

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, August 8, 2023. Upon roll call, those present and absent were as follows:

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

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

1. PRIVATE SEWER EASEMENT

Staff recommends approval of a private sewer easement to Prince 10 AG Land Spe, L.L.C. on property located along the alignment of the Santa Cruz River, lying within Section 34, T13S, R13E, G&SRM, Pima County, Arizona. (District 3)

It was moved by Chair Grijalva, 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 1:10 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, August 8, 2023. Upon roll call, those present and absent were as follows:

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

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

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Naomi De La Rosa Arellano, Pima County District 5.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Supervisor Bronson acknowledged the Tucson Electric Power Company (TEP) employees for their exceptional work during the monsoon season. She expressed her gratitude to TEP, the supporting companies and agencies for their commitment to restore and maintain power in the face of extreme weather and working conditions.

Supervisor Christy commented that he echoed Supervisor Bronson's comments and shared an example of how TEP assisted a widowed gentleman in District 4 who was alone without power. He expressed his appreciation of the efforts taken by TEP and thanked them on behalf of the constituents in District 4.

Chair Grijalva shared that she had experienced no power for 30 hours and was able to track the outage through the TEP map. She appreciated the setup of the cooling

centers and how quickly they were able to get water and ice to the constituents. She thanked TEP on behalf of District 5.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Dr. Melissa Zukowski, Advisory Council, Drowning Prevention Coalition of Arizona, proclaiming the month of August 2023 to be: "DROWNING IMPACT AWARENESS MONTH"

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

6. Presentation of a proclamation to Santos Alvarez, Lions Club International Foundation Coordinator, Tanque Verde Valley Lions Club, proclaiming the year of 2023 to be: "THE CENTENNIAL YEAR FOR ARIZONA LIONS CLUB INTERNATIONAL"

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

7. Presentation of a proclamation to Naomi Vega, CEO/Founder and Advocate, Enlightening Hope Project, proclaiming the day of Thursday, August 31, 2023 to be: "OVERDOSE AWARENESS DAY IN PIMA COUNTY"

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

8. **CALL TO THE PUBLIC**

Raf Polo addressed the Board regarding global warming, 15-minute cities and Marxism.

Sharon Fickes expressed her opposition to Minute Item No. 27 and asked that the funding be returned to the federal government.

Katie Breeding addressed the Board regarding the Vail Incorporation and asked that the Pistol Hill Community in Vail be kept as a rural area.

Anastasia Tsatsakis voiced her opposition to Minute Item No. 12.

Tim Laux expressed opposition to Minute Item No. 27 and stated the priority should be the people of Pima County not illegal immigrants.

Cory Stephens addressed the Board regarding her opposition to Chair Grijalva's memorandum for Minute Item No. 12 and asked the Board to focus on the taxpayers of Pima County.

Robert Reus shared highlights of Thomas Jefferson's presidency.

Jim McFadzean commented on actions taken by the Board and the Communist Manifesto.

David Freund, Vice Chair, Merit System Commission, urged the Board to reject the revisions to Merit System Rules 8 and 14, since they would negatively impact employees.

Marcelino C. Flores addressed the Board regarding his opposition to Minute Item Nos. 15 and 16 and stated that they were an attack on just cause.

Susan Taraba shared her opposition to Minute Item No. 27 and her concern with missing children across the nation.

Perry Daly, President, Pima County Probation Officers Association, urged the Board to pass Phase 2 of the Classification Compensation Study since Phase 1 did little to help tenured officers.

Dave Smith spoke to the Board regarding the Legislative Agenda and their responsibility to protect and improve the quality of life of the people.

Leiann Anderson shared her displeasure of the Tucson Electric Power Smart Meter Program implementation and the potential harm to the public.

Shirley Requard expressed her opposition of Tucson Electric Power Smart Meters and spoke about the rights of the people.

Betsy Smith shared her concerns with Minute Item No. 12 in regards to local jurisdictions regulating the sale of firearms, funding for affordable housing and no cash bail.

Elizabeth Thompson commented on the misuse of special funds, the oppression of speakers during Call to the Public, the personal debt of American citizens and funding for illegal immigrants.

Elizabeth Moll addressed the Board regarding the celebration of Constitution Day and the offerings that would be provided by the County Libraries. She thanked Supervisor Scott for his suggestion to have her write a proclamation and his office staff for their prompt responses.

Jane Hubbard commented on modern day slavery and human trafficking.

Ann Rose suggested that employees who received a pay raise in the last budget should consider a contribution to the Pima Animal Care Center.

Terra Radliff addressed the Board in opposition of Minute Item Nos. 12 and 38.

David Berkman shared his opinion regarding Minute Item No. 12, which he felt was brought forward as a response to his public records request that led to a lawsuit.

Y. Majesty spoke about no cash bail, mandated medical treatment, and funding for illegal immigrants.

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Chair Grijalva addressed comments made during Call to the Public regarding Minute Item No. 12 and the Classification Compensation Study. She reiterated that every speaker who submitted a speaker card was allowed to speak and the time given was dependent upon the number of speakers. She explained her memorandum for Minute Item No. 12 was submitted by her office for consideration. She clarified Phase 2 of the Classification Compensation Study was not on the agenda, but would be placed on the August 21, 2023 agenda.

Supervisor Heinz stated that he echoed Chair Grijalva's statement regarding Phase 2 and clarified that he lived two blocks from affordable housing.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Heinz and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:19 a.m.

10. **RECONVENE**

The meeting reconvened at 11:18 a.m. All members were present.

EXECUTIVE SESSION

11. Pursuant to A.R.S. §38-431.03(A) (3) for legal advice and discussion regarding proposed revisions to Merit System Rule 14.

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

COUNTY ADMINISTRATOR

12. **2024 Legislative Agenda**

RESOLUTION NO. 2023 - 36, of the Board of Supervisors, adopting a Pima County Legislative Program for 2024.

Jan Leshner, County Administrator, explained this was the proposed outline and resolution related to the Legislative portfolio for the year for State and Federal and that every year items were presented by various departments or captured items that were a result of previous Board policy. She explained the resolution enabled the

County's registered lobbyists to testify and provide witness related to those items. She stated there were four main areas of the resolution. She added that the first area was to Protect the County Taxpayer, which included five specific items within those areas that dealt with public records, public notices and predatory lending and financing for retail companion animals. She explained another area was Invest in Pima County's Infrastructure, a broad area where a specific piece of legislation or concept had not been identified, but they would support and advocate for all new funding streams for roads, maintenance of roads in the community and transportation funding from the State. She shared that another element dealt with Maximize or Strengthen Critical Programs that included additional funding for first responders when working with wildlife fires, emergency incidents, affordable housing, HIV prevention, Naloxone programs and would encourage the State to fund the Department of Economic Security 3-5 star certified programs that the County worked with for the Pima Early Education Program (PEEPs). She added another area was to Fortify Public Safety which was a request from the Public Defense Services Office. She explained there was legislation that capped how much lawyers could be paid, and they sought to remove that cap and the red flag laws as adopted by the previous Board. She explained all elements would roll into a request to support the County Supervisors Association's (CSA) ultimate Legislative Plan. She stated that the documents were being presented so the County met the deadlines to have those submitted into the CSA statewide program identified at a summit in mid-October. She mentioned that Supervisors Bronson and Scott had been to past summits and knew the process of how each of the items were considered by Pima County and the other counties of the State.

Supervisor Scott indicated that he wanted to offer a few amendments. He pointed out that there was an additional issue not included by Pima Animal Care Center and he believed it was an oversight. He read the additional proposal and stated that after notifying Ms. Leshner and Ms. Dangler, the proposal had been added to the material.

It was moved by Supervisor Scott, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to include the additional proposal to the Legislative Program.

Supervisor Scott commented that he wished to offer an additional proposal. He stated that based on comments made during Call to the Public, he felt it would be a prudent action on part of the Board to remove Item 2.A. submitted by the County Attorney's Office. He explained that the reason he asked for its removal was because of hearing that a former Deputy County Attorney acknowledged his involvement in litigation and bar complaints with the current County Attorney and saw the proposal as retributive. He stated that he thought the Board and the County, as part of the Legislative Program, should not be involved in what had occurred between the current County Attorney and the former Deputy County Attorney. He shared that County Attorney Conover had her own professional association and if they wanted to advance the proposal they could do so.

It was thereupon moved by Supervisor Scott and seconded by Supervisor Bronson to remove proposal Item 2.A. No vote was taken at this time.

Sam Brown, Chief Civil Deputy County Attorney, explained for clarification that the item for public record transparency and the cost to the taxpayer included an additional burden due to the redaction of body worn cameras, increased communications through computer devices, text messages and emails. He stated those items increased the cost of public records and did not have anything to do with one requestor. He added that it had been an issue for the County and the County Attorney's Office for years ahead of the individual's case.

Supervisor Scott clarified that he did not intend to agree or disagree with the points made during Call to the Public, but felt the Board and the County should not be in the middle of a dispute between a former Deputy County Attorney and the current County Attorney. He referenced the background material and stated that he understood the County Attorney's Office concern that only the Sheriff's Department was able to establish a fee and no other department could. He indicated his position was not for or against legislation and reiterated that the County Attorney was a member of the Arizona Association of Counties and County Attorneys had their own professional association where they could advance this legislation through those means.

Supervisor Heinz asked for clarification regarding which item Supervisor Scott was referring to.

Supervisor Scott replied it was for Attachment 2.A.

Ms. Leshar clarified that the item was listed as A. 2. in the Resolution since that was what would be adopted.

Mr. Brown stated for clarification that the request to include the proposal in the Legislative Agenda and the reasons for it were clearly delineated. He added that the assumption made was that the issue was brought on due to a specific person, but reiterated that this issue was not due to one person and the Board would not be put in the middle of any matter. He added that while it may be one example, they would continue to move forward with it even if that specific person had never made a public records request. He stated that it was to protect the County.

Supervisor Scott stated he had no reason to dispute or refute what Mr. Brown said and would not have made that motion until he heard those comments. He explained that as a Supervisor, he did not feel comfortable to have a Legislative Program that a piece of it was seen by a former Deputy County Attorney as directed towards him. He added it put the County and the Board in a difficult position.

Supervisor Christy commented that the Board should call the question.

Chair Grijalva indicated her agreement to call the question. She asked Supervisor Scott to clarify which item was being targeted.

Supervisor Scott clarified the attachment began on page 13 of the background material and ended on page 20.

Chair Grijalva stated they had five platforms and questioned where that item fell.

Ms. Leshar stated that she believed the action Supervisor Scott wished to be taken by the Board would be on the Resolution under Section 2, A., Protect the County Taxpayer, 2. Create reasonable boundaries around public record requests while maintaining a high level of transparency and accountability, to be deleted.

Supervisor Heinz inquired why the proposal was included if the Sheriff's Department was already allowed to make those charges.

Supervisor Scott stated that he believed it was added so that other departments could charge those fees and the current statute allowed only the Sheriff's Department to charge the fees.

Supervisor Christy stated for point of clarification that discussions were being had for amendments, additions, and deletions to portions of the Legislative Agenda. He questioned if they would then vote on the entire Legislative agenda.

Chair Grijalva responded in the affirmative and asked for a roll call vote.

Melissa Manriquez, Clerk of the Board, stated for clarification that the motion was to amend the Resolution to remove Section 2, A.2.

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

Chair Grijalva stated they would move back to the initial recommendation and asked if there were any comments or feedback for the rest of the document.

Supervisor Christy asked why the items submitted by District 5 were not included in the Legislative Agenda.

Chair Grijalva explained that when she received County Administration's request to put forward items, she assumed that included the Supervisorial offices. She stated they looked through laws in place and thought if they had advocates or were to be changed, it would benefit the community. She added that some did not tie directly to Pima County services and provided an example of funding for all day Kindergarten. She stated it was a state program that had been rolled back in 2010 due to a \$213 million deficit. She stated that beginning the school year after that legislation passed, all school districts in Pima County and the State of Arizona had to pay the remaining half of Kindergarten. She explained school districts had tried to restore

the legislation throughout several administrations. She added that if it was funded by the state rather than cut from school district budgets it would be beneficial.

Supervisor Christy questioned why the County Administrator did not include them in the Legislative Agenda.

Chair Grijalva responded that since individual Supervisors could put forward items, Ms. Leshner did not want to be in the position to incorporate those individual ideas into the main County agenda so the Board would be able to discuss those items.

Ms. Leshner explained that historically recommendations were received from each staff member. She stated they looked at all departments and what needed to be included from a staff perspective. She stated they looked at what might be policies that had been made previously by the Board and would come forward as staff recommendation. She indicated that if there were any additional recommendations from Board members it would become a policy direction provided to staff and would be better addressed at the table.

Supervisor Christy questioned if Chair Grijalva's items were omitted from the overall Legislative Agenda because of issues.

Ms. Leshner responded in the negative and stated there was no review of those. She stated it was a suggestion and a request that any of the policy and additional determination of the Board be brought forward to the Board.

Supervisor Christy asked if it was due to the items being submitted late.

Ms. Leshner responded that it did not have to do with timing. She stated there were discussions of how requests were to be submitted and if they would be submitted at the same time as departments. She reiterated they looked at staff recommendations based on things such as infrastructure.

Chair Grijalva clarified that it was provided late because she had not seen the item as an attachment put forward by Ms. Leshner and there had been a communication breakdown.

Supervisor Christy inquired if those additional recommendations were legal to be presented and if they were posted properly. He asked if the Board was under any infraction of open meeting laws, within the 24 hours' notice. He clarified that his office received a copy of Chair Grijalva's additional recommendations the prior day in the afternoon. He then asked if it was enough time to vote upon them and if it would be legal to do so.

Mr. Brown responded that he had not seen the documents in question.

Chair Grijalva explained that as with additional information, when someone wanted to address a certain item and requested something be attached to it, the information

could be added. She stated she was unsure if the item would be voted on at this time, but wanted to contribute what her office had worked on.

Supervisor Christy asked if Chair Grijalva's additions would be voted on.

Chair Grijalva stated the items were included for consideration if the Board wished to add of them to the Legislative Agenda. She indicated her interest in minimally adding full day Kindergarten and stated that, like Supervisor Scott had made his suggestions from the dais that could be done.

Mr. Brown explained if the preference was to verbally discuss the items one by one it had the same effect. He stated that the fact that if it was posted or not posted or the timing of it did not affect the Board's ability to discuss the items included.

Supervisor Christy questioned if that meant the item could be discussed or voted on.

Chair Grijalva explained she could add an item just like Supervisor Scott had if the Board wanted to consider items. She wanted to provide one document to allow others to view the attachments.

Supervisor Christy stated he felt there was an issue with how the overall Legislative Agenda had been presented and with items being added at the last minute. He questioned whether that was the proper procedure, if it violated notification of public posting, and if there was a time frame required for an addition to an agendized item to be voted on.

Mr. Brown replied that if she had not posted the items and brought them up as an amendment to the item, it would be allowable and he saw no problem having the additional information added. He reiterated that if the material had not been submitted and posted, but Chair Grijalva made a motion to add full day Kindergarten, the Board could decide if more time was needed, but there was no prohibition to add additional information

Supervisor Christy asked if it would be wise to continue the item so that everyone would know what was being asked to be added to the Legislative Agenda.

Mr. Brown responded that was at the Board's discretion.

Supervisor Scott stated for point of clarification, he did not post his request for the motion he made to remove Item 2. A. He stated that he did not decide to do so until he was on the dais. He clarified Chair Grijalva added the information the prior day and the Board had not added them to the Legislative Program. He stated the Board could have discussion on those items whether it was posted or not and they were not currently a part of the program unless the Board wished to add them by a majority vote.

Supervisor Heinz commented that he had a separate item he would like to modify and felt that the Board should talk about each of the items submitted by Chair Grijalva and potentially add and vote on them.

Chair Grijalva asked for clarification regarding which document the Board should be looking at as they moved forward and which item they were to vote on.

Ms. Leshar clarified that the Board needed to vote on adoption of Resolution 2023 - 36.

Supervisor Bronson commented that it was amended by Supervisor Scott.

Ms. Leshar further clarified that the three-page resolution outlined the 2024 Legislative Program and there were two amendments to the documents. She stated the first amendment was in regards to companion animals under Protect the Taxpayer, Item 7 to be added and the second amendment was to remove Section 2, A.2.

Supervisor Heinz stated that he wanted to modify Section 2, Paragraph B, under Invest in Pima County's Infrastructure. He asked to strike the words "both new roads" and have them replaced with "transportation improvements" so it would read as, "critical focus of our advocacy must be on the State and the Arizona Department of Transportation (ADOT) to ensure funds are made available to Pima County for transportation improvements and maintenance of the existing transportation infrastructure". He explained the idea of specifically asking for more money for new roads seemed to disregard the direction the Pima County Transportation Department had been going in and "transportation improvements" would broaden that.

It was moved by Supervisor Heinz and seconded by Chair Grijalva to modify the verbiage of Section 2, Paragraph B, Invest in Pima County's Infrastructure, as indicated by Supervisor Heinz. Upon the vote, the motion carried 3-2, Supervisors Bronson and Christy voted "Nay."

Chair Grijalva stated that another item she brought forward was to allow jurisdictions to regulate firearm sales. She stated it had previously come before the Board, which was why it had been included. She mentioned another item was for inclusionary zoning, which would allow the County to require affordable housing inclusion for residential rezonings. She added that substantial additional funding for affordable housing had been covered and funding for eviction prevention and evictees legal representation was something they had, but Federal funding would diminish. She mentioned another item brought up several times by speakers was concerns for the cash bail system. She stated the last item was to restore County authority to regulate small cell phone towers up to 50 feet in height, which the County had no discretion for.

Supervisor Scott stated that the Board previously passed a resolution that called for the legislature to repeal A.R.S. §13-3108 and if it was repealed it would allow local jurisdictions to have stricter firearms regulations than state regulations. He stated that the Board had already taken a position on that issue. He also mentioned the previous Board passed a resolution that supported legislation to eliminate cash bail under certain circumstances as recommended by the local National Association for the Advancement of Colored People, which had been affirmed. He stated the Board had addressed the document submitted by Ms. Dangler to allow greater ability to local jurisdictions to regulate pet sales stores. He explained many of the items had been addressed in the document or by previous Board action.

Chair Grijalva stated the document would then go to the County Supervisors Association for their consideration.

Supervisor Scott stated the document would establish the County's Legislative Program that would allow the County's lobbying team to move forward in Phoenix. He explained if there were proposals as a result of discussions at the CSA and were adopted as part of the CSA's overall Legislative Program, those could be included. He stated that would only happen after discussions at the caucus level at the Legislative Policy Summit and then by action of the entire CSA.

Chair Grijalva stated at the County Supervisors Association there would be one or two combinations of these items that would be incorporated into that association's platform.

It was then moved by Chair Grijalva and seconded by Supervisor Scott to include restore state funding for full day Kindergarten to the Legislative Agenda. No vote was taken at this time.

Chair Grijalva commented that it could tie into Item 6, C., Maximize or Strengthen Critical Programs and would benefit the entire community for what was already required.

Supervisor Scott stated the costs that the school districts had to incur to pay for full day Kindergarten precluded them from adding additional resources into preschools. He added that previous legislation allowed any County to use a portion of its secondary property tax that funded the Library District to pay for early childhood programs.

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

Supervisor Bronson indicated that she wanted to explain her vote. She agreed that all-day kindergarten was great, but it was not part of the Board's statutory responsibilities and felt it did not belong in the County's Legislative Agenda.

Chair Grijalva stated that she understood Supervisor Bronson's concern, but agreed with Supervisor Scott's comments that if there was more investment in that area, the need for preschool funding would come from school districts and would help offset the County's investment.

Mr. Brown indicated that he had a concern and requested that the Board move into Executive Session before they voted on the entire Legislative Agenda.

(Clerk's Note: See Minute Item Nos. 13 and 14 regarding Executive Session related to this item.)

It was moved by Chair Grijalva and seconded by Supervisor Bronson to reconsider the prior approved motion to include restore state funding for full day Kindergarten to the Legislative Agenda. Upon the vote, it unanimously carried 5-0, to approve the reconsideration.

Chair Grijalva stated that this was to ensure the item for full day Kindergarten was properly posted and it would be resubmitted as an agenda item for a future Board meeting.

It was then moved by Chair Grijalva and seconded by Supervisor Scott to remove the item for restore state funding for full day Kindergarten from the Legislative Agenda and that it be brought back to the Board of Supervisors' Meeting of August 21, 2023. Upon the vote, the motion unanimously carried 5-0.

It was thereupon moved by Supervisor Scott and seconded by Chair Grijalva to approve the 2024 Legislative Agenda and adopt Resolution No. 2023 - 36, as amended. Upon the vote, the motion carried 4-1, Supervisor Christy voted "Nay."

13. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Heinz and unanimously carried by a 5-0 vote, to convene to Executive Session at 12:08 p.m.

14. **RECONVENE**

The meeting reconvened at 12:19 p.m. All members were present.

(Clerk's Note: Discussion of Minute Item No. 12 continued after the Board reconvened from Executive Session.)

EXECUTIVE SESSION

15. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding the 2024 Legislative Agenda.

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

16. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy C 3.3, Pima County Public Art Program.

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

Supervisor Christy asked if there was an issue that would be solved with the proposed revisions.

Jan Leshner, County Administrator, responded the County had a program that identified funding for public art to be a percentage of the projects.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the current policy identified one agency to assist with the public art component for capital programs and the revised policy would provide flexibility to handle a variety of different projects. He added it could be an arts foundation, arts organization, a public relations firm, or County staff that could be used and it would allow the County a greater capacity and flexibility to have those art projects incorporated into the Capital Improvement Program.

Supervisor Christy inquired about the Public Art and Community Design Committee (PACDC).

Mr. DeBonis, Jr. responded the PACDC was an organization that was a part of the Arts Foundation of Tucson and Southern Arizona. He explained it was a committee of that organization and when utilized for calls for Artists, participated in the selection of artists and reviewed proposed pieces of art, which was unique to that organization. He stated if the organization was to be used on a Capital Project for the art component, the committee would be part of the process. He stated if a different arts organization, public relations firm or County staff were to be used, a process would be replicated. He mentioned that there was a companion administrative procedure, that subject to Board approval of the policy change, an updated administrative procedure would be brought back to the Board regarding how those arts projects would be administered related to the Capital Improvement Program.

Supervisor Christy asked what would happen to the PACDC if the policy was passed.

Mr. DeBonis, Jr. stated the committee would continue to exist as it was specific to the Arts Foundation of Tucson and Southern Arizona. He explained that any time the County utilized that organization the committee would be part of the process.

Supervisor Chrity questioned whether County Administration would determine if the Committee was utilized.

Mr. DeBonis, Jr. explained the project itself and who was selected to utilize it would be through the Project Design and Construction Department. He added that they would present the variety of projects and how the projects would be assigned, which would be reflected in the administrative procedure. He stated that aspect could be addressed in the update of the administrative procedure.

Chair Grijalva thanked Mr. DeBonis, Jr. for meeting with her office staff and explaining the process.

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

GRANTS MANAGEMENT AND INNOVATION

17. Tohono O’Odham Nation State-Shared Revenue Program Funds

RESOLUTION NO. 2023 - 37, of the Board of Supervisors, to approve acceptance of Tohono O’Odham Nation State-Shared Revenue Program Funds and pass-through to the entities in Pima County selected by the Tohono O’Odham Nation.

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

HUMAN RESOURCES

18. The Board of Supervisors on July 11, 2023, continued the following:

Revisions to Merit System Rules

Staff requests approval of the revisions to Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment, Detail, and Assigned Appointments.

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

Chair Grijalva stated that she felt there needed to be better evaluations, improved partnerships with employee groups and a stronger Meet and Confer system.

Supervisor Bronson concurred.

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

19. The Board of Supervisors on July 11, 2023, continued the following:

Revisions to Merit System Rules

Staff requests approval of the revisions to Merit System Rule 14 - Merit System Commission Appeals.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of September 5, 2023.

NATURAL RESOURCES, PARKS AND RECREATION

20. The Board of Supervisors on July 25, 2023, continued the following:

Contract

GVC Foundation, Inc., to provide an Agreement for Friends of Canoa Parks for coordinating and cooperative fundraising, event planning, park conservation and park management activities, total contract amount \$5,000.00 revenue/2 year term (\$2,500.00 per year) (CTN-PR-23-197)

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

Supervisor Christy stated that he had requested clarification of the contract, but had not received it and the issue was that the contract would supersede the information on the Board of Supervisors Agenda Item Report (BOSAIR). He pointed out that the funding source listed on the BOSAIR was General Fund, but then indicated there was no funding from General Fund and that it listed a revenue amount of \$5,000.00, but the contract did not specify a revenue amount. He suggested that on the BOSAIR, under funding source it could indicate, "to be determined," rather than to add an amount on there and explained that his concern was there could be a misunderstanding later and asked for a clearer way to state what was presented on the BOSAIR would not take precedence over the developed contract.

Jan Leshner, County Administrator, responded that passage of the agreement as a document would allow that to be done.

Carmine DeBonis, Jr., Deputy County Administrator, stated the contract itself would govern the BOSAIR information. He explained it was a philanthropic fundraising activity by the Friends of Canoa and those revenues up to \$5,000.00 per year would be donated by the group to the County to invest in improvements identified through their work plan and that from a Procurement perspective since money was received, the revenue amount would not be left blank and understood the confusion by indicating General Fund. He stated Natural Resources, Parks and Recreation was largely funded by General Fund revenues and those dollars would come into the

General Fund and then be applied to the projects. He reiterated the contract would be the governing document.

Supervisor Christy questioned how that would be known.

Ms. Leshar responded that what the Board was being asked to adopt and approve was the contract.

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

PROCUREMENT

21. The Board of Supervisors on July 25, 2023, continued the following:

Award

Amendment of Award: Master Agreement No. MA-PO-18-343, Amendment No. 7, Keefe Commissary Network, L.L.C., to provide for commissary program services. This amendment extends the termination date to 7/31/28, revises the County commission percentage from gross sales from 48% to 39% and appends the Forced Labor Ethnic Uyghurs provision to the contract, pursuant to A.R.S. §35-394. No additional funds are required at this time. Administering Department: Sheriff.

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

Supervisor Heinz indicated that during the previous discussion of this item he had asked about the costs associated with items inmates were charged for and felt inmates were gouged for these items because they were considered luxury items, and he had not received that information.

Jan Leshar, County Administrator, responded that what had previously been questioned was the difference between the 48% to 39% of the commission percentage and why that gross number was included. She indicated that District 2 staff had reached out to Keefe Commissary to get the specifics of those costs.

Supervisor Heinz indicated that the Board could move forward with consideration of this item, but he would vote against it. He explained that in many jurisdictions inmates could be trod upon and not many people looked out for this issue. He stated that it would be nice to know what was being offered and at what rates before consideration of the item. He questioned why it was renewed as a five-year block and felt it should be renewed for one year.

Steve Holmes, Deputy County Administrator, responded that due to the nature of the contract it would be renewed for a five-year period, which had been done traditionally. He stated he had access to the information for the cost structures, which could be provided to the Board. He commented the prices were reasonable

and were an accurate standard of what the Procurement Department had seen of those items and in general what was sold in convenience stores. He stated there was nothing that significantly gouged inmates with pricing.

Ms. Leshar indicated that the item could be continued to the August 21st meeting in order for staff to provide the additional information to the Board.

Supervisor Heinz expressed his trust in staff and if inmates were not being gouged, he would be happy to move forward with the item.

Chair Grijalva indicated that she read there would be no impact to the cost of goods to inmates, but it would be the percentage to the County. She stated the County would take a lesser cut in order to try and keep prices where they were.

Supervisor Christy questioned if the vendor was allowed to raise their cost, then why was the County not allowed to raise its final cost, as well. He added that the Sheriff's Department had a \$3.5 million budget deficit and this would be one way to cut the deficit. He explained if the cost of the product was raised, the cost of the ultimate consumer had to rise commensurately.

Ms. Leshar stated there was concern that this was a population that did not have access to an open market to select from and if costs increased, they were unable to go to another location. She explained there was concern to keep costs at a reasonable level, which was why the Sheriff agreed to a lower commission.

Chair Grijalva indicated that she was concerned that Supervisor Heinz's staff had reached out to the vendor, but had not received any information from them.

Ms. Leshar clarified that he had not received information from County staff.

Supervisor Heinz commented that he had just heard that the requested information was provided on the morning of this meeting.

Chair Grijalva indicated that if there was no objection, the item could be continued to August 21st.

Supervisor Heinz stated the Board could move forward with a vote.

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

REAL PROPERTY

22. Sale of Real Property - Tax Parcel No. 304-41-003E

RESOLUTION NO. 2023 - 38, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0019.

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

REGIONAL WASTEWATER RECLAMATION

23. Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

True Blue Car Wash, L.L.C., Case No. 2022-D-005. The proposed settlement amount of \$800.00 is in accordance with the Industrial Wastewater Enforcement Response Plan.

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

CONTRACT AND AWARD

County Attorney

24. Struck Love Bojanowski & Acedo, P.L.C, Amendment No. 6, to provide for legal representation of Pima County in Taylor v. Pima County, et al., extend contract term to 8/23/24 and amend contractual language, no cost (CT-FN-21-151)

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

Facilities Management

25. Arizona Board of Regents, University of Arizona, Amendment No. 2, to provide for UA Mineral Museum - Historic Courthouse lease located at 115 N. Church Avenue, extend contract term to 5/31/35 and amend contractual language, contract amount \$296,498.90 revenue (CTN-FM-18-124)

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

Health

26. Town of Sahuarita, to provide an intergovernmental agreement for disbursement of Opioid Settlement Funds, State of Arizona and Various Pharmaceutical Companies Funds, contract amount \$92,000.00/5 year term (CT-HD-24-15)

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

27. SJM Premier Medical Group, L.L.C., to provide for medical support for asylum seekers, Emergency Food and Shelter National Board Program, Phase HR23 Fund, contract amount \$3,500,000.00 (CT-HD-23-460)

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

Supervisor Christy referenced the purpose of the grant and inquired about the \$19.2 million balance, how much was left in the original award and how long it would last.

Jan Leshner, County Administrator, responded the \$19.2 million was anticipated to last through the end of this calendar year. She stated there were reports that provided a breakdown of what had been spent and would provide another update to the Board.

Supervisor Christy stated the vendor's headquarters was located in Hawaii and questioned the availability of local contractors and who had responded to the bid.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained the item was subject to Board of Supervisors' Procurement Policy D29.7.111-1.3 and was a limited competition that had a variety of vendors identified. He stated the vendor had worked with the County since the pandemic and was selected due to the care they provided for refugees and other vulnerable populations.

Supervisor Christy asked if Pima County had worked with SJM Premier Medical Group before the pandemic.

Dr. Garcia responded that the County had worked with SJM Premier Medical Group since the pandemic.

Supervisor Christy inquired if any other counties in Arizona contracted with SJM Premier Medical Group.

Dr. Garcia responded that he did not believe there was a current county other than Pima County contracted with SJM Premier Medical Group.

Supervisor Christy asked if anyone in the Health Department had any established relationship with SJM Premier Medical Group.

Dr. Garcia responded no.

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

Supervisor Bronson stated the County operated the Health Department and was obligated to keep the citizens safe. She explained she voted in favor as communicable diseases did not need to be spread around the community.

Information Technology

28. Simply Bits, L.L.C., Amendment No. 2, to provide for a Rooftop License Agreement at 33 N. Stone Avenue for Wireless Communication Facilities, extend contract term to 6/11/28, amend contractual language and scope of services, contract amount \$102,686.28 revenue (CTN-IT-18-180)

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

Procurement

29. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-71, Amendment No. 8, CDW Government, L.L.C., to provide for software value added reseller services. This amendment extends the termination date for this master agreement to 10/30/23. No additional funds are required at this time. Administering Department: Information Technology.

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

30. **Award**

Amendment of Award: Master Agreement No. MA-PO-23-196, Amendment No. 1, 4imprint, Inc., to provide for promotional items. This amendment increases the annual award amount by \$250,000.00 from \$250,000.00 to \$500,000.00 for a cumulative not-to-exceed contract amount of \$500,000.00. Funding Source: Various and General (20%) Funds. Administering Department: Health.

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

Supervisor Christy referenced the background material and asked if the employees that would be recognized were countywide or from the Health Department.

Jan Leshner, County Administrator, responded the largest amount of the contract was in the Health Department, but the funds would be used countywide. She provided a breakdown of the costs by departments that would have the opportunity to use the contract for purchases.

Supervisor Christy inquired if the funds would come from the individual departments or if it would come from the General Fund.

Ms. Leshar responded it would be paid by the individual departments. She explained that most of the departments had been allocated the funding as part of the General Fund, but there was not a new or additional allocation other than in their current budget.

Supervisor Christy shared the vendor was located in Oshkosh, Wisconsin and asked if there were any local bidders or vendors of promotional products that could be utilized in Pima County.

Ms. Leshar responded there had been a variety of legal concerns that were previously expressed about the County's ability to identify local contracts and she could follow-up on that, but local bidders and vendors were included in solicitations for contracts.

Supervisor Christy questioned why a local vendor was not selected for this award.

Ms. Leshar responded that it was her assumption they may not have been low bidders and would provide that information to the Board.

Supervisor Christy commented that the item represented half a million dollars for 136 categories of tchotchkes. He went over some of the listed items and stated that he did not understand why that amount of money would be spent on promotional items for employees and why a local vendor was not utilized for this award.

Chair Grijalva explained each department would decide how the funds would be utilized and that the promotional items were used at resource fairs to entice and remind people of those organizations and Pima County had some of the most engaging promotional items. She added that, for instance, the Sheriff's Department used these materials for Back-to-School events and she understood the concern, but did not want to pick apart what would be ordered.

Supervisor Scott stated that he appreciated the breakdown of costs, but those had not been included in the background materials. He explained that based on the backup materials he thought it was only for the Health Department and was glad to know it would be utilized by multiple departments. He asked how much would be for the Employee Recognition Program and how much would be for the programs that were suspended during the pandemic.

Ms. Leshar replied \$50,000.00 was for the employees and the Employee Recognition Program.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that language was there to reference that during the pandemic they had stopped community outreach and face-to-face activities so expenditures for promotional items were minimal. He stated that subsequent to that ending, the presence of Pima County departments across the

community had been substantial and robust, and those potential expenditures represented the collateral of what was brought to those events.

Supervisor Scott inquired if that was the reason the amount had doubled.

Dr. Garcia responded in the affirmative.

Supervisor Scott questioned if it was a one-time cost or was it anticipated to be an annual cost.

Dr. Garcia explained each year as part of their budgetary planning process, the various departments would identify the kind of outreach activities and the kind of collateral that may be used. He stated it added \$250,000.00 to the contract in terms of capacity and did not mean \$250,000.00 would be used. He explained it had run up against the expenditure limit and was why that amount was identified.

Supervisor Christy asked if Dr. Garcia believed the employees wanted these tchotchkes.

Ms. Leshar stated the tchotchkes, other than for those in Human Resources (HR), were generally not for County employees. She explained the \$50,000.00 under HR was for the Employee Recognition component and the other funds would be for items given to the public during fairs and events to entice people to visit those booths.

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

31. **Award**

Award: Master Agreement No. MA-PO-24-1, Shamrock Foods Company (Headquarters: Phoenix, AZ), to provide for produce. This master agreement is for an initial term of one (1) year in the annual award amount of \$300,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.

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

32. **Award**

Award: Master Agreement No. MA-PO-23-209, Microsoft Corporation (Headquarters: Redmond, WA), to provide for a Microsoft master services agreement. This master agreement is effective August 8, 2023 to August 7, 2028, in the not-to-exceed contract amount of \$7,000,000.00 (including sales tax). Funding Source: IT Computer Hardware/Software Fund. Administering Department: Information Technology.

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of August 21, 2023.

33. Motorola Solutions, Inc., to provide for Motorola Flex software and support, General Fund, contract amount \$1,200,000.00 (MA-PO-23-180) Administering Department: Information Technology and Sheriff

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

34. Tenex Software Solutions, Inc., Amendment No. 4, to provide for Tenex election desk modules and amend contractual language, General Fund, contract amount \$1,005,000.00 (MA-PO-22-80) Administering Department: Elections and Information Technology

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

Supervisor Christy stated it appeared the Elections Department had started over from scratch and referenced the background materials and questioned why there were 125 Bluetooth thermal printers, 70 more Air Ballot color printers, 50 more Lexmark Air Ballot color printers, related toners, hardware and 125 9th generation iPads being purchased. He asked why equipment was being purchased when it had been done last year and was designed to save money. He inquired if all hardware was being replaced, what was wrong with the current printers, what would happen to the equipment and how much had County taxpayers spent on the vote center program. He questioned if the equipment would be used by the Recorder's Office, why a Recorder's Office employee's name was listed on the Tenex quote and were those items purchased for the Recorder's Office.

Jan Leshar, County Administrator, responded it was for additional equipment to cover any additional vote centers, for spares and some capacity for ink cartridges.

Vanessa Figueroa, Administrative Services Manager, Elections Department, explained the purchase of additional units was to fully equip vote centers for 2024. She stated that they anticipated more vote centers than what they had in 2022, which would accommodate that and spares for training and backups. She stated the purchase would be for the Elections Department and the Recorder's Office. She explained the background material exhibits included information for the Elections Department units/quote and the Recorder's Office units/quote.

Supervisor Christy asked why the item was not presented by the Recorder's Office along with the Elections Department since there was a Tenex quote with Marion Chubon's name listed on it.

Hilary Hiser, Chief Deputy Recorder, stated the Recorder's Office had their own ballot on-demand printers that were at their end-of-life cycle last year, which had been used for the last 15 years. She explained the quote for the Recorder's Office was to replace those printers and the Tenex provider had the same Lexmark ballot on-demand printers used by the Elections Department and would be tacked on to the agreement to replace the Oakie printers, which were no longer serviceable. She stated Lexmark had a service ability through Tenex and equipment available. She added the Lexmark printers were the preferred printers that would be purchased, and the quote included ballot on-demand printers, carts, printer travel bags, ink cartridges and toners.

Supervisor Christy questioned if the County had started over from scratch.

Ms. Hiser responded in the negative and reiterated the Recorder's Office equipment was at its end-of-life cycle and would need to be replaced. She stated those end-of-life printers would be replaced with the new Lexmark on-demand printers through the Tenex contract.

Supervisor Christy asked how much taxpayers had spent on the new vote center program, which was presented as a money saving effort.

Ms. Leshar responded she would provide that information to the Board.

Supervisor Christy asked if the item could be continued while they waited for that information.

Chair Grijalva responded that she would like to move forward with the item as it was important to have the technology available and it had been a point of criticism from a previous election that the printers were not working.

Supervisor Scott indicated that he believed Director Hargrove had addressed the need for additional equipment in her most recent written report to the Board.

Ms. Leshar responded in the affirmative. She indicated there was end-of-life equipment and additional equipment was needed. She stated she would be able to provide a memorandum that included a summary of what would be ordered.

Supervisor Scott asked if she could quote from Ms. Hargrove's report in the summary memorandum.

Ms. Leshar responded in the affirmative.

Supervisor Christy questioned if the Recorder's Office budget would reimburse the General Fund for the equipment.

Ms. Lesher clarified it was an allocation to purchase the equipment out of the General Fund contingency, which were additional expenses that were identified as a cost of the election.

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

Real Property

35. Town of Sahuarita, to provide an intergovernmental agreement for the acquisition of the Titan Missile Museum, no cost/perpetual (CTN-RPS-24-11)

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

Supervisor Christy inquired about the costs to acquire the Titan Missile Museum.

Jan Lesher, County Administrator, responded the County had been working with Pima Air and Space Museum and the Town of Sahuarita to ensure the ongoing protection and safety of the museum.

Supervisor Christy asked about the purchase of the museum, if the Board would see the purchase agreement between the County and the United States of America prior to execution of the agreement and if there was a problem with the museum's current status with Pima County and the Town of Sahuarita.

Carmine DeBonis, Jr., Deputy County Administrator, stated the purchase was for \$655,000.00 and in November 2022, the Board approved a grant acceptance charitable donation to the County to facilitate the acquisition and no County funds were being used to acquire it. He indicated the Board had also approved a Resolution, which authorized it to be acquired by the County. He explained that since 1986, the County had a lease with the federal government for the property and that the federal government deemed it as surplus property so the County was able to purchase it through a negotiated sale. He stated there was an attraction on site, which was the Titan Missile Museum, operated by the Arizona Aerospace Foundation who also operated Pima Air and Space Museum, and there was an operating agreement with that entity to operate the attraction. He stated the purchase agreement would be brought back to the Board for finalization and it would require a congressional act to finalize the sale. He explained that since the property was within the Town of Sahuarita, Arizona Revised Statute required the Town and County to be entered into the IGA.

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

36. Global Water - Red Rock Water Company, Inc., to provide for a Non-Exclusive Right-of-Way Use License for Public Utility Facilities, no cost/25 year term (CTN-RPS-24-3)

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

Supervisor Heinz expressed concerns with the company being publicly traded, had taken over smaller, locally-owned water companies in the State, were beholden to their shareholders and felt the contract was profit driven. He indicated that he understood it was a no cost contract, but requested additional information.

Carmine DeBonis, Jr., Deputy County Administrator, responded that this was to grant a license for the public utility to place their infrastructure within the County's right-of-way and was standard for all utility companies. He indicated Global Water Company operated water and wastewater systems across the State and had recently acquired smaller water companies in the County area. He stated they existed as a public for profit entity and that in respect to the license agreement, the County did not differentiate between the organizational structures of the utility provider. He concluded that a license agreement or franchise agreement would be needed if they wanted to be in the County's right-of-way.

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

GRANT APPLICATION/ACCEPTANCE

37. Acceptance - Community and Workforce Development

Arizona Community Action Association, d.b.a. Wildfire, to provide for the 2023-24 Utility Assistance Program, \$283,510.00 (GTAW 24-3)

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

38. Acceptance - Environmental Quality

United States Environmental Protection Agency, to provide for the Inflation Reduction Act - CAA Special Purpose Activities, \$76,258.00 (GTAW 24-12)

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

Supervisor Christy indicated that during Call to the Public a citizen noted concerns with the item and he concurred with those concerns.

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

39. **Acceptance – Health**

Arizona Department of Health Services, Amendment No. 3, to provide for the Health Start Program and extend grant term to 7/5/24, \$201,860.00 (GTAM 24-2)

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

40. **Acceptance – Health**

Arizona Department of Health Services, Amendment No. 2, to provide for the Well Woman Health Check Program and amend grant language, \$277,025.00 (GTAM 24-3)

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

41. **Acceptance – Health**

Exact Sciences Corporation, Amendment No. 1, to provide for the Unrestricted Grant Agreement, extend grant term to 12/31/23 and amend grant language, no cost (GTAM 24-5)

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

42. **Hearing - Liquor License**

Job No. 248906, Douglas Allen Sain, Fat Cactus Pizza & Arcade, 1135 W. Hoover Street, Ajo, Series 12, Restaurant, New License.

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

BOARD OF SUPERVISORS

43. **Request for Reconsideration - District 4**

A. On July 25, 2023, the Board of Supervisors took the following action:

Countywide Classification and Compensation Study

Staff recommends approval of the following recommendations:

1. The new job classifications and place employees in the appropriate new classifications;
2. Approve the new salary structures and place employees into the corresponding salary grades; and,
3. Provide \$9.5 million to bring current employees who fall below their respective new salary grade to the minimum of that salary range.
Changes to go into effect no sooner than September 10, 2023.

Amended by County Administrator memorandum dated July 19, 2023 and attached to the July 25, 2023 Agenda Item:

"I recommend the Board of Supervisors:

1. Approve the new job classifications and place employees in their respective job classifications;
2. Approve the new salary structure and place employees in their respective salary grades;
3. Approve \$9.5 million of the \$14 million authorized in the FY2023 budget for salary and benefits to move all employees currently under the minimum of their respective salary grades to the minimum of those salary grades;
4. Approve any remaining monies designated in the FY2023/24 budget for salary and benefits and contingency for personnel policy changes (\$5 million) to be immediately applied towards implementation of Phase 2; and,
5. Make approvals for Items 1 through 3, effective the pay period beginning September 10, 2023."

It was moved by Supervisor Scott and seconded by Supervisor Heinz to approve the five recommendations as listed in the County Administrator's memorandum dated July 19, 2023. Upon roll call vote, the motion carried 4-0, Supervisor Bronson was absent.

- B. If motion to reconsider is approved, proceed with reconsideration of the following:

Countywide Classification and Compensation Study

Staff recommends approval of the following recommendations:

1. The new job classifications and place employees in the appropriate new classifications;
2. Approve the new salary structures and place employees into the corresponding salary grades, and,
3. Provide \$9.5 million to bring current employees who fall below their respective new salary grade to the minimum of that salary range.
Changes to go into effect no sooner than September 10, 2023.

Amended by County Administrator memorandum dated July 19, 2023 and attached to the July 25, 2023 Agenda Item:

"I recommend the Board of Supervisors:

1. Approve the new job classifications and place employees in their respective job classifications;
2. Approve the new salary structure and place employees in their respective salary grades;
3. Approve \$9.5 million of the \$14 million authorized in the FY2023 budget for salary and benefits to move all employees currently under the minimum of their respective salary grades to the minimum of those salary grades;
4. Approve any remaining monies designated in the FY2023/24 budget for salary and benefits and contingency for personnel policy changes (\$5 million) to be immediately applied towards implementation of Phase 2; and,
5. Make approvals for Items 1 through 3, effective the pay period beginning September 10, 2023."

Chair Grijalva stated that the Board would first vote on whether to approve the request for reconsideration. She explained if the reconsideration was approved, then the item would be reconsidered and there could be discussion on the item and if it failed, there would be no discussion and the previous vote would stand.

It was moved by Supervisor Christy and seconded by Supervisor Bronson to approve the request for reconsideration. Chair Grijalva requested a roll call vote.

Supervisor Bronson asked if she could explain her vote prior to roll call.

Chair Grijalva stated that the Board could not have a discussion on the item until the request for reconsideration was approved by the Board. She asked Legal Counsel if legally, that was the correct process for this item.

Sam Brown, Chief Civil County Attorney, responded in the affirmative.

Upon roll call vote, the motion failed 2-3, Chair Grijalva and Supervisors Heinz and Scott voted "Nay."

CONSENT CALENDAR

44. Approval of the Consent Calendar

At the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 5, 6 and 7, were set aside for separate discussion and vote.

It was moved by Chair Grijalva, 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 CHRISTY

RECORDER

5. Pursuant to Resolution No. 1993-200, ratification of the amended Document Storage and Retrieval Fund for the months of July and August 2022.

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

Supervisor Christy stated that the background information indicated that at some point staff identified a fund balance discrepancy in period 3 between the Finance Department's fund balance report and the Recorder's Office internal financial tracking documents for the fund and the two departments had reviewed the fund expenditure revenues through Fiscal Year 2023 in order to ensure the financial integrity of the Document Storage and Retrieval (DSR) Fund. He indicated that after review, staff determined that the beginning fund balance as well as the revenue and expenditure totals were incorrectly calculated when originally reported to the Board during the October 18th meeting. He stated that a calculation error was identified on the part of the Recorder's Office and isolated to the department's internal financial tracking process and that calculation error impacted the beginning fund balance, the expenditures and the revenue totals reported in the July 2022 summary report. He stated that the calculation error was then compounded in the August report and the remaining financial periods were successfully reconciled between the Recorder's Office and their internal financial tracking process and the Finance Department's fund balance tracking process. He continued that as a step to prevent a similar error, the Recorder's Office created a special position dedicated to providing real time financial analysis and review management of the DSR Fund.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to request the Finance Director to provide a statement that certified the accuracy of the submittals of the DSR Fund reports. He requested that the item be continued until the Board received the certification. No vote was taken at this time.

Hilary Hiser, Chief Deputy Recorder, explained that a calculation error had been identified in period 3 and their office notified the Finance Department that there was an error in their internal documentation. She stated they worked with the Finance Department and began a reconciliation process between the Fund Balance Report maintained by the Finance Department against the information held internally for their own tracking. She explained that at no time the DSR Fund Balance, as maintained by the Finance Department, was incorrect. She clarified that the information previously

presented to the Board had a calculation error and those numbers presented were incorrect based on their internal process.

Supervisor Christy commented that due to the error a new position was needed to oversee the process. He questioned what the process was, who had done the work prior to the 2021 reporting, and why was a specialized position needed for this process.

Ms. Hiser explained that the previous administration had the particular role maintained under the Chief Deputy status and during the transition of the new administration, the role was kept in the same place. She stated they determined that with the previous internal reporting, the calculation error occurred through a delegation of authority to another staff member. She stated that as a result, a compounding error was discovered. She stated that because the Recorder's Office was a revenue generated department through the DSR Fund, they felt it was necessary to have someone on hand who would be able to reconcile the Special Revenue Fund, but also be dedicated to review the department's General Fund expenditures and revenues. She mentioned that several departments had someone dedicated to the fiscal responsibility of the department to ensure fiduciary administration of tax dollars. She explained the position would ensure they had the necessary experience and oversight and would not be held by one individual within the department's administrative staff. She explained the position would be a classified employee and would follow the department regardless of who the Recorder was or the administrative group within the Recorder's Office.

Supervisor Christy commented that each year it equated to a couple million dollars of the fund balance.

Ms. Hiser stated the DSR Fund final report balance ended Fiscal Year 2022-2023 with a \$1.839 million balance. She explained that fund balance had decreased as it was based specifically on the revenue generated from document recording, which was dependent upon the real estate market. She mentioned that fund balance had a negative growth for the upcoming fiscal year. She explained it would not be multiple millions as there was a limited number of expenditures that were applied to the DSR Fund and by having someone dedicated to managing that fund it would ensure structural stability of the fund moving forward.

Supervisor Christy asked if there would be any issues with the Finance Department certifying that the fund balances and accounting were intact and accurate.

Ms. Hiser responded that she did not see any issues with the Finance Department certifying the information. She added the Finance Department had presented information that was used to reconcile their information, which was part of the standard audit for the County's fiscal year end. She stated the

fund would be part of the standard audit that the entire budget review would go through.

Supervisor Christy stated there had been a discrepancy and the Finance Department collaborated with the Recorder's Office to resolve it. He reiterated he would like an opportunity to hear from the Finance Department that the information was accurate.

Chair Grijalva asked for clarification if Supervisor Christy was requesting a memorandum from the Finance Department for that specific year-end report.

Supervisor Christy clarified it was for two years.

Chair Grijalva questioned if the year-end report would encompass the July, August and September reports.

Ms. Hiser responded in the affirmative and explained the three items presented to the Board were the two amended reports for July and August 2022, the monthly reports for September through June 2023, and the year-end fiscal report for the entire fiscal year.

Upon the vote, the substitute motion to request that the Finance Director provide a statement that certified the accuracy of the submittals of the DSR Fund reports unanimously carried 5-0.

Chair Grijalva inquired if there was a motion for approval of Consent Calendar Item Nos. 5, 6 and 7.

Supervisor Christy stated he preferred the item not be voted on until a certification from the Finance Department was received and that he had requested to continue the item.

Supervisor Bronson withdrew her original motion.

It was then moved by Supervisor Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to continue Consent Calendar Item Nos. 5, 6 and 7 to the Board of Supervisors' Meeting of August 21, 2023, with the inclusion of the Finance Department's certification.

6. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of September 2022 through June 2023.

(Clerk's Note: See Consent Calendar Item No. 5, for discussion and action on this item.)

7. Pursuant to A.R.S. §11-475.01, ratification of the Document Storage and Retrieval Fund FY 2022-2023 Year End Summary Report.

(Clerk's Note: See Consent Calendar Item No. 5, for discussion and action on this item.)

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Election Integrity Commission**
Reappointment of Ryan Maese. Term expiration: 7/5/25. (District 3)
2. **Planning and Zoning Commission**
Reappointment of Tom Tronsdal. Term expiration: 6/19/27. (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

3. **Special Event**
Clinton Kuntz, El Rio Health Center Foundation, Inc., The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, October 28, 2023.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY

James Hannley-075-DEM, Diane Smith-011-REP, John Maynard III-212-REP

APPOINTMENT-PRECINCT-PARTY

Rachel Rosenberg-078-DEM, James Hannley-080-DEM, Kimberly Sierra-Cajas-211-DEM, Dawn Barkman-009-REP, Jeremiah Patton-015-REP, Jordan Pellow-Harvey-056-REP, Linda Schulte-061-REP, James Cherrington-115-REP, Leonard Leon-127-REP, Maryellen Konczak-130-REP, Anjanette Spears-150-REP, Joel McDermott-182-REP, Guadalupe Heaney-189-REP, Stephen Fish-206-REP, Randy Buono-231-REP

RECORDER

5. Pursuant to Resolution No. 1993-200, ratification of the amended Document Storage and Retrieval Fund for the months of July and August 2022. (PULLED FOR SEPARATE ACTION)

6. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of September 2022 through June 2023. (PULLED FOR SEPARATE ACTION)
7. Pursuant to A.R.S. §11-475.01, ratification of the Document Storage and Retrieval Fund FY 2022-2023 Year End Summary Report. (PULLED FOR SEPARATE ACTION)

SUPERIOR COURT

8. **Judge Pro Tempore Appointments**
Appointments of interim Judges Pro Tempore of the Superior Court for the period of August 8, 2023 through October 31, 2023: Hon. Susan A. Kettlewell (Ret.) and Nanette Warner (Ret.)

TRANSPORTATION

9. **Permission to Advertise**
Leon Ranch Road
Road Establishment No. 3037
August 18 and 25, 2023 (District 4)

10. **RATIFY AND/OR APPROVE**

Minutes: June 6, 2023
Warrants: July, 2023

* * *

45. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:10 p.m.

CHAIR

ATTEST:

CLERK