

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 20, 2022. 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, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Robert Krygier, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:21 a.m. He left the meeting at 11:36 a.m.

1. SANTA CRUZ RIVER MANAGEMENT PLAN

RESOLUTION NO. 2022 - FC3, of the Pima County Flood Control District Board of Directors endorsing the Santa Cruz River Management Plan.

It was moved by Chair Bronson, seconded by Supervisor Grijalva and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to adopt the Resolution.

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:37 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 20, 2022. 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, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
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1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Dr. Octaviana Trujillo, Professor of Applied Indigenous Studies at Northern Arizona University.

3. POINT OF PERSONAL PRIVILEGE

Supervisor Scott commented that he attended the Tucson Flowing Wells Business and Neighborhood Coalition meeting and the community expressed their concerns about homelessness and the affect it had on business operations. He expressed regret for his tone during discussion of the Election's after-action report during the last Board meeting.

4. PAUSE 4 PAWS

The Pima County Animal Care Center showcased animals available for adoption.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Dr. Shannon Roberts, Chief Executive Officer, Diaper Bank of Southern Arizona, proclaiming the week of September 24 through October 2, 2022 to be: "DIAPER NEED AWARENESS WEEK"

It was moved by Chair Bronson, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Scott made the presentation.

6. Presentation of a proclamation to Nancy Hand, President, League of Women Voters of Greater Tucson, proclaiming the day of Tuesday, September 20, 2022 to be: "VOTER REGISTRATION DAY"

It was moved by Chair Bronson, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Supervisor Grijalva made the presentation.

7. Presentation of a proclamation to Chad Shoopman, Director, University of Arizona Marching Band, proclaiming the day of Tuesday, September 20, 2022 to be: "BEAR DOWN, ARIZONA, DAY"

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

8. **CONVENE TO EXECUTIVE SESSION**

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

9. **RECONVENE**

The meeting reconvened at 10:27 a.m., Supervisor Heinz was not present. All other members were present.

(Clerk's Note: Supervisor Heinz rejoined the meeting at 10:31 a.m.)

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice and direction regarding a proposed settlement of a federal lawsuit and claim filed by Danna Whiting.

It was moved by Chair Bronson, seconded by Supervisor Grijalva and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to accept the proposed settlement.

11. **CALL TO THE PUBLIC**

Stephanie Kirk addressed the Board in opposition to the COVID-19 vaccination incentive for County employees and the Public Health Preparedness Program grant.

Dr. JoAnn di Filippo commented on the Board members' behavior during meetings. She expressed concerns with the COVID-19 vaccination incentive for County employees and the outsourcing of the voter registration database management system.

Ryan Heath spoke about his concerns with the requirement of COVID-19 vaccinations for County employees.

Karl Wagner expressed his appreciation to the Board and the Meet and Confer team with County Administration for their work on the Meet and Confer Memorandum of Understanding.

Tim Laux shared his concerns with the vote center database management system.

Peter Norquest spoke in opposition to the COVID-19 vaccination status for employment in Pima County.

Montserrat Caballero, Program Coordinator, Pima Community College Adult Education Program, stated that it was national family literacy and adult education week and two students would share their stories.

Athena Martinez and Ana Bedoya shared their stories and experiences with the Pima Community College Adult Education Program.

Robert Reus shared information on the Jeffersonian principles.

Christine Bauserman expressed her concerns with the security of the election and the election process.

Caroline Cowan addressed the Board regarding her concerns about the Urban/Valencia zoning request from the September 6th Board of Supervisors Meeting. She stated that her and other community members were wrongly told that the item was continued when it was not.

Ann Rose Dichov shared comments on totalitarianism.

Dru Heaton spoke about Hawaiian culture and history.

BOARD OF SUPERVISORS

12. Amended Board of Supervisors Meeting Schedule

Approval of the Board of Supervisors' Amended Meeting Schedule for the month of November, 2022, to include the November 22, 2022 Special Meeting for the Canvass of the General Election. This Special Meeting will be held virtually.

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

COUNTY ADMINISTRATOR

13. County Administrator's Update

There was no update provided by the County Administrator.

14. Regional Prosperity Task Force to Address Poverty, Improve Opportunity, and Create Community Wealth

Staff recommends the following:

1. The Board of Supervisors approve the formation of a Regional Prosperity Task Force as detailed in the County Administrator's Memorandum dated September 20, 2022.
2. The Chair of the Board and County Administrator make appointments to the Task Force as soon as possible.
3. The County Administrator, in coordination with the Tucson City Manager, solicit appointments to the Task Force by cities, towns, tribes, PAG and the State for ratification by the Board and Tucson Mayor and Council.
4. County staff be directed to begin working with City of Tucson staff, experts and practitioners to research and develop policy options, and prepare for initiation of the Task Force.

At the request of the County Administrator and without objection, this item was continued to the Board of Supervisors' Meeting of November 1, 2022.

15. Fiscal Year 2023/24 Budget Process

Staff recommends the Board include on the October 4, 2022 and November 1, 2022, Meeting Agendas, time to provide staff with strategic direction, general budget priorities, and guidance prior to the beginning of the Fiscal Year 2023/24 Budget Process.

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

Supervisor Scott commented that it was important to discuss the long-term plan for vacancy savings, the concerns that arose during the last budget hearings and the need for consistency in terms of how vacancies were advertised between departments.

Supervisor Grijalva commended the work of County Administration for having brought this item to the Board early. She stated that it would allow for a blueprint to be created to move forward and create a strategic plan for the entire County, which she supported.

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

16. **COVID-19 Vaccination Requirements for Pima County Employees**

Staff recommends ending the administrative requirement for the documentation of COVID-19 vaccination status for employment with Pima County, effective September 24, 2022. At that time, the health insurance surcharge will also be eliminated. In its place, staff recommends that vaccinated employees who provide yearly documentation of COVID-19 booster vaccination status to Human Resources receive an additional 16 hours of paid leave to continue to incentivize a highly vaccinated workforce.

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

Supervisor Christy stated that this item included three distinct items: the first was the recommendation of ending the administrative requirement for the documentation of COVID-19 vaccination status for employment with Pima County, effective September 24, 2022; second was the elimination for the health insurance surcharge; and third the additional 16 hours of paid leave to incentivize a highly vaccinated workforce. He requested each item be dealt with separately.

Chair Bronson withdrew her second to the motion.

A substitute motion was made by Supervisor Christy to vote on each distinct item separately. Supervisor Scott seconded the substitute motion. No vote was taken at this time.

Melissa Manriquez, Clerk of the Board, questioned if Supervisor Christy needed to withdraw his original motion.

Chair Bronson responded in the affirmative.

Supervisor Christy withdrew his original motion.

Upon the vote of the substitute motion, it unanimously carried 5-0.

It was then moved by Supervisor Christy and seconded by Chair Bronson to approve staff's recommendation to end the administrative requirement for the documentation of COVID-19 vaccination status for employment with Pima County effective September 24, 2022. No vote was taken at this time.

Supervisor Scott stated that the legislature did not attach an emergency clause to House Bill 2498 and it did not become effective until September 24th.

Supervisor Grijalva stated that she felt that the entire item overreached the State and did not allow the local County Health Department to make the decisions that were in the best interest of that community. She stated that she would reluctantly vote for it because it was State law, but noted that the Pima County Health Department and the County had done a good job of keeping the community safe.

She stated that encouraging vaccines and doing what was needed to make the decisions that were in the best interest of the County. She added that the vaccination requirements and masking was something that kept the workforce safer and more people were vaccinated as a result of those incentives. She stated that she was proud to have been able to support those initiatives.

Supervisor Scott stated that the County brought forward to the County Supervisors Association (CSA) Legislative Policy Summit the need for counties to assert their rights under Arizona State law as being the regional public health authorities for their areas. He stated that he expected this issue to be discussed at the summit due to moves made by the legislature and the Governor to restrict statutory authority as the public health authority.

Chair Bronson stated that from the time she has served with CSA, it had always been about local control.

Chair Bronson called the question. Upon the vote, the motion carried 3-2, Supervisors Grijalva and Heinz voted "Nay."

It was thereupon moved by Supervisor Christy and seconded by Chair Bronson to eliminate the health insurance surcharge, effective September 24, 2022. No vote was taken at this time.

Supervisor Grijalva stated for confirmation that the house bill that would go into effect on September 24th precluded any local government from requiring COVID-19 vaccination as a condition of employment.

Chair Bronson called the question. Upon the vote, the motion unanimously carried 5-0.

It was further moved by Supervisor Christy to deny that vaccinated employees provide yearly documentation of COVID-19 booster vaccination status to receive an additional 16 hours of paid leave to continue to incentivize a highly vaccinated workforce. He stated that he was opposed to this because it was paying people to not work and it was an individual choice to be vaccinated and should not be a taxpayer expense. He stated that it was unknown what the cost would be and there was no analysis of the time involved of people being paid to not work. The motion died for lack of a second.

It was then moved by Supervisor Grijalva and seconded by Supervisor Scott to approve an additional 16 hours of paid leave for those employees who provide yearly documentation of COVID-19 booster vaccination status to Human Resources (HR). No vote was taken at this time.

Chair Bronson commented that she shared some of Supervisor Christy's concerns. She requested to see a fiscal note and questioned how accurate it was to indicate yearly boosters and how that language evolved.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, responded that the anticipation for the COVID-19 vaccination was on a go-forward basis that would require yearly boosters as was the flu, and the language was meant to memorialize that it was accrued as a financial benefit in terms of County health plan expenditures.

Chair Bronson stated that there was a cognitive disconnect and that the County did not require people to get flu shots and they did not get rewarded for them.

Dr. Garcia replied that there were incentives for employees who were vaccinated against the flu, which were points toward the Healthy Lifestyle Premium Discount.

Supervisor Christy stated that he was concerned about HIPAA as the County was asking employees to reveal themselves publicly to HR to receive this benefit.

Supervisor Grijalva commented that the Board had been provided with a memorandum from Dr. Garcia that documented the savings to the County and requested it be resent to Supervisor Christy.

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

COMMUNITY AND WORKFORCE DEVELOPMENT

17. The Board of Supervisors on September 6, 2022, continued the following:

CONTRACT

Our Family Services, Inc., Amendment No. 1, to provide for U.S. Housing and Urban Development Continuum of Care Program - Project Advent, extend contract term to 6/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$182,747.50 (CT-CR-21-421)

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

COUNTY ATTORNEY

18. The Board of Supervisors on September 6, 2022, continued the following:

CONTRACT

Bosse Rollman, P.C., Amendment No. 6, to provide for Pima County Sheriff's Department employee disciplinary matters, extend contract term to 9/19/23 and amend contractual language, ~~County Administrator's Fund~~ **Contingency Fund**, contract amount \$25,000.00 (CT-FNC-21-197)

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

Supervisor Christy asked why the funding was from the Contingency Fund and not the Sheriff's Department Fund.

Jan Leshner, County Administrator, responded that the Contingency Fund had been used for all of the previous amendments to the contract. She commented that there was discussion on the use of the Contingency Fund to pay directly for the litigation or to move funds from the Contingency Fund to the Sheriff's Department to pay. She stated she would provide the Board with the information regarding why the Contingency Fund was originally used rather than funding from the individual department budgets.

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

DEVELOPMENT SERVICES

19. Final Plat With Assurances

P22FP00012, Senita Crossing, Lots 1-63 and Common Area "A". (District 2)

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

ELECTIONS

20. Vote Centers

Pursuant to A.R.S. §16-411, designation of vote centers for the November 8, 2022 General Election.

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

HUMAN RESOURCES

21. Revisions to Personnel Policy

Staff recommends approval of the proposed revisions to Personnel Policy No. 8-102, Premium Pay.

It was moved by Chair Bronson and seconded by Supervisor Scott to approve Minute Item Nos. 21 and 22. No vote was taken at this time.

Supervisor Christy requested clarification on the policy revisions.

Jan Leshar, County Administrator, responded that the revisions were to close loopholes that were found within the policy. She explained that the revisions would clarify the issues found when an employee was being paid for a vacation day or holiday when they were not yet working for the County.

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

22. **Revisions to Personnel Policy**

Staff recommends approval of the proposed revisions to Personnel Policy No. 8-108, Leaves of Absence Without Pay.

(Clerk's Note: See Minute Item No. 21, for discussion and action on this item.)

RECORDER

23. The Board of Supervisors on September 6, 2022, continued the following:

CONTRACT

Theelios, L.L.C., to provide for database management, Special Revenue Fund, contract amount \$90,000.00 (CT-RE-23-77)

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

Supervisor Christy provided background about the requirements asked of the Recorder's Office in finding a voter database management contractor. He stated that this led to concern about the sanctity and security of the voter database. He asked if the Recorder had already contracted with Theelios, L.L.C.

Jan Leshar, County Administrator, stated that the County had not yet contracted with Theelios, L.L.C.

Supervisor Christy expressed his concerns with the County contracting the work outside of the Recorder's Office. He believed that if the work was not done by the Recorder's Office, there would be concerns regarding the security of the Election. He expressed his objection to the contract.

Chair Bronson stated that the contractor was a former County employee that had recently retired. She asked how they were able to give a contract if policies were in place to prevent that.

Ms. Leshar responded that she was not aware of when the employee retired from Pima County.

Supervisor Scott provided background on the employee that would be the contractor and stated the employee retired in January of 2022.

Chair Bronson stated that the contract would be in violation of Pima County Code due to the employee not being retired for at least one year.

Supervisor Scott asked if the contract was in violation of the Pima County Code.

Sam Brown, Chief Civil Deputy County Attorney, stated that the County Attorney's Office had reviewed the contract and found no policy or statutes that prohibited the approval of the contract.

Chair Bronson explained that other employees that had retired had to wait a year before they were rehired with the County.

Supervisor Grijalva commented that she believed the one year referenced by Chair Bronson was for former employees that were being rehired to the County not if there was a contract separate from the County.

Supervisor Christy commented that the database should be safeguarded by a dedicated employee from the Recorder's Office and not be sent out to a consulting firm, outside agency or outside computer.

Supervisor Grijalva stated that the County was in the middle of a procurement process for a new cloud-based database and this contract was to act as a Band-Aid until the new database was ready. She explained that the contract was only until November and there were reassurances that the contract was not in violation of Procurement. She commented that the expense was not from the General Fund, but was already in the Recorder's budget.

Chair Bronson shared her concerns about the process and stated that the database management should be done in-house by the Recorder's Office. She questioned why the contract was happening at this time, why the Recorder was not aware of the issue with the database management system earlier and why they could not hire in-house.

Supervisor Christy expressed his concerns with the County Attorney's legitimacy of the contract and how he would have preferred for the Recorder to be present at the meeting to address the concerns.

Supervisor Scott stated that he spoke to the Recorder and she was out of state at the time. He read information provided to him by the Recorder regarding the security issues.

Supervisor Christy asked how the contractor had been paid and what policy allowed that.

A substitute motion was made by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of October 4, 2022 and requested that the Recorder

be present at that meeting to answer questions. The motion died for lack of a second.

Supervisor Scott read from the Recorder's report which stated that the current contractor of the database system did not have solutions to the issues that arose and had called upon the new contractor for help. He confirmed that on August 12, 2022, the Procurement Director and County Administrator approved payment to the new contractor for the services he provided while not contracted with the County.

Supervisor Christy asked if the payment received was in violation of any County policy and stated that there were issues and concerns that needed to be addressed by the County Attorney's Office and the Recorder's Office.

Chair Bronson called the question. Upon roll call vote of the original motion, it carried 3-2, Chair Bronson and Supervisor Christy voted "Nay."

DEVELOPMENT SERVICES

24. Hearing- Type II Conditional Use Permit

P22CU00006, TK FAMILY, L.L.C. - E. TANQUE VERDE ROAD

Rory Juneman, on behalf of TK Family, L.L.C., requests a Type II Conditional Use Permit for commercial/retail use in a new small neighborhood scale building, in accordance with Section 18.41.040.A of the Pima County Zoning Code on property located on the north side of E. Tanque Verde Road, at the northeast corner of the intersection of E. Tanque Verde Road and N. Tanque Verde Loop Road and addressed as 11101 E. Tanque Verde Road, in the RVC (Rural Village Center) zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends 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 Sections 18.41.040.A and 18.43.030.G for the restaurant use.

Special Conditions

1. The property shall be developed as presented in the application and on the preliminary development plan, except as modified by the remaining Special Conditions below.
2. Development Plan Standards shall be implemented consistent with the requirements of Pima County Zoning Code section 18.71.060.
3. All 73 parking spaces shall be constructed prior to any restaurant use being permitted on the property.
4. To ensure there will be sufficient excess parking on the subject property to accommodate overflow parking for the adjacent restaurant, the following scenarios shall be allowed:
 - A. Any combination of office, commercial, retail, personal service and/or food service uses operating between 6:00 am and 6:00 pm, that meets the required Pima County parking standards; or
 - B. A restaurant up to 3,500 sq. ft. in floor area (including outdoor patio) with hours of operation between 6:00 am and 10:00 pm, in combination with other office, commercial, retail, or personal service uses with operating hours of 6:00 am to 6:00 pm; or

- C. Any combination of uses, floor areas, and hours of operation that, in the opinion of the Chief Zoning Inspector, will allow sufficient onsite parking, and provide the required offsite parking needed for the Barnyard Restaurant during peak times.
 - D. As part of the Traffic Impact Study (TIS) stipulated in Special Condition 12.A below, the project's traffic engineer shall furnish a summary of parking counts for the Barnyard Restaurant during its weekend evenings in peak season(s). The purpose of this data is to provide an empirical basis for ensuring adequate overflow parking for the Barnyard Restaurant on the new retail site, and to provide a reliable basis for evaluating Scenario 4.C above.
- 5. Primary access shall be from E. Tanque Verde Road.
 - 6. A cross-access easement shall be provided for overflow parking from the Barnyard Restaurant property to the west. This shall be completed prior to the approval of a development plan.
 - 7. The proposed dumpster shall not be located as shown on the submitted concept plan. It shall be repositioned on the site in a location that ensures maneuverability and which is south of a line defined by the southern edge of the northern 24' parking area access lane.
 - 8. The Flood Control District has no objection subject to the following:
 - A. Regional Flood Control District review and approval are required at the time of development.
 - B. Diversions or obstructions to flow within the Federal Emergency Management Agency (FEMA) floodplain are prohibited.
 - C. In addition the detention requirement, first flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - 9. Cultural Resources has no objection subject to the following:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property and submitted to OSC for review.
 - 10. The Department of Environmental Quality has no objection subject to the following:
 - A. The property owner shall connect to the public sewer system at the location and in the manner as specified by PCRWRD. On-site wastewater disposal shall not be allowed.
 - B. The subject property is located within Tucson Water's service area. Property owners shall provide written approval from Tucson Water indicating water service will be provided.
 - 11. Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the request for a conditional use permit and offers the following standard wastewater requirements:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the subject property until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the PCRWRD stating that treatment and conveyance capacity is available for any new development within the subject property, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the subject property to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the subject property to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of

- review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the subject property, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is permanently committed for any new development within the subject property.
12. The Department of Transportation has no objection to this conditional use permit subject to the following:
- A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner/developer.
 - B. The Tanque Verde Road and Tanque Verde Loop Road intersection traffic signal shall be modified as determined by TIS, including but not limited to adjusting the signal timing for existing legs of the intersection, signal heads, turn lanes, and signage. Coordination will be required with the Department of Transportation prior to Development Plan approval.
 - C. The access easement from Tanque Verde Road to the second driveway along the west property boundary shall be improved to Pima County standards.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and easements.
 - E. Sidewalk and ADA ramp improvements shall be constructed along the site frontage on Tanque Verde Road between the site's access on Tanque Verde Road and the access easement.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P22CU00006, subject to standard and special conditions.

BOARD OF SUPERVISORS

25. 2022 General Election

Discussion/Direction/Action regarding Election Day activities conducted by the Elections Director. With just 7 weeks until the General Election on Nov. 8, 2022, discussion to include, but not be limited to, the steps being taken to correct the political affiliation imbalance of Vote Center staffing during the Primary Election, as well as the status of additional materials (i.e., printer carts, additional ePoll Books) identified as needed, given supply chain issues. (District 4)

Supervisor Christy commented on the imbalance of vote center staffing at various locations, and asked for an explanation as to what the laws were regarding balanced poll workers, political party and what the potential penalties were if not followed. He requested an update on what steps were taken to correct the imbalance of political affiliation of vote center staffing.

Constance Hargrove, Director, Elections Department, stated that some corrections were made on Election Day that were not shown in the initial report provided to the Board. She explained that in Title 16 of the Arizona Revised Statutes, the County was required to have equal representation of the two largest political parties at vote centers or precincts and she was not aware of any penalties that would occur if the statute was not followed. She explained that the statute was in place to provide protection of voters to have equitable representation at each vote center, which meant that an inspector would be of one party, a marshal of a different party, and judges of the opposite parties of the inspector and clerks which complied with the regulations of equal political voting representation.

Supervisor Christy requested an updated report of any potential penalties and an updated report regarding workers at all vote centers for the General Election.

Ms. Hargrove stated that an agenda item would be presented in the coming weeks for the Board's consideration and approval of the vote centers representation.

Supervisor Christy inquired about the plans to address the imbalance and if there was a time frame for when equitable representation would be achieved. He inquired about the status of the additional materials that were identified by the Elections Department and staff that was needed at vote centers.

Ms. Hargrove stated that the Elections Department was working with the Republican Party to address the issues. She confirmed that a majority of the vote centers were complete, but a focus was for those living in Sells to assure there was equitable representation in that location. She commented that she requested a report from staff by Friday so that there was time for review before it was brought before the Board. She stated that E-poll books had to be reallocated and in response she rented 80 additional poll books for the General Election in case any vote center were to need them or to use as back-ups. She confirmed that the poll books and the thermal printers would arrive by the end of September. She explained that the issues with the printer carts were not as big of an issue as originally thought, so they would not be replaced, the ballots would be bigger for the General Election which she hoped would eliminate the issue with having to slide the ballot forward and the hardware was currently being installed and tested.

Supervisor Scott provided background on the after action report from the Elections Department and highlighted the three key issues learned. He asked if there was anything to add to what was learned moving into the General Election. He questioned if there would be any further updates from the vendor about the touch pad and delta file activity.

Ms. Hargrove responded that there had been extensive conversations with the vendor regarding the delta files to make sure that as many were downloaded as possible and to require a Monday setup to download the remaining delta files before the morning of the General Election. She stated that there were meetings every week with the vendor that the Information Technology Department (ITD)

participated in to ensure all technical questions were asked. She informed that her department and ITD were working to devise a plan to make sure there was a dedicated person to watch the touch pads on Election Day, as well as, any connectivity issues.

Supervisor Christy requested that the concerns by members of the Elections Integrity Commission (EIC) be raised at the next EIC meeting and be incorporated in the after action report provided to the EIC and Board, and addressed at the next EIC meeting and next Board meeting.

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

HUMAN RESOURCES

26. Meet and Confer Memorandum of Understanding

Staff recommends approval of the Memorandum of Understanding with American Federation of State, County and Municipal Employees Arizona Local 449.

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

CONSENT CALENDAR

27. Approval of the Consent Calendar

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 2, 3, 4, 5, 21 and 24 were set aside for separate discussion and vote.

Upon the request of Supervisor Grijalva to divide the question, Consent Calendar Item Nos. 10 and 11 were set aside for separate discussion and vote.

Upon the request of Supervisor Scott to divide the question, Consent Calendar Item No. 19 was set aside for separate discussion and vote.

It was then moved by Chair Bronson, seconded by Supervisor Grijalva and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the remainder of the Consent Calendar.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Community and Workforce Development

2. Sunnyside Unified School District Foundation, to provide for the Emergency Rental Assistance Program, U.S. Department of Treasury, Emergency Rental Assistance 2 Fund, contract amount \$110,127.00 (CT-CR-23-46)

Supervisor Christy requested that Consent Calendar Item Nos. 2, 3 and 21 be heard together.

It was moved by Chair Bronson and seconded by Supervisor Scott to approve Consent Calendar Item Nos. 2, 3 and 21. No vote was taken at this time.

Supervisor Christy stated his objection to funds used for rental assistance due to the lack of accountability on where the funds were coming from. He requested that staff provide a flow chart that illustrated the direction of historical and current funding from the Emergency Rental Assistance Program through the County to outside agencies and what had been diverted to the outside agencies.

Chair Bronson called the question. Upon the vote, the motion unanimously carried 5-0.

3. Family Housing Resources, to provide for the Emergency Rental Assistance Program, U.S. Department of Treasury, Emergency Rental Assistance 2 Fund, contract amount \$533,856.00 (CT-CR-23-45)

(Clerk's Note: See Consent Calendar Item No. 2, for discussion and action on this item.)

County Administrator

4. Racy Associates, Inc., Amendment No. 5, to provide for federal legislative representation services, extend contract term to 2/3/24 and amend contractual language, General Fund, contract amount \$175,000.00 (CT-CA-18-203)

It was moved by Chair Bronson and seconded by Supervisor Scott to approve Consent Calendar Item Nos. 4 and 5. No vote was taken at this time.

Supervisor Christy requested the County Administrator to direct Racy Associates, Inc. to provide the Board with a presentation that included an

update of their accomplishments on behalf of Pima County over the past two years. He also requested periodic and regular updates from Racy Associates, and a formulation of a game plan on how they planned to pursue future legislative items on behalf of the County. He asked that staff provide periodic updates during the County Administrator's Update, on their activities at the state legislature.

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

5. Racy Associates, Inc., Amendment No. 3, to provide for state legislative representation services, extend contract term to 12/1/24 and amend contractual language, General Fund, contract amount \$280,000.00 (CT-CA-17-157)

(Clerk's Note: See Consent Calendar Item No. 4, for discussion and action on this item.)

PULLED FOR SEPARATE ACTION BY SUPERVISOR GRIJALVA

CONTRACT AND AWARD

Procurement

10. **Award**
Award: Master Agreement No. MA-PO-23-52, Central Pet Partners, L.L.C. (Headquarters: Tucson, AZ), to provide for shelter cleaning and pet care services. This master agreement is for an initial term of one (1) year in the annual award amount of \$1,135,000.00 and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Pima Animal Care Center.

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

Supervisor Grijalva questioned why shelter cleaning was not provided in-house at the animal care centers.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the cleaning at the new Pima Animal Care Center was provided by an outside agency because of flexibility to staff up and down, which the County did not have the capability of doing and allowed for cost savings. He stated that the partnership had been reliable in terms of disease control mitigation which had caused issues at the past facility.

Supervisor Grijalva asked if the award amount was fixed or adjustable based on demand of the vendor.

Dr. Garcia responded it was fixed and the vendor would staff up in terms of hours and intensity so that the cleaning services could be more intense when there was more utilization of the facility and would be able to staff down when the shelter census was good. He confirmed that the contract abided by the livable wage provision of the Board and at times the County hired vendor staff to do other animal-related tasks.

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

11. Westland Resources, Inc., Amendment No. 2, to provide for SELC-Water District Formation, amend contractual language and scope of services, General Fund, contract amount \$162,194.00 (CT-PW-21-161) Capital Program Office

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

Supervisor Grijalva questioned why the County was not working with the City of Tucson to provide water at the location.

Carmine DeBonis, Jr., Deputy County Administrator, provided background on the location and how Westland Resources assisted the County in the formation of a domestic water improvement district. He explained that the district had not been fully activated, but could be utilized in the future for water service and connecting to the City of Tucson water was another option that had been discussed. He stated that the amendment was for an existing groundwater well that served the Motor Sports Complex and the Shooting Sports Complex at the fairground area. He explained that the well was part of the infrastructure that would be used for the domestic water improvement district, but it needed to be replaced for existing uses and Westland Resources would be contracted to do the design replacement until a long-term water solution was determined.

Supervisor Grijalva asked if there was discussion with the City of Tucson for a potential long-term solution.

Mr. DeBonis responded in the affirmative.

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

PULLED FOR SEPARATE ACTION BY SUPERVISOR SCOTT

CONTRACT AND AWARD

Transportation

19. State of Arizona, Department of Transportation, Amendment No. 1, to provide for the U.S. Army Corps of Engineers to conduct an expedited review

and provide a 408 permit and amend contractual language, Impact Fees and County HURF Fund, contract amount \$70,440.00 (CT-TR-22-365)

It was moved by Chair Bronson and seconded by Supervisor Scott to approve the item.

Supervisor Scott inquired about the need for an expedited review, a 408 permit, and if the project was related to the Sunset Road and River Road extension.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the County had a project that was from the East Frontage Road to River Road, which was being combined with the Arizona Department of Transportation (ADOT) project for the Sunset traffic interchange and the main line widening project. He stated that the State was currently under bid for the entire project, so this project would be constructed as a single project by ADOT. He explained that a 408 permit was to ensure that there were no negative impacts to waters of the U.S. and the County needed the U.S. Army Corps of Engineers' approval since the project would cross the Rillito River with a bridge and there were existing bank protection improvements.

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

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

GRANT APPLICATION/ACCEPTANCE

21. **Acceptance - Community and Workforce Development**

U.S. Department of Treasury, Amendment No. 2, to provide for Emergency Rental Assistance 1 and extend grant term to 12/29/22, \$6,000,000.00 (GTAM 23-17)

(Clerk's Note: See Consent Calendar Item No. 2, for discussion and action on this item.)

24. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for the Public Health Emergency Preparedness Program and amend scope of work, \$691,245.00/\$69,124.50 Health Special Revenue Fund Match (GTAM 23-15)

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

Supervisor Christy inquired about the health special revenue fund and if it was a budget line item from the Health Department's special revenue fund.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, stated there was one

health special revenue fund and it was specifically set aside for items that dealt with public health response. He stated the total amount of the fund was memorialized in the budget. He explained that the fund was set up within the budget to support most activities of the Health Department.

Supervisor Christy shared his concerns with the compliance requirements listed in the grant.

Chair Bronson called the question. Upon the vote, the motion carried 4-1, Supervisor Christy voted "Nay."

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CONTRACT AND AWARD

Attractions and Tourism

1. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Amendment No. 1, to provide for Pima County CSLFRF Funds to restore tourism, extend contract term to 6/30/23, amend contractual language and scope of services, CSLFRF Funds, contract amount \$1,250,000.00 (CT-ED-22-232)

Community and Workforce Development

2. Sunnyside Unified School District Foundation, (PULLED FOR SEPARATE ACTION)
3. Family Housing Resources, (PULLED FOR SEPARATE ACTION)

County Administrator

4. Racy Associates, Inc., Amendment No. 5, (PULLED FOR SEPARATE ACTION)
5. Racy Associates, Inc., Amendment No. 3, (PULLED FOR SEPARATE ACTION)

Facilities Management

6. Health Net Access, Inc., d.b.a. Arizona Complete Health - Complete Care Plan, Amendment No. 3, to provide for an Operating Agreement - Crisis Response Center, extend contract term to 9/30/24 and amend contractual language, no cost (CTN-FM-19-25)

Procurement

7. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-71, Amendment No. 6, CDW Government, L.L.C., to provide for software value added reseller services. This amendment extends the termination date to 4/7/23, increases the not-to-exceed contract amount by \$1,500,000.00 for a cumulative not-to-exceed contract amount of \$26,850,000.00, and appends the Forced Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. §35-394. Funding Source: General Fund. Administering Department: Information Technology.

8. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-229, Amendment No. 10, Amazon.com, L.L.C., to provide for On-Line Marketplace for the purchase of products. This amendment is for a one-time increase in the amount of \$2,000,000.00 for a cumulative not-to-exceed contract amount of \$4,650,000.00. Funding Source: General Fund. Administering Department: Procurement.

9. **Award**

Amendment of Award: Master Agreement No. MA-PO-19-104, Amendment No. 6, Climatec, L.L.C. and Advanced Controls Corporation, to provide for energy management and temperature control services. This amendment is for a one-time increase in the shared amount of \$200,000.00 for a cumulative not-to-exceed contract amount of \$934,352.00. Funding Source: General Fund. Administering Department: Facilities Management.

10. **Award**

Award: Master Agreement No. MA-PO-23-52, Central Pet Partners, L.L.C., (PULLED FOR SEPARATE ACTION)

11. Westland Resources, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

12. Borderland Construction Company, Inc., Amendment No. 3, to provide for design-build services - Continental Ranch Regional Pump Station Force Main Augmentation Project (3CFS15), amend contractual language and scope of services, RWRD Obligations Fund, contract amount \$1,559,823.93 (CT-WW-20-272) Regional Wastewater Reclamation

Real Property

13. NT Properties, L.L.C., to provide for Sales Agreement No. Sale-0105 and Special Warranty Deed for property located at 199 W. Florine Dr., Lot 133, Sycamore Vista No. 10N, Tax Parcel No. 305-37-1330, contract amount \$6,000.00 revenue (CTN-RPS-23-35)

14. Global Water - Francesca Water Company, Inc., to provide for a Nonexclusive Right-of-Way Use License for public utility facilities (Lic-0339), no cost/25 year term (CTN-RPS-23-9)
15. Global Water - Lyn Lee Water Company, Inc., to provide for a Nonexclusive Right-of-Way Use License for public utility facilities (Lic-0338), no cost/25 year term (CTN-RPS-23-12)
16. Global Water - Mirabell Water Company, Inc., to provide for a Nonexclusive Right-of-Way Use License for public utility facilities (Lic-0340), no cost/25 year term (CTN-RPS-23-11)
17. Arizona Water Company, Amendment No. 1, to provide for a public utility license agreement (Lic-0192), and extend contract term to 12/12/47, no cost (CTN-RPS-23-21)

Sheriff

18. Town of Sahuarita, to provide for incarceration of municipal prisoners, contract amount \$146,000.00 estimated revenue (CTN-SD-22-174)

Transportation

19. State of Arizona, Department of Transportation, Amendment No. 1, (PULLED FOR SEPARATE ACTION)

GRANT APPLICATION/ACCEPTANCE

20. **Acceptance - Community and Workforce Development**
U.S. Department of Housing and Urban Development, Amendment No. 2, to provide for the CARES Act Emergency Solutions Grant and extend grant term to 9/30/23, no cost (GTAM 23-16)
21. **Acceptance - Community and Workforce Development**
U.S. Department of Treasury, Amendment No. 2, (PULLED FOR SEPARATE ACTION)
22. **Acceptance - Community and Workforce Development**
State of Arizona Department of Housing, to provide for the Weatherization Assistance Program, \$101,363.00 (GTAW 23-26)
23. **Acceptance - Community and Workforce Development**
State of Arizona Department of Housing, to provide for the Weatherization Assistance Program, \$102,259.00 (GTAW 23-27)
24. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 2, (PULLED FOR SEPARATE ACTION)

BOARD, COMMISSION AND/OR COMMITTEE

25. Metropolitan Education Commission

Reappointment of Monica Brinkerhoff, At-Large Commission Appointee.
Term expiration: 9/4/24. (Commission recommendation)

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

26. Special Event

- William Dean Woodruff, Corpus Christi Roman Catholic Parish-Tucson, 300 N. Tanque Verde Loop Road, Tucson, September 24, 2022.
- Brenda J. Goldsmith, El Rio Health Center Foundation, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, October 22, 2022.

27. Temporary Extension

- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, September 30 and October 1, 2022.
- 06100203, Jeffrey Craig Miller, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, October 5-9, 12-16, 19-23, 26-30, November 2-6, 9-13, 16-20, 23-27, 30, December 1-4, 7-11, 14-18, 21-25, 28-31, 2022, January 1 and 4-8, 2023.

FINANCE AND RISK MANAGEMENT

28. Duplicate Warrants - For Ratification

Polly Daws \$202.50; O'Rielly Chevrolet, Inc. \$255.07; Gustavo Alejandro Lopez Osuna \$363.78; Molly Pettry \$56.96; Green Valley-Marana Auto Supply, Inc. \$1,692.84; The State of Arizona \$67.00; First Avenue Investment, d.b.a. Batteries Plus Bulbs No. 101 \$85.26; First Avenue Investment, d.b.a. Batteries Plus Bulbs No. 101 \$1,067.18; First Avenue Investment, d.b.a. Batteries Plus Bulbs No. 101 \$545.15; Wick Communications Co. \$141.75; RDM Tucson, L.L.C. \$5,514.00; Atlas Real Estate, L.L.C. \$10,810.75; PSOMAS, Inc. \$28,162.42; HDR Construction Control Corp. \$262,991.64; Republic Services, Inc. \$7,170.74; Republic Services, Inc. \$1,241.69

TREASURER

29. Duplicate Warrants - For Ratification

Title Security Agency \$137.82; Stewart Title Company \$549.44; The Daniel Limited Partnership, L.L.P. \$917.62.

RATIFY AND/OR APPROVE

30. Minutes: August 2, 2022

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28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:37 a.m.

CHAIR

ATTEST:

CLERK