

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, September 19, 2023. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Heinz participated remotely.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan for a floodplain use permit to construct a wall on property located at 13571 W. Manville Road, located within Regulated Riparian Habitat, classified as Important Riparian Area Class C, Class D, and Xeroriparian Class D. (District 3)

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

Chair Grijalva appreciated that the mitigation happened on site.

Upon the 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 1:52 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, September 19, 2023. Upon roll call, those present and absent were as follows:

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

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

*Supervisor Heinz 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 Kimberly Baeza, Permit and Regulatory Compliance Officer, Pima County Regional Wastewater Reclamation Department.

3. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Isabel Garcia and Anakarina Rodriguez, Coordinators, Stop the Hate Collective, proclaiming the day of Tuesday, September 19, 2023, as a time to: "TAKE A PLEDGE TO RESIST HATE SPEECH"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item. Chair Grijalva made the presentation and Isabel Garcia, Coordinator, Stop the Hate Collective, read the proclamation.

5. Presentation of a proclamation to Maria Suarez, Summer Intern Program Coordinator, Community and Workforce Development; Ofelia Jackson, Darlena Cunningham and Chris, Christopher, Leilany, Alicia, Miguel and Zoey Castillo, Yellow Heart Memorial Committee, proclaiming the day of Saturday, September 30, 2023, to be: "YELLOW HEART MEMORIAL REMEMBRANCE WALK DAY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to approve the item. Chair Grijalva made the presentation and Maria Suarez, Summer Intern Program Coordinator, Community and Workforce Development, read the proclamation.

6. Presentation of a proclamation to Dr. Daniella (Dani) DellaGuistina, Assistant University of Arizona Professor, Deputy Principal Investigator, OSIRIS-REx, Principal Investigator, OSIRIS-APEX, proclaiming the day of Sunday, September 24, 2023, to be: "OSIRIS-REx SAMPLE RETURN MISSION DAY"

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

7. Presentation of a proclamation to Richard Noel, Director, Jam2Grow, L.L.C., and Ron Burton, Retired Administrator, City of Tucson Parks and Recreation Department, proclaiming the day of Saturday, September 30, 2023, to be: "INTERNATIONAL PEACE DAY IN PIMA COUNTY"

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

8. **CALL TO THE PUBLIC**

Tim Laux addressed the Board regarding voter data, voter records and proposed the creation of a database administrative team to clean the voter rolls.

Angie Anderson spoke about duplicate voter records and asked that the vote on Minute Item No. 24 be suspended.

Sharon Fickes expressed her opposition to Minute Item No. 40 and suggested candidates for the next election.

Virginia Begishe commented on the need for a Sergeant at Arms at all Board meetings, the resignation of Sheriff Nanos, COVID-19 funds that should be returned, and funds used toward migrants.

Robert Reus expressed his distrust of science and drug companies.

Dave Smith addressed the Board regarding the need to reestablish the integrity of law enforcement and the need for an outside agency to conduct an internal investigation of the Sheriff's Department.

Shirley Requard requested the continued presence of a Sergeant at Arms at meetings and opposition to the proposed purchase of the Drexel property site.

Mark Saucedo expressed his concern with the lack of available and reliable public transportation for older adults who resided in Census Tract 46.16 (CT 46.16).

Danica Burbach shared information regarding emergency services that were being used for non-emergent medical incidents within the older adult population in CT 46.16 that resulted in large expenditures of tax dollars and was a misuse of emergency resources as there were solutions to transportation issues for older adults.

Claire Caviolo commented that CT 46.16 was surrounded by healthcare resources, but older adults struggled to get to their medical appointments due to the unreliability of public transportation or issues with transportation through their insurance.

Elizabeth Hopkins urged the Board to apply for the Neighborhood Access and Equity Grant Program to help provide active transportation networks, affordable access to transportation and reduce misuse of public resources in the County.

Rolande Baker thanked the Board for the approval of the Stop the Hate Collective proclamation and asked the community to resist the culture of hate, bigotry and racism.

Cory Stephens expressed her concerns with how the Sheriff's Department handled their internal investigation of the alleged sexual assault of a female deputy and for Sheriff Nanos to be held accountable for his actions.

Isabel Garcia shared information on hate speech and how it harmed democracy.

Eva Jane Chartier urged the Board to commit to ending the hate growing within the community and to end the deaths in the County jail.

Jim McFadzean expressed his opposition to the acceptance of federal money for COVID-19.

Marcelino C. Flores shared the United Nations Rights of Workers and Indigenous People and commented on the lack of prior and informed consent regarding the Classification and Compensation Study.

Chris Conniff spoke to the Board regarding the lack of experience and poor management for the turnover in the Sheriff's Department.

Sharon Greene stated that mandates were not needed and to allow people to be responsible citizens.

Gisela Aaron voiced her opinion regarding the delegation of the Recorder's job duties to third party vendors and outsourced signature verification.

Joshua Heath expressed his opposition to a new jail and the Blue Ribbon Commission.

Mohyeddin Abdulaziz thanked the Board for recognizing the value of free speech and the dangers of hate speech.

Eileen Wilson expressed her opposition to Minute Item No. 23 and questioned if there would be an after action report.

Sarah Roberts thanked the Board for their support in making Pima County a safe and healthy community.

Corrina Echerivel commented on jail related deaths and her opposition to a new jail.

Raf Polo commented on free speech, the amount of time allotted to speakers during Call to the Public and the removal of a citizen from the meeting.

Amina Tollin spoke to the Board regarding the increased risk of communicable and non-communicable diseases within the unhoused community.

Anastasia Tsatsakis addressed the Board regarding Sheriff Nanos' actions and cronyism within the Sheriff's Department.

Trayce Peterson expressed her gratitude to the Board for the approval of the Stop the Hate Collective proclamation and signal to the community that hate speech was wrong.

Keith Van Heyningen shared comments regarding free speech and corruption.

Stephanie Kirk commented on the internal investigation of Sheriff Nanos, the Sheriff's budget, the Sergeant at Arms at Board meetings, her opposition of COVID-19 vaccines and asked the Board to vote against Minute Item Nos. 19 and 40.

* * *

Chair Grijalva indicated Call to the Public had reached the one hour limit and proposed an extension of time to accommodate the remaining speakers.

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

* * *

Elizabeth Thompson expressed her opposition to Minute Item Nos. 23 and 24.

Jane Hubbard addressed the Board regarding the need for a rehabilitative center and funding for human trafficking survivors.

Elizabeth Moll thanked the Board for the Constitution Day proclamation. She praised Amber Mathewson, Library Director, and the County Libraries for celebrating Constitution Day.

Peter Norquest spoke to the Board regarding the International Peace Day proclamation and the need to withdraw from United Nations for lasting peace.

Sarah Price commented on security during Board meetings and her opposition to the proclamation regarding hate speech.

J.P. Salvatierra shared information regarding Brown vs. the Board of Education.

* * *

Supervisor Scott thanked Elizabeth Moll for working with his office to draft the Constitution Day proclamation and appreciated her kind words for Ms. Mathewson and the Library District. He asked for the County Administrator to follow-up with the four presenters who spoke about a grant opportunity that would benefit a Census Tract 46.16; and to follow-up with staff, Sun Tran and Grants, Management and Innovation to determine if the grant opportunity was something that could be availed.

Chair Grijalva addressed a comment regarding an individual who left the meeting. She explained she had warned him that if another outburst occurred, he would be asked to leave and he did so on his own. She clarified that the Board had not asked for the Sergeant at Arms to be removed, as that was under the Sheriff's purview and the Board did not have that authority. She stated that the Board would ensure that there would be ample security at the next meeting.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:38 a.m.

10. **RECONVENE**

The meeting reconvened at 12:34 p.m. All members were present.

EXECUTIVE SESSION

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding defense and indemnification of County employees.

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

12. 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.

13. 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.

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 a World View Lease update.

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

15. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding the request for an independent investigation by the office of the Arizona Attorney General and/or office of the Arizona Department of Public Safety of the Pima County Sheriff's Department's investigation related to an alleged sexual assault.

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

BOARD OF SUPERVISORS

16. The Board of Supervisors on September 5, 2023, continued the following:

Utilizing Surplus Fiscal Year 23 General Fund Ending Balance to Support Affordable Housing in Fiscal Year 24

Discussion/Direction/Action: Directing the County Administrator to appropriate 50% of the ADDITIONAL SURPLUS June 30, 2023, General Fund Ending Balance, above the already approved and appropriated amount of \$159.4M, to the Regional Affordable Housing Commission to bolster the upcoming Gap Funding RFP for the construction and preservation of Affordable Housing in Pima County. This recommendation comes from the Regional Affordable Housing Commission, which voted unanimously at their August 18, 2023, meeting to forward this recommendation to the Board of Supervisors. Background information for this item is provided on the memorandum attached to the online agenda. (District 2)

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

Supervisor Heinz stated that the Board had previously discussed that there was a nationwide affordable housing crisis and 26,000 households struggled to pay for housing and spent over 50% of their income on rent. He stated that the Board needed to do everything it could to help ensure there were sufficient affordable housing units available going forward and as funds were found they should be made available for gap funding. He explained the item was also in response to a unanimous recommendation from the Regional Affordable Housing Commission (Commission) that had been established by the Board.

Chair Grijalva agreed that more affordable housing was needed and explained the item was to request the appropriation of funds that were previously budgeted, which were surplus funds that were not utilized. She stated she was in favor of moving forward with \$2.2 million additional funds from the current pool be dedicated to affordable housing with the input from the Commission that had representatives from each district. She added that the Commission unanimously supported moving forward with the recommendation. She stated that she was able to listen firsthand to the discussion of the Commission's last meeting, which she felt was thoughtful in explaining the need. She stated that the County had not been part of the affordable housing arena for several decades and thought it was good for the Board to understand this was a crisis. She explained it could not take funds from any other funding source and were dedicated funds from the last fiscal year that would be moved forward. She stated that she could support the item.

Supervisor Heinz shared that his office had received hundreds of letters in support from the community and their interest should be acknowledged by moving forward with this item.

Supervisor Christy stated the current item was to move 50% of the surplus funds and dedicate that number to affordable housing. He stated he was adamantly opposed to taxpayer subsidy public housing because it was a bad idea and had failed across the country. He believed it was an issue of the markets and would vote against it on its own. He stated that he realized there was support among Board members and would be willing to offer a substitute motion in the spirit of collaboration.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to split 50% of the funding, with 25% for affordable housing and 25% for the County's road repair project. No vote was taken at this time.

Supervisor Bronson stated the Board had a statutory responsibility to fix the roads and she was concerned with how affordable housing was defined. She explained when entry level houses cost \$400,000.00 and many ordinary County residents could no longer afford those entry level homes, there needed to be an ongoing discussion on what affordability meant. She stated it should be addressed by the Commission.

Chair Grijalva requested clarification on whether the split of 50% would be for the total surplus of \$2.2 million, with \$1.1 million to affordable housing and \$1.1 million to roads.

Supervisor Christy replied in the affirmative, but stated that the final surplus amount was not known.

Chair Grijalva stated that was correct and she would be willing to attach a finite dollar amount for clarity.

Supervisor Christy referenced Supervisor Heinz's revised memorandum and questioned if \$16 million was available.

Jan Leshar, County Administrator, responded that would be the clarification she needed. She stated that when Supervisor Heinz had written his memorandum, at the end of period 4 the additional fund balance budgeted by policy was \$4.4 million. She explained that as Chair Grijalva suggested, they could lock in \$4.4 million, then half of that at \$2.2 million, then split that at \$1.1 million which would be the finite number. She stated the other option would be to wait until November when the final wrap-up of the year was done to get the final number, which could make the amount larger. She stated that the Board could tie the amount to the ending fund balance or to the amount currently projected.

Supervisor Christy withdrew his substitute motion based on the County Administrator's explanation.

Chair Grijalva stated the Board was back to the original \$2.2 million. She stated there was \$5 million for housing in the fiscal year and the request was for \$2.2 million, which included the carryover from the previous fiscal year. She stated the total would be about \$9 million. She inquired how much money had been dedicated from the budget for roads in the last two years to show the comparison of funding to affordable housing versus dedication of funding to roads.

Carmine DeBonis, Jr., Deputy County Administrator, responded that over \$120 million was dedicated to fixing roads over the last 2 years.

Chair Grijalva stated she was not opposed to road repair but there was unanimous support from the Commission that was made up of experts and the Board's advocate on housing, to move forward with dedicating the funds. She explained Supervisors Bronson and Christy withdrew their substitute motion in order to postpone the item until November when there would be a finite amount of dollars.

Supervisor Scott stated his opposition to the item because the Request for Proposal (RFP) would be published soon. He stated that Board members had a chance to review the documents and offer feedback and felt they should wait until the outcome of the RFP was available before committing to additional funds. He stated that he was willing to co-sponsor funds, if needed, once the results were known. He added

that the RFP was thoughtfully written and was based on feedback from stakeholders with how the first round went and the new RFP would likely have more applications passed through the vetting process. He expressed the need for the Commission to focus on their essential tasks. He explained they had five recommendations by the Affordable Housing Taskforce Consultant, which had been in place before the Commission was formed, the recommendations were then codified into directives by the County Administrator when it was brought to the Board to establish the Commission. He stated they needed to focus on the five recommendations, specifically the one that dealt with dashboard because it would help them move forward with the others. He stated that he appreciated the motivations behind the item, but they had gotten ahead of themselves.

Chair Grijalva asked about the dollar amounts of the proposals submitted compared to what was available.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded there was over \$10 to \$12 million worth of proposals during the first round of the RFP. He stated two scored above the threshold for funding, which were brought before the Board for approval.

Chair Grijalva stated the upcoming RFP had split the projects and inquired how it was different from the previous RFP.

Dr. Garcia replied they had learned from the RFP process and because of the feedback from stakeholders, applicants, and members of the Commission, they modified it by creating distinct buckets for applicants. He stated, for example, if applicants worked on preservation proposals, multi-family housing, or new home ownership would be compared to each other. He explained that based on feedback from Supervisor Scott and Chair Grijalva, they hoped to level the playing field to compare apples to apples and oranges to oranges. He stated they were excited to launch the RFP within the next month.

Chair Grijalva commented that in her prior experience with writing grants for outside agency funds, she appreciated the evolution from unrelated programs to not be in competition with each other, as it made more sense and would be more equitable. She stated she understood Supervisor Scott's concern, but the need far outweighed whether all the funds were dedicated or not. She felt that a majority of the Board was not willing to move forward at this time and was unsure if a motion was needed to bring the item back in November until the final numbers were available.

Supervisor Bronson suggested that direction be provided.

Chair Grijalva concurred with directing staff to have this item be brought back until finite numbers were available to continue discussion. She stated that there were levels of support from Board members and wanted to avoid the item not passing due to being in the middle of figuring out the final numbers.

Supervisor Scott appreciated Chair Grijalva's suggestion and was supported by it, however his understanding of the timeline for the RFP process would not be finalized in November and was likely closer to the start of the following year.

Dr. Garcia explained they anticipated a complete document that would be published for RFP before the end of the calendar year and hoped that awards would be made soon after the beginning of the next calendar year.

Supervisor Scott explained that he preferred the item be brought back at that time when they knew the amount that was budgeted was sufficient or if additional funds were needed. He stated that would be after the Board received recommendations as to which applications made it through the process.

Chair Grijalva asked whether that timeline was anticipated to be completed closer to the first quarter of 2024.

Dr. Garcia responded he preferred not to speculate, but would be after the calendar year in the first quarter of 2024.

Chair Grijalva stated that conceivably the surplus would stay put, would not be allocated or spent. She stated that for the specific amount of money there was language regarding 50% and it would be tentatively continued until March 2024.

Supervisor Heinz stated the RFP would be out by September 29th and would be due October 31st. He stated he did not understand why it could not be brought back to the second meeting in November.

Chair Grijalva stated it could be left open-ended so as soon as applications were in, scored with recommendations and that would perhaps be the time for it to be brought back. She stated that she did not hear any objection to that.

Melissa Manriquez, Clerk of the Board, asked for clarification.

Chair Grijalva clarified that she withdrew her original motion.

Ms. Manriquez questioned if direction was for the item to be brought back by November.

Chair Grijalva reiterated that whenever applications had been scored and assessed the item would be brought back for Board consideration.

Ms. Manriquez asked for clarification if that was by way of direction or whether a motion would be made.

Ms. Leshar explained the item would be brought back when they had the RFP recommendations and in conjunction with the final fund balance determination for the current year.

Chair Grijalva stated it was important to understand there was not a cut-off based on the availability of the current funds, which was over \$7 million.

17. Westin La Paloma's July 4, 2023 Fireworks Display

Discussion/Direction/Action regarding the fire caused by the 4th of July fireworks show at Westin La Paloma Country Club on July 4, 2023, in District 1. Consideration of lessons learned and direction for future Pima County firework permits. (District 1)

Supervisor Scott referred to the County Administrator's September 12, 2023 Memorandum and shared that it showed the fireworks display application that must be submitted with the Clerk of the Board's Office, which included the Pima Regional Bomb Squad inspection form. He added that the form was required to be conducted onsite by representatives of the Bomb Squad and it was an extensive checklist they went through during the onsite inspection. He stated that the inspection form had to be submitted to the Clerk's office and asked if that information was correct.

Melissa Manriquez, Clerk of the Board, responded in the affirmative.

Supervisor Scott stated that the following three pages referenced the Pima County Code, Section 9.04.080, Conduct of Display, and read from that section, which stated, "No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush..." He stated that on the Fourth of July, there definitely was damage to the desert and he felt the Board issued a permit that resulted in something that should not have occurred. He explained that in the Code, the Fire Marshall of the Fire Department in the area could cancel a show if the conditions determined that it should and complete any follow-up work when there was a fire. He stated several constituents mentioned the damage to the desert and felt their homes could have been at risk. He asked representatives from Rural Metro to recount what occurred on July 4, 2023, and what lessons were learned that could be used in future shows.

Chief Karl Isselhard, Fire Chief, Rural Metro Fire, shared that there were several fireworks displays the night of July 4th and Westin La Paloma was one of them in Pima County. He explained that they had a small brush truck on site for the shoot, to be used as a quick response to any fire from brush or fallout from the fireworks shells. He stated that around 8:45 p.m., a fire had been reported on a hillside of steep terrain and it was a challenge to access due to the rocky nature of the area. He added that the small brush truck could not drive close enough to put the fire out, so they called additional resources for assistance. He stated they sent two traditional fire trucks, a Battalion Chief, and a water tender truck. He reiterated that most of the problems encountered were access issues, the inability to reach the area, and hoses not being long enough. He added that typically hose line should not be stretched into a wild land area, rather, they would go on foot and use shovels. He

further explained it was a desert area and what had burned was called "fine fuel" containing dry grasses, which burned quickly. He stated that there were some variable winds, which helped push the fire and at times the fire moved quickly or would slow depending on the terrain and wind. He explained the fire occurred in the desert space between Westin La Paloma and the residential area and headed towards the residential area. He stated much of their apparatus was staged towards the side of the residents for structural protection. He stated they were able to put the fire out and that mostly grass was burned. He added they completed a Post Incident Analysis (PIA), which was an internal procedure that helped them assess what could have been done better, what were situations that led to it, what could be done in the future and the challenges they faced. He stated that they were able to utilize a fire hydrant and used a lot of water to put out the fire.

Jay Karlik, Assistant Chief of Operations, Rural Metro Fire, explained there were also several different spot fires, which were difficult for the initial brush truck to extinguish and in turn led to the increased fire activity.

Supervisor Scott inquired if anything associated with their PIA had been shared with Westin La Paloma or was it more for internal considerations.

Chief Isselhard responded that it was an internal quality assurance and all Fire Departments completed them. He explained it was used so that other firefighters that were not on the scene could review it and be able to know what to watch for in the future and it was not shared externally. He stated that subsequent to the fire they were contacted by the District 1 Office and a concerned citizen in regards to the incident. He stated that both Chief Karlik and Chief Treatch met with the citizen, walked through the area, and had a good discussion. He stated they also discussed processes with the District 1 Office.

William Treatch, Chief/Fire Marshal, Rural Metro Fire, explained that permit applications went through the Clerk's Office, the Bomb Squad, and their office. He stated that he set up the standby event for the display and had a good rapport with the Fireworks Company and individual Fireworks shooters. He explained that both were contacted prior to each event to ensure they could reach him if there were any problems, concerns, or issues. He stated on that particular evening he was aware of mild wind conditions, but it had not reached the ceiling of 25 miles per hour and was considered safe to proceed. He added that towards the end of the event, there had been an errant wind gust that contributed to the spread and in the direction of where the fallout material landed. He stated that for the past 17 years fireworks shoots had been allowed at Westin La Paloma and there had been no prior incidents. He explained the location was limited to the size of shells due to their proximity to brush and homes. He stated traditionally they were able to use three-inch shells and were occasionally allowed to use four-inch shells if the shoot site was moved 50 to 100 yards to the east. He stated the wind pushed fall out debris into the brush area which contributed to the fire.

Supervisor Scott indicated that he was aware the show was conducted at the site approved by the permit, although different from the original site, it fell within the parameters. He asked if that information was correct.

Chief Treatch responded in the affirmative. He explained there was a minor shift due to spectators being allowed on the tee box for the event and the Fireworks shooter felt that for public safety, it be moved slightly to the north to ensure people in attendance were further away.

Supervisor Scott asked if their involvement was the same process as when the Bomb Squad conducted their inspection or if it was after the fact when the permit was approved by the Board.

Chief Treatch explained the application was submitted to the Clerk's Office first, then to the Bomb Squad and lastly to him for final approval and to setup standby.

Supervisor Scott asked if they felt it necessary to amend the Pima County Code to have the Fire District involved at an earlier stage or if it should stay as it was currently constructed.

Chief Treatch replied that how it was currently constructed was still adequate.

Supervisor Scott commented that he realized that their post analysis was for internal purposes, but asked if Rural Metro had discussions with Westin La Paloma staff on what might be done in the future.

Chief Treatch stated he tried contacting Westin La Paloma, but their contact was away from the office, so they had not had the opportunity to have a discussion yet.

Supervisor Scott inquired whether their work with them in the past had been collaborative and if this was the first time there had been an incident.

Chief Treatch responded in the affirmative.

Supervisor Scott asked if there had been any internal analysis completed by Westin La Paloma that occurred after the show in terms of how future shows might be conducted.

Daniel Mayfield, Golf Course Superintendent, Westin La Paloma, stated they had reviewed the launch site to verify it was at the correct spot on the range and confirmed that it was. He also made sure spectators were in the correct position and examined the brush for replacement, if needed. He stated everything that burned had new growth and there was no indication that anything needed to be replaced. He added that much of what was burned was the broom native grasses, which was covered in their analysis when they followed up with the incident.

Supervisor Scott stated it was his understanding from the Development Services Department (DSD) that a process existed where an applicant could be asked to bear the cost of restoration for damaged desert areas. He asked if there were any discussions with DSD or whether DSD had contacted the applicant.

Natasha Bassi, Director of Hospitality, Westin La Paloma, stated they had not been in communication with DSD yet, but had spoken to Kate Hiller of the District 1 Office whether anything else needed to be done on that behalf and she ensured that Mr. Mayfield inspected the area. She stated that if at any point in time DSD contacted them, they would be willing and ready to work with them.

Supervisor Scott requested that staff follow-up with Ms. Hiller as to whether DSD staff could follow-up with Westin La Paloma. He stated Westin La Paloma had five fireworks permits on the agenda and his office had received phone calls from neighbors of the property regarding the frequency of the shows. He added that all Fireworks displays came before the Board, but Westin La Paloma stood out in the number of permits requested. He inquired about the high number of requests.

Ms. Bassi explained there was always a 4th of July show, the resort had been busier, and the sales team offered shows as an additional way to celebrate. She stated the Fireworks Company they worked with also had conferences at the resort and wanted their show to be displayed. She explained being so close to a Homeowners Association (HOA) community made their shows more obvious compared to other resorts. She stated she was open to any feedback from the HOA members regarding better ways to work as partners with them.

Supervisor Scott appreciated that and mentioned the feedback from residents was they would be grateful if the sales team was less vigorous with promoting those sales. He stated from what was heard from Rural Metro, it sounded like the Pima County Code did not require revisions and their partnership with Westin La Paloma and others were positive.

Chief Isslehard stated he would not suggest any amendments and requested to share these issues with the other Fire Chiefs in the area. He explained there were Pima County Fire Chiefs Association meetings where those kinds of topics were discussed to determine what would benefit everyone, especially if there was a need for a legislative/ordinance change. He stated there were other fire departments in the last few years that had fireworks concerns at the local and state levels. He stated it was not a new topic and could be reinvigorated and would be a good discussion.

Supervisor Scott stated any input from the Fire Chiefs would be appreciated.

Ms. Bassi thanked Supervisor Scott for taking the time to listen to them and stated she would work better in the neighborhood since they were their partners.

Supervisor Scott stated Ms. Hiller and the Clerk of the Board could provide contacts with the HOA.

Supervisor Heinz stated that he believed a fireworks display was required to be cancelled when winds were at 10 miles per hour, but there had been a reference of 25 miles per hour winds. He requested clarification as to whether the winds were greater than 10 miles per hour at the time of the incident.

Chief Treach replied he was unaware of the exact wind speeds that night, but they were within a safe zone.

Chair Grijalva asked if the winds had to be over 10 or 25 miles per hour before an event was cancelled.

Chief Treach explained once winds reached 25 miles per hour an event would be cancelled, which had occurred at the location in the past.

Supervisor Heinz referenced the attached materials that showed the rules for the County were winds more than 10 miles per hour and questioned why there was such a big difference.

Chief Treach stated he had not seen the exact verbiage in the County Code and it may differ from the State Fire Code. He stated that would be something they would want to look at in the future.

Supervisor Heinz stated this was a big deal as was with the recent deaths and fires in Maui due to wind plus fire and it needed to be looked at seriously.

Supervisor Scott referred to the Bomb Squad Inspection Form that stated a display would be stopped if winds reached a velocity of more than 10 miles per hour. He requested Chief Isselhard present the Pima County Code and Fireworks Inspection Form to his colleagues.

Chief Isselhard responded in the affirmative.

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

COUNTY ADMINISTRATOR

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

Steve Holmes, Deputy County Administrator, shared that over 200 people attended the grand opening of the Pima County Transition Center (PCTC), which included Tucson Police Department (TPD) Officers, the presiding judge from Superior Court and other social service agencies. He stated that he believed there was a great interest in the community for the project and the impact made to decrease recidivism and increase the number of people that attended their court date. He

stated since the opening, there had been 210 engagements and approximately 56% of those people had accepted services. He explained the received services were referrals to other agencies, such as handoffs or transportation. He stated that Supervisor Heinz's concern with transportation issues was being worked through with Risk Management to allow transportation from County staff. He stated that they were fully staffed, which included four members of PCTC, a director and two members from the City of Tucson that would allow them to extend their hours. He stated they were currently open Monday through Friday from 8 a.m. to midnight, which would expand into the weekends. He explained those times coincided with high frequency, as they primarily worked with those going through the prebooking modular and Pretrial Services, which were misdemeanor offenses; and more of that happened throughout the week. He stated that they continued to work on the partnership with the TPD, to look at ways that individuals were taken to PCTC, so they could be released to staff to begin engagement with services. He explained the idea was to expand the pool of individuals that could be served and connect them to services in the community. He stated the next evolution of the work from those exiting the Pretrial prebooking modular would be to expand into Initial Appearances. He explained they would look at individuals that were at Initial Appearances, offer services and create better relationships with those service providers. He stated that Dr. Garcia had been helpful with his staff and the Behavioral Health staff, to guide those relationships in the social service agency spaces to better coordinate with PCTC. He explained they knew mental health services and substance abuse services were one of the high needs within that population of people. He stated they were gathering data to provide proof of concept and the goal was to decrease recidivism, which was a broader data pool that would be tracked as individuals worked through the system and with the providing agency supporting them. He shared anecdotes of individuals that utilized and appreciated the services. He reminded the Board there were services for those in custody, but this was for individuals rotating through and not staying in the long-term facilities that they made connections with and would continue to provide those services.

Chair Grijalva commented that the work was impressive and the numbers made a huge impact with services being available. She indicated that it was important to reach out to individuals who would not have access to these services.

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

19. Revised American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) Budget

Staff recommends approval of the revised ARPA CSLFRF project budgets and authorization of any necessary operating transfers.

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

Steve Holmes, Deputy County Administrator, provided an overview of the proposed budget revisions. He explained that the Board approved the initial ARPA funds on December 21, 2021, for over \$200 million for particular projects at that time. He stated the Deputy County Administrators revisited those projects a year later that were in their purview and a deeper review had been completed on where the spend down had occurred and if there were any needed changes in projects to prioritize other potential needs within the County. He explained there were tight timelines for how the funds could be spent and to make changes to those projects for Board consideration. He highlighted modifications of existing projects that were done by departments within their current budget to prioritize other needs. He stated for example, Community and Workforce Department requested to move \$388,000.00 from the Kino Service Center funds to complete a data system project. He added that the Information Technology Department had some cost savings with their projects and requested to move funds to expand broadband infrastructure, which included enhancements to the Ajo corridor area for redundancy needed at the Recorder's Office, the Sheriff's Department and Health services that would build a new infrastructure for broadband. He stated that as they looked at priority areas, they identified six new projects for consideration. He explained those included, public health service enhancements to expand Vector Surveillance and mobile health vehicles; the Justice Services Transition Center, to fund \$1 million towards the modular and staffing needs; a small dollar amount for strangulations exams for victims of sexual assault; \$2 million devoted to County public parks improvements, which was a new priority established through the Natural Resources, Parks and Recreation Department; the purchase of the Congregate Shelter Drexel Facility, which made sense due to the Asylum Seeker process, which half of the funding was available from the Governor's Office; and the partnership with the TMC Emergency Room, specifically with data enhancement. He stated that the timelines were important because they had implications for the Board's consideration at this time and why it may need to come back next Spring. He stated that all ARPA dollars needed to be encumbered by December 31, 2024, which meant there could not be any further changes to projects. He explained if there were vulnerabilities found in projects prior to that date, those needed to come back before the Board to adjust last minute modifications to ensure those funds would be encumbered. He stated they would continue to monitor those funds and work with the County Administrator to make recommendations if projects were found that would not be completed, to re-encumber those funds to another area prior to that date. He stated that June 30, 2025, was another important date that was interrelated because it was the last day for funding of staff for grants. He explained the only way funds were able to be encumbered was when the Board approved the budget for the year, particularly when it referred to salaries. He stated once the budget process for the purposes of the 2024-2025 financial fiscal year was done, those salaries would be included in that budget. He explained after June 30th, any funds associated with internal staffing could no longer be supported. He stated they would work with departments to ensure they were aware of the deadlines. He added that all funds had to be spent by December 31, 2026. He explained those were the key dates he wanted to share with the Board as they made decisions and recommendations. He indicated that it could potentially be brought back prior to the encumbered final date.

Chair Grijalva stated that projects would be monitored and adjusted as needed. She questioned if the \$6.3 million was dedicated to support community health and medical care enhancements with a dollar amount attached to each would be brought back to the Board for approval.

Mr. Holmes replied in the negative and stated that anything above \$500,000.00 had to be brought to the Board for major shifts. He explained the strangulation exams were only \$4,500.00, but was a completely new project. He explained new projects or items over \$500,000.00 needed to be brought to the Board for final approval.

Supervisor Christy stated there were seven items listed in the County Administrator's September 12, 2023, memorandum and he requested the items be considered and voted on individually. He stated this resembled the bonds of 2015 where there was a platter of projects, some were great and some were not, but the entire recommendation had to be considered. He stated he would like the opportunity to be able to support certain elements and vote against the ones he could not support and asked if that would be acceptable to the Board.

Chair Grijalva stated she was unsure there was interest in moving with the whole recommendation and appreciated that the Board liked to have a majority of support for the projects when they could.

Supervisor Scott stated that as a courtesy, he supported Supervisor Christy's suggestion. He stated that he thought if there were projects in the County Administrator's memorandum that could be supported or opposed by Board members, he was comfortable with it.

Melissa Manriquez, Clerk of the Board, asked for clarification whether Supervisor Christy's suggestion was in the form of a substitute motion.

Supervisor Christy responded in the affirmative.

Chair Grijalva clarified there was a motion and second to approve the entire recommendation.

Supervisor Scott stated a motion had not been made and the Board heard the presentation first.

Ms. Manriquez confirmed the motion for approval was made by Chair Grijalva and seconded by Supervisor Scott.

Chair Grijalva stated she would amend her original motion to vote on each item individually.

Supervisor Scott stated as the seconder to the original motion, he could support the amendment to vote on each individual item separately.

It was moved by Chair Grijalva, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the Enhancement to Available Medical Services for Victims of Sexual Assault – Strangulation Exams, \$4,500.00.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-2 vote, Supervisors Bronson and Christy voted "Nay," to approve the Public Health Service Enhancements, \$1,211,000.00.

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve the Justice Services: Transition Center, \$1,000,000.00. No vote was taken at this time.

Supervisor Christy inquired about the City of Tucson's investment in this project.

Mr. Holmes responded that the current investment from the City of Tucson was two staff members, which equated \$120,000.00 including benefits.

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

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve Pima County's Natural Resources, Parks and Recreation Built Environment Infrastructure, \$2,000,000.00. No vote was taken at this time.

Supervisor Christy questioned which County parks were included in this project.

Jan Leshar, County Administrator, responded they received questions from other members of the Board in regards to what the parks and projects were and the list would be provided to the Board.

Carmine DeBonis, Jr., Deputy County Administrator, explained Picture Rocks Park, Sunset Point Park and Ebony Marie Moody Park had playground equipment replacements; Manzanita Park and E.S. Bud Walker Park had swimming pool upgrades that included filters, pumps and electrical upgrades; and Brandi Fenton Park and Rillito Regional Park were for new LED lighting installations.

Supervisor Scott mentioned he sent an extensive list of questions to Ms. Leshar and requested that those responses be shared with his colleagues on the Board.

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

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve the Congregate Shelter Facility, \$4,100,000.00. No vote was taken at this time.

Supervisor Christy stated the allocation proposal for the Drexel congregate site was \$4.1 million and questioned if the purchase price was initially around \$5 million.

Ms. Leshar responded it was in addition to \$5 million, they subsequently received an appraisal for \$6.2 million. She explained they had been in conversations with the State, and they had indicated through the Department of Emergency Management in the Governor's Office, a willingness to split the cost. She stated when it was initially looked at, they thought the cost would be past \$7 million, but it was at \$6.2 million. She stated it would cost \$3.1 million from the County, which could potentially be reallocated, and the other part of the funding would be \$3.1 million from the State. She explained that was one of the reasons they recommended it be purchased. She indicated the building was for sale and concerned it would be sold from under the County. She explained it was \$50,000.00 per month in rent payments and reiterated there was an opportunity to receive half the money from the State to pay for it. She stated when it was all completed and they were able to sell the facility, all proceeds would come back to the benefit of the County.

Supervisor Scott asked for clarification on the other future sheltering needs mentioned in the memorandum.

Ms. Leshar responded they had looked at what it would be used for once there was no longer legal asylum seekers coming through the community. She explained there had been broad conversations with partners that looked at a shelter for the homeless, what other programs could be placed there or if it could be expanded and built out to accommodate other individuals coming through Community Workforce Programs. She stated if it was determined to not be needed for those purposes again, it could be repurposed by being sold.

Supervisor Scott requested regular updates in regards to the Governor and her staff following through on their preliminary commitments to cover half the purchase price. He stated there were no other counties that had done what Pima County had done to deal with the influx of asylum seekers into the region and State. He explained there were benefits to the work the County had done, to the neighboring counties and State. He stated it was appropriate for the Governor to acknowledge and support the work the County had done and hoped the commitments made were followed up with. He added there was also a national benefit as the Pima County Health Department (PCHD) completed the testing of the asylum seekers to prevent spreading of communicable diseases. He thanked staff in the PCHD, Office of Emergency Management, partners with Catholic Community Services and partners with the City of Tucson. He explained the County has avoided street releases of asylum seekers due to the work done at the Drexel site and the network of shelter spaces that partnered with the City of Tucson made available. He stated he was glad the State was willing to pay half and recognized the work done by Pima County.

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

Supervisor Christy questioned if they could divide the next item regarding Tucson Medical Center (TMC).

Chair Grijalva stated she did not believe they had the appropriate dollar amounts for each one and would be all together under the TMC Emergency Opioid Response and Electronic Health Record. She explained the \$6,300,000.00 would be for the TMC Emergency Room Enhancements and the PCHD Infrastructure Electronic Medical Record.

Supervisor Christy asked that out of the \$6.3 million, how much would go to the Emergency Room Enhancements and how much would go to Medical Records.

Ms. Leshar responded \$6 million would be for the Emergency Room and \$300,000.00 for the Electronic Medical Records.

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve \$6 million for TMC Emergency Room Enhancements. No vote was taken at this time.

Supervisor Heinz stated that although he was not legally required to, he would recuse himself from the vote.

Supervisor Bronson asked for clarification of the motion.

Chair Grijalva clarified the motion was to approve \$6 million for TMC Emergency Room Enhancements.

Ms. Manriquez questioned whether Supervisor Heinz had to leave the hearing room since he recused himself.

Chair Grijalva stated he did not have to leave the hearing room and he would abstain from the vote and had not discussed the item.

Supervisor Christy commented that he always left the room when he recused himself.

Upon roll call vote, the motion carried 4-0, Supervisor Heinz recused himself.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Heinz recused himself, to approve \$300,000.00 for the PCHD Infrastructure - Electronic Medical Record.

It was then moved by Supervisor Scott and seconded by Chair Grijalva to approve the revised budgets for the remaining items listed in the attachments. No vote was taken at this time.

Supervisor Christy asked for clarification whether it was for the remainder of the items on the list.

Chair Grijalva responded in the affirmative and stated there were adjustments for each individual budgets.

Supervisor Scott explained the items were previously passed by the Board with the budget in December 2021 and would be revised.

Supervisor Christy referred to the list attached to the memorandum and inquired about the leased properties reopening assistance for \$3 million.

Ms. Leshar responded that was the leased properties that were part of the Attractions and Tourism Department, such as Old Tucson, Rillito, the golf course, the fairgrounds, etcetera.

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

20. **Proposed Additional New Classifications/Job Titles/Salary Grades**

Discussion/Direction/Action regarding proposed additional new classifications, job titles and salary grades.

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

CLERK OF THE BOARD

21. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), Southern Arizona Community Church, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2020, for Tax Parcel Nos. 304-16-6010, 304-16-6020 and 304-16-6030.

Supervisor Christy asked if the Assessor would have approved the exemption if the affidavit had been filed in a timely manner.

Ryan Call, Property Appraisal Manager, Pima County Assessor's Office, responded no, as it had to do with the January 1st date.

It was moved by Chair Grijalva and seconded by Supervisor Scott to deny the petition for relief of taxes. No vote was taken at this time.

Supervisor Scott asked for an explanation of the Assessor's recommendation.

Mr. Call explained at that time the Assessor's Office policy was anyone who requested an exemption needed to have owned the property as of January 1st of the year they claimed the exemption. He stated in the case of a non-profit, they would have needed to be active on January 1st. He explained that the property was

purchased in April and would have been denied whether they filed timely or not. He stated since then, the current Assessor had considered that process to align more with Maricopa County and prorated based on the quarter of the year. He explained an individual who purchased after January 1st, but before March 1st could still be considered for a full exemption for the year.

Supervisor Scott inquired if that method was used in the other 13 counties.

Mr. Call responded that they had not reached out to every single county and generally followed the Department of Revenue or Maricopa County since they were the largest county in the state.

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

22. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), Saint Germain Foundation, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2018, 2019, 2020, 2021 and 2022, for Tax Parcel No. 107-12-0510.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to deny the petition for relief of taxes.

ELECTIONS

23. **Precinct Line Adjustments**

Pursuant to A.R.S. §16-411(A), staff and the Election Integrity Commission requests approval of the proposed precinct line adjustments and consolidation of thirteen precincts.

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

FINANCE AND RISK MANAGEMENT

24. The Board of Supervisors on September 5, 2023, postponed consideration of this item due to a tie vote:

Pima County Recorder Voter Registration Rolls Fund from House Bill (HB) 2862 General Appropriations

Staff recommends that budget authority from contingency be allocated to the Pima County Recorder's Office to expend the funds given to them from the State Treasurer's Office for the purpose to review the accuracy of the voter registration rolls as outlined in HB 2862.

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

Supervisor Christy referenced the background materials and mentioned there were seven areas the Recorder stated that it would be centered on to maintain the voter registration roll. He stated those did not seem new or different to what the Recorder's responsibilities had always been and questioned if it was a to-do list.

Jan Leshar, County Administrator, responded that there were a variety of tasks delineated that were significant requirements to keep up the voter rolls. She explained the State allocated funds that provided additional financial assistance to the counties to do that task. She stated the Recorder's Office was tasked with the maintenance of those rolls and the State provided additional funds as they recognized the depth of the issue. She explained the item was to provide the budget authority to receive those dollars to assist with funding for the clean-up of the rolls.

Supervisor Christy inquired about the breakdown of the \$950,000.00.

Chair Grijalva stated she did not believe there was a breakdown and this was for acceptance of \$950,000.00.

Supervisor Christy questioned if it could be spent on any amount of one of the items on the list and if the Board would not know which one it was spent on.

Chair Grijalva stated that other than the list already provided, this was for additional funds approved by House Bill 2862 and on whether the Board would accept it.

Ms. Leshar stated that the specifics were outlined in the House Bill on how the money could be spent and explained that the governance of the spending and expenditures were provided by State law.

Supervisor Christy inquired whether the maintenance of the voter rolls were going to be done in-house or if there currently was a subcontractor who was a former employee, working from their home.

Ms. Leshar stated she would provide clarification to the Board, but understood the consultant's work was not related to the clean-up of the voter registration lists, rather related to the other Recorder's functions.

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

25. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 22.2, Budget Accountability.

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

26. **Board of Supervisors Policy**

Staff recommends Board of Supervisors Policy No. D 22.4, Tax Reduction and Debt Retirement Fund, be rescinded.

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

27. **Board of Supervisors Policy**

Staff recommends Board of Supervisors Policy No. D 22.5, Periodic Review of Departmental Base Budgets, be rescinded.

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

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

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 22.8, Operating Transfers.

It was moved by Chair Grijalva and seconded by Supervisor Christy to approve Minute Item Nos. 28 and 29. No vote was taken at this time.

Supervisor Christy stated that in the background information it stipulated conditions for operating transfers greater than \$50,000.00 and up to \$500,000.00 may be approved by the County Administrator or designee. He stated that amount of money should be stopped at the County Administrator level and no designee should have that authority. He asked that the motion be amended to include the removal of the language, "or designee" from both items.

Chair Grijalva questioned how that would impact the County Administrator.

Jan Leshar, County Administrator, responded as a general rule operating transfers were presented to her and it was an acceptable amendment.

Chair Grijalva accepted the friendly amendment to her motion.

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

29. **Board of Supervisors Policy**

Staff recommends adoption of Board of Supervisors Policy No. D 22.15, Use of Contingency.

(Clerk's Note: See Minute Item No. 28, for discussion and action on this item.)

FIRE DISTRICTS

30. Green Valley Fire District

Pursuant to A.R.S. §48-262(A) (12), validation of the petitions presented from the Green Valley Fire District for the proposed Sahuarita North Block Annexation. (District 4)

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

CONTRACT AND AWARD

Behavioral Health

31. Community Bridges, Inc., Amendment No. 1, to provide for Inmate Navigation Enrollment Support and Treatment Program, extend contract term to 9/30/24 and amend contractual language, no cost (CT-BH-21-378)

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

County Attorney

32. Goering, Roberts, Rubin, Brogna, Enos & Treadwell, Amendment No. 5, to provide for legal advice and analysis regarding insurance coverage, claims and litigation, extend contract term to 9/30/24 and amend contractual language, no cost (CT-HR-20-181)

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

Information Technology

33. COPE Community Services, Inc., Amendment No. 2, to provide a Rooftop License Agreement for Wireless Communications Facilities, located at 32 N. Stone Avenue, extend contract term to 8/19/28, amend contractual language and scope of services, contract amount \$69,552.96 (CTN-IT-19-16)

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

34. Arizona Supreme Court, Administrative Office of the Courts, Amendment No. 1, to provide a Rooftop License Agreement for Wireless Communications Facilities,

located at 150 W. Congress Street, extend contract term to 11/5/28 and amend contractual language, no cost (CTN-IT-19-49)

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

Procurement

35. Award

Amendment of Award: Master Agreement No. MA-PO-19-24, Amendment No. 5, Sierra Auction Management, Inc., to provide for auctioneering services. This amendment extends the termination date to 3/31/24. No additional funds are required at this time. Administering Department: Procurement and Fleet Services.

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

36. Award

Award: Master Agreement No. MA-PO-24-34, Trinity Services Group, Inc. (Headquarters: Oldsmar, FL), to provide temporary inmate food services. This master agreement is for an initial term of one (1) year in the not-to-exceed award amount of \$1,874,421.00 and includes one (1) year renewal option. Funding Source: General Fund. Administering Department: Sheriff.

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

Supervisor Christy stated the kitchen was closed at the County jail and could potentially be closed for over a year. He referenced the background materials and questioned how many meals a day would be provided to inmates.

Chair Grijalva responded there were three meals a day, but the hot meal would be provided from the vendor.

Supervisor Christy asked if there was a contingency line in the Sheriff's budget that covered this

Chair Grijalva inquired if this was already part of the Sheriff's budget and if it was a contract.

Jan Leshar, County Administrator, responded in the affirmative and staff sought the authority to enter into the master agreement in the contract.

Supervisor Christy inquired about the monies used to operate the kitchen when it was open.

Ms. Leshar responded she was sure those were present and could be used in part to pay for this, but they did not have a contract with the vendor. She stated the general fund paid for all of the Sheriff's budget and the department monies that had not been expended could cover it, but a contract was needed to provide the hot meals.

Chair Grijalva clarified the Sheriff's budget was not increased, but this would allow the allocation of their current budget to enter into the master agreement.

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

37. Securian Life Insurance Company, Amendment No. 1, to provide for supplemental benefits and amend contractual language, Employee Contributions Fund, contract amount \$3,500,000.00 (MA-PO-22-82) Administering Department: Human Resources

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

38. Westland Resources, Inc., Amendment No. 3, to provide for SELC-Water District Formation, extend contract term to 6/30/24 and amend contractual language, General Fund, contract amount \$17,375.36 (CT-PW-21-161) Administering Department: Project Design and Construction

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

39. E-Z-GO Division of Textron, Inc., to provide for electric golf carts, Various Funds, contract amount \$515,000.00 (MA-PO-23-195) Administering Department: Regional Wastewater Reclamation

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

40. Jot Redroof Properties, L.L.C. and Jot Comfort Properties, L.L.C., Amendment No. 10, to provide for hotel shelter services and amend contractual language, FEMA EFSP, HR23 Humanitarian Relief Fund, contract amount \$1,186,598.13 (MA-PO-22-30) Administering Department: Health and Community & Workforce Development

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

Supervisor Christy expressed opposition to the item.

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

41. PSOMAS, Inc., to provide for design engineering services for West Valencia Road Improvements: Mission Road to Camino de la Tierra (4VALMR), Transportation CIP Projects Fund, total contract amount \$3,515,275.29/3 year term (\$1,171,758.43 per year) (CT-CPO-24-80) Administering Department: Project Design and Construction
It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

42. Durazo Construction Corporation, to provide for Town of Ajo Fuel Island - Refurbishment (XAJOFI), Fleet Services - Capital Projects Fund, contract amount \$2,244,000.00 (CT-CPO-24-90) Administering Department: Project Design and Construction

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

GRANT APPLICATION/ACCEPTANCE

43. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for oral health dental sealant services and amend grant language, \$132,000.00 (GTAM 24-21)

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

44. **Acceptance - Health**

National Association of County and City Health Officials, to provide for community engagement to strengthen approaches to decreasing Syphilis, \$146,655.00 (GTAW 24-28)

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

45. **Acceptance - Health**

Department of Health and Human Services, Centers for Disease Control and Prevention, to provide for the Pima County Overdose Data to Action: LOCAL - Pima CARES, \$2,544,375.00 (GTAW 24-30)

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

46. **Acceptance - Sheriff**

The State of Arizona, Department of Public Safety, Amendment No. 2, to provide for the Arizona Vehicle Theft Task Force and extend grant term to 6/30/24, \$77,533.00/\$25,845.00 General Fund match (GTAM 24-20)

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

FRANCHISE/LICENSE/PERMIT

47. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, September 23, 2023 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

48. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, September 24, 2023 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

49. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 2, 2023 at 8:45 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

50. **Hearing - Fireworks Permit**

Alyssa Rodriguez, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 3, 2023 at 7:20 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

51. Hearing - Fireworks Permit

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 6, 2023 at 9:15 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

52. Hearing - Fireworks Permit

Erin Kallish, Caterpillar, Inc., 5000 E. Caterpillar Trail, Green Valley, October 4, 2023 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

53. Hearing - Bingo License

23-02-8044, Joseph C. Melhorn, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, Class B - Medium Game.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Revenue.

SUPERIOR COURT

54. Hearing - Fee Ordinance

ORDINANCE NO. 2023 - 15, of the Board of Supervisors, adopting a schedule of fees for court services as provided to the public by the Pima County Clerk of the Superior Court, establishing the Pima County Clerk of the Superior Court Case Flow Management Fund (CFMF) and authorizing expenditures therefrom.

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 Christy commented that he found it troubling to want to raise fees during a recessionary period and that this was an aggressive fee schedule raise to taxpayers. He referred to the background material recommendation and questioned if there would be assurances that by raising the fees it would offset the expenses and the Clerk of the Superior Court would not return to the Board to request additional funds.

Gary Harrison, Clerk of the Superior Court, explained the plan was to offset the fees and funds internally and that County Administration had accommodated them well, but many years had passed without being able to do things they should have internally because there was no funds. He added the fees being placed upon the public were strictly for services and would not go to all taxpayers. He stated in most cases they would not need to request additional funds unless it concerned compensation.

Chair Grijalva asked if the Board were to vote for increases for staff, it would be assumed that the County Administrator would adjust the Clerk of the Court's budget to accommodate those increases.

Mr. Harrison responded in the affirmative.

Supervisor Christy stated the offset of expenses from the General Fund sounded good because by raising fees that would offset costs and would not force them to come back to request future money, but this would segregate the types of money they might come back to request. He stated that if they needed to come back for compensation it would not offset the entire costs.

Ron Overholt, Court Administrator, Superior Court, explained it would offset expenditures that were expected from the transition of paper use to electronic e-filing, which included training, staffing and upgrades to the work environment. He stated they did not anticipate the need to come back to the Board for those situations. He explained they were dependent upon administrative orders that came from the Administrative Office of the Courts regarding statute changes, or any other legal changes in the future that were not in their control. He reiterated it was not anticipated to come back for funding once the Ordinance was passed.

Supervisor Heinz questioned if the Ordinance would impose or increase fees for the filing of Injunction Against Harassment or an Order of Protection.

Mr. Overholt replied in the negative and stated there were no fees for those services.

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

BOARD OF SUPERVISORS

55. Request for Independent Investigation

Discussion/Direction/Action: Request for an independent investigation by the office of the Arizona Attorney General and/or the office of the Arizona Department of Public Safety with respect to Sheriff Nanos' alleged failure to conduct a timely and thorough investigation into the alleged sexual assault of a female deputy. (District 3)

Supervisor Bronson stated that she wanted to proceed with an investigation, or that the Attorney General (AG) or Department of Public Safety (DPS) be asked to conduct an investigation. She stated that after hearing from constituents, their concerns were with the optics of how the Sheriff's Department conducted their Internal Affairs (IA) investigation internally. She stated she shared that concern and though the Sheriff had the authority to conduct his office as he saw appropriate, she did not agree with him on the issue.

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

Chair Grijalva stated there was a civil case and criminal case pending and for that reason would not vote in favor of this item.

Supervisor Christy asked that the entities not be limited to the DPS or AG for the investigation. He stated there may be a tactical force in place, but the situation could warrant the Pima Regional Critical Incident Team be asked in addition to the DPS and AG requests. He explained it was essential the request be made to find what entities would respond to it. He stated the optics were terrible and needed to be clarified with transparency from the Sheriff's Department.

Chair Grijalva asked if that was to be a modification to the original motion.

Supervisor Bronson stated she accepted the modification to not limit the entities to just the AG or DPS.

Supervisor Scott stated that based on the legal advice received, he was not able to support the item. He shared that the employee in question had been fired, there was a criminal investigation that was being conducted and there was civil case. He stated the concerns raised by an employee group was that the Sheriff had not moved forward with an IA investigation. He stated that the Sheriff was quoted in the media that he was waiting for the outcome of the criminal investigation to move forward with an IA investigation. He explained that he respected the concerns of the optics, but felt there could be an impact to the civil or criminal cases.

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

Supervisor Christy inquired how they would proceed with the request.

Chair Grijalva stated the County Administrator would be asked to connect with Legal Counsel and a memorandum would be provided to the Board.

COUNTY ATTORNEY

56. 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 Bronson and unanimously carried by a 5-0 vote, to waive the conflict of interest.

57. Conflict of Interest Waiver

Discussion/Direction/Action regarding Mesch, Clark & Rothschild, P.C.'s request for a conflict of interest waiver.

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

CONTRACT AND AWARD

PROCUREMENT

58. Award

Award: Master Agreement No. MA-PO-23-27, Enterprise Fleet Management, Inc. (Headquarters: Saint Louis, MO), to provide for vehicle leasing. This master agreement is for an initial term of two (2) years in the not-to-exceed award amount of \$550,000.00 (including sales tax) and includes two (2) two-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.

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

SCHOOL SUPERINTENDENT

59. Pima County Community College District, to provide an intergovernmental agreement for Adult Education Collaboration, General Fund, total contract amount \$2,250,000.00/5 year term (\$250,000.00 for first year, up to \$500,000.00 each additional fiscal year, up to 4 years) (CT-SS-24-100)

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

BOARD, COMMISSION AND/OR COMMITTEE

60. Pima County Regional Affordable Housing Commission

Appointment of Rey Robles, to replace Betty Villegas. Term expiration: 10/31/26.
(District 5)

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

CONSENT CALENDAR

61. 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.

* * *

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

1. Special Event

- -Michael J. Kwinn, Corpus Christi Roman Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, September 30, 2023.
- -Meredith E. Bode, TMC Foundation, Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, November 18, 2023.

2. Temporary Extension

12104529, Kevin Arnold Kramber, Wild Garlic Grill, 2870 E. Skyline Drive, Tucson, November 1, 2023 through March 31, 2024.

SUPERIOR COURT

3. Fill the Gap

Staff requests approval to submit a Fill-the-Gap Application to the Arizona Supreme Court Administrative Office of Courts for Fiscal Year 2024.

TREASURER

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 \$5,152.24.

RATIFY AND/OR APPROVE

5. Minutes: July 11, 2023

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62. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:52 p.m.

CHAIR

ATTEST:

CLERK