.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

56. Acceptance – Sheriff

Department of Justice, to provide for the BJA FY2022 State Criminal Alien Assistance Program, \$153,166.00 (GTAW 24-32)

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 3-1 vote, Supervisor Heinz voted "Nay," and Supervisor Bronson was absent, to approve the item.

57. Acceptance – Sheriff

State of Arizona - Office of the Arizona Attorney General, to provide for the FY2024 Victims' Rights Program Award, \$36,600.00 (GTAW 24-49)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

58. Acceptance – Transportation

RESOLUTION NO. 2023 - 58, of the Board of Supervisors, approving an Arizona Department of Transportation Airport Development Reimbursable Grant for Eric Marcus Municipal Airport, (Grant No. E4S1B01C), \$47,500.00/4 year term/\$2,500.00 Special Revenue Funds - VLT Airport match (GTAW 24-65)

It was moved by Supervisor Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to adopt the Resolution.

FRANCHISE/LICENSE/PERMIT

59. Hearing - Liquor License

Job No. 255958, Maria Danielle Burgess, Circle K Store No. 1832, 3393 W. Orange Grove Road, Tucson, Series 9, Liquor Store, Location Transfer.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

60. Hearing - Liquor License

Job No. 252961, Andrea Dahlman Lewkowitz, True Food Kitchen, 2905 E. Skyline Drive, No. 298, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

61. Hearing - Rezoning (Waiver of the Platting Requirement)

P23RZ00004, BRACHT - N. MARLIN CANYON PLACE REZONING

Michael and Leah Bracht request a rezoning (waiver of the platting requirement of the Catalina Foothills Zoning Plan) for approximately 3.65 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone on property located approximately 425 feet south of the T-intersection of N. Rock Canyon Road and N. Marlin Canyon Place, addressed as 5105 N. Marlin Canyon Place. 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 8-0 (Commissioners Truitt and Hook were absent) to

recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirement 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. Adherence to the sketch plan as approved at public hearing.
3. Transportation conditions:
 - A. A shared access easement for legal access between the properties is required prior to issuance of a building permit.
 - B. 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.
4. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
5. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
6. The property owner shall execute the following disclaimer regarding the Private Property Protection Act. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to close the public hearing and approve P23RZ00004, subject to standard and special conditions.

62. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2023 - 17, P22SP00003, UIP Quail Canyon I, L.L.C., et al. - N. Oracle Road Specific Plan. Owner: UIP Quail Canyon I, L.L.C, 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 Supervisor Christy and carried by a 3-1 vote, Chair Grijalva voted "Nay," and Supervisor Bronson was absent, to close the public hearing and adopt the Ordinance.

ENVIRONMENTAL QUALITY

63. Hearing - Solid Waste Fee Ordinance

ORDINANCE NO. 2023 - 18, of the Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County's solid waste facilities and adopting a new fee schedule for Pima County's solid waste facilities, effective January 1, 2024.

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 Ordinance. No vote was taken at this time.

Supervisor Scott stated that they had received questions about the new fees from the Tucson Metro Chamber and staff indicated they would follow-up with them regarding their questions.

Supervisor Christy stated that it was an inopportune time to raise fees.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

BOARD OF SUPERVISORS

64. Infrastructure Needs in Rural Pima County

Discussion/Direction/Action: Assessment and review of infrastructure needs in rural Pima County to include, but not limited to, Transportation and Flood Control identifying the priority, funding and timeline for the projects with specific emphasis on the re-pavement of Pima Mine Road, Arivaca Road and the reconstruction of Blanco Wash Bridge at Silverbell Road. (District 3)

At the request of Supervisor Bronson and without objection, this item was continued to the Board of Supervisors' Meeting of November 21, 2023.

COUNTY ADMINISTRATOR

65. Release of Attorney-Client Privileged Memorandum Regarding the Authority of the Board of Supervisors to Establish and Enforce a Fee Management Ordinance for the Clerk of the Superior Court

Discussion/Action: Public release of the Attorney-Client Privileged Memorandum dated October 30, 2023, from Chief Civil Deputy County Attorney Sam Brown to County Administrator Jan Leshner regarding the authority of the Board of Supervisors to adopt a Fee Management Ordinance or to establish fees for the Clerk of the Superior Court absent consultation with or approval by the Superior Court or the Administrative Office of the Courts.

At the Board's direction and without objection, this item was continued to the Board of Supervisors' Meeting of November 21, 2023.

BOARD, COMMISSION AND/OR COMMITTEE

66. Board of Adjustment, District 4

Appointment of Robert Fee, to replace Kim Acorn. Term expiration: 3/1/25.

It was moved by Supervisor Christy, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

CONSENT CALENDAR

67. Approval of the Consent Calendar

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the Consent Calendar in its entirety.

* * *

BOARD, COMMISSION AND/OR COMMITTEE

1. Flood Control District Advisory Committee

Ratification of City of Tucson appointment: Alfred Zuniga, to replace John Van Winkle. No term expiration. (Jurisdictional recommendation)

2. Pima Animal Care Advisory Committee

Reappointment of Laura O'Brien, representing Friends of Pima Animal Care Center. Term expiration: 6/30/26. (Organizational recommendation)

3. Board of Adjustment, District 3

Appointment of Matthew Tennyson, to fill a vacancy created by Arlan Colton. Term expiration: 3/31/24.

4. Arizona Municipal Property Corporation

Reappointments of Frank Y. Valenzuela, Stanley Lehman, Kenneth M. Silverman, Diane Quihuis and John H. Payne. Term expirations: 11/19/24. (Corporation recommendations)

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

5. Special Event

- Jonathan B. Mabry, Tucson City of Gastronomy, Tucson Mountain Park/Juan Santa Cruz Picnic Area, 1551 N. Kinney Road, Tucson, October 28, 2023.
- Cathy L. Hutton, B.P.O.E. Ajo Lodge No. 1576, Ajo Elk's Lodge, 350 N. Yermo Street, Ajo, October 28 and 29, 2023.
- Michael J. Kwinn, Corpus Christi Roman Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, November 12, 2023.
- Theresa M. Marcus, Christ Lutheran Vail Church, 14600 E. Colossal Cave Road, Vail, December 2, 2023.

ELECTIONS

6. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY:

Margot Wenk-084-REP, Daniel Stringham-174-REP

APPOINTMENT-PRECINCT-PARTY:

Jane Fry-012-DEM, Gregg Frostrom-109-DEM, Leslie Clark-173-DEM, Jane Murray-031-REP, John Eyre-040-REP, Peggy Ashby-084-REP, Sheila Burnham-087-REP, Lynn Kozubal-115-REP, Jane Kerton-142-REP, Kathy Madsen-174-REP, Philip Williams-181-REP, Craig Donovan, Jr.-184-REP, Joel Kordis-213-REP, Frances Schlack-222-REP, Felix Slette-226-REP, Steve Wilcox-257-REP

TREASURER

7. Duplicate Warrants - For Ratification

A. B. Sapp \$24.37

RATIFY AND/OR APPROVE

8. Minutes: August 21, 2023
Warrants: October, 2023

* * *

68. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:32 p.m.

CHAIR

ATTEST:

CLERK