

## 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, February 4, 2020. Upon roll call, those present and absent were as follows:

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

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

1. The Board of Supervisors on January 21, 2020, continued the following:

### **CONTRACT**

Pima County, Pima County Flood Control District and Smithco Enterprises, Inc., to provide for the Ina Road Construction Debris Landfill Project - Phase I Closure (2INARD), GO Bond (Solid Waste) (47%), Flood Control Tax Levy Revenue (14%) and Requested Operating Transfer (39%) Funds, contract amount \$1,299,864.68 (CT-PW-20-198) Public Works

It was moved by Chairman Elías, seconded by Supervisor Bronson 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 12:28 p.m.

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CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK

## LIBRARY DISTRICT BOARD MINUTES

The Pima County Library 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, February 4, 2020. Upon roll call, those present and absent were as follows:

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

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

### 1. GRANT APPLICATION/ACCEPTANCE - LIBRARY

The American Library Association, to provide for the Library Census Equity Fund mini-grants, \$2,000.00 (GTAW 20-81)

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

### 2. GRANT APPLICATION/ACCEPTANCE - LIBRARY

Institute of Museum and Library Services, to provide for the Writers in Residence in Libraries Project, \$4,800.00 (GTAW 20-73)

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

### 3. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:28 p.m.

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CHAIRMAN

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, February 4, 2020. Upon roll call, those present and absent were as follows:

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

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

### 1. **INVOCATION**

The invocation was offered by Pastor Mark Eisenhower, University City Church.

### 2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 3. **POINT OF PERSONAL PRIVILEGE**

Chairman Elías congratulated the Tohono O'odham Nation on their rodeo, fair and parade events.

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

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

### 5. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding the failed bowling alley, using funding from Operation Stonegarden to pay for the migrant holding facility and homeless veterans in the County.

Raquel Baranow spoke to the Board regarding the Executive Session property abandonment lawsuit she filed against the County and requested that discussion be heard in public.

Amanda Comeau, Local Territory Manager, Patterson Veterinary Supply, addressed the Board regarding Procurement Award MA-PO-20-115 and outlined the services provided by the company.

Frank Landavaso spoke to the Board regarding the “wildcat subdivision” designation and requested assistance in removing that label from his neighborhood.

The following speakers spoke in support of Operation Stonegarden (OPSG):

- David Eppihimer, Republican Party Chairman
- Matt McGuire
- Andrew Gullo

They offered the following comments:

- This was a matter of public safety.
- Funding should be accepted for continued public safety.
- The Board’s primary concerns should be safety and border security enforced by the Sheriff’s Department.
- Denying OPSG funding was a mistake.
- The migrant center was a separate issue and the center would continue to be funded without OPSG funding.
- Residents of District 3 would be threatened without the funding.

The following speakers spoke in opposition of OPSG:

- Betts Putnam-Hidalgo
- Marla Pacheco, Community Organizer, Coalición De Derechos Humanos
- Ryan Kelly
- Jerry Bastian
- Cara Bissell
- Zaira Livier, People’s Defense Initiative
- Steven Valencia
- Cameron Jones
- Ana Ochoa O’Leary
- Alba Jaramillo
- Steve Diamond, Democratic Candidate, District 4 Supervisor
- Juan Padres, Democratic Candidate, District 3 Supervisor
- Isabel Garcia
- Laura Rothman, Tucson Showing Up for Racial Justice
- Eduardo Quintana
- Marion Chubon
- Brett Daniels, Member, Green Party of Pima County and People’s Defense Initiative
- Janni Simner
- Miranda Trimmier

They offered the following comments:

- Certain communities felt unsafe when Sheriff Deputies were authorized to act as Border Patrol agents and by the Board’s indecision regarding OPSG funding.

- Approving funding would have the effect of targeting certain communities and hurting those community.
- Residents had decisively said no to OPSG.
- The Community Law Enforcement Partnership Commission was a good concept before being abolished by the Board and transparency was casted aside.
- The Green Party, supporters of Proposition 205, were concerned with the continued abuse of migrant families by the Trump administration.
- Praised the separation of governments and voiced concern over accepting military equipment designed for foreign wars.
- Recognized Chairman Elías for his support of human rights and the sanctuary initiative.
- Expressed concern over Supervisor Bronson's vote in favor of OPSG.
- A moral stance needed to be taken and the funding denied.
- The community had dealt with racism for 70 years and immigrants were a targeted population.
- The ideology behind OPSG protected the profits of the rich.
- The militarization and federalization of police immigration enforcement has had negative consequences in the community.
- Research showed that there was profiling across a generalized population.
- Urged the Board to vote no on OPSG because immigrants did not trust law enforcement and they would not call the police when needed due to their undocumented status.
- OPSG compelled deputies to act against the best interest of the community.
- OPSG was a federal issue and was out of the County's scope of work.
- The border was saturated with agents from the Department of Homeland Security, Border Patrol, Immigration and Customs Enforcement that needed to exhibit radical hospitality instead of radical militarization.
- OPSG created seclusion between local law enforcement and federal immigration authorities, damaged communities and increased the isolation of migrants since they feared local authorities.
- Border history has been a long standing issues, OPSG was morally wrong and did not make sense from a community safety stand point.
- Families were being traumatized and normalized.
- Communities were safer when the undocumented community felt comfortable interacting with police.
- This land was of the indigenous Tohono O'odham Nation.
- There was no data confirming that OPSG funding accomplished its goals and OPSG did not support humanitarian aid, human rights or migrant rights.
- End OPSG and the daily harassment of immigrant communities.

## 6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:40 a.m.

7. **RECONVENE**

The meeting reconvened at 12:04 p.m. All members were present.

**EXECUTIVE SESSION**

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Raquel Baranow v. Pima County Board of Adjustment, District 4, et al., Pima County Superior Court Case No. C20195618.

Andrew Flagg, Chief Civil Deputy County Attorney, stated the County Attorney's Office sought approval to defend Pima County as discussed in Executive Session, including taking the position that the Board of Adjustment be a nominal party to the action.

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

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential settlement in CenturyLink Corporation v. Arizona Department of Revenue, et al., Arizona Tax Court Case No. TX2019-001726.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that this was a centrally assessed case where Pima County was being represented by the Attorney General. He indicated that under the terms of the proposed settlement, the Pima County primary property tax reduction would be approximately \$90,000.00. He stated that the Attorney General's Office recommended approval of the proposed settlement.

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

**BOARD OF SUPERVISORS**

10. The Board of Supervisors on January 21, 2020, continued the following:

**Operation Stonegarden Grant - Pima County Sheriff's Request**

Discussion/Action/Direction regarding the Sheriff's Operation Stonegarden Grant (OPSG) proposal of December 17, 2019, transmitted to the Board of Supervisors on January 2, 2020, including but not limited to the acceptance of Federal Fiscal Year 2018 OPSG Overtime and Mileage Grant, the OPSG Equipment Grant, and the Rural Law Enforcement Unit. (District 4)

Chairman Elías indicated that there were several Operation Stonegarden (OPSG) items on the agenda. He asked the Board if they had any objections to hearing those items simultaneously.

Supervisor Christy made a motion to accept the 2018 Operation Stonegarden grants and that his motion include the approval of Minute Item Nos. 13, 14, and 15.

Chairman Elías recommended individual motions be made for each of the items.

Supervisor Christy amended his motion to accept the 2018 Operation Stonegarden grants, which included Minute Item Nos. 14 and 15, with the accompanying terms and conditions outlined in Sheriff Napier's memorandum dated December 17, 2019 and the County Administrator's memorandum dated January 16, 2020. Supervisor Miller seconded the motion. No vote was taken at this time.

Supervisor Christy stated that the grants had been previously accepted by the Board and recently the debate to accept them had consumed a huge amount of employee time and taxpayer money. He indicated that the Sheriff had diligently worked to find ways to make these grants acceptable and appropriate, by working with the community to gather input and information for acceptance. He indicated that the Sheriff had worked with the Board to reach accommodations and acceptance from Washington.

Mark Napier, Pima County Sheriff, addressed the Board indicating that the Sheriff's Department had been working with the community, the County Administrator and Board members to address community and fiscal concerns. He stated that he was vocal in his support of humanitarian aid, which was ultimately denied under OPSG, through OPSG and the federal government's need to provide humanitarian aid to deal with the crisis created by immigration policies. He added that OPSG was an operational grant, and while permissible under Information Bulletin No. 436, a Federal Emergency Management Agency (FEMA) directive, to reallocate OPSG funding toward humanitarian aid, it was circumnavigated by House Bill 3401, which specifically funded humanitarian aid to communities that were facing humanitarian crisis. He stated that the bill provided \$30,000,000.00 in funding, for the first round and that there was \$20,000,000.00 available for the County to pursue. He stated that the department had worked diligently to find ways to wean themselves from OPSG dependency. He indicated that he had an affirmative responsibility to provide public safety. He stated there were transnational crime threats that came through the border such as; drugs and human trafficking and that the department was interdicting record amounts of fentanyl, opiates, heroin, and methamphetamine. He stated that the department needed the tools to address these concerns while at the same time being sympathetic to the activist community whose concerns included federal entanglement with immigration laws. He assured the Board that deputies did not have the authority to enforce federal immigration laws. He stated that the drugs interdicted in Pima County did not stay in the community but would travel to Indiana, Ohio, Michigan and New York. He stated that human trafficking was a threat to migrants because they were being victimized criminally, financially and sexually as they came up from the border. He stated that the plan was to divest from federal funds by using OPSG funds to outfit the Robles Junction Station. He indicated that there were collateral costs associated with accepting the grant, but the plan ameliorated the fiscal concerns and allowed the department to address the transnational crime threats. He added that there were also risks in not accepting

funds. He indicated that he rejected the notion that accepting the funds would turn his deputies into racists. He asked that the Board approve OPSG to allow the department time to become less entangled with federal funds, up-fit the Robles Junction District Station and so that the department can better police autonomously from federal entanglements. He added that some of the areas were underserved because there were no resources available. He stated that the department struggled with staffing because of the job market and other factors. He added that they were responsive to the community by implementing a racial profiling policy and other policies that prohibited deputies from being stationed at Border Patrol checkpoints. He also indicated that asking individuals their immigration status was prohibited unless immigration status was an element of the crime. He stated that the Sheriff's Department had done everything possible to move this grant forward.

Supervisor Miller inquired whether Sheriff Napier's request for additional personnel was supplanting.

Sheriff Napier responded that it was not supplanting because it was allowed under OPSG. He added that he was unaware of any OPSG recipient that augmented overtime with straight time.

Supervisor Miller stated that under the current grant it was allowed; however, if the grant designation was for straight time that could be conceived as supplanting because employees were hired as a result of the grant.

Sheriff Napier stated these funds would be used to fund a portion of existing salaries at straight time. He indicated that it would not be supplanting because it was allowed under the terms of the grant. He explained that he was unaware whether straight time was available, but technically it was allowed under the terms of the grant. He indicated that his preference for funding was to up-fit the Robles Junction station, which would provide better services between the San Xavier and Ajo District, and Sasabe and Arivaca.

Supervisor Miller inquired about pension costs for the addition of new deputies.

Sheriff Napier responded that he could not provide a calculation, because it would depend on what tier those pension liabilities resided. He stated that the individuals hired would be tier 1 employees and the individuals reallocated to up-fit Robles Junction might come from different tiers.

Supervisor Miller commented on the Sheriff's memorandum which indicated that no tier 1 employees would be used, but tier 3 employees would be used to up-fit the station. She inquired whether this was discriminatory against deputies with longer service. She stated that she hadn't received the analysis requested and there were several questions still unanswered. She asked for the status on humanitarian aid.



Chuck Huckelberry, County Administrator, responded that the second wave for proposal submissions were underway, but there were still many concerns with the initial round. He stated that the grant paid in arrears and paid for a certain period of time. He indicated that they would be applying for the balance due to the County before the March 16th deadline. He stated that if approved, those funds would be allocated in late March and would make all expenditures whole, up to December 31st. He anticipated that there would be a third round of appropriations for expenses incurred for the operation of Casa Alitas. He indicated that humanitarian aid was well in hand and he expected full reimbursement.

Supervisor Bronson asked what additional data was captured for the Daily Activity Reports (DAR).

Sheriff Napier responded that originally the DARs only captured data requested from the federal government. He stated that the DARs were revamped to allow for transparency and to address community concerns with respect to activities.

Supervisor Bronson inquired whether the DARs would be available to the public.

Sheriff Napier stated that the intent was to report back to the Board on a monthly basis. He indicated that a public concern was that there was no data on how often the Sheriff's Department contacted Border Patrol. He stated that when that data was captured Border Patrol was contacted at the bequest of a lost and distressed migrant, which came out to about 85% of the time. He added that they were working to redefine protocols so that they could effectively respond and leverage their assets in operational areas, i.e. Border Patrol Search, Trauma and Rescue (BORSTAR) and the County's Search and Rescue Team.

Chairman Elías commented that the criticisms leveled about OPSG was not an attack on deputies or to say they were racist. He stated that the policy, as a nation was extremely problematic because of the unwillingness to deal with immigration issues and resolve the problems. He stated that the 2018 grant remained problematic because it lacked transparency, true costs for pensions, and humanitarian aid. He indicated that the Department of Homeland Security (DHS) was a rogue agency that did not serve the interests of the country. He stated his opposition to the motion and to the elimination of the Community Law Enforcement Partnership Commission only to be replaced by a committee that met in private. He added that there was no transparency and there were consequences when collaborating with Border Patrol and U.S. Customs and Border Protection (CBP).

Supervisor Bronson commented that the rhetoric did not match the reality she observed in District 3. She indicated that she could not accept the motion as presented. She stated that OPSG was a FEMA grant that had been previously accepted; but over time opposition to the grant made it clear that the grant had not changed or adapted to present border conditions. She stated there was one compelling reason for not accepting OPSG funds and that was the Migrant Protection Plan (MPP). She indicated that in the past there were peaceful surrenders by individuals seeking asylum in the United States (US). She stated that

these individuals were treated humanely and afforded legal counsel, but things changed with the implementation of the MPP. She stated that the MPP forced legal asylum seekers to return to dangerous smuggling cartels where they were victimized by those who profited from human smuggling. She stated that the outcome resulted in more deaths in the desert. She added that between 2010 and 2019, the individuals who died crossing the border perished in District 3. She indicated that with the implementation of MPP it was imperative that more law enforcement be present in the western deserts for the interdiction of human and drug smuggling, and for the rescue and provision of saving lives. She indicated that she could not support OPSG funding without conditions and that the conditions recommended by the County Administrator fell short of ensuring civil liberties for individuals. She stated that accepting OPSG funding did not fully reimburse taxpayers. She requested that the following conditions be added to the motion: 1) Funding and expenditures should be confined within the County's fiscal year, which ends June 30, 2020; and 2) That the County receive indirect expense reimbursements from OPSG grants to the maximum extent possible. She stated that this provision had been identified in the Department of Justice grants and it was absurd to not receive it from DHS grants. She added that the principal was simple, unless there was reimbursement to the maximum extent possible for indirect expenses, there would be no overtime expenses incurred for the Sheriff on OPSG. She stated that the grant was outdated and it required federal policy revision. She requested that the Board call upon congressional delegation to take legislative action to overhaul the Federal OPSG policy by shifting reimbursement from overtime to straight time hours for agencies assisting the federal agencies. She added that the denial of humanitarian aid should be reviewed and investigated through the Office of Inspector General (OIG). She added that the OIG should review and supplement their previous report from 2017. She asked whether the maker of the motion was willing to include those amendments.

Supervisor Christy declined to accept the amendments to his motion, especially the amendment calling for legislative action. He stated that a legislative overhaul would be time consuming and the window for accepting the OPSG would have closed.

Supervisor Miler offered a friendly amendment to the motion. She asked that the implementation of the Rural Law Enforcement Unit be removed from the motion until further information was provided.

Supervisor Christy accepted the amendment to the motion. No vote was taken at this time.

Supervisor Bronson stated that she would not support the motion because the County would not receive full reimbursement, humanitarian aid and because border protection was a federal responsibility.

Supervisor Miller inquired whether staff would pursue an approval rate for indirect expenses.

Mr. Huckelberry responded in the affirmative.

Chairman Elías questioned whether the County had an existing rate.

Mr. Huckelberry responded that in 1982 there was a rate for large federal appropriations. He stated that the new term was “negotiated” internal cost recovery and it was the same as the internal cost recovery figure, which was 28.48%.

Supervisor Miller asked when that change would be effective.

Mr. Huckelberry responded that the Grants Management and Innovation Department was expected to have the change in place by June for application to future grants. He stated that the County could then negotiate the rate with one agency and it would be applicable for all agencies. He added that the recovery would be 28.48% for all future federal grants.

Supervisor Christy asked whether this request was acceptable and attainable.

Mr. Huckelberry responded that the key issue was indirect expenses, which was not included in the motion.

Sheriff Napier indicated that he would strongly advocate for indirect costs. He added that he had advocated for HB3401, which provided an appropriate stream of funding.

Chairman Elías inquired about the total border miles.

Sheriff Napier responded 2,000 miles.

Supervisor Bronson commented that the state legislature introduced HB2468, which removed the Board’s authority and forced the Board to accept grants from the federal government in relation to public safety. She indicated that created legal liability for the County without accountability. She added that by not accepting the grant, there would be many more migrant deaths.

Supervisor Christy stated that the Sheriff was a duly elected official responsible for the public safety of the County with the discretion to approve or not approve grants related to public safety.

Supervisor Bronson commented that the Sheriff had no taxing authority.

Chairman Elías asked Supervisor Christy to restate his motion.

It was moved by Supervisor Christy to accept the 2018 Operation Stonegarden grants as stated in Minute Item Nos. 14 and 15, including the accompanying terms and conditions as outlined in Sheriff Napier's memorandum dated December 17, 2019 and the County Administrator's memorandum dated January 16, 2020, including the amendments made by Supervisor Miller. The motion was seconded by Supervisor Miller.

Upon roll call vote, the motion failed 2-3. Chairman Elías and Supervisors Bronson and Valadez voted "Nay."

#### **CLERK OF THE BOARD**

#### **11. Petitions for Redemption of Property Tax Exemption Waiver**

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

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

#### **FINANCE AND RISK MANAGEMENT**

#### **12. The Board of Supervisors on December 17, 2019 and January 21, 2020, continued the following:**

##### **Contract**

Diligence Systems, Inc., Amendment No. 1, to provide for report development services, extend contract term to 3/31/22 and amend contractual language, General Fund, contract amount \$300,000.00 (CT-FN-18-269)

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

#### **GRANT APPLICATION/ACCEPTANCE**

#### **13. The Board of Supervisors on January 21, 2020, continued the following:**

##### **Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for reallocation of the FY2018 Homeland Security Grant Program Award for tactical communications headsets, \$14,295.00 (GTAW 20-80)

Chairman Elías questioned the relevance of this vote due to the fact that the OPSG grants were denied.

Supervisor Miller explained that this grant was not part of the equipment grant as originally perceived.

It was moved by Supervisor Bronson and seconded by Supervisor Miller to approve the item. Upon roll call vote, the motion carried 4-1, Chairman Elías voted "Nay."

14. The Board of Supervisors on January 21, 2020, continued the following:

**Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, \$1,218,986.00 (GTAW 19-93)

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 10.)

15. The Board of Supervisors on January 21, 2020, continued the following:

**Acceptance - Sheriff**

Arizona Department of Homeland Security, Amendment No. 1, to provide for the Operation Stonegarden Grant Program - Equipment, \$595,600.00 (GTAW 19-94)

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 10.)

**REAL PROPERTY**

16. **Water Easement**

Community Water Company of Green Valley, to provide for a water easement to install a pressure relief valve, located in Section 23, T18S, R13E, G&SRM, Pima County, Arizona, \$500.00 revenue. (District 4)

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

**FRANCHISE/LICENSE/PERMIT**

17. **Hearing - Liquor License**

Job No. 79959, Raphael Sean Piche, Family Dollar Store No. 30887, 9776 S. Nogales Highway, Tucson, Series 10, Beer and Wine Store, New License.

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

**18. Hearing - Liquor License**

Job No. 79933, Raphael Sean Piche, Family Dollar Store No. 26521, 601 N. 2nd Avenue, Ajo, Series 10, Beer and Wine Store, New License.

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

**19. Hearing - Liquor License**

Job No. 79956, Raphael Sean Piche, Family Dollar Store No. 27362, 15564 W. Ajo Highway, Tucson, Series 10, Beer and Wine Store, New License.

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

**20. Hearing - Liquor License**

Job No. 84295, Kevin Arnold Kramber, Hampton Inn & Suites, 5950 N. Oracle Road, Tucson, Series 7, Beer and Wine Bar, Person Transfer and Location Transfer.

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

**21. Hearing - Liquor License**

Job No. 89327, Maria Paloma Almada, Independent Craft Beer and Spirits, 3830 E. 44th Street, No. 556, Tucson, Series 4, Wholesaler, New License.

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

**22. Hearing - Agent Change/Acquisition of Control/Restructure**

Job No. 94089, Samuel William Fox, Blanco Restaurant, 2905 E. Skyline Drive, No. 246, Tucson, Agent Change and Acquisition of Control.

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

**23. Hearing - Agent Change/Acquisition of Control/Restructure**

Job No. 94120, Samuel William Fox, North Italian, 2995 E. Skyline Drive, Tucson, Agent Change and Acquisition of Control.

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

**24. Hearing - Fireworks Permit**

Natalie Marchioni, Loews Ventana Canyon, 7000 N. Resort Drive, Tucson, February 10, 2020 at 7:30 p.m.

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

**25. Hearing - Fireworks Permit**

Danithza Castro, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, February 8, 2020 at 9:00 p.m.

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

26. **Hearing - Fireworks Permit**

Danithza Castro, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, February 15, 2020 at 9:00 p.m.

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

27. **Hearing - Fireworks Permit**

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, February 22, 2020 at 9:00 p.m.

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

**PROCUREMENT**

28. **Hearing - Solicitation No. IFB-PO-2000052, Ina Road Construction Debris Landfill Phase 1 Closure (2INARD)**

A. **Appeal of Procurement Director's Decision**

Pursuant to Pima County Code 11.20.010(H), Falcone Brothers & Associates, Inc., appeals the decision of the Procurement Director regarding Solicitation No. IFB-PO-2000052, Ina Road Construction Debris Landfill Phase 1 Closure (2INARD).

Mary Jo Furphy, Director, Procurement Department, explained that Procurement had thoroughly reviewed Smithco Enterprises, Inc's (Smithco) response, consulted with the Arizona Registrar of Contractors (AROC) and provided the Board copies of the bid solicitation package. She indicated that her recommendation was to award the contract to Smithco Enterprises and deny the appeal.

Supervisor Miller questioned the basis for the appeal, which were the fencing amendment and the signature on Amendment No. 2 by Falcone Brothers.

Ms. Furphy stated that Falcone Brothers submitted a signed application acknowledging the amendments.



Supervisor Miller stated that according to AROC's definitions of A-5 and A-12 licenses, an A-12 license was needed to install piping. She indicated that the contractor awarded the bid had an A-5 license. She questioned how the contractor would be able to perform the work with an A-5 license.

Ms. Furphy responded that AROC provided Procurement with a respond that the work could be performed with an A-5 license.

Supervisor Miller requested a copy of AROC's response. A copy was provided by Ms. Furphy.

Supervisor Miller asked how AROC made that determination.

Chuck Huckelberry, County Administrator, responded that staff had inquired whether a temporary 24-inch high density pipe could be installed with an A-5 license. He indicated the AROC responded in the affirmative.

Supervisor Miller asked whether the County was comfortable with the contractor performing the work with only an A-5 license.

Mr. Huckelberry responded that the County was comfortable.

Gaetano Falcone, Falcone Brothers & Associates, Inc., addressed the Board and indicated that he had spoken with AROC and was advised that a contractor with an A-5 license should not have been able to submit a bid because it was against the rules and they were required to have a general contracting license in order to submit or sub-out items. He also stated that AROC advised him that the Procurement Department had contacted AROC and informed AROC that it was a temporary fence and grading, which was incorrect. He stated that the bid documents called for a 24-inch pipe that required an A-General or A-12 license. He added that, although the fencing was temporary, Smithco would not be able to complete the project with their current license. He stated that all of the other contractors had a General license and their bids were \$100,000.00 more than Smithco.

Bryant Smith, Smithco Enterprises, Inc., addressed the Board and indicated that the Procurement Department had recommended awarding the contract to Smithco. He stated that the County had done their due diligence to determine that Smithco was capable of performing the contract requirements. He added that the Procurement Department had contacted AROC and AROC confirmed that Smithco's license met the requirements. He requested that the protest be dismissed and that the Board move forward with awarding the contract.

Supervisor Miller expressed confusion over the dates that AROC responded to Procurement's inquiry and the date of the contract recommendation.

Ms. Furphy responded that the Notice of Recommendation for Award was posted December 30, 2019.

Supervisor Miller stated that the inquiry appeared to have been made after the appeal and she inquired whether there was an inquiry of AROC before the recommendation.

Ms. Furphy stated that an initial review of the license was performed and appeared to be valid.

Mr. Huckelberry explained that the inquiry was generated by the appeal and AROC was given the specifics on whether the license was applicable. He quoted the inquiry, "per the plans and the specifications and confirmation from the design engineer that pipe was not permanently embedded in concrete/rip-rap and concrete headwalls would not be installed until the final phase. Since the elevations may change during the construction of the final closure of the landfill." He indicated that it was a temporary measure and qualified under the A-5 license.

Supervisor Miller stated that her concern was that this fact was not checked until an appeal was filed.

Ms. Furphy indicated that the Procurement Department had made their inquiry to AROC, on December 18, 2019.

Supervisor Miller asked whether the response was not received until January 17, 2020.

Ms. Furphy responded that the two entities corresponded back and forth on different clarifications of the A-5 license regarding the fencing and piping.

It was moved by Supervisor Miller and seconded by Supervisor Bronson to close the public hearing and deny the appeal. Upon roll call vote, the motion unanimously carried 5-0.

- B. The Board of Supervisors on January 21, 2020, continued the following:

**Contract**

Pima County, Pima County Flood Control District and Smithco Enterprises, Inc., to provide for the Ina Road Construction Debris Landfill Project - Phase I Closure (2INARD), GO Bond (Solid Waste) (47%), Flood Control Tax Levy Revenue (14%) and Requested Operating Transfer (39%) Funds, contract amount \$1,299,864.68 (CT-PW-20-198) Public Works

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

## **CLERK OF THE BOARD**

### **29. Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), San Juan Bautista Lutheran Church has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2019, for Parcel No. 140-24-0260.

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

## **CONTRACT AND AWARD**

### **ATTRACTIONS AND TOURISM**

30. Ajo Community Golf Course, d.b.a. Ajo Country Club, to provide a Cooperative Agreement for Ajo Community Golf Course, contract amount \$50.00 revenue/5 year term (CTN-ED-20-65)

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

## **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

31. Goodwill Industries of Southern Arizona, Inc., Amendment No. 6, to provide for workforce development services in the ARIZONA@WORK - Workshops Project, amend contractual language and scope of work, USDOL-WIOA Fund, contract amount \$3,523.22 (CT-CS-16-309)

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

## **FACILITIES MANAGEMENT**

32. Southern New Hampshire University, Amendment No. 2, to provide for a lease agreement for property located at 97 E. Congress Street and amend contractual language, contract amount \$909,321.75 revenue (CTN-FM-20-32)

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

Supervisor Miller indicated that she previously objected to this lease and would not be voting in favor of the item.

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

## **GRANTS MANAGEMENT AND INNOVATION**

33. Tucson's January 8th Memorial Foundation, to provide for the Grant-in-Aid Indian Gaming Revenue Funding Agreement, Tohono O'odham Nation 12% Gaming Revenue Sharing Grant Fund, contract amount \$50,000.00 (CT-GMI-20-186)

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

## **PROCUREMENT**

34. CGI Technologies and Solutions, Inc., Amendment No. 8, to provide for propriety software maintenance for Enterprise Resource Planning System, extend contract term to 3/31/30 and amend contractual language, General Fund, contract amount \$10,164,827.85 (including sales tax) (MA-PO-12-374) Information Technology

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

35. CGI Technologies and Solutions, Inc., Amendment No. 7, to provide for propriety software license for Enterprise Resource Planning System, extend contract term to 3/31/30 and amend contractual language, no cost (MA-PO-B507297-BC) Information Technology

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

36. Ameritas Life Insurance Corp., Amendment No. 4, to provide for third party dental plan administrator, amend contractual language and scope of services, Pima County Health Benefits Trust (\$320,000.00) and Employee Contributions (\$680,000.00) Funds, contract amount \$1,000,000.00 (MA-PO-15-247) Human Resources

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

37. Line and Space, L.L.C., to provide for architectural and engineering design services: Northwest County Service Center (XNWHLC), FM Capital Non-Bond Projects Fund, contract amount \$344,095.35/2 year term (CT-FM-20-111) Facilities Management

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

Supervisor Miller stated that she previously objected to this item and would not be voting in favor of the item.

Supervisor Christy stated he could not support this item due to the same reasons he objected to in the past.

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

## **GRANT APPLICATION/ACCEPTANCE**

### **38. Acceptance - Community Development and Neighborhood Conservation**

Arizona Department of Housing, to provide for the Pima County Home Repair Weatherization Assistance Program - Southwest Gas Corporation, \$23,083.00 (GTAW 20-79)

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

### **39. Acceptance - Community Development and Neighborhood Conservation**

RESOLUTION NO. 2020 - 7, of the Board of Supervisors, extending the Brownfields Assessment Cooperative Agreement with the U.S. Environmental Protection Agency and authorizing the Chairman of the Board of Supervisors to execute agreements. (GTAM 20-27)

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

### **40. Acceptance - Community Services, Employment and Training**

City of Tucson, to provide for the U.S. Department of Housing and Urban Development Continuum of Care Program - End of Chronic Homelessness Supportive Housing Program, \$53,761.00/\$13,440.25 General Fund Match (GTAW 20-82)

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

### **41. Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for the Well Woman HealthCheck Program, \$518,100.00 (GTAM 20-26)

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

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

### **42. Fair Horse Racing Commission**

Reappointment of John Ochoa. Term expiration: 1/18/21. (District 4)

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

## **CONSENT CALENDAR**

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

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 4 was set aside for separate discussion and vote.

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

\* \* \*

## **PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

## **CONTRACT AND AWARD**

### **Procurement**

4. Lloyd Construction, Inc., to provide for Construction Manager at Risk Services: Northwest County Service Center (XNWHLC), FM Capital Non-Bond Projects Fund, contract amount \$34,178.38 (CT-FM-20-205) Facilities Management

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

Supervisor Miller stated that she previously objected to the purchase of Golden Pins Bowling Alley and would not approve this item.

Supervisor Christy stated that he had previously objected to this item and would not be approving this item.

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

\* \* \*

## CONTRACT AND AWARD

### Procurement

1. **Award**  
Award: Master Agreement No. MA-PO-20-109, Fields Consulting Services, Inc. (Headquarters: Ventura, CA) to provide for Maximo upgrade services. This Master Agreement is for an initial term of one (1) year in the award amount of \$1,700,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Finance and Risk Management and Information Technology.
2. **Award**  
Award: Master Agreement No. MA-PO-20-115, MWI Animal Health (Headquarters: Boise, ID) and Patterson Companies, d.b.a. Patterson Veterinary Supply (Headquarters: St. Paul, MN) to provide for Veterinary pharmaceuticals. This Master Agreement is for an initial term of one (1) year in the shared annual award amount of \$405,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Pima Animal Care Center.
3. Southern Arizona Paving & Construction Co., to provide for Bopp Road: Sarasota Boulevard at Kinney Road Improvements (4KINBO) Project, Transportation CIP Projects (Federal (FHWA) - 62% and SW Benefit Impact Fees - 38%) Funds, contract amount \$4,586,107.00 (CT-TR-20-203) Transportation
4. Lloyd Construction, Inc., (PULLED FOR SEPARATE ACTION)
5. Westland Resources, Inc., Amendment No. 3, to provide for Old Nogales Interceptor/Aerospace Corridor/Park Avenue Sewer Augmentation Design Project No. 3ASC15, extend contract term to 6/30/23 and amend contractual language, no cost (CT-WW-16-117) Regional Wastewater Reclamation
6. Borderland Construction Company, Inc., Amendment No. 5, to provide for Construction Manager at Risk Services for Old Nogales Interceptor/Aerospace Corridor/Park Avenue Sewer Augmentation Project No. 3ASC15, extend contract term to 6/30/23 and amend contractual language, no cost (CT-WW-16-208) Regional Wastewater Reclamation

### GRANT APPLICATION/ACCEPTANCE

7. **Acceptance - Sheriff**  
Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - De-Unification, \$10,000.00 (GTAW 20-74)

8. **Acceptance - Sheriff**  
Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Organized Chaos, \$10,000.00 (GTAW 20-75)
9. **Acceptance - Sheriff**  
Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Boxy Lady, \$25,000.00 (GTAW 20-76)
10. **Acceptance - Sheriff**  
Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Money, Inc., \$25,000.00 (GTAW 20-77)
11. **Acceptance - Sheriff**  
Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force - Rematch, \$25,000.00 (GTAW 20-78)

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

12. **Metropolitan Education Commission**
  - Reappointment of Jon Lansa, representing Educational Foundations. Term expiration: 10/17/22. (Commission recommendation)
  - Reappointment of Buck Crouch, representing School Board Member (AZ School Board Association). Term expiration: 2/14/23. (Commission recommendation)
13. **Flood Control District Advisory Committee**
  - Ratification of City of South Tucson appointments: Herman Lopez, to fill a vacancy created by Joel Gastelum and Angel Lopez, alternate representative, to fill a vacancy created by Marcela Fontes. No term expiration. (Jurisdictional recommendations)
  - Ratification of Town of Sahuarita appointments: Galovale Galovale, to fill a vacancy created by David Pfordt and Thomas Garcia, alternate representative, to fill a vacancy created by Joel Harris. No term expiration. (Jurisdictional recommendations)
14. (Clerk's Note: Membership is coterminous with the Design Review Committee appointment.)

#### **Technical Review Committee**

- Reappointment of Barbara Becker. Term expiration: 7/31/22. (Staff recommendation)
- Appointment of Caryl Clement, to fill a vacancy created by Lori Woods. Term expiration: 10/31/22. (Staff recommendation)



15. **Pima County/Tucson Women's Commission**
  - Reappointment of Christa Lindsay. Term expiration: 1/16/24. (Commission recommendation)
  - Appointment of Montserrat Cabellero, to fill a vacancy created by Olivia Lundin. Term expiration: 11/20/23. (Commission recommendation)
  
16. **Corrections Officer Retirement Board**
  - Reappointment of Leo Duffner. Term expiration: 12/31/23. (Committee recommendation)
  - Appointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.
  
17. **Public Safety Personnel Retirement Board**
  - Reappointment of Leo Duffner. Term expiration: 12/31/23. (Committee recommendation)
  - Appointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.
  
18. **County Attorney Investigators Local Retirement Board**  
Appointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.
  
19. **Fair Horse Racing Commission**  
Reappointment of Ronnie Reyna. Term expiration: 1/18/21. (District 2)
  
20. **Regional Wastewater Reclamation Advisory Committee**
  - Reappointment of Armando Membrila. Term expiration: 3/1/24. (District 2)
  - Reappointment of Ann Marie Wolf. Term expiration: 3/1/24. (District 5)
  
21. **Election Integrity Commission**  
Appointment of Arthur Kerschen, to fill a vacancy created by Christopher D. Cole. Term expiration: 2/5/22. (Libertarian Party recommendation)

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

22. **Special Event**
  - Donald L. Essinger, Protestant Episcopal Church St. Philip's Friends of Music, Saint Philip's Church - Bloom Music Center, 4440 N. Campbell Avenue, Tucson, February 23, 2020.

- Samantha J. Coffman, Arizona Parks and Recreation Association, Catalina State Park, 11570 N. Oracle Road, Tucson, February 29, 2020.
- Karla Smith, Valley View Preschool Family Faculty Organization, Plaza Colonial Shopping Center, 2870 E. Skyline Drive, Tucson, March 7, 2020.

23. **Temporary Extension**

- 12104140, Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, February 25, 2020.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, March 9, 2020.

**ELECTIONS**

24. **Election Boards**

Pursuant to A.R.S. §16-531(A), appointment of all election board workers recruited and on file in the Elections Department for the March 17, 2020 Presidential Preference Election.

25. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Maryann Marian-104-DEM

APPOINTMENT-PRECINCT-PARTY

Janet H. Senf-029-DEM

**FINANCE AND RISK MANAGEMENT**

26. **Duplicate Warrants - For Ratification**

Banner-University Medical Center South Campus, L.L.C. \$14,287.60; Eric O. Emerson Counseling & Consulting, Inc. \$1,210.00; Nick Jones, d.b.a. Paxton Properties, L.L.C. \$252.00; Terrance Cheung \$248.15.

**JUSTICE COURT**

27. **Judge Pro Tempore Appointment**

Appointment of Judge Pro Tempore of the Pima County Consolidated Justice Court for the period of February 4, 2020 through June 30, 2020:  
Charles Harrington.

**TREASURER**

**28. 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 \$19,653.15.

**RATIFY AND/OR APPROVE**

29. Minutes: December 17, 2019  
Warrants: January 2020

\* \* \*

**44. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:28 p.m.

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK