

AGENDA MATERIAL

DATE 9/20/22 ITEM NO. RA11

Amy Santos

From: JoAnn diFilippo <[REDACTED]>
Sent: Friday, September 16, 2022 4:47 PM
To: COB_mail
Cc: District1; DIST2; District3; District4; District5; Jan Leshner
Subject: Comment to BOS Meeting of September 6, 2022

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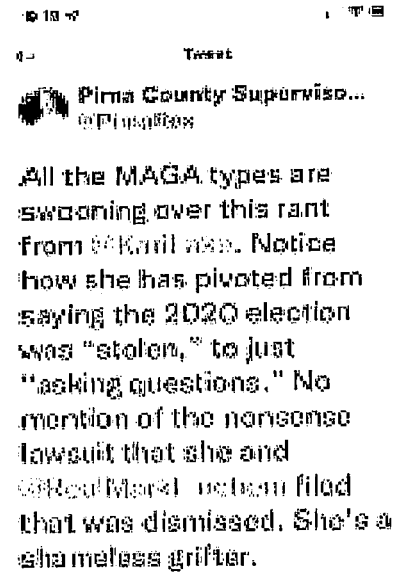
Clerk of the Board: please submit this communication as a comment letter to Board of Supervisors, Agenda Item 11 – Amended Board of Supervisors Meeting Schedule or any section within the category Sitting as the Board of Supervisors.

Chair Bronson:

I watched the Supervisors' September 6, 2022, board meeting and was appalled at the behavior demonstrated during the meeting. In my opinion, Supervisor Scott demonstrated complete disregard of respect for your position as Board Chair responsible for maintaining control and order of all persons in the boardroom including elected officials. The county holds employees and individuals desirous of speaking at Supervisor meetings during Call to the Public. Yet, we do not appear to hold several of the Supervisors accountable to adhering to Open Meeting Laws and various statutory regulations. This is a lack of respect not only to you and other supervisors, but also the public—the very same people who pay the taxes that keep the county afloat. To wit, I point to the following which occurred at the September 6, 2022, board meeting:

1. Specifically, during the discussion regarding Agenda Item #15 – Elections Division After-Action Report (an item requested to be placed on the agenda by Supervisor Scott), you asked Supervisor Scott to “keep your voice down.” I heard Scott state he would not lower his voice (see also, Tucson Sentinel, September 7, 2022, as reported in *Pima Sups spar over election procedures, despite mostly positive report*). Scott not only became irritated but even more defensive in continuing with his disruptive behavior—completely uncalled for behavior by an elected official sitting on the dais regardless of political affiliation. Elected officials serve as representatives of and for the community, and their behavior should be modeled as respectful in accordance with state and county rules of conduct, Open Meeting Laws, and rules governing behavior by supervisors (ARS 11-223 misconduct by supervisors). No one is above the law regardless of political affiliation. Should this disruptive behavior occur once again, I ask you remove that supervisor from the boardroom and take appropriate action. I have seen you request individuals speaking at Call to the Public be removed from the boardroom for equally or less disruptive behavior in the boardroom. Supervisors are not above the law.

2. Secondly, my concern stems from what could very well be regarded as “electioneering” from the dais and other county resources (see, Rex Scott Pima County Supervisor twitter page image). Namely, Scott’s use of county resources to issue derogatory statements about opposing political party candidates or other insidious and inflammatory statements. When Supervisor Scott stated in a loud and vociferous voice, “we need to be a board that honors the facts ... a lot of disinformation can be traced back to the schemes of former President Trump,” his words signaled to many people in the boardroom and public-at-large a feeling of divisiveness, exclusion, and hostility. It should also be noted that Supervisor Scott treaded very closely to what some may consider “electioneering” from the dais with his negative comments concerning State Representative Finchem’s and gubernatorial candidate Kari Lake’s recent lawsuit dismissed by the federal judge. In fact, Scott’s pontification of the subject lawsuit dismissal was misleading—otherwise known as a form of disinformation.



If Supervisor Scott spoke in a more responsible and balanced tone, he would have also relayed information from Judge John Tuchi’s 21-page ruling that a reason for the dismissal of the lawsuit included the fact that “it would be an impossibility to have the ballots counted in order to perform a canvass by the 20th day after the election,” as well as the fact that seeking relief in federal court was not the proper venue—the case should have been brought forth in state court. These facts shed further light on information missing from Supervisor Scott’s diarrhetic rant. It is these types of politically charged statements with lurking variables that can lead to devastating and harmful, if not violent, consequences in the community, as well as subject Supervisors to being in violation of Open Meeting Laws and state statutes. We need to clean this up and revisit the parameters of using county resources to expound one’s political rants. In fact, if you would like, I would be willing to work with you on seeking clarification of elected officials using county resources to discuss non-county business, as opposed to filing a complaint with the Arizona Attorney General’s Office.

3. Furthermore, I request that each time Supervisor Heinz leaves the dais the Clerk of the Board announce his departure, as well as his return to the dais. This is not to single out Supervisor Heinz but to remind each supervisor there are rules and protocol required for exiting/entering the dais during formal board meetings. Why is this important? This missing information impacts voting recordation among other issues including but not limited to possible Open Meeting Law violations. When the Clerk of the Board posts the meeting summaries, the information contained therein is generally absent these notations reporting which supervisors voted and how the votes were recorded individually by elected official, as well as which supervisors are remaining in the room (I note the Clerk is trying to correct this, but due to the constant exit/entrance from the dais by Heinz it is burdensome for the Clerk to constantly note such in the record). When the official record stipulates “approved,” the public only knows a majority approved an action and that can be perceived as disinformation transmitted to the public as the vote could have been

3:2, 4:1, or 3:1 (if a supervisor leaves the boardroom). This type of recordation can be misleading and misrepresentative of the issue at-hand.

Additionally, if the board majority is unwilling to hold meetings in the evening, which would enable greater public participation rates, the least you can do is to report the individual voting record of each supervisor—let us, the public, know how each supervisor voted on each agenda item. It is only fair, accountable, and transparent for the public to have this information. Record the votes as to each supervisor's vote cast; not just APPROVED or DENIED.

In conclusion, I implore you, as Board Chair, to control the boardroom following the rules of civility, Open Meeting Law requirements, and in accordance with the county's own rules of conduct. Perhaps the supervisors need to re-visit the Open Meeting Law requirements. You are the Board Chair and respect should be given due you and other supervisors, but it will only come to the extent you hold those persons responsible for their disruptive behavior. We, the taxpayers, deserve better from our supervisors. Please be advised any further actual and/or suspected violations will be reported to the Arizona Attorney General's Office for further disposition.

Chair Bronson, thank you for your attention to this matter.

JoAnn di Filippo, PhD