

DATE 9/2/25

ITEM NO. ADD 132,
RA 11312

Katrina Martinez

From: Julie Dittmer [REDACTED]
Sent: Monday, September 1, 2025 8:06 PM
To: COB_mail
Cc: Jan Leshner; Julie Dittmer
Subject: Public Comment for Sept. 2 Agenda — Items 1, 2, 11, 12 (Project Blue / NDA policy)
Attachments: Public Comment to Board of Supervisors_-1-1.pdf

You don't often get email from [REDACTED] [Learn why this is important](#)

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Hi Clerk of the Board,

Please accept the attached **public comment** for the **September 2 Board of Supervisors meeting**, regarding **Agenda Items 1 & 2 (executive session: Project Blue/NDAs)** and **Items 11 & 12 (NDA policy; “environmentally sensitive projects” policy)**.

I request that this comment and the attached PDF be **entered into the public record** and **distributed to all Supervisors**.

Summary of my comment (attached in full):

- **Publish the valuation:** Release the full appraisal report (and any review appraisals) supporting the proposed sale price, plus a list of any subsidies or offsets (bonding, fee waivers, tax treatment, infrastructure commitments).
- **Limit NDAs:** Impose time limits, exclude appraisals and term sheets from coverage, and automatically lift NDAs at first public notice so proportionality can be evaluated before votes.
- **Process hygiene:** Avoid agenda drops around holiday weeks for complex items, and post timestamped proof of compliance to ensure meaningful public review.

If there are any issues opening the PDF, please let me know and I'll resend in a different format.

Thank you for your time and for including this in the record.

Best regards,
 Julie Dittmer
 Tucson, AZ | UA '21, B.A. Law
 [REDACTED]

On Mon, Sep 1, 2025 at 12:07 PM Julie Dittmer [REDACTED] wrote:

Hello Clerk of the Board,

I request to speak by phone during **Call to the Public** on **Tuesday, Sept 2**. The addendum lists a **Friday, Aug 29 at 5:00 p.m.** phone-registration deadline, but the addendum was posted after Friday. I emailed yesterday to flag the timing; I have attached that email for your reference.

Please confirm my telephonic participation and provide the access details. I will also submit an eComment for the record.

Thank you,
Julie Dittmer
Tucson, AZ

[REDACTED]
[REDACTED]

Public Comment to Board of Supervisors:

Thank you, Supervisor Jennifer Allen, for elevating concerns about NDAs and environmental safeguards. These are exactly the issues Arizonans (and Tucsonans) are facing with large data centers.

Because the City ended annexation on August 6, the project cannot meet its original conditions. I am concerned the County is still expending resources without clarity on water and governance.

Article 9, §7 (the Gift Clause) requires both a public purpose and rough proportionality between what the public gives and what it gets. Proportionality cannot be evaluated without transparent, documented fair-market value for any land sale and a clear list of any subsidies or offsets (bonding, fee waivers, tax treatment, infrastructure commitments). NDAs that conceal core terms make that constitutional test impossible for the public to apply.

Arizona courts have enforced this repeatedly: Turken (CityNorth, 2010) on the limits of speculative benefits; Schires (2021) on objective, direct consideration and no deference to self-valuation; and Gilmore (2024) holding the provisions violated the Gift Clause, reaffirming enforcement. Transparency is not a preference; it is how the Gift Clause works.

Separately, Tucson adopted “large water user” rules to require disclosure and review for very high-use projects. That is a good step. At the same time, TEP’s filing on August 25 moved the power piece forward on an accelerated timeline. Regardless of intent, that sequence minimized meaningful public review. Please commit to generous posting windows and full materials in advance on items of this scale.

Specific asks:

- **Publish the valuation:** Please release the full appraisal report (and any review appraisals) supporting the proposed sale price, plus a list of any incentives or offsets. (I have formally requested these records.)
- **Limit NDAs:** Set time limits on them and exclude appraisals and term sheets. Automatically lift NDAs at first public notice so the public can evaluate proportionality before votes.
- **Process hygiene:** Avoid agenda drops adjacent to holiday weeks on complex items, and post timestamped proof of compliance.

These steps protect both the public and the officials who serve us. Thank you for your consideration.