

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, October 3, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. **ADOPTION OF THE RUTHRAUFF BASIN MANAGEMENT STUDY**

RESOLUTION NO. 2017 - FC3, of the Flood Control District Board of Directors, adopting the Ruthrauff Basin Management Study.

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

Supervisor Miller inquired whether this was similar to the Flood Land Acquisition Program (FLAP) completed in Catalina and would Federal Funds be used.

Chuck Huckelberry, County Administrator, responded this was not similar to FLAP. FLAP deemed it cost effective to purchase property rather than install flood control improvements. He added that it was unlikely Federal Funds would be used.

Supervisor Miller asked if this project would help improve infrastructure and assist in rebuilding these areas.

Mr. Huckelberry responded that it was part of the Flood Control District Capital Program that evaluated and installed appropriate flood control improvements to remove properties from flood hazards.

Supervisor Miller inquired about the modeling that removed properties from the floodplain.

Mr. Huckelberry explained that property owners would be notified and a flood insurance rate map amendment would be filed on their behalf.

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

2. **CONTRACT**

Cortaro Marana Irrigation District (CMID), Amendment No. 2, to provide Environmental Class Water for the irrigation of Cortaro Mesquite Bosque Habitat Restoration Project, extend contract term to 8/31/22 and amend contractual language, no cost (CT-FC-13-230)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:18 a.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, October 3, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. **MOMENT OF SILENCE**

A Moment of Silence was observed for the victims in Las Vegas.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to the Bahá'í community of Pima County, proclaiming the day of Sunday, October 22, 2017 to be:
"BICENTENARY OF THE BIRTH OF BAHÁ'U'LLÁH"

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

5. Presentation of a proclamation to Ramón Gaanderse, Southern Arizona Construction Careers Day, proclaiming the month of October 2017 to be:
"CAREERS IN CONSTRUCTION MONTH"

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

6. Presentation of a proclamation to Maura Robinson, Friends of the Pima County Public Library, and Beverly Pralguske and Mona Albaugh, Friends of the Salazar-Ajo Library, proclaiming the week of October 15 through 21, 2017 to be:
"FRIENDS OF LIBRARIES WEEK"

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

7. **CALL TO THE PUBLIC**

Barbara Crummitt addressed the Board regarding her concerns with the new practices at the Pima Animal Care Center (PACC).

Marcie Velen addressed the Board in response to Ms. Crummitt's concerns regarding No Kill Pima County.

Edward Cizek addressed the Board in opposition to using appropriations from civil asset forfeitures to fund the County Attorney's Office or law enforcement programs.

Christopher Cole, Pima County Libertarian Party, addressed the Board with concerns regarding Worldview.

Juan Perez, Acting Vice-President of the County's Service Employees International Union (SEIU), introduced himself to the Board.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:32 a.m.

9. **RECONVENE**

The meeting reconvened at 10:11 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential settlement in Eva Jackson, et al. v. Mark Napier, et al., U.S. District Court Case No. 15-CV-00052.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

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

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to release to the public the Attorney-Client Privileged Memorandum from Deputy County Attorney Regina L. Nassen dated June 17, 2015, regarding Direct Air Service from Tucson to New York.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to waive the Attorney-Client Privilege and publicly release the June 17, 2015 Memorandum. The County Attorney's Office recommended against waiving the Privilege.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by 3-2 vote, Supervisors Christy and Miller voted "Nay," to accept the recommendation against releasing the Memorandum to the public.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to release to the public the Confidential Memorandum from Chief Civil Deputy County Attorney Thomas Weaver and Deputy County Attorney Regina L. Nassen dated November 16, 2015, regarding County Legal Representation.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to waive the Attorney-Client Privilege and publicly release the Confidential Memorandum dated November 16, 2015. The County Attorney's Office recommended against waiving the Privilege.

It was moved by Supervisor Elías, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to release the Confidential Memorandum to the public.

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Christ Lutheran Vail Church v. Pima County, et al., Arizona Tax Court Case No. TX2014-000614.

Andrew Flagg, Chief Civil Deputy County Attorney, reported that under the terms of the proposed settlement, Pima County and the Assessor, in his official capacity, would pay \$3,288.34 as to Tax Parcel No. 305-90-4380 and \$3,294.78 as to Tax Parcel No. 305-90-4370 for a total of \$6,583.12 for Tax Year 2014. He noted that the parties would each pay their own attorney's fees and cost. The Pima County Attorney's Office recommended the Board accept the proposed terms of the settlement.

It was moved by Supervisor Christy, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Elías voted "Nay," to approve the recommendation.

14. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential resolution of the Davis Monthan AFB outstanding connection fee matter.

Andrew Flagg, Chief Civil Deputy County Attorney, reported that the County Attorney's Office recommended continuing negotiation as discussed in Executive Session.

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

BOARD OF SUPERVISORS

15. The Board of Supervisors on September 19, 2017, continued the following:

Direct Air Service Tucson to New York

Discussion/vote to release to the public, Attorney-Client Privileged Memorandum from Deputy County Attorney, Regina L. Nassen, dated June 17, 2015. (District 1)

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 11.)

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 3-2, Supervisors Christy and Miller voted "Nay," to accept the recommendation against releasing the Memorandum to the public.

16. The Board of Supervisors on September 19, 2017, continued the following:

County Legal Representation

Discussion/vote to release to the public, confidential Memorandum from Chief Civil Deputy County Attorney, Thomas Weaver, and Deputy County Attorney, Regina L. Nassen, dated November 16, 2015. (District 1)

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 12.)

It was moved by Supervisor Elías, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to release the Confidential Memorandum to the public.

HUMAN RESOURCES

17. The Board of Supervisors on September 5, 2017, continued the following:

Revisions to Merit System Rules and Personnel Policies

Staff requests approval of the revisions to the following Merit System Rules and Personnel Policies:

- Merit System Rule 1 - Definitions
- Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail
- Merit System Rule 9 - Classification System
- Merit System Rule 10 - Probation

- Merit System Rule 11 - Terminations
- Merit System Rule 12 - Disciplinary and other Personnel Actions
- Merit System Rule 13 - Grievance System
- Personnel Policy 8-107 - Special Leaves of Absence With Pay
- Personnel Policy 8-108 - Leaves of Absence Without Pay
- Personnel Policy 8-109 - Absences Without Leave
- Personnel Policy 8-117 - Pay Plan
- ~~Personnel Policy 8-119 - Rules of Conduct~~
- Personnel Policy 8-122 - Group Insurance

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

18. The Board of Supervisors on September 5, 2017, continued the following:

Deferred Compensation Plan

Staff recommends adoption of the 457 Deferred Compensation Plan with the Arizona State Retirement System and transition all accounts (with the exception of monies in the 3.5% fixed account) to Nationwide.

Chuck Huckelberry, County Administrator, explained that consolidating the County's Deferred Compensation Plans under the Arizona State Retirement System would reduce expenses by eliminating the need for the County to provide assurance, review and investment boards. He indicated that the only difference was that the County's plan had a 3.5% interest rate for fixed accounts which Nationwide had agreed to grandfather in for those employees using that method.

Chair Bronson inquired why the County did not initiate a request for proposals (RFP) and if representatives from the Arizona State Retirement System (ASRS) would be available for consultations with County employees.

Mr. Huckelberry responded that the RFP would not provide any financial advantages and the County would incur management costs. He verified that the ASRS would provide representatives.

Supervisor Miller inquired about the issues involved with seeking a RFP.

Mr. Huckelberry responded that the County would incur costs such as staff time, board review, advertising and other related costs. He recommended against incurring unnecessary costs at the taxpayers' expense.

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

FRANCHISE/LICENSE/PERMIT

19. Hearing - Liquor License

12104529, Maria DeJesus Martin-Gourdin, Wild Garlic Grill, 2870 E. Skyline Drive, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

20. Hearing - Liquor License

12104530, Thomas Robert Aguilera, Fiamme Pizza, 4706 E. Sunrise Drive, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

TRANSPORTATION

21. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 32, of the Board of Supervisors, regulating traffic at the intersection of Curtis Road and Davis Avenue in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 3)

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

22. Hearing - Traffic Ordinance

ORDINANCE NO. 2017 - 33, of the Board of Supervisors, regulating traffic at the intersection of Curtis Road and Shannon Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 3)

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

23. **Hearing - Traffic Ordinance**

ORDINANCE NO. 2017 - 34, of the Board of Supervisors, regulating parking on Raytheon Parkway in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

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

24. **Hearing - Traffic Ordinance**

ORDINANCE NO. 2017 - 35, of the Board of Supervisors, regulating parking on Aerospace Parkway in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

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

25. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 72, of the Board of Supervisors, permitting the temporary closure of portions of La Cañada Drive and Esperanza Boulevard in Pima County, Arizona, for the Country Fair White Elephant Parade on Saturday, October 28, 2017. Staff recommends APPROVAL. (District 4)

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

26. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 73, of the Board of Supervisors, permitting the temporary closure of portions of Kinney Road, Mile Wide Road and McCain Loop in Pima County, Arizona, for the Everyone Runs Veteran's Day Marathon, 1/4 Marathon and 5K Run and Walk Event on Sunday, November 12, 2017. Staff recommends APPROVAL. (Districts 3 and 5)

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

27. Hearing - Traffic Resolution

RESOLUTION NO. 2017 - 74, of the Board of Supervisors, permitting the temporary closure of portions of Sabino Canyon Park, General Hitchcock Highway, Catalina Highway, and Melpomene Way in Pima County, Arizona, for the Revel Mount Lemmon Marathon and Half on Sunday, November 12, 2017. Staff recommends APPROVAL. (District 4)

Cydney Westgate, local representative of Revel Race, spoke in support of the Resolution.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

BOARD OF SUPERVISORS

28. Anti-Racketeering Revolving Fund

Discussion/Action regarding implementation of Board of Supervisors' Policy C 6.3, Procedures for Board Approval of Applications for Monies from the County Attorney's Anti-Racketeering Revolving Fund. (District 3)

Chair Bronson explained that during the September 19, 2017 Board of Supervisors' Meeting, the Board voted to issue a request for proposals (RFP) for the purpose of hiring an outside consultant to review/audit RICO expenditures from the past five years and on an ongoing basis. However, after review of the Arizona Revised Statutes, reviews were only allowed moving forward, and the Board did not have the authority to approve the use of RICO funds for auditing purposes. She requested clarification regarding how RICO funds were being used and what issues would be raised if approval was delayed.

David Smutzer, Legal Administrator, Pima County Attorney's Office, responded that RICO funds were used to supplement the County Attorney's Office budget, which used the funding for Community Justice Board programs, supporting staff, grant writing, forfeiture case advertising and a variety of other expenses. He indicated that if the County Attorney's Office was not allowed to use RICO funds to pay for those employees, the funding would have to come from the General Fund or the employees would be laid off. He noted that if General Fund dollars were to be used, the County Attorney's Office would lose their option of using RICO funds for these purposes in the future.

Chair Bronson asked what documentation would be provided to show how and where the funds were expended.

Mr. Smutzer responded that expenditures made to an outside law enforcement agency would be coded to a single account called "Payment to Governments" and expenditures made to community based organizations would be coded "Payment to Agencies." He stated that organizations were required to submit justification for funding and the County Attorney's Office would make those justifications available.

Chair Bronson asked that the new policies and procedures be submitted for Board approval once they were developed.

Supervisor Miller referred to the statute regarding the use of RICO funds for auditing purposes and indicated that it did appear to be an option.

Mr. Smutzer explained that the statute referred to allowable uses by the agency holding the funds, but did not provide authority to the Board to utilize RICO funds for those purposes.

Supervisor Miller inquired whether the County Attorney's Office intended to perform audits.

Mr. Smutzer responded that historical evidence had indicated that fraud was perpetrated on the County Attorney's Office by the Sheriff's Department and that the County Attorney's Office did not misuse or misappropriate funds. He stated he did not see any reason to conduct audits.

Supervisor Christy commented that an audit by an outside consultant would provide the Board a higher comfort level with regard to expenditures.

Andrew Flagg, Chief Civil Deputy County Attorney, reaffirmed that the Board of Supervisors did not have the authority to use RICO funds to conduct an audit.

Supervisor Valadez commented that the Board's concerns did not lay with the County Attorney's Office but with the Sheriff's Department.

Mr. Smutzer stated that based on the County Administrator's October 2, 2017 memo, the County Attorney's Office had agreed to provide historical documentation of expenditures by all law enforcement agencies for posting on the County's website.

Supervisor Miller inquired if the County Attorney's Office objected to using RICO funds to hire an outside agency to perform an audit.

Mr. Smutzer responded that he did not object; however, the County Attorney's Office had implemented internal procedures and policies to insure misappropriations did not occur in the future and therefore an audit was not necessary.

Chuck Huckelberry, County Administrator, directed the Board to his October 2, 2017 memo, Item No. 6, which stated that if concerns remained over the documentation of anti-racketeering expenditures, the expenditures could be examined in more detail.

Chair Bronson directed staff to move forward with the recommendations outlined in the County Administrator's memorandum dated October 2, 2017, implement more rigorous policies regarding RICO Fund expenditures and revisit the issue on auditing for Board consideration.

Supervisor Elías recommended that in order to provide transparency and efficiency General Fund dollars should be used to perform the audit.

Supervisor Valadez commented that the County Administrator's memo and the new procedures addressed any concerns in a public, transparent and open way, and there was no justification to request an audit.

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

Approval of the Board of Supervisors Amended Meeting Schedule for the month of December, 2017.

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

COUNTY ADMINISTRATOR

30. **Adoption of 457(b) Deferred Compensation Plan**

RESOLUTION NO. 2017 - 75, of the Board of Supervisors, establishing a Deferred Compensation Plan through the Arizona State Retirement System.

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 18.)

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

GRANTS AND DATA OFFICE

31. **State-Shared Revenue Program Funds**

RESOLUTION NO. 2017 - 76, of the Board of Supervisors, to approve acceptance of Tohono O'odham Nation State-Shared Revenue Program funds and pass-through to the entities in Pima County designated as "grantees" by the Tohono O'odham Nation.

It was moved by Supervisor Elías to adopt the Resolution. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

CONTRACT AND AWARD

BEHAVIORAL HEALTH

32. UHS of Tucson, L.L.C., d.b.a. Palo Verde Behavioral Health, Amendment No. 3, to provide court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5, extend contract term to 9/30/19 and amend contractual language, General Fund, contract amount \$1,500,000.00 (CT-OMS-16-52)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

COUNTY ATTORNEY

33. Five Point Solutions, L.L.C., Amendment No. 2, to provide implementation of enhancements to the Pima County Drug Court Program and establishment of Drug Treatment Alternative to Prison Program (DTAP) and amend contractual language, BHTCC Fund, contract amount \$7,000.00 (CT-PCA-16-389)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

34. Treatment Assessment Screening Center (TASC), Amendment No. 4, to provide implementation of enhancements to the Pima County Drug Court Program and establishment of Drug Treatment Alternative to Prison Program (DTAP) and extend contract term to 9/29/18, BHTCC (\$40,000.00) and AOC - Administrative Office of the Courts (\$40,000.00) Funds, contract amount \$80,000.00 (CT-PCA-15-468)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

GRANT APPLICATION/ACCEPTANCE

35. **Acceptance - Sheriff**

Drug Enforcement Administration, to provide for DEA Tactical Diversion Task Force overtime, \$18,042.00 (GTAW 18-7)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

36. **Acceptance - Sustainability and Conservation**

Arizona State Parks Board - National Park Service, to provide for the Federal Historic Preservation Fund Certified Local Government Pass-Through Program: Pima County Marley Ranch Sample Survey Project, National Park Service (NPS) CLG Pass-Through Grant Fund, \$20,000.00/\$20,000.00 (including in-kind labor) General Fund Match (GTAW 18-19)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

37. **Acceptance - Health**

Maddie's Fund, to provide for the A Foster Home for Every Pet Project, \$573,536.00 (GTAW 18-21)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

BOARD, COMMISSION AND/OR COMMITTEE

38. **Planning and Zoning Commission**

Appointment of Tom Tronsdal, to fill a vacancy created by Peter Gavin. Term expiration: 6/19/19. (District 3)

It was moved by Supervisor Elías to approve the item. Chair Bronson inquired whether there were any objections to the motion, hearing none the motion unanimously carried by a 5-0 vote.

CONSENT CALENDAR

39. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 5 and 6 were set aside for separate discussion and vote.

It was then moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Elections

5. Banner-University Medical Center South Campus, L.L.C., Amendment No. 5 13, to provide a lease agreement for Kino Hospital Campus located at 2800 E. Ajo Way and amend contractual language, no cost (CT-FM-15-474)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve this item, as amended. No vote was taken at this time.

Supervisor Miller inquired as to why the building of a psychiatric out-patient clinic and other wording was removed from this amendment.

John Scherpf, Banner University Medical Center, responded that the amendment only encompassed infrastructure improvements to the building and the reconstruction of the out-patient psychiatric unit was at the expense of Banner Health.

Supervisor Miller inquired about the preventative maintenance program.

Mr. Scherpf responded that once the infrastructure projects are completed Banner Health would be responsible for maintaining those projects.

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

6. Accelerate Diagnostics, Inc., Amendment No. 8, to provide a lease for 3950 S. Country Club Road, 4th Floor, extend contract term to 1/12/19 and amend contractual language, contract amount \$1,053,193.24 revenue (CTN-FM-13-55)

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

Supervisor Miller expressed concern that Accelerated Diagnostics, a publicly traded company, had taken up permanent residency in a building funded by taxpayers' money which was intended to be used as a start-up facility for new businesses. She questioned whether this could be construed as a violation of the gift clause.

Chuck Huckelberry, County Administrator, referenced a September 21, 2017 memorandum that explained that the original lease was for three years with three one-year renewal options. He indicated that this amendment was for the final lease option and that the company would be looking for a permanent site. The County's initial investment had been paid back with the final lease

payment of the original three-year lease. He added that the County had benefited financially because when the company vacated the facility all the assets installed would remain in place ready to accept the next incubator.

Supervisor Elías inquired if Accelerate Diagnostics, Inc. had met the conditions of the original agreement required to serve a public benefit.

Mr. Huckelberry verified that Accelerate Diagnostics had far exceeded the threshold of all that was required by the original contract.

Supervisor Miller requested that the County Attorney's Office provide an analysis of the gift clause as it related to this contract.

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. Compass Affordable Housing, Inc., to provide for the United States Housing and Urban Development (USHUD) Continuum of Care Program (CoC) - Rapid Rehousing, USHUD-CoC Fund, contract amount \$160,463.00 (CT-CS-18-78)

County Attorney

2. The Primavera Foundation, Inc., Amendment No. 4, to provide implementation of enhancements to the Pima County Drug Court Program and establishment of a Drug Treatment Alternative to Prison Program and amend contractual language, Special Revenue - Administrative Office of the Courts Fund, contract amount \$30,000.00 (CT-PCA-15-489)
3. Community Intervention Associates, Amendment No. 2, to provide for the Pima County Enhancing Drug Court Services, Coordination and Treatment Program, extend contract term to 9/30/18 and amend contractual language, DTAP BHTCC (\$55,000.00) and Administrative Office of the Courts (\$15,000.00) Funds, contract amount \$70,000.00 (CT-PCA-16-42)

Elections

4. Picture Rocks Fire District, to provide election services, contract amount \$2,000.00 estimated revenue (CTN-EL-18-47) Facilities Management

Facilities Management

5. Banner-University Medical Center South Campus, L.L.C., Amendment No. 5 **13**, (PULLED FOR SEPARATE ACTION)

6. Accelerate Diagnostics, Inc., Amendment No. 8, (PULLED FOR SEPARATE ACTION)

Information Technology

7. State of Arizona, Department of Public Safety, to provide Site Specific Agreements for Mount Lemmon, Keystone and Oatman Mountain, PCWIN Special Revenue Fund, contract amount \$43,560.00/5 year term (CT-IT-18-83)

Procurement

8. R.E. Lee Mechanical Contracting, Inc., to provide for the construction of chilled water piping to the Legal Services Building, FM-Capital Projects Non-Bond Fund, contract amount \$1,140,621.00 (CT-FM-18-80) Facilities Management
9. Kapp-Con, Inc., to provide for construction of the Flowing Wells Library addition and remodel, FM-Capital Projects Non-Bond Fund, contract amount \$2,506,772.00 (CT-FM-18-86) Facilities Management
10. **Award**
Amendment of Award: Oak Leaf Energy Partners Ohio, L.L.C., Amendment No. 3, to provide solar electricity for three Wastewater Reclamation facilities. This amendment terminates Contract Nos. MA-PO-15-127 (Green Valley) and MA-PO-15-129 (Corona de Tucson). No cost. Administering Department: Regional Wastewater Reclamation.

Real Property

11. Mobilitie, L.L.C., to provide a master agreement for wireless telecommunication equipment in right-of-way and on County facilities, no cost/10 year term (CTN-PW-18-41)
12. Verizon Wireless (VAW), L.L.C., d.b.a. Verizon Wireless (TUC QUARTER MILE), Amendment No. 1, to provide a communications site lease at the Pima County Fairgrounds, 11300 S. Houghton Road, and amend contractual language, no cost (CTN-ED-17-73)
13. Sun State Towers III, L.L.C., to provide a communications site lease and memorandum of communications site lease at 18900 S. Old Nogales Highway, Green Valley, contract amount \$133,419.26 revenue/5 year term (CTN-PW-18-44)
14. Sun State Towers III, L.L.C., to provide a communications site lease and memorandum of communications site lease at 201 Kinney Road, Tucson, contract amount \$133,419.26 revenue/5 year term (CTN-PW-18-45)

Regional Wastewater Reclamation

15. Town of Oro Valley, to provide wastewater billing services, RWRD Enterprise Fund, contract amount not-to-exceed \$270,000.00; \$9,000,000.00 revenue (CT-WW-18-69)

Sheriff

16. Town of Sahuarita, to provide for the incarceration of municipal prisoners, contract amount \$118,000.00 estimated revenue (CTN-SD-18-39)
17. Pima Community College District, to provide for the Adult Basic Education College and Career Program at the Pima County Adult Detention Center, Sheriff Inmate Welfare Fund, contract amount \$141,372.38 (CT-SD-18-71)

BOARD OF SUPERVISORS

18. **Meeting Schedule**
Approval of the Board of Supervisors' Meeting Schedule for the period January through May, 2018.

BOARD, COMMISSION AND/OR COMMITTEE

19. **Cooperative Extension Board**
 - Appointment of Hector Campoy, to fill a vacancy created by Paul Ellis. Term expiration: 6/30/18. (Committee recommendation)
 - Reappointments of Rick Frey and Kelly Cook. Term expirations: 6/30/19. (Committee recommendations)

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/ PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED PURSUANT TO RESOLUTION NO. 2016-62

20. **Special Event**
 - Keith Daniel Stoltzfus, Interfaith Community Services, St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, September 29, 2017.
 - William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, October 7, 2017.
 - Michelle Erin Harrington, Greater Vail Area Chamber of Commerce, Pima County Fairgrounds, 11300 S. Houghton Road, Tucson, October 21, 2017.
 - Jose M. Alday, Our Lady of Fatima Parish, 1950 W. Irvington Place, Tucson, October 28 and 29, 2017.
 - Olivia Sethi, Angel Charity For Children, Inc., The Westin La Paloma, 3800 E. Sunrise Drive, Tucson, December 9, 2017.

21. **Temporary Extension**

- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for October 7, 14 and 28, 2017.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for November 4, 2017.

ELECTIONS

22. **Election Boards**

Pursuant to A.R.S. §16-531(A), appointment of all election boards and tally boards recruited and on file in the Elections Department for the November 7, 2017 Election.

23. **Accuracy Certification Board**

Staff requests approval to appoint Karen Schutte and Barbara Tellman, with Elaine Lim as Ms. Tellman's backup, to the Accuracy Certification Board for the November 7, 2017 Election.

24. **Precinct Committeemen**

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

RESIGNATIONS-PRECINCT-PARTY

William Petroustson-029-DEM; Helen L. Dick-170-DEM; Michael A. Montano-070-GRN; Mark A. Ross-099-GRN

APPOINTMENTS-PRECINCT-PARTY

Yvonne Creanga Cockrell-029-DEM; Helen L. Dick-030-DEM; William J. Canalez-061-DEM; Gloria J. Barrett-105-DEM; Rocco F. DePaolo-122-DEM; Mark F. Baudendistel-133-DEM; Mallory H. Riegger-211-DEM; Thomas A. Woodrow-105-REP; Michael A. Montano-123-GRN

RATIFY AND/OR APPROVE

25. Warrants: September, 2017

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40. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:18 a.m.

CHAIR

ATTEST:

CLERK

DRAFT