

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, April 4, 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
Aaron Cross, Sergeant at Arms

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. MOMENT OF SILENCE

Chair Grijalva observed a moment of silence for the passing of Maria Acedo, a 24-year employee with the Pima County Assessor's Office.

3. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgment Statement was delivered by Rosemary Leyva, Administrative Specialist, Pima County Clerk of the Board's Office.

4. PAUSE 4 PAWS

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

5. POINT OF PERSONAL PRIVILEGE

Supervisor Scott shared that his district office held their second town hall meetings and that some of the members of the audience that were in attendance at that town hall meeting were also in attendance of the Board meeting. He requested that the audience conduct themselves in a respectful behavior like they had at the previous town hall meeting. He felt that there was never a time that the public discourse was both civil and reasonable. He indicated that the Board had to have difficult conversations because of the serious and challenging topics presented to them, which affected the quality of lives of everyone in the community. He stated that he admired and respected each of them and that they should always be mindful of the way they engaged with each other.

Chair Grijalva highlighted National Public Health Week, which was observed every year by the American Public Health Association.

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to Kimberly Peute, CEO, Parkinson Wellness Recovery, proclaiming the month of April 2023 to be: "PARKINSON'S AWARENESS MONTH"

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

7. Presentation of a proclamation to Erin Aguilar, Co-President, and Kelly Ann Larkin, Executive Director, Southern Arizona Association for the Education of Young Children, proclaiming the week of April 1 through 7, 2023 to be: "THE WEEK OF THE YOUNG CHILD IN PIMA COUNTY"

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

8. Presentation of a proclamation to Katlyn Monje, Director, Southern Arizona Center Against Sexual Assault (SACASA), proclaiming the month of April 2023 to be: "SEXUAL ASSAULT AWARENESS MONTH" and proclaiming the day of Wednesday, April 5, 2023 to be: "WEAR TEAL DAY"

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.

9. **CALL TO THE PUBLIC**

Sharon Fickes expressed her opposition to Supervisor Heinz's attendance at Board meetings, the exclusion of a citizen from Board meetings, and funding for asylum seekers.

Robert Reus spoke about President Thomas Jefferson and read from one of Jefferson's lectures.

Jim McFadzean spoke about the communist manifesto and indicated that the Board's actions aligned with the manifesto.

Jane Hubbard spoke in opposition to Minute Item Nos. 32, 33 and 34. She also commented that asylum seekers caused more crime.

Elizabeth Mole addressed the Board regarding the Library Advisory Board and asked if Board members met with their appointees and mentioned the long standing vacancies for Districts 2 and 4. She indicated that she had asked the County

Libraries about their guidelines for book selections and how age appropriateness was determined for books, but had not received any answers.

Tim Laux spoke about money being used to house and feed immigrants. He questioned how Sheriff Nanos used his anti-drug smuggling budget and expressed his opposition to barring citizens from meetings.

Laurie Moore spoke about political topics and claimed that some Supervisors were in agreement with some of the topics that she listed.

Steve Selvy addressed the Board regarding library books that sexualized children. He displayed pages from a book he found displayed at a County library.

Laura Hinyup stated that she felt Supervisor Heinz was destroying the City and that he would pay for his actions. She added that the Board's Legal Counsel should be reported to the Bar and that the Sergeant at Arms should arrest Supervisors that barred citizens from meetings.

Cory Stephens spoke about the hypocrisy displayed by Supervisor Heinz and questioned the vaccination of illegal immigrants.

Keith Van Heyningen commented that Chair Grijalva ruined the education system, Supervisor Heinz and Dr. Cullen were wrong about COVID and that there should be a petition for the Sheriff to arrest government officials that aided and abetted the Biden illegal alien invasion.

Melissa Conroy expressed her opposition to the barring of Ms. Requard at Board meetings.

Reverend Tracy Howe voiced her concerns with the deaths at the Pima County jail.

Kay Lombard shared her negative experience when she worked with Supervisor Heinz at the hospital.

Gisela Aaron expressed her opposition of the barred citizen from Board meetings.

Roger Score spoke about the passing of Martin Luther King, Jr., the increase in fentanyl use and homeless rates, and funding immigrants.

Stephanie Kirk expressed her opposition to the barring of a citizen after they disrupted previous meetings and spoke about black box warnings on COVID vaccines.

Paul McCreery read from the Maxims of Law and stated that they were similar to the violations made by the Chair.

Rachel Jones addressed the Board regarding the overpopulation at Pima Animal Care Center.

Terri Birkholz expressed her concern with the barring of a citizen at Board meetings and inquired about the age of Supervisor Heinz's friend from his Zoom video.

Tiffany Bucuarelli-Fay spoke about Early Childhood Education and the opening of Preschools around the Amphitheater School District. She thanked the Board for their support.

Dave Smith inquired about the money spent by the Board. He stated that he believed in science and would have people run against Supervisor Heinz in the next election.

Susan Kelly asked why the Supervisors ran for their positions and asked that Chair Grijalva and Supervisor Heinz apologize for this violations.

Denise Garland addressed the Board regarding the creation of an illegal trail. She inquired how trails were planned, approved and developed in the County.

Ann Rose spoke about corruption, communism, freedom of speech, drug abuse and provided suggestions to help with Parkinson's disease.

Pilar Ruiz asked the Board to change their behaviors and thanked Supervisor Bronson for her earlier statements.

Dewall Dehr claimed that the Cartel paid for the Supervisors paychecks. He stated that the Sergeant at Arms was there to protect them and should follow the law when it came to violations of freedom of speech.

10. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva and seconded by Supervisor Bronson to convene to Executive Session at 10:52 a.m. No vote was taken at this time.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to convene to Executive Session on Minute item No. 12 only.

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

11. **RECONVENE**

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

EXECUTIVE SESSION

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Rusing Lopez & Lizardi, P.L.L.C.'s request for a conflict of interest waiver.

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

13. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding board policies and rules regarding public meetings and actions taken pursuant to those policies and rules.

Sam Brown, Chief Civil Deputy County Attorney, asked if the Board was going to discuss this item in executive session.

Chair Grijalva stated that she believed the Board had voted not to go into executive session on this item.

Supervisor Scott agreed.

Mr. Brown indicated that he misunderstood and thought that meant since the Board did not go into executive session, that they would discuss the item during regular session of the meeting.

Melissa Manriquez, Clerk of the Board, stated that the Board had voted not to go into executive session on this item and that they would discuss it during regular session.

Chair Grijalva asked if the Board needed to take action on the item.

Mr. Brown replied that the Board had not talked about the purpose of the executive item and if it needed to be heard in executive session, it could be placed on a future agenda as an Executive Session item.

Chair Grijalva indicated that discussion of this item was related to Minute Item No. 15 and had taken place during discussion of that item.

It was moved by Supervisor Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to not convene into Executive Session on this item.

Supervisor Scott suggested that given the way the item was worded, when Mr. Brown provided his response to the opinion obtained from Outside Counsel by Supervisor Christy, it could lay the groundwork for a more extensive discussion regarding the Board's Rules and Regulations.

14. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding P22CU00013 - Wolverton Revoc TR - S. Sierrita Mountain Road.

At the request of the County Attorney's Office and without objection, this item was continued to the Board of Supervisors' Meeting of April 18, 2023.

BOARD OF SUPERVISORS

15. The Board of Supervisors on March 21, 2023, continued the following:

Legal Opinion Regarding Exclusion of Citizen at Board Meetings

Discussion/Direction/Action regarding the exclusion of a Pima County citizen from Board of Supervisors' meetings and the legal opinion, obtained by the District 4 office, which assesses this action taken by the Board's counsel. (District 4)

Chair Grijalva commented that this item was also listed as an Executive Session item, but the majority of the Board did not want to discuss it in Executive Session. She stated that she had concerns when it dealt with a differing legal opinion. She asked legal counsel to monitor discussion of the item.

Supervisor Christy asked how many citizens had been barred from attending Board meetings in the past.

Supervisor Bronson stated that since 1997, there were no citizens who had been barred from attending Board meetings.

Supervisor Christy indicated that he recalled a gentleman being removed from a meeting, but was never barred. He asked if Sam Brown from the County Attorney's Office had authored a letter to Stephanie Kirk, and if so, what were the conditions of the letter and the status of the letter.

Sam Brown, Chief Civil Deputy County Attorney, responded that he had seen and worked on such a letter.

Supervisor Bronson requested that a copy of the letter written to Stephanie Kirk be provided to the Board.

Mr. Brown responded that a copy of the letter would be provided to the Board.

Supervisor Christy asked when the letter had been authored.

Mr. Brown replied the letter was authored approximately two months prior.

Supervisor Christy asked for a synopsis of the body of the letter.

Mr. Brown responded that the letter contained violations of the Board's rules.

Supervisor Christy commented that he looked forward to seeing a copy of that letter. He indicated that his office obtained a legal opinion from Munger, Chadwick & Denker, P.L.C., in regards to the letter that had been sent to the citizen that had been barred from attendance at Board meetings until June 2023, which cited numerous precedence and court actions that stated the overarching element of that letter was at the core of their discussion. He stated that the bottom line came from

the conclusion of the legal opinion. He read aloud from the legal opinion. He added that the core issue was that the Board was at fault for enforcing the barring of that citizen.

It was moved by Supervisor Christy and seconded by Supervisor Bronson to remove and retract the barring of the citizen who was the recipient of County Attorney Sam Brown's undated correspondence. No vote was taken at this time.

Supervisor Scott stated that current Board of Supervisors Rules and Regulations were passed in December 2020, which was a month before the current Board took office. He stated that he was not aware whether Supervisors Bronson and Christy voted in favor of them, but they had been inherited by the new Board members. He asked if Supervisor Christy had sought the opinion of other law firms.

Supervisor Christy replied that he only went to the firm in question. He stated his main concern was the liability and exposure put on the County by the Chair. He added that it created a litigious environment that could lead to a settlement or a judgment of fairly, epic monetary portions. He believed that the Board could avoid that type of litigation and penalty by simply lifting the barring that was set forth by Mr. Brown. He stated that if they followed what the opinion of the law firm said, it would restore the rights of the individual that had been sitting outside in the lobby for the previous meetings and it would make everything whole again. He asked to remove the barring of the citizen and admit that the Board was wrong.

Supervisor Scott asked how Supervisor Christy decided which law firm to contact for the legal opinion. He added that the Board was being asked to vote in favor of a motion that Supervisor Christy made on the opinion from an outside law firm.

Supervisor Christy responded that he had known of that law firm all of his life and that they specialized in constitutional laws and issues alike. He stated that their credentials spoke for themselves. He added that he needed a response in a timely fashion in order to place on the agenda and there was a willingness from the firm to produce that opinion in a timely manner. He believed that based on the 7-page analysis and the numerous statutes cited, they had done an outstanding job and encompassed the entire issue.

Supervisor Scott asked whether the law firm provided the opinion pro-bono or if Supervisor Christy paid for it.

Supervisor Christy answered that he had not received the bill yet, but would receive and pay the bill.

Supervisor Scott asked if the bill was going to be paid by Supervisor Christy or by his district office budget.

Supervisor Christy responded that it would be paid by his district office budget, which was ultimately taxpayer money.

Supervisor Scott stated that he was concerned that they had an opinion from an outside law firm, but the Board should be advised by their County Attorney. He stated that the County Attorney represented the Board of Supervisors and all County Boards, Commissions and Committees. He stated that he preferred a written response from the County Attorney on the outside law firm's opinion so that he could know the best way to proceed.

Supervisor Bronson commented that Supervisor Scott may want to make his request as a substitute motion and reiterated that she believed the barring of the citizen was a violation of that citizen's first amendment rights.

A substitute motion was made by Supervisor Scott that beginning on April 18, 2023, to allow Ms. Requard to attend the Board meetings and request a written response to the entirety of the opinion of the outside law firm since the law firm stated that the Board's current Rules and Regulations, adopted in December 2020, were unconstitutional and were likely to be challenged. He added that they also went further than addressing the current issue. No vote was taken at this time.

Supervisor Christy clarified that they also cited other instances where similar situations occurred, and the rulings were in consistent fashion as to what their conclusion was.

Supervisor Christy seconded the substitute motion.

Chair Grijalva stated that the Board had policies in place, but if the majority of the Board wanted to change the policies, they could have that discussion. She added that the language adopted in 2020 regarding the barring of citizens had been in place since 1997. She stated that in the past, the Chairperson requested someone be escorted out of the hearing room, but it did not cause the requirement of the meeting to be shut down. She explained the current problem happened because someone was requested to be seated and that did not occur. She felt that in order to have some semblance to be able to conduct the people's business during the Board meeting, they needed to have an honest discussion on what was acceptable or not acceptable at a public meeting. She added that the kind of outbursts that had happened in the hearing room would not be tolerated at the state legislature. She stated that she had concerns about getting through the meeting without any consequences when there was a major disruption.

Supervisor Christy stated he agreed with Chair Grijalva that a discussion needed to take place regarding the Rules and Regulations, but that discussion was a subject for another time.

Chair Grijalva stated that she did not know what the policy was regarding expenditures in each Supervisor's individual office and whether they were allowed to use their budget towards outside legal opinions without any process or checking in when using County funds.

Supervisor Christy asked if Chair Grijalva ever used an outside consultant for consultations.

Chair Grijalva answered in the affirmative, but it had gone through a process. She stated that an outside legal opinion was different from an outside facilitator, but they could have that discussion later.

Supervisor Scott clarified that the reason he wanted a response to the entirety of the opinion was since the opinion went into great depth regarding the Rules and Regulations overall. He stated that if the Board ever got to a point of an overhaul of the Rules and Regulations, he needed clarity on how to proceed from the County Attorney.

Supervisor Heinz asked whether the County Attorney advised Supervisor Christy that they were unavailable to provide a legal opinion or if they refused to provide one as the Board's legal counsel.

Supervisor Christy replied that he pursued outside counsel as a reaction from Mr. Brown's letter to the citizen and felt that Mr. Brown's action as the Board's attorney were erroneous and that was why he needed an outside legal opinion. He continued that the outside counsel confirmed his feelings that the Board and attorney had acted erroneously in writing the letter.

Supervisor Heinz stated that the behaviors witnessed in the meetings were unacceptable and proceeded to read the Call to the Public section of the Rules and Regulations. He stated that it was very clearly written and that Chair Grijalva announced it before the item. He stated that most of the people disregarded it by clapping, whistling, hollering or shouting during the meetings and that type of behavior was not acceptable. He stated that the moment those behaviors happened, the individuals should be asked to leave, but the Board had not enforced it. He believed that the Board should either follow the policy or remove the policy because it created a false image that the Board went against counsel even though the attorney acted on behalf of the Board. He stated that it was not okay to decide on a case-by-case basis and it needed to be consistent. He stated that he opposed allowing Ms. Requard to resume attending due to Board policy. He added that if the Board wanted to change the policy, they could bring it back as a future agenda item.

Supervisor Christy stated that he agreed with Supervisor Heinz' point. He then read from the opening policy that Chair Grijalva read before Call to the Public. He asked what were the rules of civility and decorum and if a list could be provided to the Board.

Chair Grijalva stated that at the first meeting she chaired she read a very long statement because of the issue with the rules of civility. She then continued, that she discussed what the norms were, but then there was an issue with saying what "norms" were, so she read from the Policy dated 1996 and the most recent version did not update that section. She stated that she believed that the language in the policy was in existence before the most recent Supervisors took office. She added

that the rules of civility were how individuals conducted themselves in public meetings and felt they needed to be delineated in specific detail. She stated it would require Board discussion.

Supervisor Bronson called the question.

Chair Grijalva clarified that when the question was called, it was not an automatic assumption that the conversation stopped. She stated that if there was a second, the vote would be taken on whether to vote.

Mr. Brown stated for point of clarity that this was not a situation where a second opinion was sought because of an opinion provided by the County Attorney. He further clarified that the County Attorney's Office did not provide an opinion to the Board. He stated that he offered to discuss the letter with Supervisor Christy, but Supervisor Christy declined the offer. He stated that he was assigned as counsel for the Board of Supervisors and the Pima County Attorney's Office had statutory authority for the entire Board. He stated his understanding was that the Board was about to vote on an outside legal opinion without the opinion of the Board's counsel. He stated that his offer stood and that if any Board member needed an opinion from the statutory attorney, they were there for them. He added there could be an issue acting on an outside opinion without receiving an opinion from the Board's counsel.

Supervisor Scott clarified that what he asked for in his motion was for a response to the legal opinion that Supervisor Christy requested. He stated that for the record, the first time the matter was discussed, he felt that Ms. Requard's comments were offensive and in violation of the Board's Rules and Regulations, as stated, and they also trivialized pedophilia and the lived experiences of people that were victims of pedophilia. He stated that the reality was that a Board member received an opinion from an outside law firm that had been attached to two agendas, which made it matters of public record. He reiterated his request for the County Attorney to respond to the outside legal opinion.

Upon roll call vote, the substitute motion unanimously carried 5-0.

COUNTY ADMINISTRATOR

16 Update on County Initiatives to Address Homelessness and Public Safety

Jan Leshner, County Administrator, indicated that the topic was about drug misuse, public safety and more recently Fentanyl abuse. She stated that at the last meeting, Tucson Police Chief, Chad Kasmar, spoke about their activities. She stated that County Administration would provide an overview of the updates to the space and how they were fighting Fentanyl abuse in the community.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, provided a PowerPoint presentation and stated that in 2015, the Community Health Needs Assessment (CHNA) first identified substance misuse and addiction as a priority public health issue for the

community, and since that time, the Health Department had engaged in a variety of activities that addressed and mitigated that particular challenge. He stated that Fentanyl intersected specifically with chronic homelessness. He clarified that not all chronically homeless people were substance users nor were substance users always homeless. He stated that since 2017, there were 2,500 overdose fatalities in Pima County and that was the first year the County started delving into detail of what was killing people. He added during that time, they experienced significant growth and that half of the time it was not just one substance that killed people. He stated that the second most common substance was methamphetamines. He discussed that more recently the focus had been on Fentanyl abuse and whereas the County had been relatively spared from the scourges of Fentanyl. He stated that in the last three years, 50-60% of overdose deaths were due to Fentanyl. He stated that it was troubling how ubiquitous, readily accessible and affordable Fentanyl was and had become the drug of choice for abuse. He stated that the Board had taken action to participate in the National Opioid Settlement and they had just started to see the first tranche of that money which totaled approximately \$3 million. He discussed that the department had begun to look at ways to use the resources and to form collaborations across jurisdictions and agencies to address Fentanyl.

Supervisor Heinz clarified that the graphic shown in the slideshow showed a huge drop off in Fentanyl fatalities for 2023, but that was not due to a decrease in abuse, but was due to only being three months into the year.

Dr. Garcia agreed and explained that the graph data showed 2 months' worth of information and should not be interpreted as an improvement.

Dr. Theresa Cullen, Director, Health Department, continued with the PowerPoint presentation and reiterated that in 2015, the CHNA identified substance abuse and behavioral health as issues in the community. She stated that in 2020, a Strategic Plan Survey was conducted by the Health Department, which identified from the community that homelessness and housing were the major concerns. She stated that in the most recent CHNA it again identified that behavioral health and substance abuse were the two of the four primary areas that the community and health care community needed to focus on. She indicated that there were many initiatives that the Health Department undertook and that the Board had an agenda item that requested funding from the opioid settlement to help supply more Narcan. She stated that they currently distributed 1,200 to 1,500 Narcan doses in a month, 20,000 kits, as well as Fentanyl test strips. She added they were working with a multi-collaborative coordination of the community, being coordinated through the Board of Health. She stated that the Board received an update from the Board of Health on the establishment of a Substance Misuse Advisory Committee. She stated the committee had endorsed approximately 30 advisors and were in the process of meeting with the advisors and community members. She stated they would have five community based meetings conducted at libraries and hoped to identify best practices. She added they applied for a CDC OD2A (Overdose to Action) grant and that the funding had recently become available for localities, but was previously available for states and Tier 1 cities like Phoenix. She indicated that the state provided a small amount of money, approximately \$450,000, to respond to

best practices for overdose to action. She added that it included things like harm reduction when it dealt with Fentanyl, Narcan and Fentanyl test strips, as well as linkages to care. She clarified linkages to care provided a small number of Navigators that worked with emergency rooms and other situations where perhaps someone would be amenable to getting treatment. She reiterated that Fentanyl abuse was a huge problem and the Health Department believed they were an important part of the solution, but they would be unable to address the problem alone. She stated that they had been in discussion with the County Administration regarding the establishment of a multi-agency collaborative effort that included a framework familiar of having an emergency response operating center. She stated that would include the need for logistics, policy, discussion, communication, action and data. She commented they were working with national experts and with at-risk community youth. She added that it embodied homelessness, substance abuse and behavioral health issues. She stated that they worked closely with Youth on Their Own and had a large communication campaign with them. She stated that every time they administered Narcan they saved a life, which then created a need and opportunity to come up with interventions that could be used. She indicated that all available resources were being used and had sat on approximately 20 committees in the County and City that were addressing the same issues. She added that the numbers spoke to the ongoing onslaught and devastation that occurred because of the substance abuse issues.

Chair Grijalva stated that she believed it was very timely that Dr. Cullen was there to speak about the ongoing drug issues and the actions the County were taking to make a difference.

Supervisor Scott spoke about his appreciation for the memorandum that the Board received that gave a preview of all the content that was on the presentation. He stated that in each of the years listed, it showed achievements and some of those could be traced back to grant programs that the County had availed. He stated that he did not think there was nearly enough public understanding of not only what the County had done, but the kind of public outreach that should be done. He asked what kind of communication strategy the County had to inform the public of the content as stated in the memorandum and with the presentation.

Ms. Leshar responded that much of the information spoken about was available on the website. She stated that from her understanding they wanted all the information packaged together so they could provide broader information to the community. She reiterated what Dr. Cullen stated that they were convening a centralized incident command because as they began to discuss the issue with the business community and outside partners, they realized that historically they relied on the Health Department, and Behavioral Health as the usual suspects. She added they also needed to involve the Flood Control District and Natural Resources, Parks and Recreation in public spaces where they commonly saw drug misuse. She stated that she would provide a delineated communications plan to the Board.

Supervisor Scott indicated that he appreciated all the efforts of the departments involved, that it was an all hands on deck effort, and he was not fully aware of all the

things the County had been doing to take on the drug issue. He stated that he wanted to be sure that the public at large would be informed.

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

17. **Impact on Pima County of the Announced End of the Federal Public Health Emergency on May 11, 2023 and Recommendations to Implement Necessary Policy Modifications**

Staff recommends approval to end the last of Pima County's Rules and Regulations, effective May 11, 2023, in response to the public health crisis, as detailed in the County Administrator's memorandum dated April 4, 2023.

Jan Leshner, County Administrator, stated that in the first week of February 2020, there was a first report from County Administration that discussed the pandemic that came to the community. She stated that since that time, there had been over 250 different Board policies, procedures and a variety of activities related to that. She stated that while many of those had been unwound, they wanted to make sure that with the declared end of the Federal Public Health Emergency, effective May 11, 2023, the remaining County policies and procedures would also end. She added that the first policies to be changed were those related to facilities, which would end previous requirements, such as signs in elevators, any social distancing requirements, mask use, etc. She stated there was COVID specific related leave provided by the federal government that was used in the initial phase that ended on April 2021. She stated that since there was no continued mandate for people to stay home under COVID, they looked at other potential problems employees faced, such as the Cold and Flu, and asked for the same kind of availability of leave including sick time. She stated that there were a variety of Human Resources related activities that remained on the books that dealt with face masks, vaccines, positive COVID results, employee quarantine times, etc., which were delineated. She recommended that all those activities end. She stated that previously they had provided additional incentives for vaccines and boosters, but now they were recommending that COVID vaccine or boosters be considered the same as with the Wellness Benefits Program to lower premiums. She requested that the Board approve the end of all of the various COVID related policies and procedures in place during the pandemic.

Supervisor Bronson asked how many employees were going to lose their 80 hours of Federal Emergency Paid Sick Leave.

Ms. Leshner responded that there were about 3,000 employees that still had some part of that leave remaining.

Supervisor Bronson stated that she was not comfortable deleting those hours. She thought those employees should be allowed to keep the remaining balance that could be used at any time toward vacation or sick time and it would not be rolled over into that individual's sick time upon their anniversary.

It was moved by Supervisor Bronson and seconded by Supervisor Christy to allow employees to keep any remaining balance of the 80 hours of Federal Emergency Paid Sick Leave, to be used at any time toward vacation or sick time and not rollover into sick time upon their anniversary. No vote was taken at this time.

Chair Grijalva read the following from the memorandum, "in accordance with previous action of the Board of Supervisors on February 25th any remaining converted pandemic leave vacation could be used at any time or paid out upon the separation of the employee." She asked if they had already done something with that.

Ms. Leshar responded that there were several categories of leave available and that this was the last of the Federal leave that was provided up until April 21st. She stated that the current rule was that it allowed employees to use the leave up until the end of the fiscal year. She stated that because it was a Federal requirement, employees were not allowed to take any remaining funding with them or the balance when they left, but must use it before departing the County.

Chair Grijalva stated that her issue was that everything would be eliminated, employees were no longer required to stay home if they had COVID, and COVID numbers had reduced. She added that since this was federally funded, the County would lose the funding. She asked Supervisor Bronson if the County budget would pick up the remaining hours.

Supervisor Bronson answered yes. She stated that the people who did not use the time and actually came to work during the pandemic were being penalized if not allowed to use the time.

Chair Grijalva asked about the budget impact for the remaining leave hours.

Ms. Leshar responded that as long as employees were not allowed to take that money when they left, there was no specific budget impact.

Chair Grijalva asked if part of the motion on the table was to allow employees to keep their time and not have the ability to cash it out if they left. She also asked if there was going to be a time limit as to how long they were able to transfer their time from year to year.

Supervisor Bronson replied in the affirmative and stated there would be no time limit.

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

Supervisor Christy stated that there was an item not addressed in the report that had to do with eliminating certain items under Human Resources. He stated that it stated Administrative Procedure 23-55, COVID-19 Vaccination, would be removed as an employment requirement. He then asked if there had been any discussion or thought about COVID vaccine separated employees that had been rehired, if they

received any back pay and resumption of their prior status when they were terminated or separated. He stated that this was an important matter that needed to be addressed, whether someone was terminated due to not being vaccinated, but then was rehired at a lower rate and status.

Ms. Leshar responded that there were 19 individuals that were separated due to the vaccine mandate and believed they had all returned to the County. She was not aware of any situations of someone being rehired at a lower rate, but might have been rehired into their existing previous position. She stated that she could provide the Board with a full report to make sure that the 19 was correct and to inform the Board of those individuals' job statuses and what might have changed.

Supervisor Christy asked that if individuals were not in their previous job or status, and had not received back pay, could it be given to them.

Ms. Leshar stated that could not be done without some sort of policy, direction or action from the Board.

Supervisor Christy asked that once a report was provided with the details, could it come back to the Board to take action.

Ms. Leshar replied yes.

It was then moved by Supervisor Bronson, seconded by Chair Grijalva and unanimously carried by a 5-0 vote, to approve the remainder of the recommendations, as listed in the County Administrator's April 4, 2023 Memorandum, effective May 11, 2023, as follows:

1. Approve the seven (7) Facilities modifications delineated effective, which are:
 - a. Remove all signs posted in the elevators limiting capacity and/or suggesting mask use;
 - b. Remove all signs related to requirements for social distancing in public facilities;
 - c. Remove all signs requiring or suggesting mask use;
 - d. Cease to fog offices following presence in the rooms of an individual who tested positive for COVID-19;
 - e. Return any extended Heating and Cooling hours of operation to normal schedules;
 - f. Allow all drinking fountains to resume operations; and
 - g. Return the amount of outside air that is brought into the buildings to return to pre-pandemic patterns of flow
3. Approve the elimination of COVID-19 specific Board of Supervisors policies, Administrative Procedures and Human Resources policies, which are:
 - a. Board of Supervisors Policy C 2.9 – Temporary Policy - Novel Coronavirus (COVID-19)

- b. Administrative Procedure 3-35 – Face Masks for Employees as Well as Members of the Public Accessing County Facilities
 - c. Administrative Procedure 23-55 – COVID-19 Vaccinations
 - d. Administrative Procedure 23-59 – COVID-19 Positive Test Reporting
 - e. COVID-19 Employee Resources Intranet Page
 - f. County Employee Quarantine and isolation Time Periods
4. Allow for the inclusion of a COVID-19 vaccination and/or booster on the list of activities for which an employee may earn rewards or points through the County’s Virgin Pulse program and that the point value be the same as for the flu and shingle shots.

18. Fiscal Year 2023/24 Recommended Budget Framework

Discussion/Direction/Action regarding FY 2023/24 Recommended Budget Framework.

Jan Leshar, County Administrator, stated that there were three policies that had been adopted by the Board in the past and used as they developed the next budget. The first was to maintain their policy D 22.12 which was the General Fund Capital Improvement or the Pay-As-You-Go Program. She explained that this program was a 60/-60 split, or 60% of increase in the primary tax base and 60% of the cumulative decrease in the secondary property tax for debt service. She added that the second policy would be to implement the Board policy adopted in 2021, which would pass through to the property owners any costs of any expenses transferred by the State to the County through the legislature. She stated the final policy was to maintain the 17% fund balance, which was about \$93 million as adopted previously by the Board. She stated that as the books had been closed and the Finance Department was preparing the budget for the following year, those three critical elements that were recommended and approved in the past by the Board, would again be implemented. She stated that no action was needed if the Board wanted to continue in the same direction.

Supervisor Christy read from the County Administrator’s Memorandum dated March 20, 2023, and requested clarification on where the additional funding would come from for the supplemental requests.

Ms. Leshar replied that she heard people suggesting that there was a zero based budget, but that was incorrect. She clarified that what they did was take the current year’s budget and assumed that was the base, and then went out to the departments to look at those adjustments. She added they received \$61 million in supplemental requests for a larger budget next year. She stated that those could not be funded, but identified about \$20 million that could be funded. She stated that although the \$41 million in requests that were unable to be funded because there was no funding source, they should be looked at by the Board. She added this would allow the Board to decide if any of the programs should be added and to see which were denied.

Supervisor Bronson asked whether some of the supplementals would be funded from the General Fund and how that impacted the budget.

Ms. Leshar answered they were a mix of funds, but that General Fund dollars would be carefully monitored.

Supervisor Bronson commented that it would impact property tax rates.

Chair Grijalva stated that part of the Budget Stabilization Fund listed the compensation study implementation. She asked if inflation and personnel hiring policy changes were included in the budget framework plan. She stated that many departments and employees were asking about the progress on the salary compensation study and wanted to publicly state that the funding had already been budgeted in the amount of \$14 million for the upcoming budget.

Supervisor Christy requested that as the County navigated the budget, the tax rate be as revenue neutral as possible because property assessments had been rising dramatically.

Ms. Leshar responded in the affirmative.

Supervisor Scott commented that department heads or elected officials that were denied their supplemental requests could receive guidelines about how they could follow up with the Board to lobby for their supplemental request. He felt that the elected officials could go full bore with their requests, and he was concerned with that kind of activity that could come to the Board.

Ms. Leshar stated that if the Board's concern was with departments that did not receive supplemental funding and felt that they would lobby for that funding, the Board's guidance was welcomed. She added that the list was provided for full transparency to allow the Board to see what departments had asked for and what they were not recommending.

Supervisor Scott commented that the County Administrator went through a process to present the Board with the recommended budget and the Board should adopt the recommendation. He stated that his personal preference was not to see a list of non-funded supplemental requests.

Ms. Leshar responded that if any Board member wanted to have a discussion in greater detail about the totality of what the supplemental costs were, she would be happy to have that discussion.

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

COMMUNITY AND WORKFORCE DEVELOPMENT

19. Revised Outside Agency Advisory Committee Funding Recommendations for Fiscal Year 2022/2023

Youth, Young Adults & Family Support Category

Agency/Program/Contract/Current Award/Revised Recommendation

Arivaca Action Center Incorporated/Arivaca Action Center, Inc. (Arivaca Early Learning Center)/CT-CR-23-145/\$17,200/\$18,693
Arizona Youth Partnership/Ajo Copper Club Afterschool Program/CT-CR-23-101/\$20,017/\$21,510
Arizona's Children Association/Las Familias/CT-CR-23-120/\$29,120/\$30,613
Catholic Community Services of So. AZ, Inc., d.b.a. Pio Decimo Center/Childcare For Working Poor/CT-CR-23-116/\$112,167/\$113,660
Child & Family Resources/Pima County Healthy Families/CT-CR-23-106/\$38,130/\$39,623
Girl Scouts of Southern Arizona/Adelante Jovencitas & Foster Care Programs/CT-CR-23-151/\$23,083/\$24,576
Green Valley Assistance Services, Inc., d.b.a. Valley Assistance Services/Youth and Family Resource Program/CT-CR-23-123/\$15,000/\$15,000
Higher Ground a Resource Center/Restart S.M.A.R.T. Initiative/CT-CR-23-241/\$25,833/\$27,326
International Sonoran Desert Alliance/Ajo Las Artes: ABE, GED & Jobs Program/CT-CR-23-246/\$45,000/\$46,493
Jewish Family and Children's Services of Southern AZ, Inc./Project Safe Place (PSP)/CT-CR-23-118/\$28,833/\$30,326
Literacy Connects/Literacy Connects Stories that Soar! Youth Programs/CT-CR-23-104/\$41,667/\$43,160
Make Way for Books/The Story Project/CT-CR-23-122/\$19,833/\$21,326
Portable Practical Educational Preparation, Inc./Amado Youth Center Food Program/CT-CR-23-127/\$15,000/\$15,000
Southern Arizona AIDS Foundation/ALLY/CT-CR-23-221/\$39,400/\$40,893
Southern Arizona AIDS Foundation/EON/CT-CR-23-221/\$28,700/\$30,193
Tu Nidito Children and Family Services/Children to Children/CT-CR-23-103/\$24,440/\$25,933
Tu Nidito Children and Family Services/Pathways/CT-CR-23-103/\$15,000/\$16,493
Youth On Their Own/YOTO Stipends Program /CT-CR-23-95/\$81,200/\$82,693
YWCA Southern Arizona/Pima County Teen Court/CT-CR-23-212/\$40,000/\$41,493
Category Subtotal: Current Award \$659,623/Revised Recommendation \$685,004

General Services Category

Agency/Program/Contract/Current Award/Revised Recommendation

Arizona Board of Regents, University of Arizona/Mobile Health Program for Medically Underserved Residents/CT-CR-23-248/\$45,200/\$46,693
Arizona Sonora Desert Museum/Bufelgrass Education and Coordination/CT-CR-23-119/\$46,550/\$48,043
El Rio Santa Cruz Neighborhood Health Center, Inc./Patient Centered Medical Home Program/CT-CR-23-97/\$47,125/\$48,618
El Rio Santa Cruz Neighborhood Health Center, Inc./Trichloroethylene (TCE) Program/CT-CR-23-96/\$163,200/\$164,693
Friends of Robles Ranch, Inc./Robles Ranch Community Food Bank and My Friends Closet/CT-CR-23-193/\$50,000/\$51,493
Pima Council on Aging/Family Caregiver Support Program/CT-CR-23-111/\$19,600/\$21,093
Pima Council on Aging/Home Delivered Meals/CT-CR-23-111/\$19,680/\$21,173
Pima Council on Aging/Neighbors Care Alliance/CT-CR-23-111/\$58,000/\$59,493
Pima Council on Aging/Rights & Benefits, Older Adults/CT-CR-23-111/\$132,300/\$133,793
Pima Council on Aging/Senior Companion Program/CT-CR-23-112/\$30,000/\$31,493
Pima County Community Land Trust, d.b.a. PCCLT /Housing Counseling/CT-CR-23194/\$63,000/\$64,493

Southern Arizona Childrens Advocacy Center/Support Services for Child
Victims/CT-CR-23-198/\$72,560/\$74,053
United Way of Tucson & So AZ/Volunteer Income Tax Assistance Program
(VITA)/CT-CR-23-110/\$28,000/\$29,515
Category Subtotal: Current Award \$775,215/Revised Recommendation \$794,646

Emergency Food & Clothing Category

Agency/Program/Contract/Current Award/Revised Recommendation

Arivaca Coordinating Council/Human Resource Group, Inc./AHR Food and
Clothing/CT-CR-23-245/\$52,400/\$53,893
Catholic Community Services of So AZ, Inc., d.b.a. Pio Decimo Cente /Emergency Food and
Clothing/CT-CR-23-116/\$32,081/\$33,574
Community Food Bank, Inc., d.b.a. Community Food Bank of Southern Arizona/Branch Resource
Centers/CT-CR-23-94/\$72,583/\$74,076
Community Food Bank, Inc., d.b.a. Community Food Bank of Southern Arizona/Caridad Community
Kitchen/CT-CR-23-94/\$26,167/\$27,660
Community Food Bank, Inc., d.b.a. Community Food Bank of Southern Arizona /Child Nutrition
Programs/CT-CR-23-94/\$21,583/\$23,076
Community Food Bank, Inc., d.b.a. Community Food Bank of Southern Arizona /Emergency Food
Assistance Program/CT-CR-23-94/\$330,000/\$331,493
Diaper Bank of Southern Arizona/Diapers for Infants, Children, Disabled, and
Seniors/CT-CR-23-144/\$23,333/\$24,826
IMPACT of Southern Arizona/IMPACT Clothing Bank/CT-CR-23-252/\$29,867/\$31,360
IMPACT of Southern Arizona/IMPACT Food Bank/CT-CR-23-252/\$33,667/\$35,160
Sahuarita Food Bank/Sahuarita Food Bank: Emergency Food For Sahuarita and Unincorporated
Pima County/CT-CR-23-113/\$29,600/\$31,093
Southern Arizona AIDS Foundation/Food for Life/CT-CR-23-221/\$96,167/\$97,660
TMM Family Services, Inc./Community Closet/CT-CR-23-269/\$20,800/\$22,293
Category Subtotal: Current Award \$768,248/Revised Recommendation \$786,164

Senior Support Category

Agency/Program/Contract/Current Award/Revised Recommendation

Administration of Resources & Choices/Elder Shelter Coordination & Placement Program
/CT-CR-23-236/\$36,600/\$38,093
Arivaca Coordinating Council-Human Resource Group, Inc./Senior Assistance and
Socialization/CT-CR-23-245/\$15,000/\$15,000
Catholic Community Services of So AZ, Inc./Quincie Douglas
Breakfast/CT-CR-23-105/\$31,022/\$32,515
Interfaith Community Services/Special Diet Meals for At-Risk
Seniors/CT-CR-23-100/\$27,600/\$29,093
Interfaith Community Services/Transportation Services for At-Risk
Seniors/CT-CR-23-100/\$26,680/\$28,173
Mobile Meals of Southern Arizona, Inc./Home Delivered, Medically Tailored Meals for Low Income
Residents/CT-CR-23-268/\$25,127/\$26,620
Southern AZ Assoc for the Visually Impaired, d.b.a. Saavi Services for the Blind/Health and Wellness
Program for Blind Seniors/CT-CR-23-195/\$19,600/\$21,093
St. Luke's in the Desert, Inc., d.b.a. St. Luke's Home/Stronger, Longer: Senior Dietary
Program/CT-CR-23-109/\$22,600/\$24,093
YWCA Southern Arizona/Las Comadritas - Senior Programming at YWCA House of Neighborly
Service in the City of South Tucson/CT-CR-23-212/\$24,341/\$25,834
Category Subtotal: Current Award \$228,570/Revised Recommendation \$240,514

Support Services, Shelter & Domestic Violence Services Category

Agency/Program/Contract/Current Award/Revised Recommendation

Catholic Community Services of So AZ, Inc., d.b.a. Pio Decimo Center/Case Management for
Homeless Families/CT-CR-23-116/\$43,740/\$45,233

Interfaith Community Services/Eastside Emergency Financial Assistance/CT-CR-23-100/\$19,440/\$20,933
 International Rescue Committee/Housing Support/CT-CR-23-199/\$18,400/\$19,893
 Old Pueblo Community Services/City County Homeless Work Program/CT-CR-23-117/\$20,000/\$21,493
 Our Family Services/Emergency Shelter-HFS/CT-CR-23-136/\$37,800/\$39,293
 Our Family Services/HYS-Common Unity Program (CUP)/CT-CR-23-136/\$24,600/\$26,093
 Southern Arizona AIDS Foundation/SAAF Anti-Violence Project/CT-CR-23-221/\$27,000/\$28,493
 The Primavera Foundation, Inc./Casa Paloma Drop-In Center/CT-CR-23-232/\$26,400/\$27,893
 The Primavera Foundation, Inc./Resource Center: Homelessness Intervention and Prevention /CT-CR-23-232/\$30,200/\$31,693
 The Primavera Foundation, Inc./Supportive Housing Program/CT-CR-23-232/\$35,000/\$36,493
 TMM Family Services, Inc./Case Management for Emergency Housing/CT-CR-23-269/\$19,600/\$21,093
 Tucson Centers for Women and Childrens, d.b.a. EMERGE! Center Against Domestic Abuse/Comprehensive Domestic Abuse Support Services/CT-CR-23-150/\$116,400/\$117,893
Category Subtotal: Current Award \$418,580/Revised Recommendation \$436,496

Community Services Category

Agency/Program/Contract/Current Award/Revised Recommendation

Amistad y Salud, d.b.a. Clinica Amistad/Community Health & Wellness/CT-CR-23-142/\$23,667/\$25,160
 Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf/Reengaging and Connecting Deaf, DeafBlind and Elderly Deaf Individuals/CT-CR-23-91/\$44,017/\$45,510
 Community Home Repair Projects of Arizona, Inc./Roof Repair and Replacement Program/CT-CR-23-102/\$26,233/\$27,726
 Cope Community Services, Inc., d.b.a. Evolve/Evolve Job Training Center/CT-CR-23-92/\$17,583/\$19,076
 International Rescue Committee/Job Readiness Training/CT-CR-23-199/\$20,000/\$21,493
 International Rescue Committee/Medical Case Management/CT-CR-23-199/\$20,000/\$21,493
 Jewish Family and Children's Services of Southern AZ, Inc./Financial Wellness Program/CT-CR-23-118/\$15,000/\$15,000
 Jewish Family and Children's Services of Southern AZ, Inc./HoME/CT-CR-23-118/\$32,208/\$33,701
 Southern Arizona Legal Aid, Inc./Southern Arizona Legal Aid, Inc., Homeowner and Tenant Protection Program /CT-CR-23-250/\$84,791/\$86,284
 YWCA Southern Arizona/YWCA S AZ Women's Counseling Network/CT-CR-23-212/\$22,000/\$23,493
Category Subtotal: Current Award \$305,499/Revised Recommendation \$318,936

OA SERVICE CATEGORIES TOTAL: Current Award \$3,155,735/Revised Recommendation \$3,261,760

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

COUNTY ATTORNEY

20. Conflict of Interest Waiver

Discussion/Direction/Action regarding Rusing Lopez & Lizardi, P.L.L.C.'s request for a conflict of interest waiver.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to waive the conflict of interest.

FINANCE AND RISK MANAGEMENT

21. Maricopa County Industrial Development Authority Revenue Bonds

RESOLUTION NO. 2023 - 5, of the Board of Supervisors, appointing Ellen Moulton, Director of Finance and Risk Management of Pima County, or her designee, to conduct a public hearing as required by the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance by the Industrial Development Authority of the County of Maricopa of its revenue bonds (Banner Health), Series 2023.

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

HEALTH

22. One Arizona Settlement Funds for Opioid Mitigation

Staff and the Pima County Board of Health recommend approval of the initial allocation, in the amount of \$180,000.00, of One Arizona settlement funds for opioid mitigation for the immediate purchase and distribution of Narcan.

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

HUMAN RESOURCES

23. Classification/Compensation

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

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

1138/ Tax Collection Specialist I/ 34 (\$35,297-\$52,166)/ 6/ NE*

1139/ Tax Collection Specialist II/ 37 (\$37,544-\$55,868)/ 6/ NE*

*NE = Not Exempt (paid overtime)

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

REAL PROPERTY

24. Sale of Real Property - Tax Parcel No. 301-67-1060

RESOLUTION NO. 2023 - 6, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0068.

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

25. **Sale of Real Property - Tax Parcel Nos. 301-67-1040 and 301-67-1080**

RESOLUTION NO. 2023 - 7, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0068.

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

26. **Sale of Real Property - Tax Parcel No. 137-12-051C**

RESOLUTION NO. 2023 - 8, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0065.

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

SUPERIOR COURT

27. The Board of Supervisors on December 6, 2022, continued the following

Judge Pro Tempore Appointments

Appointments of Judges Pro Tempore of the Pima County Consolidated, Green Valley and Ajo Justice Courts for the period of January 1, 2023 through June 30, 2023:

Bobbi Berry; Oscar J. Flores, Jr.; Robert Forman and Virjinya Torrez

At the request of Judge Bergin and without objection, this item was removed from the agenda.

CONTRACT AND AWARD

Community and Workforce Development

28. Amendment No. 1, to provide for Summer Youth short-term work experience and basic education, extend contract term to 5/14/24, amend contractual language and scope of work, General Fund, for the following:

Vendor/Contract Amount/Contract No.

Tucson Youth Development, Inc./\$127,251.08/CT-CR-22-339

Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf/\$48,517.26/CT-CR-22-324

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

29. Department of Veteran's Affairs, Amendment No. 1, to provide for a Memorandum of Understanding for Co-location of Services at Kino Veterans Workforce Center and amend contractual language, no cost (CTN-CR-22-102)

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

County Attorney

30. Humphrey & Petersen. P.C., Amendment No. 5, to provide for representation of Pima County and Mark Napier in Murillo v. Pima County, et al., C20201462, extend contract term to 8/27/24 and amend contractual language, Risk Management Tort Fund, contract amount \$80,000.00 (CT-FN-21-150)

Supervisor Scott asked Mr. Brown what the Board was allowed to know or publically discuss about the case.

Sam Brown, Chief Civil Deputy County Attorney, responded if the Board wanted legal advice or to have a legal discussion about this case, he recommended that it be done in executive session.

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

Facilities Management

31. Troy Nieman, to provide for artist services for the Office of the Medical Examiner, COPS Fund, total contract amount \$180,000.00/2 year term (\$90,000.00 per year) (CT-FM-23-353)

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

Supervisor Christy stated that he understood that the artwork was a percentage of the construction and asked if the public would be allowed into the Medical Examiner's Office to view that artwork. He inquired about the location of the artwork.

Chair Grijalva stated that she believed it was a part of the schematics of the project when they showed the groundbreaking.

Jan Leshner, County Administrator, stated that the County had guidelines that specified the percentage of every capital project used for art.

Supervisor Christy wondered how artwork would be created in the Medical Examiner's Office when people did not usually want to be there.

Upon the vote, the motion carried by 4-0, Supervisor Heinz recused himself, to approve the item.

Grants Management and Innovation

32. Catholic Community Services of Southern Arizona, Inc., to provide for Fiscal Agent Pima County / Emergency food and shelter to families and individuals encountered by the Department of Homeland Security, Emergency Food and Shelter Program Fund, contract amount \$2,891,391.00 (CT-GMI-23-334)

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

Supervisor Christy read from the background material and stated that a new funding source was being used. He stated that the funding reflected as if someone had “spun the odometer back,” to zero. He added the contract was for \$2.89 million, but it was also the same topic of receiving money up until now for sheltering and emergency food for Homeland Security. He inquired about the funding source.

Jan Leshar, County Administrator, responded that it was a new contract for the Federal Emergency Management Agency Emergency Food and Shelter Program (FEMA EFSP). She stated the funding period was from April 1st to September 30th, which started from zero because it was a new contract. She stated that she was happy to provide a report to the Board and the public that showed how much funds had been spent to date for all of the grants combined.

Supervisor Christy asked if it was the same mission for a new contract and if it was from a different source.

Ms. Leshar concurred it was the same mission that came from the FEMA EFSP money, but it was a new contract.

Supervisor Christy stated that the same standards applied to the contracts for the City of Tucson and The Inn of Southern Arizona. He questioned that for the SJM Premier Medical Group contract, why the County still provided emergency COVID funding for refugees or any population.

Ms. Leshar replied that the amendment to the SJM Premier Medical Group’s contract term was purposefully shortened so that it would end with the end of the Federal Public Health Emergency on May 11th. She stated it was to provide services that may be needed up until the end of the fiscal year.

Supervisor Christy questioned the funding period stating that the contract would expire July 1st, but the pandemic would officially end on May 11th. He questioned if this was one of those situations where the contract would stay open until July so the money could be spent because it had not yet been spent.

Ms. Leshar answered no and clarified that it was opened with a cap to account for any bills that might come from the provider that would need to be paid. She added that if the full amount was not spent it could be returned and not used.

Supervisor Christy commented that over half of the funding for the Catholic Community Services (CCS) contract was going to personnel. He stated that funding for food, supplies, security and out-of-state transportation was nowhere near the amount for personnel costs. He questioned the status of the World Dining and Viscount Suites contract.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that this was the component that paid for the staffing that CCS had on site to manage the people. He stated that some of the work was done by volunteers, but most of the work was managed by professional staff of CCS operating out of those four different locations maintained by the County. He clarified that the World Dining contract was a separate contract that was for the provision of food, but was not actually serving people. He added it had to do with the production of food, which was then provided to CCS.

Supervisor Christy asked if the World Dining contract was still in effect and if that funding was not reflected in the CCS budget.

Dr. Garcia replied in the affirmative.

Supervisor Christy asked if United Airlines flew into Tucson.

Ms. Leshar responded that United Airlines flew out of Phoenix, and the County had as part of shuttle services, volunteers or other individuals to transport asylum seekers to Phoenix so they could travel to their next destination.

Supervisor Christy stated that he believed asylum seekers could not get into the Country if they did not have a sponsor and they did not stay past a couple of days before moving on. He asked if they were allowed to stay 30 days without having a sponsor.

Ms. Leshar stated that the average time an asylum seeker stayed was 2-3 days before moving on. She stated that there had been instances where someone was sick or pregnant and needed to be hospitalized and that was why they stayed longer than 3 days.

Dr. Garcia explained that the typical stay for an individual interfaced by CCS was less than 72 hours. He stated the program was efficient at getting the vast majority of people out.

Supervisor Christy asked how the individuals got in without a sponsor.

Dr. Garcia stated that he could not speak to the Federal process.

Supervisor Christy commented that this had been the “party line” by the people that wanted to spend all the money for as long as he had been on the Board. He stated that he was told that asylum seekers were here for a couple days, then moved on to their final destination, and the only way they were allowed in the Country was with a sponsor who paid for their transportation and the expenses to get them to their final destination, yet they were getting here without a sponsor.

Dr. Garcia rebutted that there had been less than a handful of people that had come since 2019 that did not have a sponsor.

Ms. Leshar stated that she would reach out to Customs and Border Protection (CBP) to find out the exact numbers of individuals who had come without sponsors. She explained that what had occurred at times was CBP pulled into the facility and dropped off people by the busload, and a handful or less, had not been checked for a sponsor. She stated that when that was the case, they could not give them back to CBP and the concern had been to either release them onto the streets of the County or to help them move on. She said she would provide a full report to the Board on exactly when those instances had occurred.

Supervisor Christy asked if the County accepted any individuals from the FEMA operation center at Los Reales, and if they were released to County welcoming centers.

Ms. Leshar stated that she believed that the FEMA center was a separate operation for people that may have come across the border illegally and the County had no involvement. She did not believe the County received individuals from FEMA, rather another component of the Department of Homeland Security, either Immigration and Customs Enforcement or CBP. She added FEMA was a division of the group that had funded the County.

Supervisor Christy asked who was in charge of the Los Reales operation.

Ms. Leshar replied that she believed it was CBP.

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

33. City of Tucson, to provide for Fiscal Agent Pima County / Emergency food and shelter to families and individuals encountered by the Department of Homeland Security, Emergency Food and Shelter Program Fund, contract amount \$823,000.00 (CT-GMI-23-335)

(Clerk's Note: See Minute Item No. 32, for discussion and action on this item.)

34. The Inn of Southern, Arizona Inc., to provide for Fiscal Agent Pima County / Emergency food and shelter to families and individuals encountered by the Department of Homeland Security, Emergency Food and Shelter Program Fund, contract amount \$135,148.00 (CT-GMI-23-336)

(Clerk's Note: See Minute Item No. 32, for discussion and action on this item.)

Health

35. SJM Premier Medical Group, L.L.C., Amendment No. 6, to provide for COVID-19 medical support for refugee populations and amend contractual language, Federal Emergency Management Agency, Emergency Food and Shelter Program Fund, contract amount \$750,000.00 (CT-HD-22-3)

(Clerk's Note: See Minute Item No. 32, for discussion and action on this item.)

Information Technology

36. Federal Bureau of Investigation, to provide for a tower and communications site license agreement for wireless communications facilities located on Tumamoc Hill, 1675 W. Anklam Road, no cost/5 year term (CTN-IT-23-144)

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

37. NGX Tech Solutions, L.L.C., to provide for a Tower and Rooftop license agreement for wireless communications facilities located at 33 N. Stone Avenue, total contract amount \$85,700.92 revenue/5 year term (\$17,140.18 per year) (CTN-IT-23-139)

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

PROCUREMENT

38. **Award**

Amendment of Award: Master Agreement No. MA-PO-23-43, Amendment No. 1, ProForce Marketing, Inc., d.b.a. ProForce Law Enforcement and LN Curtis and Sons, d.b.a. Curtis Blue Line, to provide for law enforcement equipment. This amendment increases the shared annual award amount by \$150,000.00 from \$273,000.00 to \$423,000.00 for a cumulative not-to-exceed contract amount of \$423,000.00 and approves an average 6.6% price increase for ProForce Marketing, Inc. Funding Source: General Fund. Administering Department: Sheriff.

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

39. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-71, Amendment No. 7, CDW Government, L.L.C., to provide for software value added reseller services. This amendment extends the termination date to 7/31/23. 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.

40. **Award**

Award: Master Agreement No. MA-PO-23-156, Multiple Contractors, to provide for verbatim transcription and translation services. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$300,000.00 and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.

Contractor Name:

Allyn, Barbara; Cornelius, Dana; Ellerd, Rhonda; Ellis, Desirae, d.b.a. Ellis Translations; Gomez, Linda; Graf, Judith; Hamberger, Charlene; Kennedy, Julie; Lewallen, Therese; Mendez, Norma; Moon, Katherine; Officemotive, Inc., d.b.a. Capital Typing; Sanford, Rosemary; Transcription Services, L.L.C.; Woodruff, Linda; Yanez, Isaac; Zauner, Cheryl

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

41. CBIZ Benefits & Insurance Services, Inc., d.b.a. CBIZ Talent and Compensation Solutions, Amendment No. 1, to provide for Classification and Compensation Study and amend contractual language, General Fund, contract amount \$75,000.00 (MA-PO-22-187) Administering Department: Human Resources

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 CBIZ was asking for an additional \$75,000.00 and they needed the extra money to exercise the options to include drafting of job classifications in the project. He stated that the attached memorandum stated that the original scope of the contract was to provide those classifications, but were now asking for more money to provide said classifications.

Jan Leshner, County Administrator, stated that when CBIZ had bid on the contract they included a variety of items. She explained it was one of the items included in their proposal that was accepted for \$75,000.00 to work on and complete all the various job descriptions under the new classifications. She stated the funding for that option was not included in the original contract. She indicated that staff would like to exercise that option and get the additional assistance with the new classifications, as there was significant change to those, and wanted to complete those classifications before the finalization of the County budget.

Chair Grijalva asked if the County was asking to add to the scope and if that was why they were asking for an increase.

Ms. Leshar responded that it was in the original proposal and was an additional item that the County had the ability to include, and now the Board was being asked to exercise that option.

Supervisor Christy requested clarification if this item was not included in the original scope of the study and that was why they were asking for more money.

Ms. Leshar stated that the job descriptions had not been a part of the overall general compensations and classifications. She added they were now looking for some additional work to make sure all the new job descriptions correctly fit within the new classifications study, which was the option they wished to exercise.

Supervisor Christy read from the County Administrator's Memorandum and stated that the Board was being asked to approve \$14 million to implement a plan in salary adjustments for a study they had not seen the results for.

Ms. Leshar replied that that Board was not asked to look at the study yet, but their estimation of the initial analysis of the report would cost about \$11 million if the Board chose to implement that policy. She stated that in addition to that, there was a way to adjust around individuals that came in under new salaries. She stated that nothing had been approved by the Board relating to the classification compensation study. She added that as they built the budget, they thought it would be wise to add a placeholder for what the estimated cost might be and indicated that they also added an estimate of \$11 million, which would be a 3% increase across the Board.

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

42. International Business Machines Corporation, d.b.a. IBM Corporation, to provide for Maximo Upgrade and Workday Integration, Non-Bond Projects Fund, contract amount \$2,200,000.00 (MA-PO-23-127) 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.

43. Borderland Construction Company, Inc., Amendment No. 4, to provide for Design-Build Services - Continental Ranch Regional Pump Station Force Main Augmentation (3CFS15), extend contract term to 2/28/25, amend contractual language and scope of services, RWRD Obligations Fund, contract amount \$3,927,760.85 (CT-WW-20-272) Administering Department: Regional Wastewater Reclamation

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

Real Property

44. Cellco Partnership, d.b.a. Verizon Wireless, Amendment No. 6, to provide a master agreement for wireless communications facilities and site-specific supplemental agreements for specified locations at Orange Grove and First Avenue (TUC Orange Grove) and amend contractual language, no cost (CTN-RPS-23-145)

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

45. Rio Nuevo Multipurpose Facilities District, to provide for a Ground Lease Option Agreement for property located at 75 East Broadway, no cost/3 year term (CTN-RPS-23-147)

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

Fletcher McCusker, Chair, Rio Nuevo Multipurpose Facilities District Board, stated that Rio Nuevo and the County had formed a partnership pre-pandemic for development of the parcel located across the street from TEP. He indicated the location was primarily designed to create primary employment or for use as an office building and COVID halted the ability to finance the project, so they were asking for the Board to consider a procurement process that was a little more wide open to allow them to seek any and all commerce for that property, and to let the market speak to them about what was the best and highest use for that location. He stated that they could not do that without the Board's approval and they had more flexibility in procurement law than what the Board had, so that was the reason they wanted to partner on this project. He stated that Rio Nuevo would solicit the proposals and it would be brought back to the County for approval.

Supervisor Scott asked if staff wanted to add anything about the property.

Carmine DeBonis, Jr., Deputy County Administrator, responded that Mr. McCusker had explained everything that was needed on the property.

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

Sheriff

46. Federal Bureau of Investigation, to provide for a Cost Reimbursement Agreement, contract amount \$20,000.00 estimated revenue/perpetual (CTN-SD-23-138)

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

47. City of Tucson, to provide for the incarceration of municipal prisoners, contract amount \$4,800,000.00 estimated revenue (CTN-SD-22-171)

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

Transportation

48. Pima Association of Governments, to provide an Agreement for Public Art Funding, contract amount \$125,000.00 revenue (CTN-TR-23-136)

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

GRANT APPLICATION/ACCEPTANCE

49. **Acceptance - Grants Management and Innovation**

Federal Emergency Management Agency (FEMA), Emergency Food and Shelter Program (EFSP) National Board, to provide for the FEMA, EFSP, Humanitarian Relief ("Phase CR23 award"), \$3,395,015.87 (GTAW 23-111)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

50. **Acceptance - Health**

Department of Health and Human Services, Amendment No. 2, to provide interventions that identify and eliminate barriers; increase providers' use of accessibility standards; and promote health literacy among minority populations, extend grant term to 12/31/23 and amend grant language, no cost (GTAM 23-66)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

51. **Acceptance - Pima Animal Care Center**

Best Friends Animal Society, to provide for Best Friends National Adoption Weekend, December 2022, \$2,275.00 (GTAW 23-107)

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

FRANCHISE/LICENSE/PERMIT

52. **Hearing - Liquor License**

Job No. 227944, Rachael Dillon Oropeza, Villa Mexican Food, 2840 W. Ina Road, No. 104, Tucson, Series 12, Restaurant, New License.

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

53. Hearing - Liquor License

Job No. 227864, Sergio Ivan Pinon Reyes, Redbird Scratch Kitchen + Bar, 6444 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

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

54. Hearing - Liquor License

Job No. 231459, Kevin Arnold Kramber, Dos By Borderlands, 5605 E. River Road, No. 201, Tucson, Series 12, Restaurant, New License.

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

55. Hearing - Liquor License

Job No. 230374, Jose Gabriel Contreras, Amelia's Mexican Kitchen, 5851 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

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

56. Hearing - Fireworks Permit

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, April 15, 2023 at 7:30 p.m.

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

57. Hearing - Fireworks Permit

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, April 19, 2023 at 8:00 p.m.

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

DEVELOPMENT SERVICES

58. The Board of Supervisors on February 7, 2023, continued the following.

Hearing - Type III Conditional Use Permit

P22CU00013, WOLVERTON REVOC LIVING TR - S. SIERRITA MOUNTAIN ROAD

Ivan R. and Margery A. Wolverton Revoc Living Tr, represented by Vertical Bridge, L.L.C., request a Type III Conditional Use Permit for a wireless communication facility (Parcel Code 301-74-1450) in accordance with Section 18.07.030.H. of the Pima County Zoning Code in the GR-1 (Rural Residential) zone, located approximately 500 feet west of the intersection of S. Sierrita Mountain Road and W. Scotland Street, addressed as 11990 S. Sierrita Mountain Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Becker and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

At the request of the applicant and without objection, this item was continued to the Board of Supervisors' Meeting of April 18, 2023.

59. **Hearing - Type II Conditional Use Permit**

P23CU00001, MARIANI - E. TANQUE VERDE ROAD

Stephen Mariani, requests a Type II Conditional Use Permit for multiple dwellings (four one-story single residences) (Parcel Code 205-52-006K) in accordance with Section 18.41 of the Pima County Zoning Code in the RVC (Rural Village Center) zone, located at the south of the T-intersection of E. Tanque Verde Road and N. Rebecca Avenue, addressed as 11208 E. Tanque Verde Road. The property is zoned RVC (Rural Village Center) zone and CR-1 (Single-Residence) zone. Staff and the Hearing Administrator recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions & Requirements per the Pima County Zoning Code

1. Adherence to all requirements of Pima County Zoning Code Section 18.41, Rural Village Center (RVC) zone, and Section 18.77.040 (Scenic Routes).

Special Conditions

1. The layout of the project shall be in substantial conformance with the site plan shown in Site Construction Permit (SCP) set, Case No. P22SC00054, as submitted in conjunction with this conditional use permit application.
2. The heights of the buildings shall not exceed thirteen feet (13').
3. No portion of the living areas of the four (4) dwelling units may be located within the CR-1 zoned portion of the property. Only the attached garages and accessory uses may be

- located in the CR-1 zoned areas of the site. The garages may never be converted or enclosed for use as interior living space.
4. The open space area shown on the submitted site plan shall be used for passive recreation activities only, such as trails, picnic tables, and ramadas, subject to all appropriate permits for such elements being properly secured from Pima County. The owner/ developer is responsible for the dutiful maintenance and upkeep of the open space area.
 5. It is acceptable for the applicant to fence the property and open space areas for security purposes if so desired, subject to obtaining all applicable permits for such fencing.
 6. As part of the Site Construction Plan (SCP) approval, the existing easement for ingress, egress and utilities over the west twenty feet (20') of the property shall be revised to include the full width of the proposed driveway.
 7. The easement for ingress, egress and utilities within the parcel shall be paved as determined during the Site Construction Plan (SCP) review & approval.
 8. That portion of the driveway within the public Tanque Verde Road right-of-way shall be constructed to Pima County Standards. At a minimum, a paved radius of twenty-five feet (25'), with concrete header for the curb return, shall be constructed for the east side of the driveway.

The following speakers addressed the Board in opposition to the Conditional Use Permit:

- Meredith Bradford
- Jon Bradford
- Ian Kidd
- Mary Finley
- JoAnn Trego, Tanque Verde Valley Association
- Charlie Manherz
- Avaday Iyer

They offered the following comments:

- Concern for flooding on other properties in the area.
- The area was not part of the cohesive plan to introduce high density housing, concern for the equestrian presence, 17 homes would be impacted, the applicant had not provided the alternative for either 1 or 2 single story family homes with back yards, which better suited the area.
- The County's Hearing Administrator, Mr. Portner, was hired as the spokesperson for Redpoint and worked on their behalf to gain approval of the project, which caused a conflict of interest.
- There were issues with traffic and parking and a traffic study should be conducted before approval by the Board.
- Super majority should have been considered for the project, 87% of the people in the area indicated their opposition to the project, including an additional 20% provided before coming to the Board.
- There was not enough time for the public to prepare for the topic and it should have been rescheduled since there was not enough communication between the developers and the neighbors.
- It would cost less for the developer to have one home instead of 4 apartment complexes and there were other larger areas where it could be developed.
- Concern for property values and water issues.

Supervisor Bronson inquired if this item required a super majority vote.

Chris Poirier, Deputy Director, Development Services, responded it was not a rezoning and that the property had been zoned as Rural Village Center (RVC) since 1963. He added that a super majority was not applicable and that there was a Circle K across the street that was also zoned RVC.

Stephen Mariani, applicant, addressed the Board and stated that there was a great deal of confusion about the project and he was familiar with the need of the area, and had love for the area. He stated that this was not for financial gain and the suggestion for one house to be built did not make sense because the parcel was not zoned for that. He stated it was his intent to improve the area and all other uses would cause increased traffic issues and this project would be least impactful. He added that he had engineering plans made to improve the water shed issue.

Supervisor Heinz asked for clarification whether this was for four single story homes or an apartment complex.

It was moved by Chair Grijalva to close the public hearing. No vote was taken at this time.

Mr. Mariani clarified that it was for four two-bedroom homes with two cars a piece. He stated that it was directly across the street from a Circle K and no one was going to want to own a single family home across from there. He commented this was the perfect transition that was completely congruent all around, including the bus depot to the residential parcel to the side.

Supervisor Christy asked for clarification if the super majority did not apply to the project.

Mr. Mariani responded that a super majority did not apply to this item.

Supervisor Christy asked if these homes were apartments and if they provided affordable rental housing.

Mr. Mariani responded that these were townhomes that could be classified as affordable for necessary infill.

Supervisor Christy asked what Mr. Portner's relationship was with the County since it was inferred that there may be some nefarious type of situation.

Mr. Poirier clarified that Jim Portner was appointed by the Board to be Pima County's Hearing Officer and Hearing Administrator. He stated that the Pima County Code and the overall process embraced the idea that the person serving in that role was very knowledgeable about the processes and zoning codes. He stated that Mr. Portner was also a private planning consultant, and in some cases had recused himself to avoid a potential conflict of interest. He added that in this case, they felt that it did not present a conflict of interest. He stated that Mr. Portner represented a rezoning that was technically in the City of Tucson on the other side

of Houghton Road. He stated that Mr. Portner had no financial connection to the applicant and that the County needed an experienced arbiter to serve as a Hearing Administrator and many of those people were in the Real Estate and Development business.

Supervisor Christy asked about the other uses that were available for the property.

Mr. Poirier responded that when the property was rezoned in the early 60's it was stated for commercial purposes, and he agreed with the applicant that they could not just build one home. He listed different uses for the property, such as retail businesses and that they would require more parking than townhomes.

Supervisor Christy asked if it would be in the best interest of the community to put in affordable housing instead of a business. He felt that the community might be "shooting themselves in the foot" by opposing to this plan since it would make way for something larger that would disrupt their area.

Mr. Mariani agreed.

Supervisor Christy asked how many other properties in the Tanque Verde area had that same type of zoning.

Mr. Poirier responded there were very minimal areas with the same type of zoning.

Supervisor Christy stated that the community was concerned about the development being uncharacteristic to the area, yet there was a Circle K and restaurant. He added that not putting the housing it could cause the development of other uncharacteristic businesses in that area.

Mr. Poirier stated that there was some discussion about precedent and that again it was a very limited area that was already zoned RVC. He stated there was another area across the street that could go through a Conditional Use Permit, and currently it had been planned to be an office building and that there was very little areas of RVC left.

Supervisor Christy asked if the Barnyard was expanding.

Mr. Poirier responded in the affirmative and that it would expand to the east.

Mr. Mariani added that he had no connection to Mr. Portner and had never met him.

Chair Grijalva inquired about the distance of the busy bay to the location.

Mr. Mariani responded that the bus bay was the adjacent property to the west side of the property.

Supervisor Scott stated that there were recommendations from the Hearing Administrator, Development Services and the Transportation Department. He commented that there were concerns brought up about flooding and asked if the Regional Flood Control District (RFCD) was involved in this matter.

Mr. Poirier responded that if the item was approved, he would need to provide an approved Site Construction Permit, and as part of that process, RFCD would review every step and would demand and impose any regulations required to improve the flooding situation.

Supervisor Scott commented that it was rare to see so many neighbors in opposition of a project. He asked what the applicant had done to respond to their concerns.

Mr. Mariani replied that in the early part of the process he held a meeting and got written approval from all of the adjacent neighbors that bordered the property. He stated that his was a small contingent of a growing area where just the idea of anything getting done was simply a “no” and it did not matter if it was logical or necessary. He stated that he would be happy to meet with his neighbors separately to provide them with a better explanation and hear concerns.

Supervisor Scott inquired about the number of Hearing Administrators with the County.

Mr. Poirier answered there were two, but Mr. Portner was the primary one and if he did declare a conflict, Michael Marks was his backup.

Supervisor Scott asked how long Mr. Portner had been in his position.

Mr. Poirier replied 20 years for both individuals.

Supervisor Christy inquired for the record, if the applicant had any plans of building a business in that area or if he was simply building affordable housing there.

Mr. Mariani replied in the affirmative.

Chair Grijalva clarified that “affordable housing” was relative, it could be for the area, but maybe not in the way that many people thought of it. She indicated that there was not a motion on this item, but the public hearing was closed.

Supervisor Bronson stated that she did not think the Board had closed the public hearing.

Chair Grijalva stated that she closed the public hearing.

Supervisor Bronson asked if there was second to that motion.

Chair Grijalva responded in the negative.

It was then moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P23CU00001, subject to standard and special conditions.

60. Hearing - Zoning Code Text Amendment

P22TA00002, RESIDENTIAL TRAIL - ORIENTED DEVELOPMENT

An Ordinance of the Board of Supervisors of Pima County, Arizona, relating to Zoning; amending the Pima County Code by amending Chapter 18.07 (General Regulations and Exceptions) to add standards for residential development in proximity to the Chuck Huckelberry Loop Trail. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Maese and Tronsdal were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2023 - 4

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

61. Hearing - Rezoning Ordinance

ORDINANCE NO. 2023 - 5, P22RZ00001, Tucson School District No. 1 - S. Cardinal Avenue Rezoning. Owner: Tucson School District No. 1. (District 5)

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

62. Hearing - Rezoning Ordinance

ORDINANCE NO. 2023 - 6, P22RZ00007, Frost Holding Company Number Two, L.L.C. - N. La Canada Drive Rezoning. Owner: Frost Holding Company Number Two, L.L.C. (District 1)

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

63. Hearing - Rezoning Resolution

RESOLUTION NO. 2023 - 9, Co9-10-03, Moore TR - Oracle Jaynes Station Road Rezoning. Owner: Aerie Northwest, L.L.C. (District 1)

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

BOARD OF SUPERVISORS

64. Pima Association of Governments and Regional Transportation Authority Report

Discussion/Direction regarding the recent Pima Association of Governments (PAG) and Regional Transportation Authority (RTA) meetings and an update from Pima County Board of Supervisors' PAG/RTA representative Rex Scott. (District 3)

Supervisor Bronson stated that her concern was that the First Avenue Project had changed its scope dramatically. She commented it was supposed to be six lanes, but now was down to four lanes, the construction was close to the end of its 20 year plan and it was going to cost more with the four lanes than the six lanes. She added that the RTA was supposed to be about capacity improvement, but this was not capacity improvement. She felt that it should go back to the voters for approval. She inquired about the revenue for this project.

Supervisor Scott stated that he tried to attach as many supporting documents as possible from the last RTA Board meeting, so that it could be seen what was considered, for example, there were significant concerns that were raised about roadway drainage and how that was going to be addressed. He stated those concerns had come up last year, as well, so he asked County staff for a presentation to provide to the RTA Board on the significant drainage issues in that area and the long term plan to address them. He stated that he also had a meeting with the Executive Director of PAG/RTA on March 2nd with concerns regarding the extensive nature or lack of extensive nature of the City's Public Outreach Program regarding the First Avenue Project. He indicated that the Executive Director wondered whether this plan was fully laid out for the public to know about the four and six lane option. He stated that he had his weekly meeting with County Administration and requested that County staff contact City of Tucson (COT) staff to inquire about all outreach materials that could be shared with the Board. He added that on March 20th, five days before the PAG/RTA meeting, he met with County Administration, the Director of the Transportation Department, and a member of the District 1 staff to discuss what the County's position should be in the PAG/RTA meetings since he was the County's representative. He stated that, as expected, COT moved to go forward with the four-lane option and that their outreach was robust enough. He stated that they talked about what the language was, the PAG administrative codes, the state statute that was cited in the agenda that had to be complied with and about the robust nature of the outreach, especially to the businesses. He stated that they also discussed the likelihood of public confusion and frustration if they mounted a second outreach effort with being so close to an election, as well as the Regional Flood Control report on roadway drainage. He stated that if it was decided COT made the motion to move forward, the County would support it. He stated that at the PAG/RTA Board meeting there was a motion made by the COT to move forward with the four lane project. He stated there were 9 voting members, one member was absent, and of the 8 present members, 6 voted in favor and the decision had not been made lightly.

Supervisor Bronson clarified that she questioned the legality of it because of the change of scope.

Supervisor Scott indicated that the very last sentence of the item stated that the RTA Board could vote to take the action they did if they felt that all of their legal requirements were met. He stated that was the reason so much time was spent talking about the administrative codes and state statutes that were cited. He also stated that they had not received any warnings from the Board of Supervisor's attorney during their discussions.

Supervisor Bronson indicated that from a public policy perspective and for optics, it did not look good.

Supervisor Heinz commented that he thought it was important to highlight examples of good governance and that this was one of them. He stated that as said by the Pascua Yaqui Tribe Chairman, Peter Yucupicio, jurisdictions knew their needs best, He added that the COT went above and beyond to demonstrate that the four-lane option was preferable and that a majority of neighbors, residents and businesses supported it. He added that the RTA Board voted 6-2 in favor of it and that he supported it, as well.

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

CONTRACT AND AWARD

COUNTY ATTORNEY

65. Osborn Maledon, PA, Amendment No. 1, to provide legal representation of Charles H. Huckelberry, Sharon Bronson, Ray Carroll, Richard Elias, Allyson Miller, Ramon Valadez, and Pima County in Rodgers, et al., v. Huckelberry, et al., C20161761, and in Rodgers, et al., v. Huckelberry, et al., 2 CA-CV-2021-0072 and amend contractual language, General Fund, contract amount \$100,000.00 (CT-FNC-21-494)

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

BOARD, COMMISSION AND/OR COMMITTEE

66. **Board of Health**

Appointment of Maia Ingram, to replace Rene Gastelum. Term expiration: 4/30/24. (District 2)

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

CONSENT CALENDAR

67. Approval of the Consent Calendar

At the request of Chair Grijalva to divide the question, Consent Calendar Item No. 1 was set aside for separate discussion and vote.

It was then 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 CHAIR GRIJALVA

BOARD, COMMISSION AND/OR COMMITTEE

1. Pima County Fair Horse Racing Commission

- Appointment of Dr. JoAnn di Filippo, to replace Allen "Russell" True. Term expiration: 1/20/25. (District 3)
- Reappointment of Robert Hartman. Term expiration: 1/20/25. (District 4)

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

Supervisor Scott stated that all Board members received communication from Dr. Ed Ackerley, the Head of Rillito Racing, and he believed it was that communication that the County Attorney had referred to. He stated there was a request for the items to be tabled for a later date until the issues raised in the letter could be addressed by the County Attorney's Office. He asked if Mr. Brown was prepared to discuss the issues outlined in the letter.

Supervisor Bronson stated that Supervisor Scott also received a letter from his appointee. She pointed out that while Dr. di Filippo was a racehorse owner, she received no remuneration from Pima County for horseracing. She stated that in past years racehorse owners owned racehorses and served as members of the Pima County Fair Horse Racing Commission. She read Dr. Ackerley's letter as well as Supervisor Scott's appointee's letter and was perplexed. She stated that she felt that the Board should move forward with the appointments.

Supervisor Scott stated that he was not opposed to the appointment of Dr. di Filippo or Mr. Hartman, but was concerned when the Board's legal counsel indicated there were issues raised by Dr. Ackerley that should be addressed before they considered the appointments.

Supervisor Christy stated that the issue was not with his reappointment of Robert Hartman and was concerned that if they voted on both names together it could affect the outcome for his member.

Supervisor Scott clarified that Dr. Ackerley requested tabling both appointments and hoped the Board's legal counsel could address this matter.

Sam Brown, Chief Civil Deputy County Attorney, stated that his recommendation was that it would be prudent to look into some of the issues raised in the communications, issues with conflict of interest and the criteria used to determine conflict of interest for Boards, Commissions and Committees (BCCs). He added that the Board could make their appointments and look into the issues at a later date or look into the issues first. He stated that it was more difficult to undue an appointment and this seemed to be a recurring issue.

Supervisor Bronson commented that it was an issue on all BCCs and that it would be prudent to approve the appointees and she believed there to be no conflicts. She stated that it would be helpful if Mr. Brown could issue an opinion on what was a conflict of interest.

Chair Grijalva asked that when the Board went through the process of making appointments, if the member signed a waiver or any type of acknowledgment that if an issue arose during their service, they should recuse themselves.

Jan Leshner, County Administrator, responded that when an individual was appointed, they signed paperwork with the Clerk that included a review of Opening Meeting Laws, as well as conflict of interest. She added they were currently working with the Clerk to establish some additional materials so that the individual would not only sign their loyalty oath, but would also sign and declare that they did not have a conflict of interest or indicate if they did have a conflict of interest.

Chair Grijalva stated that she would feel more comfortable waiting until the Board meeting of April 18, 2023, and that she did not believe waiting two weeks would make a big difference.

Supervisor Christy stated that in review of Dr. Ackerley's letter he saw no reference to his appointment, but yet he was being tied into the whole issue.

Supervisor Scott clarified that it was not in the letter, but in an email sent by Dr. Ackerley. He stated that the confusion he had was that in the email that his appointee had sent, a potential conflict of interest was raised with Supervisor Christy's appointment. He stated that he was frustrated with the claims being made by people that were on the Commission and people outside the Commission and wanted to know how the Board was supposed to proceed. He stated that he understood Supervisor Bronson's frustration

when she was told there were no conflicts for Dr. di Filippo and now there was someone else involved in the racing industry that indicated that there may be conflicts for both appointees.

Supervisor Heinz asked if there would be any negative impact with regard to the function of the Commission if they continued the item.

Ms. Leshar responded that she believed the weekend prior was the last racing day, and that the season for racing had ended; therefore, the Fair Horse Race Commission would not be convened.

Supervisor Bronson stated the commission was still convening.

Carmine DeBonis Jr., Deputy County Administrator, stated that the racing season had concluded and there were no urgent items of action for the commission. He added that if they had a quorum, they could meet on other standard business. He stated that he did not believe postponement of this item would cause any issues.

Supervisor Bronson disagreed and stated that they were selecting a Chair for the commission and that it was imperative that they had all members in attendance for that selection.

Supervisor Scott stated that he could support approval of the item and asked Mr. Brown to respond in writing to the Board about the concerns that were raised by Dr. Ackerley. He stated that he would forward the email from his appointee regarding other concerns about conflict of interest and asked Mr. Brown to review it.

Chair Grijalva stated that her concern was that if they were to move forward and an issue arose, it would make it difficult to undo what had been done.

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

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Pima County Fair Horse Racing Commission**
(PULLED FOR SEPARATE ACTION)

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

2. Special Event

- Jade Elizabeth Hines, Tucson Waldorf Education Association, Inc., Tucson Waldorf School Campus, 3605 E. River Road, Tucson, April 1, 2023.
- Joseph C. Melhorn, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, April 15, 2023.

ELECTIONS

3. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Patsy Stewart-056-DEM, Robert Teuton-080-DEM, Carolyn Fisher-084-DEM, Ronna Biesecker-108-DEM, Juan Pablo Martin-146-DEM, Josephine Shelly-Pope-199-REP

APPOINTMENT-PRECINCT-PARTY

Anne Mitchell-009-DEM, Matthew Capalby-036-DEM, Janet Quick-081-DEM, Rebeca Davis-081-DEM, Irma Romero-081-DEM, Todd Combs-084-DEM, Susan Blaney-099-DEM, Ronna Biesecker-107-DEM, Susan White-116-DEM, Barbara Wroblewski-Mullis-149-DEM, Andrew Kunsberg-181-DEM, Linda Kunsberg-181-DEM, Henry Tonsing-234-DEM, Alice Bever-024-REP, Jose Medina-025-REP, Christine McDermott-036-REP, Bruce Woodward-036-REP, Kimberly McAllister-040-REP, Ryan Adams-080-REP, Jasmine Adams-080-REP, Drake Sitaraman-088-REP, Kristy Knight-090-REP, Kendel Bowers-107-REP, Carolee DeVere-109-REP, Brittany Lockwood-113-REP, Maria Helena Matsen-145-REP, Christopher Kibrey-147-REP, Thomas Chance-171-REP, Joan Kronk-174-REP, Jerry Kronk-174-REP, Diane Feldmayer-174-REP, David Hubble-182-REP, Yvonne Hubble-182-REP, Pamela Knox-184-REP, Christy Brent-199-REP, Sondra Center-262-REP

FINANCE AND RISK MANAGEMENT

4. Duplicate Warrants - For Ratification

Terra Firma REI1 \$4,400.00; Rocco Racioppo \$5,100.00; Blue Bonnet Ventures, L.L.C., d.b.a. Keller Williams Southern Arizona \$1,650.00; Old Pueblo Septic & Drain Svc. \$695.00; Avenida Realty, L.L.C. \$8,800.00; Realty Executives Arizona Territory \$5,400.46; Tech Ventures USA, L.L.C. \$1,400.00; Mission Tierra Owner, L.L.C. \$5,343.14; Secretary of State Notary Department \$43.00; Marleen Ibarra \$113.06; Robson Associates,

L.L.C. \$4,370.00; 7th Avenue Commons, L.L.C. \$4,251.00; 7th Avenue Commons, L.L.C. \$3,622.00; RNS Rentals, L.L.C. \$1,450.00; Richard Marcos Ysmael \$924.32; Babay Family II, L.L.C. \$4,066.00; G & M Lee Capital Investments, L.L.C. \$3,219.00; Vail Water Company \$176.04; 501 Navigation \$150.00; Pinal County Superior Court \$2,495.00; Alborada Apartments, L.P. \$879.00.

RATIFY AND/OR APPROVE

- 5. Minutes: February 7, 2023
Warrants: March, 2023

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ADJOURNMENT

- 68. As there was no further business to come before the Board, the meeting was adjourned at 1:43 p.m.

CHAIR

ATTEST:

CLERK