

## **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, March 19, 2024. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz joined the meeting at 10:32 a.m.

\*\*Supervisor Christy participated remotely.

### **1. CONTRACT**

Jose M. Fernandez, to provide an Acquisition Agreement - Acq-1212 and Warranty Deed for property located at 4335 N. Avra Road, Tax Parcel No. 213-28-042E, in Section 19, T13S, R11E, G&SRM, Pima County, AZ, Flood Control Non-Bond Projects Fund, contract amount \$292,200.00 (CT-RPS-24-373)

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

### **2. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:53 p.m.

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CHAIR

ATTEST:

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CLERK

## **BOARD OF SUPERVISORS' MEETING MINUTES**

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 19, 2024. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz joined the meeting at 10:32 a.m.

\*\*Supervisor Christy participated remotely.

### **1. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### **2. LAND ACKNOWLEDGEMENT STATEMENT**

The Land Acknowledgement Statement was offered by Rose Cota, M. Ed., Principal, Johnson Primary.

### **3. PAUSE 4 PAWS**

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

### **4. POINT OF PERSONAL PRIVILEGE**

Supervisor Christy acknowledged the passing of Bob Zimmerman, a Mt. Lemmon community icon and leader who greatly contributed to Summerhaven's success and extended his thoughts and prayers to his family.

John Stuckey, Sergeant at Arms, provided an update on upcoming construction changes to the Administration Building, which would affect the eastside entryway starting in April. He explained that there would be signage in place and additional staff would be on hand during Board meetings to provide assistance.

## **CLERK OF THE SUPERIOR COURT**

### **5. Acknowledgement**

Acknowledgement of the retirement of Louise Beitel, Director, Human Resources and Training, Pima County Clerk of the Superior Court.

Gary Harrison, Clerk of the Superior Court, stated that Ms. Beitel had been with the Superior Court for 43 years, was a vital part of their office, had made the lives of four different Clerks easier and would be greatly missed. He thanked her for her dedicated service and wished her the best in her retirement.

Supervisor Christy mentioned that the Beitels lived within District 4 and was thrilled to have them as residents in his district. He asked that they continue to send him updates on their travels and offered his congratulations.

No Board action was taken.

## **PRESENTATION/PROCLAMATION**

6. Presentation of a proclamation to Donna Corbin, Volunteer, Sustainable Tucson, proclaiming the week of April 1 through 7, 2024 to be: "FOOD WASTE PREVENTION WEEK"

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

7. Presentation of a proclamation to Kimberly Peute, CEO, Martha Brumfield, Board Chair, Betty Stauffer and Maura Robinson, Board Members, Parkinson Wellness Recovery, proclaiming the month of April, 2024 to be: "PARKINSON'S AWARENESS MONTH"

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

### **8. CALL TO THE PUBLIC**

Brian Johnson addressed the Board in opposition to the resigning Treasurer's request to appoint her Chief Deputy as Treasurer and urged the Board to consider a different process in deference to other candidates who planned to run for the position in the upcoming election.

Sharon Fickes expressed her displeasure with the gun ordinance adopted by the Board at a previous meeting because it violated the Second Amendment and the right to bear arms.

Christine Bauserman spoke to the Board regarding her questions and concerns with the Election Integrity Commission's Annual Report.

Laurie Moore spoke about treason and how the Board violated the Constitution and their Oath of Office with continued aid and open borders for asylum seekers.

Graham Hughes, Visit Tucson, addressed the Board in support of the Teatro Carmen restoration.

Mary Fellows, President, Pima Vocational High School Governing Board, spoke in opposition to Minute Item No. 13 and urged the Board to vote against the item.

Joseph Casey addressed the Board in opposition to Minute Item No. 13 and stated the school was described as a national model for charter schools for at-risk youth.

Raf Polo spoke about DEI Equity and that it was used for everything by Democrats and he expressed displeasure with the shortened time limit for speakers at Call to the Public.

Jason O'Neal spoke in opposition to Minute Item No. 13 and emphasized the gravity of the choice the Board had to make on this item.

Vianey Rojas voiced her opposition to Minute Item No. 13 and highlighted inaccuracies and misleading information she felt were contained in the County Administrator's March 11, 2024 Memorandum regarding this item.

Melissa Southard spoke in opposition to Minute Item No. 13. She stated that her child had been failed egregiously and destructively by the public school system, but was thriving at Pima Vocational High School.

Diane Casey spoke about Pima Vocational High School's accomplishments and expressed her opposition to Minute Item No. 13.

Steve Wilcox explained how the Pima County seal symbolized the church and how he received a sense of hope regarding the future of Tucson following an exchange of views with the Board regarding COVID mask mandates.

Jordan Gardner expressed his opposition to the closure of Pima Vocational High School and indicated that the school had saved his life and given him hope when he was unable to continue his education at a regular school.

Lasca Lawniczak urged the Board to keep Pima Vocational High School open because it gave abandoned, underrepresented, and unheard children a second chance at a better life.

Robert Reus read a campaign flyer he distributed to residents of District 1, as part of his campaign for the Supervisorial position.

Dave Smith urged the Board to consider the ramifications and consequences of their decisions.

Alexa Santa Maria spoke in opposition to Minute Item No. 13 and indicated that Pima Vocational High School had positively impacted her life and their dedication to the students was unmatched.

Chad Carrillo addressed the Board in opposition to Minute Item No. 13 and discussed some of his accomplishments obtained through the support and education he received at Pima Vocational High School.

Cory Stephens voiced her displeasure with previous COVID-19 mandates and continued aid for asylum seekers and open borders.

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Supervisor Christy asked staff to direct Ms. Bauserman to either the Elections Department or to the Election Integrity Commission for responses to her questions and asked that their responses be provided to her and to the Board.

## **BOARD OF SUPERVISORS**

9. The Board of Supervisors on January 23, February 20, and March 5, 2024, continued the following:

### **Intergovernmental Agreement (IGA) with City of South Tucson to Support Provision of Fire and Emergency Medical Services**

Discussion/Direction/Action: Directing the County to enter into an IGA with the City of South Tucson to support the provision of Fire and Emergency Medical Services to the businesses and residents of South Tucson, through which the County shall provide the City of South Tucson with \$400,000.00 this fiscal year for this purpose, from the County's FY24 Contingency Funds; and declaring an emergency. (District 2)

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

10. The Board of Supervisors on March 5, 2024, continued the following:

### **Board of Supervisors Policy**

Proposed adoption of Board of Supervisors Policy No. 22.16, Vacant Positions. (District 1)

Jan Leshar, County Administrator, explained that a draft memorandum would be provided to the Board following the meeting and that as of March 17th, the County had over 7,400 active positions, 907 positions were currently vacant, and 48% or 432 positions were within the General Fund. She explained that staff examined how many positions had been vacant for more than 540 days or 18 months, which totaled 88 vacancies across the County, but indicated some positions had been around long enough that they were no longer funded, but were still listed as Position Control Numbers (PCNs). She stated that during creation of the current year's budget all positions that were vacant for more than 365 days were unfunded, and the process for requesting a new PCN had greatly improved which eliminated the reason departments held on to those positions and had historically been difficult to get them back, but hoped these changes would ensure all departments would now have the number of employees needed to properly run their department without needing to hold onto those PCNs. She stated that one of the concerns and reasons for the analysis was that 202 positions that had been vacant for more than 8 months or 240 days, which resulted in an annualized amount of \$9,790,000.00. She stated the focus was primarily on the General Fund due to its differences from some of the Special Revenue Funds, but every department, with the exception of Facilities Management and the County Attorney's Office, had one or two open positions. She explained there were 32 unique job classifications that made up 48 positions, six of which were from Facilities Management that continued to struggle with hiring, but were in the process of developing a methodology that would help identify those hard to fill job classifications based on a variety of factors, such as determining the length of time it took to be filled, to be allowed to hire beyond the first quartile, and what was needed to attract those positions. She stated the recommendations moving forward included eliminating all unbudgeted positions that had been vacant for more than 540 days, instruct Grants Management and Innovation to review all grant positions that had been open for eight months, and work with departments to determine if those grants were still relevant or whether they simply remained on the books, but instead of sweeping them each position would be reviewed on a case-by-case basis for analysis. She stated staff would continue working on the methodology for identifying hard to fill jobs, and if the Board chose to move forward with the vacant policy that was previously presented, it was recommended to delay the effective date until July 1st so departments could conduct a budget analysis and consult with Finance and Human Resources to determine what would be needed to address some of those hard to fill positions.

Chair Grijalva stated that her understanding was that funds were swept yearly and questioned why a policy was needed when it was already happening. She asked if funds were swept but positions still existed, could positions still be posted or was it prohibited because the funds were no longer available for the position.

Ms. Leshar responded that departments would need to get approval from the Finance Department to fund an open PCN and that occasionally PCNs had been traded off for certain vital positions if they remained within their provided budget for the year.

Chair Grijalva stated that for example, \$2.4 million had been swept from the County Attorney's current budget and questioned whether that amount would be added back in the new fiscal year or would it remain the same as the prior budget year.

Ms. Leshner responded that it depended on the budget the Board provided and stated that if the County Attorney's Office or another department requested that the positions be restored those recommendations could be added to the budget with approval by the Board.

Chair Grijalva questioned whether that would be considered a supplemental or a base request.

Ms. Leshner responded it depended upon whether the PCN existed and per Board policy it may exist, but funding for that current year was swept because it had not been filled for a period of time and those positions could be funded and returned for the new fiscal year. She stated that several departments were concerned about money being swept and they worked with departments to determine what additional funding was needed to maintain the budget and personnel guidelines that were set forth by the Board.

Supervisor Christy thanked Ms. Leshner for her very detailed verbal report that included many facts and figures and was of such a nature that he would have preferred the written report that was in process and requested that the report also address the comments made by Chair Grijalva and Ms. Leshner. He felt that the Chair's comments were important and needed to be clarified and expressed in the written report and requested the item be continued until the written report was provided to the Board.

It was moved by Supervisor Christy and seconded by Chair Grijalva to continue the item to the Board of Supervisors' Meeting of April 2, 2024. No vote was taken at this time.

Supervisor Lee stated she wanted to hear from County Attorney Conover who was present at the meeting and that Ms. Conover had provided several memorandums to the Board regarding this issue. She offered her own opinion and stated that when it came to elected officials running their own department, she had an issue with positions being swept from their budget, and although they had unfunded PCNs they were still required to request them back from Finance. She stated that what she thought needed to be done was to stabilize their budget and that there had to be some rationale as to why they had vacant positions. She added that it also had to do with the issue regarding the large amount of contract attorneys being hired and she was unsure if salary compensation was still an issue, but that it was hard to recruit attorneys. She stated she had an issue with having to request funding be returned for PCNs if she was an elected official voted on by the citizens of the County to run an office well.

Chair Grijalva questioned whether Supervisor Lee had a specific question for the County Attorney.

Supervisor Lee stated that she could address the memorandums she had provided to the Board.

Laura Conover, Pima County Attorney, responded that if the item was being continued, she was willing to return to discuss it at that time, but it was at the pleasure of the Board.

Supervisor Lee expressed her interest in hearing from Attorney Conover since she was in attendance.

Attorney Conover responded that she had raised concerns about the \$2.4 million that was swept from her budget and not returned and indicated it had dramatic consequences for her office because of their statutory obligations towards public safety and legal representation for the entire County. She thanked the Board for providing her with a significant tool with the approval of the new classification and compensation study. She stated that previously they had long-standing vacancies, but were now able to provide more competitive salaries which allowed them to hire more attorneys and veteran attorneys because they could be competitive with other governmental agencies across the State. She explained that the hiring and matching process began in February when offers were made, graduations happened in May and bar exams were taken in July with the hope to be licensed by November, which meant they would always be outside the 240 days. She stated that although the sweep was designed in a way that served the County's needs, her office had a unique hiring process, a nationwide standard that fell outside this particular guideline and she was in a position where offers were made, but were faced with sweeps.

Supervisor Scott asked that in regards to the \$2.4 million swept during the current fiscal year, whether the County Administrator could advise the Board and public of the current board policy that made it necessary.

Ellen Moulton, Director, Finance and Risk Management, responded that during the creation of the 2024 budget, a number of items were identified that reduced base budgets, which included the elimination of some vacant positions.

Supervisor Scott stated that his understanding was that the Board policy passed in October 2022, related to vacant positions and also maintaining a required fund balance in the General Fund.

Ms. Moulton responded in the affirmative and indicated it was one of the levers used in the creation of the 2024 budget.

Supervisor Scott requested that the Board be provided with a copy of the current policy that was passed in October of 2022, in deference to Supervisor Lee who was



not present for the vote, as well as a comparison between the existing policy and the proposed policy. He expressed his support of Supervisor Christy's motion.

Supervisor Lee asked if the policy specifically stated that PCNs were swept and kept without funding for elected officials.

Ms. Leshner responded that there was no distinction between elected officials from non-elected officials in the General Fund budget, but believed there was discussion about exempting elected officials from this requirement when the policy was previously reviewed by the Board.

Supervisor Lee suggested that with the '24/25 Budget process, the County Attorney's budget be reviewed for the swept funds from the prior year and stated they had also submitted a supplemental request for \$7,000.00, which was an obvious issue with the budget since this request was made. She felt that the entire budget should be reviewed and hoped that the County Attorney's budget presented was necessary and would be able to function as required by statute.

Ms. Conover noted that after the \$2.4 million had been swept without consultation, the department had managed to stay under budget even with the loss of funding during a difficult and challenging time when jury trials were being prepared and prosecutors were needed in the courtrooms, which was why they had many hire offer letters. She stated that in planning for new hires, they submitted a base request that contained the swept positions, but were told to cut further to fit the target the County had set for them. She added that they had worked hard at being good stewards of their budget and had always come in under budget every year, but that had harmed them at the end because \$2.4 million was there to be swept.

Supervisor Christy stated it was obvious there were many issues not taken into consideration that could be incorporated and addressed in the County Administrator's written report. He urged that the item be continued and called the question.

Chair Grijalva concurred and stated that Supervisor Christy's motion was comprehensive of all the issues, and it did not need to be changed, but that it would be continued until the report was received and was unsure if a specific time was given.

Melissa Manriquez, Clerk of the Board, clarified that Supervisor Christy's motion was to continue the item to the meeting of April 2, 2024.

Supervisor Christy amended his motion to continue the item until the written report was received by the Board.

Chair Grijalva, as the seconder, accepted the amendment to the motion.

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

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

No updates were provided for this item.

12. **Teatro Carmen Presentation**

Discussion/Direction/Action: Presentation from Herb Stratford, Stratford Artworks, regarding progress to date on the restoration of the Historic Teatro Carmen in Barrio Viejo, and goals/timeline for Phase 2. (District 2)

Herb Stratford, Stratford Artworks, provided a slideshow presentation and explained that this was County owned property that they would eventually operate, and he was the partner who raised the funds and restored the theater. He stated the first phase involved the façade restoration for a total cost of about \$650,000.00 with approximately \$300,000.00 that came from a State Heritage Fund grant, \$180,000.00 was from private sources and \$143,000.00 from Pima County grants. He stated that the most expensive part was \$180,000.00 spent on the removal of a utility pole that caused a project delay of about five months. He stated the biggest modification was to get the building back to its form when it was converted from a house to a theatre space in 1915. He stated that it required a lot of brickwork to recreate the archway with period brick, they added a mural, recreated original signage, added doors for the Elks Club 1941 addition next door, added original gates, a new sidewalk and new poster cases. He stated that Phase 2 would consist of improvements to the roof, ceiling and stagehouse. He stated the stagehouse was torn down in 1936 when the Black Elks purchased the building, and they would be rebuilding it to its original form using an old photo that he displayed which showed the original stagehouse. He explained the roof detail that was needed and stated they would work around the monsoon season. He stated that Phase 2.5 consisted of plumbing and HVAC and they had received grants from the State and City of Tucson which would take place this calendar year and Phase 3 consisted of patio improvements with the hope to complete it by the following year. He stated that it was currently an empty lot on the corner of Simpson and Meyer, but there used to be a Chinese Market there until 1961. He stated the property had an amazing history of African American, Hispanic and Chinese culture and the outdoor patio space would be part of the project tied to the eventual bar and restaurant. He stated that the final phase of the project and most challenging was going to be the interior. He explained that when the theatre open in 1915 it was probably the nicest in town but it was a small Hispanic Spanish language speaking theatre and there were no photographs which made it difficult to find references for the building. He explained some of the research he conducted on other theatres from the same era depicted the historic tin ceiling and orchestra pit and believed that the Carmen Theatre also had an orchestra pit because some of the narrative in the Spanish language newspapers had referenced one which they believed to be under the floor. He stated the space was not large or gold-leafed but was intimate, could hold 250 to 300 seats and was a valuable niche for the community since there were no other

venues of that size in the area and added that he received inquiries on a weekly basis about renting and visiting the building. He touched on the project's fundraising progress and stated that \$4.3 million had been raised through public and private partnerships and stressed the importance to Stratford Artworks that the project was supported by the entire community. He stated they had raised about half of the money needed, were continuing to solicit from private foundations and had applied for federal funding. He explained that following the neighborhood's designation as a National Historic Landmark later this year, the Save America's Treasures grant application would be submitted and the final \$1.5 million would be raised during the public campaign phase. He stated the completion of the façade was a tremendous help to the restoration process and things were moving along nicely and quickly and indicated he would be coming back to the Board soon with a proposal for a naming plan of the theatre. He stated that the last thing to touch on was media outreach and the success Visit Tucson has had with telling the story nationally and the tremendous attention the community and the neighborhood received. He added that they had done many tours and offered a tour to Board members. He stated they were proud of the tours and they were thrilled to be partnering with Pima County on this project.

Chair Grijalva thanked Mr. Stratford for his presentation and expressed her excitement for the project.

Supervisor Heinz questioned whether the high-level national coverage from the NY Times and the Condé Nast was normal and if he had expected it to happen.

Mr. Stratford responded that it was unusual to receive that type of attention, especially on a project that was 18 to 24 months away from completion and that it was usually the neighborhood designation that caught the attention of journalists and added that the Barrio Viejo designation was significantly important because it would become the third National Historic Landmark for the area after San Xavier and Tumamoc Hill.

Supervisor Christy felt it was a terrific project despite his disagreements over whether it should be a County or City sponsored event and questioned whether the grants being pursued had matching requirements.

Mr. Stratford responded that some did, and some did not, but indicated that they worked closely with the County's grant management process quite extensively to ensure they had encumbered any match that was needed. He noted that Rio Nuevo funds were not available due to the project's location that was across the street from the edge of their district, but stated that the City of Tucson supported the project and had provided a \$300,000.00 plumbing grant through the American Rescue Plan Act and was actively working to match the County's investment in the project.

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

## **COMMUNITY AND WORKFORCE DEVELOPMENT**

### **13. Pima Vocational High School (PVHS)**

Staff recommends surrendering the PVHS charter before April 30, 2024, to accommodate Arizona State Board of Charter Schools timeframes to finalize surrender before the end of the 2024 fiscal year.

Chair Grijalva stated that when she worked at 97 E. Congress Street, she shared a basement with Pima Vocational High School (PVHS) for approximately 10 years and was very familiar with the program at that time and indicated she was the only Board member who had voted on school closure hearings and understood their difficulties. She stated that as a parent who had struggled to find the right school for her child, she understood the complexities of the process and was impressed by the student speakers, staff members and parents advocating for the school's continuation.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, provided a slideshow presentation and shared the school's history with some information on its current situation. He stated the charter school was founded in 2000 through action of the County Board of Supervisors, and at that time, oversight was by the Department of Education and Arizona State Board of Charter Schools, and it was an innovative and very important and unique offering at a time when there were not many charter schools targeting at-risk youth and providing a school-to-work focus. He stated that there had been changes in the educational landscape and the Joint Technical Education District was established in 2007 to provide more technical and vocational opportunities and additionally, alternative charter schools and school districts had grown in popularity. He stated that school districts such as Tucson Unified School District, Sunnyside Unified School District, and Marana Unified School District had stepped up their offerings in alternative schools for children challenged in other settings. He stated that was important context for the County's situation of being the only jurisdiction in the State of Arizona that operated a charter school. He displayed a list of potential alternative school options and explained that there was a relationship with the State Board of Charter Schools and their staffer who supported southern Arizona and this list was based on recommendations of what might work for these students programmatically and geographically. He showed a graphic that entailed PVHS's average daily membership since the school was founded up to the present, along with how much General Fund support the school had received since its inception and noted that while the number of daily members had decreased since 2014, the amount of General Fund support had increased. He stated the current situation showed a decrease in average daily enrollment trend that preceded COVID and continued to be present, student assessment scores were below the County average, increased General Fund support with very high per pupil expenditure and obvious leadership and staffing challenges. He stated the message being conveyed today was not meant to impugn the achievements of individual students that negated the commitment of their teachers or in any other way

diminished their accomplishments, but the question being asked was whether Pima County should be in the business of operating a charter school. He stated that staff's recommendation was that the Board surrender the charter and plan for an orderly transition, and staff would finalize individual transition plans for each student.

Supervisor Scott stated that he was disappointed that AzMERIT scores were used as a basis for justifying this decision and indicated that the State of Arizona had made the extraordinarily poor choice of using AzMERIT and AIMS as the basis for school letter grades. He stated that the Board would compound that error by using these scores to justify a decision made by the Legislature and past Governors and was disappointed that this was included in the memorandum and presentation. He stated that the majority of students in every grade level failed AzMERIT every time it was administered across the State, and it was not because of student achievement or efforts of their teachers, but rather a reflection of this test and indicated that this was a separate issue from what was being discussed. He referenced statements from a County Administrator memorandum dated December 7, 2023 and a memorandum received in March from Mr. Dan Sullivan, which he felt were gross understatements of what he considered was the root of the problem for the current situation. He questioned what PVHS's current situation would be if there had been annual reports and regular opportunities for the Board to provide oversight and direction, which had never happened. He stated that prior to this meeting, he had spoken to a three-term member of the PVHS Board who had served for 12 years, who could not recall more than 1 or 2 times that Pima Vocational had been discussed with the Board of Supervisors and the first time Supervisor Scott had heard anything about it was with the December memorandum. He stated PVHS had been neglected and ignored since its inception by the current and previous Board of Supervisors and County staff and had been left to fend for itself, and the situation they were in today was due to every Supervisor who had sat on the dais since 2000. He thanked Chair Grijalva for being the first Supervisor to ask questions, Ms. Piña, Ms. Connor, and Mr. Flagg, for the work they had done with the staff and in particular, the Administrators, Teachers and Students from the school and wished the County had done better by them. He stated the current focus based on student input and letters received, was on credit recovery, which was now a viable option in the community through the K-12 districts and charters compared to 2000 and noted that the internship focus that was central to the school's creation had become less prominent, with internships only being offered to 6% of students. He questioned what efforts were already in progress and would continue to be made to work with individual students and their parents to determine other possible options should the Board decide to surrender the charter and close the school.

Jan Leshner, County Administrator, responded the primary concern was what would happen to the students and asked staff to provide further clarification.

Dr. Garcia responded that staff had not predicted the outcome of today's decision, but a plan had been created and asked the Deputy Director of Community and Workforce Development to share that plan with the Board.

Rhonda Piña, Deputy Director, Community and Workforce Development (CWD), explained that they did not want to be presumptuous with individual plans for students to find a path for them outside of the Board's decision, but they had a five-step transition plan created by herself and Daphanie Conner, Youth Program Manager Division, that would be implemented based on today's Board decision that they felt made sense and was in the best interest of the students and parent communication. She went over the plan and stated that there were 37 actively enrolled students and had anticipated 7 students who would graduate in June 2024, which would leave 30 students. She added they currently had between 20 to 24 average daily attendance and those students would have a transition plan and would work with a transition team which consisted of Ms. Conner and other CWD staff that were already involved with PVHS and a staff member from PVHS. She stated team members would continue meeting with students or parents/guardians, to explain the process and school's status. She commented that prior to this point, the matter had been discussed once the status of the school was known when CWD had made the recommendation to surrender the charter and messaged the information to incoming students and notified parents. She stated that the next step would be for PVHS team to review transcripts with students and guardians and would also occur with at least three or more schools in the area where the student lived and work accordingly to schedule site visits and PVHS staff would provide transportation for school tours. She stated that following the selection of the new school by the student and their guardian, PVHS would send a complete transfer packet to the new school and added that a transcript review exercise was conducted in the school by Daphanie and her team to ensure records being kept were as accurate as possible when working with these students on their transition plan.

Supervisor Lee commented that she did not know enough about charter schools, although she knew there were a significant amount of them and that even Pima Community College thought about creating a charter, but it had not happened. She stated that the biggest impact was made by the student speakers and they had done an amazing job, and it was clear that teachers and staff were dedicated to their students and this decision was not easy. She questioned whether there was the option of establishing their own private charter or merging with an existing one such as Chicanos Por La Causa. She added that charter schools were being developed and there could be a focus to meet its needs. She stated that the vocational aspect of its original intent no longer existed due to JTED and if vocation was the original goal to ensure students were career ready and be able to access it, then the County had not met the need for vocation. She stated that she believed charters could start an umbrella charter or start a new charter and asked if anyone could provide confirmation on this.

Chair Grijalva replied that Pima County held this charter and that it would need to be released, but indicated that enrollment decline was not unusual for any school and PVHS had been more affected than other schools because it was small. She stated there had been other smaller alternative programs that had sought to

become part of an umbrella program, but was not sure if that had been extensively explored and indicated some of the charters listed as alternatives were not actually alternative programs which was an important distinction. She stated there were opportunities with charters where it could be a wholesale school within a school and details would have to be negotiated and theoretically, the Board could say they would work with them to send students to new schools, but believed individualization was essential because not every student lived nearby. She stated the teaching staff was dedicated specifically to this school but there were many options within the community and added that teaching in an alternative environment was very different from teaching in a traditional campus setting. She stated the idea of a vocational program was one of PVHS's unique and pioneering aspects because when they started on December 14, 1999, the pendulum had gone very far towards a four-year degree or nothing, and at that time, the Board of Supervisors looked at vocational education as an important part of education. She stated the system had evolved and traditional high schools currently had vocational programs, and JTED which any of their programs were available to any student enrolled in any school. She stated that tax dollars already paid for that umbrella, so they could technically move to another program, but Pima County would still need to release the charter since it would no longer be sponsored.

Supervisor Heinz did not understand why this did not fall under Community and Workforce Development (CWD). He questioned why this would not be better suited under the Library system and whether that was worth exploring.

Chair Grijalva stated that the Library had an online High School Diploma Program but was not aware whether it provided any in-person instruction. She stated that she was unsure if this program started with CWD, but believed the vocational component was the reason for the connection. She explained that the program allowed students to spend half of their day in a smaller classroom environment and the other half of the day in an internship and use the minutes of instruction count as part of that internship. She stated there was a minimum amount of minute instruction that had to be shown by every school in order to get full daily membership and many of the students were not doing their part. She stated that a \$35,000.00 grant was initially provided by the State, and two years later \$63,000.00 was provided by the County's General Fund and this had increased incrementally each year. She stated that when the Board of Supervisors voted in 1999 they indicated it would not be funded, but they thought it could fund itself and provided the opportunity for it to happen and encouraged County departments to have internships so students could learn about the jobs offered by the County. She stated that the connection may have occurred as a result of a change in leadership and vacancies, which happened annually. She added that it was a very difficult environment if there was not team to provide recruitment and if the County did not vote to release the charter, a significant monetary investment would be needed for their success and was unsure this budget year would allow it. She stated that last year's budget was \$372,000.00 from the General Fund, excluding Information Technology costs of about \$300,000.00 and the investment was being supplemented to the PVHS budget by \$350,000.00 and there had been continued

investments since 2003. She stated it would cost a significant amount of money for full staffing and to reestablish the charter. She stated this was her stance on the matter, which was incredibly difficult for her and financially for everyone. She added that she had mentioned that she was probably the only person who had to participate in school closure hearings, and it was painful to hear students that found success in this environment. She felt that the County's position should continue to be that the program be able to sustain itself, and it had not been able to, as when it was originally approved. She stated another issue was that the County currently had a significant budget situation, and she could not envision a way forward for PVHS without a commitment from this Board, which would cost about \$1 million.

It was moved by Chair Grijalva, seconded by Supervisor Lee and unanimously carried by a 5-0 vote, to accept the County Administrator's recommendation to surrender the charter of PVHS.

Chair Grijalva thanked everyone in attendance and stated that she knew how difficult it was and she hoped staff would help support students find the best fit for them.

Supervisor Scott requested that staff provide follow-up reports regarding the five-step process outlined by Ms. Piña.

## **ELECTIONS**

### **14. Election Integrity Commission Annual Report 2023**

The Election Integrity Commission recommends acceptance of the 2023 Annual Report.

Brian Bickel, Chairman, Election Integrity Commission (EIC), provided an update and stated that the report provided to the Board had been vetted by all commission members and enhanced and embellished to address most of the issues, but in comparison to 2022, 2023 had been a mild election year and did not significantly involve the vote centers so there was not much comparison between the two. He pointed out that it was a joint report submitted by himself and Constance Hargrove, Elections Director, who was not in attendance because she was currently occupied with the Presidential Preference Election. He indicated that election had gone well but one of the concerns raised during Call to the Public and by commission members was whether cost savings could be anticipated and if any were realized with the conversion from precinct voting to vote centers. He explained that as a result of the measures taken to prevent problems, there were no cost savings and the possibility of slight increases due to the significant number of ballots that were printed. He stated it was important for people to understand that in a General Election, they had approximately 2,000 different ballot iterations in Pima County because each Supervisorial District, Congressional District, Legislative District, Water District and School District had its own ballot iteration, but felt that the issues experienced in 2022 had been addressed. He stated that so far it was a good year



and currently all but two ballots received from the Recorder's Office had been counted and tabulation would resume this afternoon at 4:00 p.m. He stated the current election was mild being they only had two ballot iterations, one Republican and one Democrat and reiterated it was not a fair comparison due to the simplicity of the election. He stated that the Primary Election would a better indicator and the General Election would be a full-on attack on the way the County conducted elections due to the number of initiatives anticipated to be submitted by voters or legislator submission of House Concurrent or Senate Concurrent Resolutions anticipated for the ballot. He concluded that the commission would begin providing quarterly updates to the annual report so that the document was more transformative rather than informative.

Supervisor Christy requested a cost analysis of what the vote center allegedly saved Pima County, and asked Mr. Bickel to forward it to the EIC and County Administration to forward it to the Elections Department.

Chair Grijalva stated that Mr. Bickel addressed Supervisor Christy's request in his comments.

Mr. Bickel responded in the affirmative and indicated it was an issue that would be monitored because it was a concern of both the commission and the citizens of Pima County, and it needed to be documented.

Chair Grijalva noted that the commissioners were appointed for two-year terms and read their names along with the Chair, Vice Chair and ex-officio, and inquired if anyone was missing from the list.

Mr. Bickel responded that the Green Party was a recently recognized party within Pima County and they had been informed they had an appointment for the EIC, but had not yet received any information.

Chair Grijalva thanked Mr. Bickel and the EIC for their work and stated that the opportunity to share his perspective as a commissioner was always available to keep the public informed about election accessibility, safety and transparency.

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

## **FINANCE AND RISK MANAGEMENT**

### **15. Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending December 31, 2023.

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

## 16. **Monthly Financial Update**

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

Jan Leshar, County Administrator, stated that the Board had received the monthly report and provided a slideshow presentation that would address some of the questions previously raised about Vehicle License Tax (VLT) and Highway User Revenue Funds (HURF) for Transportation, as well as the General Fund.

Ellen Moulton, Director, Finance and Risk Management, referred to the slideshow and stated that it was a snapshot of the performance as of January 2024, Period 7, which showed a \$10 million positive variance in revenues mostly due to a \$6.8 million Arizona Long Term Care System (ALTCS) refund received in late December and posted in January. She stated a slight decrease in expenditures had also contributed to a positive overall impact on the fund balance and was up slightly from last month to \$6.7 million over the required Board reserve for the General Fund. She stated that Supervisor Christy had requested information related to HURF and VLT and displayed a ten-year retrospective of what the County had received. She added that HURF went directly to the Department of Transportation and in 2014 the County received approximately \$37.5 million and in Fiscal Year '24, received \$55.8 million which was approximately a 49% increase over the last decade. She stated that VLT revenue was also collected by the State and was split based on statute between the General Fund and the Department of Transportation. She displayed a graphic which showed the VLT went to the General fund received \$11.7 million in 2014 and just under \$19 million last year, a 62% increase over a decade. She added that similar numbers could be seen with the VLT that went directly to the Transportation Department just under \$24 million received in 2014 and \$34.6 million in '23, an approximate 45% increase.

Supervisor Scott commented that Ms. Moulton mentioned VLT went to General Fund and VLT also went to the Transportation Department which was set by statute. He stated that his understanding was that even if any County wanted to use their VLT General Fund revenues in Transportation, they would be precluded from doing so. He asked if this information was correct.

Ms. Moulton responded that she did not have the relevant statute available but believed the Board had discretion regarding the use of VLT and indicated that she needed to validate her answer.

Supervisor Scott stated he would like confirmation and questioned if the Board made that decision, they would be required to make up the revenues that were going to the General Fund, perhaps through increasing property taxes.

Ms. Moulton responded in the affirmative.

Ms. Leshar stated that she would provide more information to the Board.

Supervisor Lee questioned whether the \$7 million surplus would ever be used for balancing overbudgeted departments or use of the discretionary rainy-day fund.

Ms. Moulton explained that at the current point, the General Fund Reserve would not be used, and if a specific department was overbudget and other departments were underbudget, which showed the net result.

Supervisor Lee asked if \$7 million was all that was left until the end of the fiscal year, and for example, if the Sheriff's Department was over budget by \$4 million, would that amount be deducted from it.

Ms. Moulton responded that the Sheriff had predicted to come in over budget and the numbers shown were predicted through the end of the fiscal year. She explained that the forecasts provided by each department on a monthly basis were over and above what was projected to be spent.

Chair Grijalva stated that departments were being asked for suggestions on how to cut costs and requested a presentation at the next meeting. She stated Supervisor Lee would be submitting a request for a review of any expenditures out of the General Fund for certain departments and indicated her personal preference was to focus on very specific cuts rather than doing so across the board and duplication of efforts.

Supervisor Lee responded that she would submit an agenda item regarding the budget balance and 3% cuts being requested from each department. She stated 3% was quite substantial for a small department with very little wiggle room and questioned whether it would be better to have the Deputy County Administrators determine which of their areas needed the cuts.

Ms. Leshar responded that she met with the Deputy County Administrators and the Finance Department weekly and when they began meeting in January, there was a \$41 million deficit they faced going into next year and were currently down to \$16 million by reviewing programs and anything they could consider and whether they could take a 3% cut. She stated they had begun to examine exempting elected officials from those policies for a variety of reasons and what needed to be done to ensure only General Fund departments were impacted by it. She stated that the easy way was to take a percentage across the board, but the harder way would be to look at very specific programs, allocations of funds and duplication and indicated it was being worked on weekly. She stated a brief overview would be given at the next meeting so that the Board could provide guidance and direction because they would be receiving the transmittal of the draft budget by the end of the month.

Chair Grijalva responded that it needed to be critically reviewed for all duplications of effort, including services currently being provided and funded from the General Fund, however, departments that were predominantly grant-funded were exempt because she did not want to have to send back grant money. She stated that these

conversations were difficult, and the prior vote was also difficult which had financial implications and she felt that the Board was willing to move forward with some challenging decisions to protect or enhance departments that needed extra support.

No Board action was taken.

## **HUMAN RESOURCES**

### **17. Classification/Compensation**

The Assessor's Office requests approval to create the following new classifications, associated costs will be borne by the department from within its current budget:

**Class Code/ Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code**

6005/ Tax Assembly Coordinator I/ 13 (\$57,607-\$80,649)/ 2/ E\*

6006/ Tax Assembly Coordinator II/ 15 (\$66,536-\$93,150)/ 2/ E\*

6007/ Director Regression Modeler Supervisor/ 15 (\$66,536-\$93,150)/ 2/ E\*

\*E = Exempt (not paid overtime)

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

### **18. Classification/Compensation**

The Human Resources Department requests approval to create the following new classification within the Sheriff's Department, associated costs will be borne by the department from within its current budget:

**Class Code/ Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code**

6008/ Records Technician II/ 6 (\$41,811-\$56,445)/ 6/ NE\*

\*NE = Not Exempt (paid overtime)

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

Supervisor Christy questioned how the Sheriff's Department could create a new position when it was currently overbudget.

Jan Leshner, County Administrator, responded that it was for a reallocation within the organization for this particular records technician position and explained that existing positions would be reallocated into this new classification and there would be no additional personnel or funding.

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

## **CONTRACT AND AWARD**

### **Community and Workforce Development**

19. Salvation Army, Amendment No. 2, to provide for the U.S. Housing and Urban Development (USHUD) Continuum of Care Program - Coalition Assisting Self-Sufficiency Attainment, extend contract term to 4/30/24, amend contractual language and scope of services, USHUD Fund, contract amount \$253,018.00 (CT-CR-21-392)

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

20. Watershed Management Group, Inc., Amendment No. 1, to provide for the Green Stormwater Infrastructure for Neighborhood Cleanup, extend contract term to 3/31/25 and amend contractual language, no cost (CT-CR-23-344)

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

21. Watershed Management Group, Inc., Amendment No. 1, to provide for Enhancing Site Sustainability of Local Shelters, extend contract term to 3/31/25 and amend contractual language, no cost (CT-CR-23-343)

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

### **Health**

22. LexisNexis VitalChek Network, Inc., Amendment No. 1, to provide for ordering of vital records, extend contract term to 1/31/25 and amend contractual language, contract amount \$1,600,000.00 revenue (CTN-HD-23-110)

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

### **Office of Emergency Management and Homeland Security**

23. State of Arizona and Arizona Department of Emergency and Military Affairs, to provide for the Arizona Mutual Aid Compact, no cost/10 year term (CT-OEM-24-292)

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

## **Procurement**

### **24. Award**

Amendment of Award: Master Agreement No. MA-PO-19-219, Amendment No. 7, Trajen Flight Support, L.P., to provide for aviation grade fuel. This amendment is for a one-time increase in the amount of \$200,000.00 for a cumulative not-to-exceed contract amount of \$1,417,000.00. Funding Source: General Fund. Administering Department: Sheriff's Department.

Chair Grijalva inquired if this was for additional funding or budgeted from the Sheriff's Department.

Jan Leshar, County Administrator, responded that the funding had already been allocated within the budget.

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

### **25. Award**

Award: Master Agreement No. MA-PO-24-131, Shamrock Foods Company (Headquarters: Phoenix, AZ), to provide milk for the Pima County Adult Detention Complex. This master agreement is for an initial term of one (1) year in the annual award amount of \$382,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff's Department.

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

### **26. Motorola Solutions, Inc., Amendment No. 3, to provide for Motorola Flex software and support, amend contractual language and scope of services, no cost (MA-PO-23-180) Administering Department: Information Technology, on behalf of Sheriff's Department**

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

### **27. CenturyLink Communications, L.L.C., d.b.a. Lumen Technologies Group, Amendment No. 3, to provide for carrier and broadband services, extend contract term to 3/15/25 and amend contractual language, Telecom Internal Service Fund, contract amount \$500,000.00 (MA-PO-21-72) Administering Department: Information Technology**

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

## **Real Property**

28. Freeport-McMoran Sierrita, Inc., to provide for Pima County License for Right-of-Way encroachment, total contract amount \$4,375.00 revenue/25 year term (\$175.00 per year) (CTN-RPS-24-137)

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

29. Infinite Concepts, L.P., to provide a Development Agreement (RPS: Sale-0078) for 6.919 acres of vacant land located at 4051 E. Paradise Falls Drive, no cost/5 year term (CTN-RPS-24-125)

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

## **Sheriff**

30. RESOLUTION NO. 2024 - 11, of the Board of Supervisors, authorizing the approval of Organized Crime Drug Enforcement Task Forces FY 2024 Agreement for Case No. SW-AZT-984 between the Federal Bureau of Investigation and Pima County for assistance in law enforcement operations during Fiscal Year 2023 - 2024, \$25,000.00 revenue (CTN-SD-24-130)

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

## **GRANT APPLICATION/ACCEPTANCE**

31. **Acceptance - Community and Workforce Development**

Arizona Department of Housing, to provide for the Southwest Gas Corporation Weatherization Assistance Program, \$23,083.00 (GTAW 24-118)

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

32. **Acceptance - Health**

Arizona Department of Health and Human Services/Centers for Disease Control and Prevention, Amendment No. 2, to provide for COVID-19 Health Disparities, extend grant term to 5/31/26 and amend grant language, no cost (GTAM 24-59)

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.

33. **Acceptance - Justice Services**

John D. and Catherine T. MacArthur Foundation, Amendment No. 2, to provide for the Safety and Justice Challenge and extend grant term to 12/31/24, no cost (GTAM 24-39)

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.

34. **Acceptance - Regional Wastewater Reclamation**

The Water Research Foundation, to provide for a Project Funding Agreement 5272, Titled Evaluation of Adsorptive Medias for Optimizing Siloxane Removal from Biogas, \$132,000.00/\$25,000.00 Regional Wastewater Enterprise Fund Match/\$107,000.00 Water Research Foundation, WSSC Water, HDR, and King County Fund Match/3 year term (GTAW 24-117)

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

35. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for traffic records related materials and supplies (printers, scanners, mounts and accessories) for Arizona Traffic and Criminal Software (TraCS) Implementation Project, \$83,162.73 (GTAW 24-109)

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

**FRANCHISE/LICENSE/PERMIT**

36. **Hearing - Bingo License**

24-01-8045, Jessica Bird, American Legion Auxiliary, McCulloch-Wagner Unit 109, 15921 S. Houghton Road, Vail, Class B - Medium Game.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott 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 Revenue.



## DEVELOPMENT SERVICES

### 37. Hearing - Type II Conditional Use Permit

#### P23CU00015, FOREST INVESTMENTS, L.L.C., ET AL. - N. SABINO CANYON PARK

Forest Investments, L.L.C., et al., request a Type II Conditional Use Permit for a hotel expansion and improvements to associated infrastructure, in accordance with Section 18.41.040.A.36 of the Pima County Zoning Code, on property at 12833 N. Sabino Canyon Park, in the RVC (Rural Village Center) and ML (Mount Lemmon) zones. Staff and the Hearing Administrator recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

#### Standard Conditions & Requirements per the Pima County Zoning Code

1. A hotel/lodge (and the proposed expansion and provision of parking infrastructure) is allowed in the RVC and ML zones as a conditional use per Section 18.41.040.A.36.

#### Special Conditions – Hearing Administrator

1. The lodge is limited to sixteen (16) rooms.
2. The parking provided shall be at a minimum that which is proposed by the applicant, this being thirty-two (32) total motor vehicle parking spaces plus eleven (11) bicycle spaces as follows: a) sixteen (16) spaces for lodge guests, b) six (6) spaces for café guests, c) ten (10) spaces for employees, and d) eleven (11) bicycle spaces.
3. The parking spaces shall be provided in the locations shown in the application materials and shall be for the guest/employee usage as described and illustrated in the same materials.
4. Parking signage shall be installed within six (6) months of conditional use permit approval.
5. A revised Development Plan (DP) or Site Construction Permit (SCP) package shall be submitted to the Development Services Department for the review and approval of parking, off-site improvements, and signage on Sabino Canyon Park for the proposed new sidewalk and the new parking on the east side of Sabino Canyon Park.

Carol Bender addressed the Board and stated that she was a resident in the affected area who had just received notification of the project and requested more information.

Thomas Drzazgowski, Chief Zoning Inspector, Development Services Department, provided a staff report and stated that the request was to change two existing rooms used as a manager room and employee room to be put into the rental pool for the Mount Lemmon Lodge, which had successfully operated for the past 6 to 12 months. He stated a 19-parking space expansion was being proposed by the owner, along with increased signage to provide better traffic flow into and out of the underground garage, and an extension of the sidewalk, which currently ended at the Mount Lemmon Hotel to the north, all the way down to the lodge for continuity with existing parking spaces. He stated no new construction was associated with the lodge, just rental pooling of the existing rooms.

Chair Grijalva stated an email had been received with concerns about its impact on drainage and water.

Mr. Drzazgowski responded that concerns with flooding were at the east side of the street where parking was located, and they would be required to go through improvement reviews with Development Services to ensure it would not hinder the situation.

Supervisor Lee complimented Mr. and Mrs. Osborne on the wonderful job done with the lodge and asked Ms. Osborne to address the handicap access and water concerns.

Diane Osborne, Owner, Mount Lemmon Lodge, responded that one of the issues was public safety and part of their plan was to provide both a sidewalk and a crosswalk down past the lodge to the south so people could access more businesses safely. She stated they were working on improvements to the north of the lodge in front of the gardens on adjacent property they owned because they had no control over anything beyond the lodge on their side of the road. She stated she served on the Mount Lemmon Domestic Water Improvement District (MLDWID) Board and explained that the reason they moved into stage three was due to decreased precipitation, which was a very serious situation on the mountain and indicated that the lodge had taken the initiative of showing people how to save water by having all of their overnight guests sign a document agreeing to become a part of their water saving program. She stated this involved limiting showers to five minutes, using 1.1 gallon per minute shower heads that worked just as well as higher flow, transporting laundry to Tucson and promoting education more widely through social media. She stated the biggest problem with water was with residential leaks and indicated that two leaks within the past month equaled more water than the lodge used in nine months. She stated that MLDWID recently received a grant of \$100,000.00 and would apply for another half million for water saving efforts for the district.

Supervisor Christy stated it was mentioned that the water was at stage three and inquired about its current status.

Ms. Osborne responded they were at full water use and the springs were flowing at 28 gallons per minute, the tanks were full and more rain was expected.

Supervisor Christy questioned whether it was back to stage one.

Ms. Osborne responded in the affirmative.

It was moved by Supervisor Christy, seconded by Chair Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P23CU00015, subject to standard and special conditions.

### **38. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2024 - 3, P23RZ00003, Stinson Family Trust - S. Headley Road Rezoning. Owner: Stinson Family Trust. (District 5)

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

39. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2024 - 4, P23RZ00004, Bracht - N. Marlin Canyon Place Rezoning. Owner: Michael & Leah Bracht. (District 1)

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

40. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2024 - 12, P16RZ00010, 6500 Westover AV, L.L.C. - S. Westover Avenue Rezoning. Owner: Valencia Westover, L.L.C. (District 5)

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

41. **Hearing - Comprehensive Plan Amendment and Specific Plan Rezoning Resolution and Ordinance**

P23SP00001, Bellmeyer, Wayne M. Revoc Living TR, et al. - N. Thornydale Road Specific Plan and Comprehensive Plan Amendment. Owner: Bellmeyer, Wayne M. Revoc TR, et al. (District 1)

If approved, pass and adopt RESOLUTION NO. 2024 - 13 and ORDINANCE NO. 2024 - 5

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

**BOARD OF SUPERVISORS**

42. **Pima County Treasurer**

A. Acceptance of the resignation of the Honorable Beth Ford, effective April 12, 2024.

It was moved by Chair Grijalva, seconded by Supervisor Scott, and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to accept the resignation of the Honorable Beth Ford, effective April 12, 2024.

- B. Discussion/Direction/Action regarding a selection process and/or appointment to fill the vacancy of Pima County Treasurer.

Chair Grijalva provided an outline of the selection process to fill the vacancy of Pima County Treasurer as follows:

1. Applicants for the position must meet the following statutory requirements:
  - 18 years of age or older at the time of appointment
  - Resident of the state
  - An elector of the county or precinct in which the duties of the office are to be exercised
  - Literate in English
  - Same political party as the person vacating the office (Republican)
2. Interested parties are required to file the following documents with the Clerk of the Board:
  - Letter of Interest
  - Resume
  - Financial Disclosure Statement
  - Conflict of Interest Forms
3. Pima County will conduct a background check on all qualified applicants.
4. The submission deadline will be on Friday, March 29, 2024, at 5:00 p.m.
5. The Clerk of the Board will advertise the selection process in the Daily Territorial Newspaper (March 25, 2024) and will post the information on the Pima County Homepage. Information regarding how to submit public comments will be included.
6. On April 2, 2024, the Board of Supervisors will determine if a virtual public forum for the applicants is needed. If so, it will be scheduled and conducted by the League of Women voters of Greater Tucson.
7. The Board of Supervisors will make the appointment of the Pima County Treasurer at their meeting on Tuesday, April 16, 2024.
8. The individual appointed will fill the remaining term and serve through December 31, 2024.

Chair Grijalva stated that there was a recommendation from Treasurer Ford that her Chief Deputy Treasurer be appointed to fill the remainder of the term. She asked how the Board wished to proceed.

Supervisor Christy asked whether the Board could bypass the specified regulations and approve Mr. Ackerley, as recommended by the outgoing Treasurer or if it was necessary to proceed with the requirements outlined by the Chair.

Chair Grijalva stated that it was at the Board's discretion to choose what method to use, a direct appointment or the vacancy selection process, however, the position

would need to be vacated before the appointment could be made and would still take place on April 16, 2024.

Supervisor Christy questioned if the Board could stipulate that Mr. Ackerley replace Treasurer Ford upon her resignation date and avoid this process.

Chair Grijalva stated he could request an appointment effective April 13th, but since the 13th was a Saturday, April 16th seemed more appropriate since it was the next scheduled Board meeting date.

It was moved by Supervisor Christy to appoint Mr. Chris Ackerley as Pima County Treasurer, effective April 16, 2024. The motion died for lack of a second.

It was then moved by Chair Grijalva and seconded by Supervisor Scott to move forward with the selection process as outlined by the Chair. No vote was taken at this time.

Supervisor Scott stated that although he greatly respected and considered Treasurer Ford's recommendation, he was glad the Board was following this process because he believed it was their responsibility to ensure every candidate was given an equal opportunity to compete for the position.

Upon the vote, the motion carried 3-0, Supervisor Heinz was not present for the vote and Supervisor Christy abstained.

43. **Returning to Employment - Seniority**

Discussion/Direction/Action: Directing the County Administrator to come back to the Board with any revisions needed to any Merit System Rules and/or Personnel Policies to ensure that Pima County Personnel Policy 8-121 Section (B)(3) related to Seniority is fully implemented across all Merit System Rules and Personnel Policies. Specifically, this section of the Personnel Policies states that: "A reinstated or reemployed employee regains the seniority held at the time of termination." We must ensure that employees who leave County employment on good terms and later return are credited for their applicable years of service to the County and are not penalized in terms of pay grade or in any other way. (District 2)

Supervisor Heinz stated that the Classification/Compensation Study had been completed and wanted confirmation that the policy was how it appeared and that any seniority or credit an employee had at the time of their departure would be returned upon their reemployment. He stated the policy did not mention a timeframe or time switch and he asked for clarity on how or if this was being done or whether other adjustments were needed to ensure this happened.

Jan Leshner, County Administrator, responded that the Board approved the policy in December 2022, which stated that if employees had a break in service, or had left, and they returned within a five-year window, they would get credit and it was not

recommended to go back more than five years for a couple of reasons being that data was available for five years and minimal information available for ten years and while the contribution of those leaving and returning was recognized, those who had remained with the County needed to be honored as well.

Supervisor Heinz stated that some department's common practice of hiring also included relevant experience outside of County experience when calculating salaries, and he inquired how that was addressed, if it was on a case-by-case basis or if there was an existing policy.

Ms. Leshar responded that she would provide information regarding the policy and felt his question was in relation to the number of years of service credited to attorneys and whether it stemmed from the Bar date, how long they had practiced law and the need for clarification in that area.

Supervisor Heinz stated it was important that attorneys received the proper credit to avoid the temptation of seeking employment elsewhere or not being able to attract or rehire them.

Ms. Leshar responded that she could provide a grid that showed what the other counties were doing and if the same direction was not being provided, they would recommend amending the policy on April 2, 2024

Supervisor Christy questioned what problem this item specifically solved, were there any legal ramifications of enacting or implementing this policy, did this policy address employees that were terminated for refusing the COVID vaccination and then being rehired without their seniority.

Ms. Leshar responded that Supervisor Heinz had placed the item on the agenda, to discuss an issue that would fix it and he could elaborate. She stated that they would review specific terms used in the policy, such as seniority, reinstatement, and reemployment, against the Merit System Rules, Human Resources Rules and other policies to ensure that they had properly identified how those positions were described. She stated that employees who left the County and were terminated due to COVID or their unwillingness to take the vaccine were within that five-year window and were reinstated at the accrual rate they had when they left.

Supervisor Christy questioned whether they received all the back pay, seniority, and benefits they were entitled to before termination.

Ms. Leshar responded that back pay was a different issue and that she would provide an analysis of the 19 individuals who were reinstated from the Sheriff's Department, but for this policy as it related to reinstatement of the accrual of their benefits, they were reinstated from the date they left.

Supervisor Christy asked whether any action was being taken on this item or if it was being referred to the County Administrator to be addressed and then resubmitted for discussion at the next meeting.

Chair Grijalva stated Supervisor Heinz was trying to address an issue and asked the County Administrator to respond and bring it back and indicated this item was about seniority and not back pay, which was a separate issue.

Supervisor Heinz concurred.

Supervisor Christy questioned if the Board should expect a new report that addressed Supervisor Heinz's concerns.

Chair Grijalva responded affirmatively and stated it would be brought back on April 2, 2024

Ms. Leshar concurred.

Supervisor Christy requested the County Administrator also provide a separate analysis on the back pay issue related to COVID, as well as an analysis of any legal ramifications incurred and hoped to expand on the issue when it returned.

Chair Grijalva provided an example as it related to education and stated that there were districts that only awarded credit for the years spent teaching in their particular district, and if they left and moved to another district but stayed teaching, not all districts awarded that credit for the years of teaching outside of their district. She stated that would be her only question when it came to those professionals or blue-collar workers and hard to fill positions, and if employees came back with more experience would the County look at that experience to contribute to their years of service. She stated that she was unsure if the County did that and it might be a separate issue, but felt it was something the County was not as competitive in that area.

Ms. Leshar responded that it would be addressed in the memorandum, but stated when someone left and returned, they were hired at the same rate as if they had additional service and as a result the compensation rate would be very different. She stated from what she understood, the question was whether they accrued benefits at the same rate as before.

Chair Grijalva did not think that was where she was at.

Supervisor Christy stated that it was reported that those reinstated after refusing the COVID vaccine and being terminated were being hired back at a lower rate and wanted confirmation.

Chair Grijalva stated that was a separate issue.

Laura Conover, County Attorney, stated this item touched on some issues related to staffing within her office and she asked to give the Board a brief overview. She stated that in 2019, the Pima County Attorney's Office had 84 attorneys serving the County and when she was appointed in January of 2021, there were only 61 and when she began a targeted recruitment effort that was successful in bringing back 9 attorneys with 117 years of felony trial experience. She stated this issue was unique to her office and indicated that the Public Defender's Office had only one attorney in this area. She added several attorneys who had worked for their office years ago had now returned, with many coming from the previous administration of the Attorney General's Office and she was very interested in retaining those attorneys for public safety reasons. She stated a new issue she faced was that years of law practice was the national standard for hiring, so relevant years of legal experience were considered, not their Bar date. She explained that the Board had established a more competitive salary in the Class and Comp Study and was aware of what to offer an attorney who had been in law practice for 14 years, but that level was way higher than the group she wanted to retain since they were not being credited for their years of practice. She stated there was an appeal that was still pending with the County that needed to be addressed so that they could retain all of the veteran attorneys they had worked so hard to recruit and hire based on the new salaries approved by the Board. She provided an example of a Supervisor within her office who had with 22 years of experience, and she had a 6 month break in service and the County had marked her as an 8-year attorney, which was a huge pay parity issue happening internally which made it difficult to hire veterans because of it. She hoped the County would address the department appeal so they could retain and recruit veterans.

Supervisor Scott stated that one of the topics the Board had discussed with the proposed new vacancy policy was the difficulty of filling certain positions throughout the County and indicated that it might include references from the County Attorney and perhaps offering salaries that were at midrange rather than at the beginning. He asked whether this was possible with the kind of positions mentioned by the County Attorney, or would it require the kind of policy change that Supervisor Heinz suggested.

Ms. Leshar responded that there were several issues were being combined into one element and stated that the break in service for accrual of vacation time per the Board's policy was for 5 years. She stated that to define a break in service was currently being reviewed and initially there was none because of the need to draw the line, but that it would be reevaluated and be brought back to the Board. She added that another issue unique to the County Attorney's Office related to the definition of law practice and years of service, which would be reviewed and brought back, as well. She stated an additional issue were for vacancy savings being reviewed and that she had begun to work with the County Attorney's Office since the last Board meeting to possibly exempt their office from it due to their hiring process and ensure those positions were not swept. She added the memorandum for it had not been signed because the Board had not approved the policy, but would continue to work on it at the Board's direction.



## **COUNTY ATTORNEY**

### **44. Pima County Juvenile Safety and Security Audit - Building Security Enhancements**

The Pima County Attorney's Office requests approval of \$7,841.86 from Contingency Funds to cover the costs of building security enhancements recommended by Pima County Facilities Management.

Chair Grijalva had concerns about approval from Contingency Funds given the County Attorney's Office budget and believed it indicated a systemic problem that needed to be addressed.

Laura Conover, County Attorney, responded that she did not want to diminish the significance of \$7,000.00, but in the context of the County it was disappointing to have to come before the Board on such a small item. She explained that there was a significant security concern for both employees and the public and the Facilities Management Department had suggested it be paid from their budget. She stated the \$7,000.00 was not the biggest issue, it was the \$2.4 million that was swept from her budget last year and their office had absorbed and tried everything possible to overcome that obstacle during a very difficult public safety time with their obligations, but this was the final brick wall. She stated they tried hard to keep their record solid in coming in under their budget and being an elected office that the Board could rely on to continue it and be prudent with the taxpayer dollar and what they had forecasted and encumbered in their budget in hiring prosecutors was at the maximum. She stated that her office had 3 attorneys who were not carrying a full trial case load and in 2019 her office had 84 attorneys, but she walked in with 61. She indicated that was the reality and every office Supervisor also carried a full trial load and they had reached the limit of what could be absorbed for the County. She stated they should be leaning towards a massive hiring spree with the competitive salaries and the amount of talent would impress the Board and County to build a robust, strong County Attorney's Office for public safety and in defense of and representation of Pima County, just like every other jurisdiction in the State.

Chair Grijalva questioned why this was requested out of the County Attorney's budget and not Juvenile Courts since it was located at the Juvenile Court.

Ms. Conover responded that the door that needed extra security was for staff from the County Attorney's Office.

Chair Grijalva stated that it should be the responsibility of the Courts and requested further clarification. She stated that she did not understand why a court security issue should be coming out of the County Attorney's budget and was inclined to vote no. She stated that security was important and the Courts should be asked to fill the need. She stated that the system issue with the County Attorney's Office was a separate issue, but this being charged to the County Attorney did not make sense.

She added that unless there was a motion, the item could be continued in order to find out why the Courts were not paying for this security enhancement.

Jan Leshner, County Administrator, stated that perhaps no action was required, but the Board could direct her to ensure that the County provided the needed security enhancement.

Chair Grijalva stated that she felt that security for the facility of the Juvenile Court should come from the Courts.

No Board action was taken.

#### **BOARD, COMMISSION AND/OR COMMITTEE**

##### **45. Regional Wastewater Reclamation Advisory Committee**

Appointment of Kiersten Wangsvick, to replace Armando Membrilla. Term expiration: 3/1/28. (District 2)

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

#### **CONSENT CALENDAR**

##### **46. Approval of the Consent Calendar**

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

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#### **BOARD, COMMISSION AND/OR COMMITTEE**

##### **1. Pima County Healthcare Benefits Trust Board**

Reappointment of members to staggered terms for the following (County Administrator recommendations):

- Monica Perez. Term expiration: 8/15/25.
- Daisy Jenkins and Keith Dommer. Term expirations: 8/6/26.
- Jared Perkins. Term expiration: 3/15/27.

##### **2. Board of Adjustment, District 1**

Reappointment of Richard Green. Term expiration: 3/1/28.

3. **Small Business Commission**

Appointment of Valerie Pullara, to fill a vacancy created by Jeffrey Wood. No term expiration. (District 3)

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

4. **Special Event**

- Robin Aileen McArdle, Sculpture Tucson Org., Brandi Fenton Memorial Park, 3420 E. River Road, Tucson, March 15, 2024.
- Sarah Englese, American Heart Association, Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, March 2, 2024.
- Concha Maria Montes, W.A.L.D., Inc., Ajo Plaza, 15 W. Plaza Street, Ajo, April 13, 2024.

**FINANCE AND RISK MANAGEMENT**

5. **Duplicate Warrants - For Ratification**

Somni Wellness Counseling Services \$1,000.00; Christopher Kaplan \$268.75; Bruce H. Chalk \$659.96; G3LV, L.L.C. \$976.93; Verizon Wireless \$153.51; HASA, Inc. \$39,049.62; Skyline Park Holdings, L.L.C. \$3,615.00; WLT Software Enterprises, Inc. \$4,000.00; Arizona Machinery, L.L.C. \$1,012.97; Arizona Machinery, L.L.C. \$1,163.63; Christian Gibson \$78.46; Willow Jean Rice \$21.81; Willow Jean Rice \$22.25; A & S Plumbing Specialties, L.L.C. \$932.34; Jeannette Mullins \$91.99; Kenneth J. Taylor \$16.93; AZ Tierra Ridge, L.L.C.-Alias/d.b.a. Tierra Ridge Apartments \$3,054.00; Alborada Apartments, L.P. \$5,216.00; Grijalva Realty Corp. \$3,100.00; Joseph J. Mahoney, Trustee \$4,105.00; BTO Development, L.L.C. \$4,225.00; Alborada Apartments, L.P. \$2,158.00; Tucson 368, L.L.C. \$4,107.45; Bank of America, N.A. \$1,003.92; Toscana Cove Apartments \$4,170.84; Mission Antigua \$8,055.25; Makh Enterprises, L.L.C. \$4,451.61; Mission Tierra Owner, L.L.C. \$3,120.00; Chamonix Valdez \$117.00; Vanessa C. Moss \$44,740.00; Maxim Healthcare Staffing Services, Inc. \$6,075.00; Jenika Ann Ford \$123.50; Feurstock Family Farms, L.L.C. \$5,124.31; Jacob Marsh \$400.00; Sherwood Manor MHP, L.L.C. \$7,460.89; St. Thomas Properties, L.L.C.-Alias/d.b.a. Catalina Canyon Apartments \$6,848.64; Images Enterprises, L.L.C. \$12,499.00; Megan Murray \$33.15; Sycamore Creek Apartments \$5,041.38; Jesus Rodriguez \$252.50; SPT Properties, L.L.C.-Alias/d.b.a. Parklane Mobile Estates \$5,625.39; Pathlight Property Management \$5,725.79; Quikprint \$49.35; Midtown on 1st \$6,836.00; Reserve at Starr Pass \$5,400.00; Pacifica Apartments, L.L.C. \$3,525.00; Ventura Villas \$2,832.00; 5055 Tamarus Street, L.L.C. \$3,099.08; Arizona Capital Representation Project \$1,209.50; Community Bridges, Inc. \$29,040.60; Taylor A. Dunn \$123.50; Sherwood Manor MHP, L.L.C. \$2,062.46; Francisco J. Lopez \$183.57.

## **TREASURER**

6. **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 \$5,246.63.

7. **Request to Waive Interest**

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$165.24.

## **RATIFY AND/OR APPROVE**

8. Minutes: January 9, 2024

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47. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:53 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK