

## BOARD OF SUPERVISORS' SPECIAL MEETING MINUTES

The Pima County Board of Supervisors met remotely in special session through technological means, at 9:00 a.m. on Wednesday, November 24, 2021. Upon roll call, those present and absent were as follows:

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

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

\*Supervisor Heinz joined the meeting at 9:48 a.m.

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

All present joined in the Pledge of Allegiance.

### 2. **CALL TO THE PUBLIC**

Gail Stern addressed the Board and asked that they encourage their constituents to save rain water.

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

Chair Bronson recognized November 22nd as Public Health Thank You Day and thanked the Pima County Health Department and the public health workforce for taking care of the community.

### 4. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Scott, seconded by Supervisor Grijalva and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to convene to Executive Session at 9:04 a.m.

### 5. **RECONVENE**

The meeting reconvened at 9:38 a.m. Supervisor Heinz was not present. All other members were present.

6. **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the City of Tucson's adoption of differential water rates and potential legal options for the County.

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

**BOARD OF SUPERVISORS**

7. **City of Tucson's Adoption of Differential Water Rates**

Discussion/Direction/Action regarding the City of Tucson's adoption of differential water rates and potential legal options for the County.

It was moved by Supervisor Christy and seconded by Supervisor Grijalva to direct the County Administrator to seek outside counsel to obtain a second legal opinion regarding this matter. Upon roll call vote, the motion failed 2-2, Chair Bronson and Supervisor Scott voted "Nay," Supervisor Heinz was not present for the vote.

It was then moved by Chair Bronson and seconded by Supervisor Scott to seek declaratory and injunctive relief and to authorize the County Administrator to select outside legal counsel regarding this matter, in accordance with all State and Pima County regulations and to authorize selected counsel to file suit on behalf of Pima County, if appropriate. No vote was taken at this time.

Supervisor Grijalva commented that she supported seeking a second legal opinion because she felt it would be helpful, but was not in favor of moving forward with legal action. She stated that she also did not support how the City had imposed the differential water rates, but felt that they were within their legislative power to impose them.

Supervisor Christy expressed his support of Chair Bronson's motion.

Supervisor Scott stated that it was wrong for the City to impose differential water rates on certain customers in unincorporated Pima County and it was the Board's duty to advocate for them. He commented that the County had reached out to the City to try to amicably resolve this matter, but those efforts were either rejected or not responded to by the City. He stated that he was in support of Chair Bronson's motion.

Supervisor Grijalva commented that outside legal counsel was not necessary and felt that legal counsel services could be provided by the County Attorney's Office. She reiterated that she was not in support of moving forward with legal action.

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

8. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:50 a.m.

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CHAIR

ATTEST:

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CLERK

DRAFT