

## **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, November 1, 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 remotely at 9:21 a.m.

### **1. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$4,957.11 for an unpermitted disturbance located at 13620 E. Camino La Cebadilla, located within Regulated Riparian Habitat and classified as Important Riparian Area with underlying Hydromesoriparian Habitat. (District 4)

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

### **2. CONTRACT**

SFPP, L.P., to provide a Facility Adjustment and Reimbursement Agreement for Gardner Lane UPRR culverts, Flood Control Non-Bond Projects Fund, contract amount \$1,308,591.00/2 year term (CT-FC-23-125)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:29 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

## **BOARD OF SUPERVISORS' MEETING MINUTES**

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 1, 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 remotely at 9:21 a.m.

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

All present joined in the Pledge of Allegiance.

### **2. LAND ACKNOWLEDGEMENT STATEMENT**

The Land Acknowledgement Statement was delivered by Alfred Lopez Urbina, Attorney General, Pascua Yaqui Tribe.

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

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

### **PRESENTATION/PROCLAMATION**

#### **4. Presentation of a proclamation to Penny Simon-Nielsen, Regent, and Tammi Barrick, American Indian Chair, El Presidio Chapter of the Daughters of the American Revolution, proclaiming the month of November 2022 to be: "NATIONAL AMERICAN INDIAN HERITAGE MONTH"**

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

#### **5. Presentation of a proclamation to Bob Elliott, Chairman of the Board and Co-Founder, African American Museum of Southern Arizona, proclaiming the day of Monday, November 14, 2022 to be: "RUBY BRIDGES WALK TO SCHOOL DAY"**

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

6. Presentation of a proclamation to Gary Bartlett, Chairman, USS Tucson 770 Club, proclaiming the week of November 7 through 11, 2022 to be: "USS TUCSON WEEK"

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

#### 7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:26 a.m.

#### 8. **RECONVENE**

The meeting reconvened at 10:14 a.m. All members were present.

#### **EXECUTIVE SESSION**

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the World View appeal.

It was moved by Chair Bronson and seconded by Supervisor Grijalva to proceed as discussed in Executive Session. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

#### 10. **CALL TO THE PUBLIC**

JoAnn di Filippo commented on the social media posts by the County Recorder, the World View appeal, priority of fixing roads instead of the installation of more traffic signals, and the need for a review and report from Racy Associates on the RTA.

Terra Radliff shared her concerns regarding Election equipment and the length of time given to the Elections Department to provide the final vote count.

Ann Rose shared her concerns with Dr. Fauci, and commented on the Board of Health meetings since there was no public comment at those meetings, which included the struggles of the hospital due to the COVID-19 vaccine.

Keith Van Heyningen commented on the upcoming election and the COVID-19 vaccines requirements in the County.

Ciara Peterson shared her thoughts on abortion and provided information on Hands of Hope as a resource for those in need of care.

Stephanie Kirk commented on the number of people crossing the border using taxpayers' money, back pay from COVID-19 mandates in the County, and the unbalanced budget due to PCN's.

Suzan Bishop spoke about her concerns with the voting equipment and about the need for hope.

Anastasia Tsatsakis commented on the use of taxpayer money, the COVID-19 mandates, the issues with World View and the need for a timely count of votes for the upcoming Election.

Peter Norquest shared his concerns regarding Election equipment and how long it was expected to take to count votes.

Penelope Jacks, The Preschool Promise, commended the Board for their work with the PEEPs program and hoped that the revenue stream would become regular for PEEPs.

Supervisor Grijalva commented that she was not present at the last Board of Health meeting due to the passing of her father-in-law, but planned to attend all future meetings.

Supervisor Heinz commented that the clapping, cheering and whistling by individuals in the audience distracted and scared those individuals who had never spoken at call to the public. He expressed the need for decorum from the audience and the removal of individuals who did not follow the rules.

## **COUNTY ADMINISTRATOR**

### **11. County Administrator's Update**

Jan Leshar, County Administrator, provided the following updates:

- She recognized November 6-12 as Animal Shelter Appreciation Week and highlighted the Safety Net Foster Program and the Medical Foster Program within the Pima County Animal Care Center.
- She commented on the state and national awards received by the Southern Arizona Historic Visitors Center. She highlighted the private sector architect partners, Poster Mirto McDonald, Lloyd Construction and Ralph Appelbaum Associates.
- She commended the Community Assistance Division in Community and Workforce Development for receiving the Statewide Wildfire Margie Frost Champion Against Poverty Award for their work with families who used rental and utility assistance.

12. The Board of Supervisors on September 20, 2022, continued the following:

**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.

Jan Leshner, County Administrator, stated this item had been brought before the Board in September with four recommendations, and due to subsequent conversations with the City of Tucson, the current recommendation was for approval of Item No. 4 only, 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. She stated that staff was not ready for full engagement and stated that if the Board chose to direct staff to continue to work on this and be brought back in the spring.

Chair Bronson clarified whether their request was for the Board to direct staff to continue working on this to provide updated information to the Board sometime this spring.

Ms. Leshner concurred.

Chair Bronson stated that this item was for staff direction and no other action was needed.

Supervisor Grijalva questioned why this item and Minute Item No. 13 listed excessive information on the agenda as opposed to viewing an attachment that showed the cover page with the recommendation. She stated that she did not think that the way it was presented was legally required. She added that Minute Item No. 13 had several scenarios with attachments and that it would be helpful if there was only one attachment that listed the recommendation. She stated that it would streamline the information and would be easier for people to know what would be voted on.

Ms. Leshner stated that she would work with the Clerk on the language for items listed on the agenda moving forward, to cause less confusion.

Supervisor Christy commented that he had some issues with the direction given on this item. He stated this would be called the Regional Prosperity Task Force to address poverty, improve opportunity and create community wealth. He stated that it appeared the County was getting off on the wrong track with the City of Tucson, which was stated in the County Administrator's memorandum regarding concerns by Vice-Mayor Santa Cruz on the County's recommendations. He added that he did not know why the County had to collaborate on a task force with the City of Tucson when the County already had resources surrounding these issues, such as the Economic Development Department, Visit Tucson, Sun Corridor and major engagements with numerous other economic development entities. He questioned if this was really about regional prosperity or was it to direct monies to underserved communities that addressed economic inequities by redistributing County taxpayer monies within Pima County. He stated that the lack of prosperity that this would address was within the City of Tucson and would not benefit rural County communities. He stated that the County did not have a good history with the City of Tucson and it showed with the City's imposition of differential water rates, the City's efforts to destroy the Regional Transportation Authority or their attempt to undermine PAY-GO, road repair and other items. He commented that this item belonged with the Pima Association of Governments as it was the best vessel to address the issues. He stated this would not address issues that mattered.

Supervisor Scott questioned, for point of order, if the County Administrator's October 25th memorandum recommended approval of Item 4 and whether a motion was needed for that recommendation.

Chair Bronson commented that she asked that question at the beginning of the discussion and the County Administrator stated no motion was needed.

Ms. Leshar explained that it was her understanding, that if the direction was to continue on with Item 4 as presented, they would continue working with City staff and others and bring the item back in the spring. She stated that if it was the will of the Board, then it was up to the Board whether they chose to formally make that motion.

Supervisor Scott responded that if that was the case, he was fine with it. He stated that it was his understanding that Pima Association of Governments was approached regarding this item, but they chose not to oversee the process. He questioned whether that information was correct and questioned the spreadsheet attached to the County Administrator's memorandum regarding outreach to staff from other municipalities and tribal nations to request participation in the working group. He stated he would like to know what their responses would be and which County staff would be involved in the task force. He questioned who the University of Arizona researchers were that were talked about under the national literature search section and why they were chosen to work with this group. He requested additional information on the Opportunity Atlas and how it would be used.

Ms. Leshar stated that she would provide additional information to the Board.

Supervisor Heinz commented that he was not comfortable moving forward with staff direction and stated that if the Board wanted to do something, then they should vote on it.

It was moved by Supervisor Heinz and seconded by Supervisor Grijalva to approve Item No. 4 of the County Administrator's recommendation. Upon roll call vote, the motion carried 3-2, Chair Bronson and Supervisor Christy voted "Nay."

### 13. **Fiscal Year 2023/24 Budget Process**

#### Revenues

##### 1. **Primary and Secondary Property Tax Rates**

Staff requests guidance on which property tax scenario the Board would like included when drafting the FY 2023/2024 Budget:

Scenario No.1 - Truth in Taxation

Scenario No. 2 - Increased NAV and Required Decrease in Debt Service Tax Rate

Scenario Nos. 3 and 4 - Application of Board Policy D 22.12 - PAYGO and State Cost Shifts

#### Expenditures

##### 1. **Medical and Dental Rates**

The HBT shortfall of \$6.7 million needs to be funded. It can be funded through one of the following options:

A. The Board can transfer \$6.7 million of General Fund cash to the HBT as part of the FY 2024 Budget.

B. The Board can transfer \$6.7 million of General Fund cash to the HBT over two years, transferring \$3.7 million in FY 2024 and \$3.0 million in FY 2025.

C. The Board can increase premiums to employees. By covering the HBT shortfall through increasing premiums, employees would be asked to pay an additional \$106 per year for individual coverage and \$345 per year for family coverage. As I indicated in my September 30, Memorandum, Human Resources, Finance and Risk Management and the HBT Board are currently working with our consultant to analyze the data and determine the amount of the increase that will need to occur to the medical and dental rates for FY 2023/2024. This information will be presented to the Board in either November or December for consideration and adoption.

##### 2. **Classification and Compensation Study Finding and Employee Raises**

The County has undertaken a comprehensive Classification and Compensation Study to ensure that the County's compensation accurately reflects the market. This study is expected to be completed around February 2023.

The County has provided compensation increases for its employees for the last two fiscal years, a 5% increase in FY 2021/2022 and a tiered range from 8.5% to 1% in FY 2022/23. Even with these increases, the County is still likely below the market in compensation.



As the study is not expected to be completed until February 2023, it would be prudent to identify a dollar amount during the planning phase of the budget for salary increases. The table below provides a range of estimates for three possible salary increases as a placeholder to be set aside until the Compensation Study is completed.

**Fund/3% Increase/5% Increase/8% Increase**

General Fund/\$10,974,859.00/\$18,285,309.00/\$29,249,349.00

Special Revenue Funds/\$2,132,811.00/\$3,553,252.00/\$5,684,080.00

Enterprise Funds/\$881,967.00/\$1,469,532.00/\$2,350,667.00

Internal Service Funds/\$320,254.00/\$533,556.00/\$853,353.00

**Totals/\$14,309,891.00/\$23,841,649.00/\$38,137,449.00**

**3. New Initiative and Expanded Programs**

*Affordable Housing*

- District 2 - \$37.9 million for Affordable Housing, to begin implementing the short-term and medium-term recommendations of the Affordable Housing Task Force.
- District 5 - Additional funding (at least \$5 million) for creation of affordable housing.

*Climate Change*

- District 2 - \$30 million in the Capital Improvement Program budget to accelerate needed renovations to County facilities, including wastewater facilities, in order to cut carbon emissions more aggressively.
- District 5 - Funding for Sustainable Action Plan for County Operations initiatives and water conservation.
- District 5 - Update 2011 fees for Riparian Habitat Mitigation.

*Pima Early Education Program (PEEPs)*

- District 2 - Additional \$5 million in the Library District Budget to continue building the capacity to fund PEEPs long-term and set the stage to expand its reach to more low-income families after year 3.
- District 5 - Robust funding for the PEEPs program.

*Open Space*

- District 5 - Additional funding (at least \$2 million) for open-space purchases for conservation.

*Communication and Outreach*

- District 5 - Funding for marketing/advertising of County initiatives, in Spanish as well as English.

*Neighborhood Reinvestment Program*

- District 5 - Funding to re-establish the Neighborhood Reinvestment Program.

*Community Health and Wellness*

- District 5 - Funding for a new mobile clinic for the Health Department.
- District 5 - Funding for mental health issues, including crisis response.

*Transportation*

- District 5 - Additional funding for Sun Tran, Sun Link and Sun Van.

*Rental Assistance and Eviction Prevention*

- District 5 - Ensure sufficient funding of future rental assistance and eviction prevention programs.

Jan Leshar, County Administrator, stated that she would provide clarification for these items and have brief discussions on what the budget process would look like. She stated that for the first element with revenues, the recommendation would be for Scenario 1 and move forward with truth in taxation hearings on at least part of the budget. She stated that with the increased net assessed valuation, there would be a possible decrease to the tax rate that would offset the net assessed valuation, or the two could be considered in collaboration as they moved through the budget. She stated they would look at the application of the PAY-GO policy and make sure to adhere to the policy and fully utilize the Board's policy to pass through the additional State costs shifts. She indicated that this was the overall discussion on the revenue component, to provide high level direction as they began to compile the budget.

Supervisor Scott indicated that he was not comfortable making any decision on any of the four scenarios until the Board received data as to the impact on property taxpayers for the rates discussed in each of the scenarios.

Ms. Leshar responded that staff could provide the Board with information and transparency on the impact for the average taxpayer's home.

Supervisor Christy stated that he would like to see a scenario that reflected a policy with a tax revenue as neutral as possible. He asked if that could be a scenario.

Chair Bronson concurred with Supervisors Scott and Christy's comments. She stated that there was a recession and questioned how it and inflation would impact the four scenarios.

Supervisor Christy questioned if Chair Bronson was referring to the scenarios for the revenues.

Chair Bronson concurred.

Ms. Leshar stated that she would provide additional information for a future discussion. She stated that under expenditures, medical and dental rates, the health benefits trust had a shortfall of approximately \$7 million. She recommended that the Board approve Item B, to right size the health trust fund, which impacted benefits and the rates paid by all employees.

Supervisor Christy questioned how there was a shortfall of \$6.7 million. He stated that the Health Benefits Trust was underfunded \$2.7 million at the end of Fiscal Year 2020-2021 and that the Board had increased the employee medical rates by 11.4% to address the shortfall, but that did not work. He stated that Fiscal Year 2022 saw continued increases in cost of medical claims and fewer enrollees in the healthcare plan. He questioned that if there were fewer enrollees would that not

require less money needed for reserves. He added that the Board was being asked to give direction when analysis was being conducted that would not be ready until November or December. He asked whether it could wait until then or if there had already been a decision to increase rates.

Ms. Leshar explained that they had been looking for the past few years at the right amount needed in the fund balance with the health trust fund. She stated that during the first years of operation of the fund, the fund balance changed dramatically over the years without an affirmative determination by the Board of how many months of actual operations or payments health benefits needed to be maintained in the reserve. She added that they saw the amount of the fund balance decrease over a period of time. She stated that they were looking with the consultants and the Board to determine what amount was needed, and had come up with three months to be held in trust. She stated that staff would look at the entire package for the new year, which would come into budget determination as they evaluated the amount of employees they had, what the rates were depending on what the health providers indicated and whether to come back to the Board for recommendations from the Health Trust Board to either increase rates paid by the employee or increase rates paid by the County.

Ellen Moulton, Director, Finance and Risk Management, responded that the Health Trust Board had set aside four months of medical claims reserve for the Health Benefits Trust Fund. She stated that last year when they decided to raise the rates by 11.4%, they did take into consideration what was needed to cover the shortfall in the reserve, but they did not anticipate enough with the accelerated inflation that had happened in the past year. She stated that for this year they were trying to break those two pieces apart by working with the consultant to determine the appropriate increase for the rates based on medical claims experience and not to try to conflate the two. She stated that by separating the two they could look in December what it costed the County to insure its employees and their dependents.

Ms. Leshar replied that it was fine to wait and they were trying to bifurcate the issues to look at what was needed to get the fund balance where it needed to be and look at rates for the future. She stated that if the preference was to bring them back together they would.

Supervisor Grijalva questioned the amount of the fund balance they would like to see.

Ms. Moulton stated they would like to see approximately \$19 to \$20 million. She stated they were currently running a balance of just over \$13.5 million.

Supervisor Grijalva questioned if the rate increases would come back to the Board in July.

Ms. Moulton replied that the increase that would be presented to the Board in December would be for the fiscal year starting in July.

Supervisor Grijalva requested a list of members of the Health Benefits Trust Board. She stated that the County had some amazing benefits available to employees and if participation was down, they needed to find out if it was due to having coverage by a spouse's benefits that provided better benefits. She added that there were many vacancies and the combination of the two could cause the dip in participation.

Ms. Moulton responded that she would provide a list of the members to the Board.

Supervisor Grijalva requested information on when the Trust Board met and how often. She questioned if they were part of reviewing vendors and request for proposals, and if they were involved in the timeline of when the County opted to go with certain benefits packages and choosing vendors.

Ms. Leshar responded that staff would provide a full report on the Health Benefits Trust Board and their activities.

Supervisor Christy questioned if along with Supervisor Grijalva's request, if they would have the finished product of the analysis that was being performed.

Supervisor Grijalva commented that she did not know how that would affect the current reserve and that the shortfall was still an issue. She stated that they could delay until November or December. She added that she did not know if in the short run they would be able to increase the reserve in the period of time needed without taking action.

Chair Bronson questioned if they exhausted this subject.

Ms. Leshar responded that they had direction on it.

Supervisor Grijalva asked if this would be brought back to the next meeting to have an opportunity to vote.

Ms. Leshar concurred.

Ms. Leshar commented that with the next item regarding classification and compensation, they wanted to get a sense of how the Board would like to proceed going into the New Year, including any compensation increase. She stated they provided a quick high level look at what the total amount would be if they did an across the board 3%, 5% or 8% increase. She stated that at this point, for purposes of developing a budget, they looked at 5% across the board, which provided a rough idea of what compensation increases might be for the various funds.

Supervisor Christy commented that the County had undertaken a comprehensive classification and compensation study that was not expected to be completed until February 2023. He stated that it would be prudent to identify a dollar amount during the planning phase for the budget salary increases. He added they were being asked to provide direction on a salary increase plan based on data they did not have.

Ms. Leshar responded that the study would be completed in the spring and it was completed in the spring their concern was that if they did not begin to look at some potential accommodation for what the study may show if there was a need for increases. She stated that it was prudent that they identify a dollar figure to program into, should the compensation study and the Board determine it wanted to implement those salary increases. She added it was much easier to decrease the budget than to try to increase after they began looking at the budget. She stated that they did not know what the study was going to show, but if they provided some amount for budgeting purposes as they began the preliminary days of budget it was important to include it at this time.

Supervisor Christy directed staff to wait for the results of the study before they made any determination.

Supervisor Grijalva commented that they needed to plan and allow staff to put in a place hold for the amount. She stated they anticipated a tiered range for all of the compensation study and if you looked at the amounts they would have to try to gather in the middle on an adopted budget, it was between \$23 through \$38 million. She stated she felt comfortable accepting the recommendation to set aside the 5% increase which would be approximately \$23 million, which was still below market compensation.

Supervisor Scott commented that what he could tell from the County Administrator's memorandum dated November 1, 2022, she was recommending to set aside \$11 million from the General Fund to fund anticipated increases, but that would equate to a 3% increase.

Supervisor Christy reminded the Board that he was a former car dealer and stated that it was harder to reduce something once a rate was already announced. He stated that they should wait for the study to determine the increases.

Supervisor Heinz commented that he believed Supervisor Grijalva made a motion. He expressed his support in seconding that motion.

Supervisor Christy inquired about the motion.

Supervisor Grijalva stated the motion was to set aside 5%.

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

It was then moved by Supervisor Scott and seconded by Supervisor Grijalva to set aside \$11 million from the General Fund, as recommended by the County Administrator. No vote was taken at this time.

Supervisor Grijalva questioned if this was only for salary increases and had nothing to do with the compensation study or changes in classification, which was a general increase.

Ms. Leshar concurred.

Supervisor Grijalva questioned if ideally it was the \$23 million, plus \$11 million. She commented that vote did not pass, but she wanted to understand it correctly.

Supervisor Scott responded that it was his understanding that the Board was being asked to set aside \$11 million because the compensation study was going to show the need for increases and that it would be a placeholder dependent on what the Board determined the increases would be. He stated there were three possible increases listed in the memorandum, but the Board may not select any of them. He stated that they would decide at a future date, what, if any, increases would be made after the results of the study.

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

Supervisor Grijalva requested if the Board could receive a coversheet for future requests showing what was being asked and why. She stated that some of the requests were hidden and she believed it was fairly clear that the request was for 5% for compensation study accommodations and an additional amount of \$11 million for salary increases at a later time.

Supervisor Christy requested a report of any anticipated layoffs and questioned whether that was a potential scenario. He stated they were heading into a recession and there might be layoffs and there should not be raises in place if people were laid off.

Ms. Leshar stated that staff would provide a report to the Board.

Chair Bronson questioned why new initiatives and expanded programs were listed on this item.

Ms. Leshar stated that there was a request to look at any new initiatives or expanded programs that were significant that a majority of the Board wished to include as they began to develop the budget. She stated they received numbers and programs from other Board members, which included fees for habitat services, or as proposed by District 2, for \$38 million for affordable housing or capital improvement programs. She requested that the Board provide direction on this since it would take a significant lift in the new budget.

Chair Bronson commented that she could not support any new programs and questioned where they were with the fund balance, as they were much lower than in years past and it impacted anything done with the budget.

Supervisor Christy stated for the record that the new initiative and expanded programs were forwarded by his supervisor colleagues. He read them from the list and questioned what budget cuts needed to happen to accommodate the list.

Supervisor Grijalva responded that they were asked by the County Administrator to provide things they would like to see in the budget and that most of the items did not have dollar amounts. She stated she did not anticipate to see it on a list in this format on the agenda. She added that she forwarded the information to County Administration. She questioned if these were things that were already being done. She stated that some of them were for updating fees for repairing habitat mitigation that had not been updated since 2011, which had budget implication, but she was not prepared to argue the pros and cons of each because she was unaware how much of it was already accounted for in the budget. She stated that some things had no budget impact, including ensuring that they had marketing and advertising, which included the Spanish language, for counting initiatives in County department budgets. She stated that looking and visiting with other departments and what would be beneficial funding, like a new mobile clinic for the Health Department, which she did not know if that was already budgeted. She added that she wanted to make it clear that she put these things there for consideration from staff and whether it could be done or whether it was already accounted for in the budget.

Supervisor Christy commented that the County Administrator could also request that the Supervisors submit a list of items that they would be willing to cut, making it a good balance.

Supervisor Grijalva replied that it would make sense when they discussed it in the budget. She stated this was for overall funding and that County Administration was trying to have a more robust conversation about the budget as opposed to a quick review with no real input.

Supervisor Scott commented that all the Supervisor offices received communications from a number of people in the community who were supportive of the Pima Early Education Program Scholarships (PEEPs), which was mentioned in the item. He pointed out that the Board had approved a one cent increase in the secondary property tax that funded the Library District for the current fiscal year in anticipation for the American Rescue Plan Act funds that would be exhausted after the end of the next fiscal year. He stated that he asked what they could anticipate in terms of the secondary property tax in the coming fiscal year and if they could anticipate any General Fund dollars being requested on top of revenue generated from that tax and what other contributions could be counted on from other jurisdictions. He stated that he was glad to see that Supervisors Grijalva and Heinz continued their support for the PEEP program. He added it was a program that he would continue to support in any way necessary to take care of the increased enrollment that one of the speakers during Call to the Audience, Ms. Jacks, referred to because that was the long-term call of the program. He stated that there was indication from the Board in support of the program and that they would receive more information from administration as to how to use various means for continuing its support.

Supervisor Heinz commented that he wanted to echo his memorandum and appreciated the comments by Supervisors Grijalva and Scott. He stated that the County spent \$70 million on asphalt, concrete and pavement. He added that Maricopa County spent \$65 million on affordable housing and street living homeless. He stated that the County could do better and had to because if you got kids into school for programs and then send them home, home to the curb because they lived in a minivan, then these things went together. He stated there was a need to look at all these things and not just pick and choose one program here and there. He added that they needed to address poverty, affordable housing and street living homeless and preventing potholes, which were all important.

#### 14. **Legislative Update**

Legislative update provided by Michael Racy, Racy Associates, Inc.

Mr. Racy provided an overview to the Board. He stated that during the State legislative session, which ran for 167 days, 1,800 bills were introduced, 700 of them had issues of potential interest to Pima County and Counties in Arizona and 300 of those were actively worked throughout the legislative session. He stated that during the last three legislative sessions under COVID-19 protocols, there were measures that rolled back a number of cost shifts to the County, most of which did not get adopted, but the skinny budget was adopted. He commented that most of the 2021 legislative session was conducted virtually, which created many challenges, but during the 2022 legislative session more direct contact was restarted. He provided the successes in the 2022 session: securing millions of dollars in transportation funding; receiving appropriations for various health and judicial related areas; releasing grant funding in collaboration with the Governor's Office, Pima and Maricopa Counties and the County Supervisors Association; receiving CARES Act dollars due to work with the Large Urban Counties Coalition; and more opportunities for flood control, water project, healthcare and transportation funding in the amount of tens of millions dollars. He explained that costs were shifted from Pima County to the State for law enforcement and money was saved through making sure all legislation was followed with a benefit appropriation. He commented that legislation was passed to increase the cost of the Constable system in Pima County and the close partnership with the courts to try to lower costs for services that were not provided in Pima County. He stated that 25% of State costs were shifted to the Counties for Juvenile Corrections, in the amount of \$1.7 million in Pima County, but that the County had the best Juvenile Corrections Program and Diversion Program in Arizona. He shared information on the election that there would be a 50-55% turnover in the Senate and House of Representatives, a new Governor, Secretary of State, and Attorney General. He shared background on the political parties in the County and stated that a majority of what his office did was stop initiatives that reduced County authority and promoted initiatives that increased County authority.

Supervisor Christy directed the Clerk to provide a written transcript of Mr. Racy's overview to the Board.



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

15. The Board of Supervisors on October 18, 2022, continued the following:

### **Corrections Officer Retirement Board**

Reappointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.

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

Chair Bronson stated that after consultation, the Board could legally move forward with reappointment of Mr. Hellon.

Sam Brown, Chief Civil Deputy County Attorney, clarified that the Board could reappoint Mr. Hellon through the end of the year.

Supervisor Grijalva shared her concerns regarding the reappointment of Mr. Hellon as the Chair of the Merit System Commission because the commission should appoint their own Chair. She commented that Chair Bronson could appoint, but that appointment should not be voted on by the Board.

Chair Bronson stated that legally the Board was allowed to reappoint a Chair.

Mr. Brown explained that there were a few issues within statutes and the Pima County Code regarding reappointments, but that the Board was able to reappoint through the end of the year, and then the Commission would be able to select their Chair in the new year. He stated that under statute, the Board would vote to approve whomever the Board Chair appointed to the Corrections Officer Retirement Board and the Merit System Commission.

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

16. The Board of Supervisors on October 18, 2022, continued the following:

### **Public Safety Personnel Retirement Board**

Reappointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.

(Clerk's Note: See Minute Item No. 15, for discussion and action on this item.)

17. The Board of Supervisors on October 18, 2022, continued the following:

**County Attorney Investigators Local Retirement Board**

Reappointment of Michael Hellon as the Chair of the Merit System Commission and Law Enforcement Merit System Council. Term expiration: Coterminous with Chairmanship.

(Clerk's Note: See Minute Item No. 15, for discussion and action on this item.)

**ELECTIONS**

18. **Increase In Stipend Pay For Board Workers**

Staff recommends approval of an election board worker stipend increase for the November 8, 2022 General Election.

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

Supervisor Christy asked why the stipend increase was not addressed prior to the Primary Election. He inquired about the total expenditure amount and how would it be budgeted. He asked about the amount paid to 2020 poll workers with the Zuckerberg grant.

Constance Hargrove, Director, Elections Department, stated that she did not have the foresight to know the amount of work that still needed to be done to implement the E-poll books and vote centers. She explained that she had asked poll workers to complete more training and attend a Monday night setup. She commented that the increase would not be permanent and poll workers would be compensated for the additional work for the General Election. She stated that the costs would be budgeted from the Elections Department budget with an estimated total of \$119,400.00.

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

**FINANCE AND RISK MANAGEMENT**

19. **Quarterly Reports on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending June 30, 2022.

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

## **GRANT APPLICATION/ACCEPTANCE**

20. The Board of Supervisors on October 4, 2022, continued the following:

### **Acceptance - Grants Management and Innovation**

Federal Emergency Management Agency (FEMA), Emergency Food and Shelter (ESFP ~~EFSP~~), National Board, Amendment No. 1, to provide for the FEMA, ~~ESFP~~ **EFSP**, Humanitarian Relief, \$10,002,577.54/3 year term (GTAM 23-21)

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

Supervisor Christy commented that a total of \$25 million of taxpayer money had been spent on shelter, medical, food and transportation for asylum seekers. He asked how United Way was involved in the process since they were listed on the EFT deposit sheet and if the resources were used for the legally present homeless population in the community and not just for asylum seekers.

Jan Leshner, County Administrator, clarified that it was the National United Way, not the local United Way.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the EFSP was administered through the National United Way and that they were the fiscal agent/clearinghouse for FEMA resources. He confirmed that the resources were specifically used to serve legal asylum seekers who were passing through the community.

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

## **FRANCHISE/LICENSE/PERMIT**

21. **Hearing - Liquor License**

Job No. 206170, Connie Eileen White, Fred's Arena Bar & Steakhouse, 9650 S. Avra Road, Tucson, Series 6, Bar, Owner Transfer.

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

22. **Hearing - Liquor License**

Job No. 206880, Tawnya Marie Erickson, Seared Living, 2870 E. Skyline Drive, Suite 170, Tucson, Series 10, Beer and Wine Store, New License.

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

## **DEVELOPMENT SERVICES**

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

### **Hearing - Rezoning**

#### P22RZ00001, TUCSON SCHOOL DISTRICT NO. 1 - S. CARDINAL AVENUE REZONING

Tucson School District No. 1, represented by Paradigm Land Design, L.L.C., requests a rezoning of approximately 60.9 acres (Parcel Codes 138-25-593L, 138-25-593M, 138-25-593N, 138-25-593P, and 138-25-593Q) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone. The site is located on the east side of S. Cardinal Avenue, approximately 300 feet south of the intersection of W. Valencia Road and S. Cardinal Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Hook, Becker and Maese voted NAY, Commissioners Hanna, Membrilla and Truitt were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The TIS shall incorporate in the analysis any nearby and recently approved rezoning projects and developments as determined by the Department of Transportation. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
  - B. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5'-wide, along the property's entire western property boundary within the Cardinal Avenue right-of-way providing access to the existing Sun Tran bus stop. The location of the path or sidewalk shall be determined at time of permitting.
  - C. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5'-wide, along the property's entire eastern property boundary within the Westover Avenue right-of-way providing access to the neighboring subdivision and Walmart Neighborhood Market. The location of the path or sidewalk shall be determined at time of permitting.
  - D. The owner shall construct a dedicated right-turn lane from northbound Mission Road to eastbound Valencia Road. The design of the improvements shall be determined at the time of permitting and subject to Department of Transportation approval.
3. Regional Flood Control District conditions:
  - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.

- B. Drainage design shall not increase existing conditions water surface elevations and flow velocities at all property boundaries.
  - C. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
  - D. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the PDP is prohibited.
  - E. Impacts to Valencia Wash and the south offsite drainage infrastructure is prohibited.
  - F. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
- 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 rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, 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 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 rezoning area 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 rezoning area 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 rezoning area, 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 will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a

- professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan as approved at public hearing.
  8. Radon resistant construction techniques must be used and shall comply with Appendix F of the 2018 International Residential Code (IRC).
  9. A Disclosure to all purchasers of any lot within the subdivision shall be made at the time of purchase that radon gas exists on the lot and exposure may cause physical harm. This condition shall also be printed on each building permit issued by Pima County.
  10. Tucson Airport Authority conditions:
    - A. An Aviation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Aviation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
    - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
    - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.
    - D. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux, Manager of Planning  
Tucson Airport Authority  
7250 South Tucson Boulevard, Suite 300  
Tucson, AZ 85756
  11. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
  12. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Supervisor Grijalva commented that the main issues on the item dealt with traffic and capacity in the area and she felt that the Planning and Zoning Commission should be able to weigh in on the plan again.

Paul Oland, Representative for applicant, Paradigm Land Design, L.L.C, explained that it was a linear process and the best that could be done was listen to all of the comments and do the best to address all of the concerns, which the Planning and Zoning Commission had done. He commented that there was a bigger regional traffic problem at the location, which was addressed during a study session in June. He explained that they could currently see what could be done to make a significant impact which had been looked at by traffic engineering and civil engineering for the main concern at the intersection of Mission and Valencia. He stated that the new design would not encroach on tribal land and would widen Mission Road, and included the installation of a right turn lane on the northside of the area. He explained that the entire project was on the way to failing and the new offer would reduce the failing movements from 8 to 3 and pull the entire section out of failing.

Supervisor Grijalva shared that the recommendation was for denial, but did not have anything to do with the development. She commented that if concerns had been addressed, then why couldn't staff go back and look at the recommendation, see the major improvements made and change the recommendation.

Chair Bronson stated that it was a linear process and was part of the policy.

Carmine DeBonis, Jr., Deputy County Administrator, stated that the County Code laid out steps for bringing rezonings through initial application all the way to the Board. He explained that the Code stated the Board may amend the Planning and Zoning Commission's recommendation and it did not have to remand back to the planning and zoning commission. He stated that staff and the County Attorney's Office could give a more comprehensive evaluation of the Code and look at statutory authorities and see what could be proposed back to the Board to fix any future issues. He commented that the issue for this item was traffic congestion and a study was done in September on Valencia Road, which had been provided to the Board and would be further looked at for improvements.

Supervisor Grijalva commented that in the future if there was a way for the Planning and Zoning Commission to say that the item had nothing to do with development or zoning, then the item could be reevaluated.

It was moved by Supervisor Grijalva and seconded by Chair Bronson to close the public hearing and approve P22RZ00001, subject to standard and special conditions. No vote was taken at this time.

Supervisor Scott asked how the conditions put in place by the Regional Flood Control District would help address the flooding concerns at the planning and zoning level.

Chris Poirier, Deputy Director, Development Services, stated that the Regional Flood Control District recommended a series of rezoning conditions that would require developers to submit and obtain approval for a subdivision plat, which would lead to better flooding conditions.

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

24. **Hearing - Rezoning Closure, Rezoning Time Extension, and Modification (Substantial Change) of Rezoning Condition**

A. **Hearing - Rezoning Closure**

Co9-10-03, MOORE TR - ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest, L.L.C., represented by the Planning Center, requests a closure of a 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as 2050 W. Oracle Jaynes Station Road. The rezoning was conditionally approved in 2011 and expired on October 4, 2021. Staff recommends DENIAL OF THE CLOSURE of the rezoning. (District 1)

Supervisor Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for denial of closure of Co9-10-03.

B. **Hearing - Rezoning Time Extension**

Co9-10-03, MOORE TR - ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest, L.L.C., represented by the Planning Center, requests a five-year time extension. The 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone expired October 4, 2021. The property is located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as 2050 W. Oracle Jaynes Station Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning time extension is approved by the Board of Supervisors.

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department Services Department.~~
1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.



6 2. Transportation conditions:

- A. ~~The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.~~
- B. ~~Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.~~
- C. ~~The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.~~
- D. ~~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.~~

7 3. Flood Control conditions:

- A. ~~This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.~~
- B. ~~Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.~~
- A. ~~First flush retention shall be provided in Low Impact Development practices distributed throughout the site.~~
- B. ~~The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.~~
- C. ~~At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.~~

8 4. Wastewater Reclamation conditions:

- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, 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 conveyance capacity not be available at that time, the owner/developer 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/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area 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/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, 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/developer 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 will be permanently committed for any new development within the rezoning area.
- 9 5. Environmental Quality conditions:
- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
  - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- 40 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 44 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
- 42 8. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
- 43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
- 44 10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 45 11. The property owner shall execute ~~and record~~ the following disclaimer regarding the Private Property Rights Protection Act: ~~Proposition 207 rights~~. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

- 46 12. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
- 47 13. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and, Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Supervisor Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-10-03, Rezoning Time Extension, subject to original and modified standard and special conditions.

- C. **Hearing - Modification (Substantial Change) of Rezoning Condition**  
**Co9-10-03, MOORE TR - ORACLE JAYNES STATION ROAD REZONING**  
Aerie Northwest, L.L.C., represented by the Planning Center, requests a modification (substantial change) of Rezoning Condition No. 11, which states, "Adherence to the preliminary development plan as approved at public hearing." The applicant requests to amend the preliminary development plan from medical office and assisted living uses to allow for an apartment complex. The subject site is approximately 11.55 acres zoned TR © (Transitional - Conditional), located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as 2050 W. Oracle Jaynes Station Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Gungle were absent) to recommend APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION NO. 11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION NO. 11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning time extension is approved by the Board of Supervisors.

1. ~~Submittal of a development plan if determined necessary by the appropriate County agencies.~~
  2. ~~Recording of a covenant holding Pima County harmless in the event of flooding.~~
  3. ~~Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
  4. ~~Provision of development related assurances as required by the appropriate agencies.~~
  5. ~~Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department Services Department.~~
  1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 6 2. Transportation conditions:

- ~~A. The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.~~
- ~~B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.~~
- ~~C. The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.~~
- ~~D. 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.~~

7 3. Flood Control conditions:

- ~~A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.~~
- ~~B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.~~
- ~~A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.~~
- ~~B. The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.~~
- ~~C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.~~

8 4. Wastewater Reclamation conditions:

- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, 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 conveyance capacity not be available at that time, the owner/developer 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/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area 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/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, 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/developer 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 will be permanently committed for any new development within the rezoning area.
- 9 5. Environmental Quality conditions:
- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
  - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- 40 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 44 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
- 42 8. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
- 43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
- 44 10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 45 11. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act: ~~Proposition 207 rights~~. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
- 46 12. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.

~~47 13.~~ Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and, Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Supervisor Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-10-03, Modification (Substantial Change) of Rezoning Condition No. 11, subject to original and modified standard and special conditions.

## **BOARD OF SUPERVISORS**

### **25. Constable, Justice Precinct 1**

- A. Acceptance of the resignation of the Honorable John Dorer, effective November 4, 2022.

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

- B. Discussion/direction/action regarding a selection process to fill the vacancy of Constable, Justice Precinct 1.

Chair Bronson provided an outline of the Constable selection process as follows:

1. Applicants for the position need to meet the following requirements:
  - 18 years of age or older at the time of appointment
  - Literate in English
  - Registered to vote in the precinct
  - Resident of the precinct
  - Same political party as the person vacating the office (Republican)
2. Interested parties should file the following with the Clerk of the Board:
  - Letter of Interest
  - Resume
  - Financial Disclosure Statement
3. The submission deadline will be 5:00 p.m., Friday, November 18, 2022.
4. The Clerk of the Board will advertise the selection process in the Territorial Newspaper on November 7 and 14, 2022, and will post the information on

the Pima County Homepage. Information regarding how to submit public comments will be included.

5. If requested, a public forum for the candidates will be scheduled for the week of November 28, 2022 and will be conducted by the League of Women Voters in Greater Tucson.
6. The Board of Supervisors will make the appointment of the Constable, Justice Precinct 1, at their meeting on Tuesday, December 6, 2022.
7. The individual appointed will serve through December 31, 2024.

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

Supervisor Grijalva commented that it would be important to discuss what was happening in the Constable's office with the amount of recent resignations and questioned if there was a legal remedy to assure that there was representation in all districts if the vacancies could not be filled.

Chair Bronson stated that the entire Board shared Supervisor Grijalva's concerns.

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

## 26. **Regional Transportation Authority (RTA) Legal and Financial Review**

Discussion/Direction/Action: Directing the County Administrator to have the County execute an **independent, third-party legal review of the RTA Plan implementation**, to include compliance with the terms of the 2006 RTA ballot proposal, including what was explicitly laid out in the Sample Ballot as required by state statute. The third-party legal review should include, but not be limited to, the RTA's adherence to all elements of the Plan as approved by the voters, including all roadway and categorical elements, and including handling of any scope changes/service changes along the way.

Further directing the County Administrator to have the County execute an **independent, third-party financial review of the RTA**, to include, but not be limited to:

- 1) A review of all Pima Association of Governments (PAG) regional transportation funding and RTA revenues devoted to the delivery of RTA named projects and categorical elements, including the RTA's ½-cent sales tax revenues and any other state or federal transportation revenues administered or programmed through PAG; and including any and all PAG Regional Council or RTA Board decisions authorizing the redirection of any outside revenues to complete RTA named projects;
- 2) Any major increases or reductions in expenditures for any RTA project or element, and how decisions regarding such increases or reductions were made;

- 3) How inflation is accounted for in the RTA's budgeting, financial projections, reports to the RTA Board of Directors, and audited financial statements. Specifically, how inflation is accounted for in terms of which costs to deliver RTA projects are (to be) borne by the RTA and/or PAG vs. borne by the individual jurisdiction in which the project is located.

It shall be the position of the Pima County Board of Supervisors that any flaws or deficiencies identified by either the independent legal review or independent financial review shall be reported back to the Board of Supervisors along with Pima County staff recommendations for how to rectify them - **so that the County can advocate for needed changes at PAG/RTA well in advance of an RTA Next package being finalized and submitted to the voters for approval.** (District 2)

Supervisor Heinz shared his concerns about the leadership of the RTA and PAG, transparency and County projects that moved to a nonexistent RTA Next. He recommended that a legal and financial review of the RTA Plan implementation be done by an outside third party, in order to give trust to the community.

It was moved by Supervisor Heinz and seconded by Supervisor Grijalva to approve Minute Item Nos. 26 and 27. No vote was taken at this time.

Supervisor Scott expressed his opposition to the items. He stated that the recommendation was an audit and in the Arizona legislature, the RTA was required to conduct an annual audit and was audited by the State Auditor General every 5 years, which had been done in April. He commented that the RTA planned to address the shortfalls in funding to fulfill planned projects with PAG and local jurisdictions. He indicated that the RTA Board voted unanimously to move a County project and a County Marana project to RTA Next and that the City Mayor and Council had voted unanimously to encourage the RTA Board to consider moving two City projects to RTA Next and he anticipated that would be considered by the RTA Board at their upcoming meeting. He indicated that he did not see the need for the two items based on what was already legally required of the RTA and based on actions taken by the RTA Board to address the revenue shortfall.

Chair Bronson concurred with Supervisor Scott's comments and stated for the record, that the legal opinion by Mr. Benavidez was able to be released since there was no attorney-client privilege.

Supervisor Scott responded in the affirmative.

Supervisor Christy indicated that the Board of Supervisors had no authority to make such demands on the RTA or PAG. He stated that PAG was a legislatively created entity and Pima County was a member of PAG. He shared his concerns with the possibility of State legislature stepping in and jeopardizing or negatively modifying the existence of PAG and the RTA.

Chair Bronson stated that she concurred with the comments made by Supervisors Scott and Christy.



Supervisor Heinz withdrew his motion. No Board action was taken.

**27. Regional Transportation Authority (RTA) - County Projects**

Discussion/Direction/Action: It shall be the position of the Pima County Board of Supervisors that we want the remaining two unfinished County projects that have been recommended to be pushed back to RTA Next - 1st Avenue, Orange Grove to Ina Road; and the final phase of Silverbell, Ina to Grant Road - to be instead brought back for programming and implementation, or at least partial implementation for safety improvements, during RTA 1.

Further directing Supervisor Scott to consult with the Board of Supervisors before agreeing to any proposed substantive changes in the County's RTA projects, concerning either RTA 1 or RTA Next. (District 2)

(Clerk's Note: See Minute Item No. 26, for discussion and action on this item.)

**28. Pima Association of Governments (PAG) - Regional Transportation Authority (RTA) Executive Director 360-Degree Review**

Discussion/Direction/Action: The position of Pima County shall be that the "360-Degree Review" of the PAG/RTA Executive Director, Farhad Moghimi, must be conducted and completed by December 31, 2022, with the resulting report made to the PAG Regional Council/RTA Board of Directors at their January, 2023 meeting.

The idea of doing a 360-degree, comprehensive review of the executive director's job performance was approved by the PAG Regional Council early in 2022. Yet as of today, it has not happened.

Such a review should include confidential feedback from, among other critical stakeholders, current and former PAG staff members who have served under Mr. Moghimi, as well as members of:

- The RTA Technical Management Committee (TMC) representing the City of Tucson, Pima County, and private community stakeholders;
- The RTA Citizens Accountability for Regional Transportation Committee (CART);
- The RTA Citizens Advisory Committee (CAC); and
- The PAG Transportation Planning Committee (TPC). (District 2)

Supervisor Heinz stated that a 360-Degree review of the RTA and PAG Executive Director should be done by the end of the year, which had already been approved by the RTA and PAG.

Supervisor Grijlava asked if what was being asked of the Board was to send a letter to PAG and the RTA encouraging them to move forward with the review.

Supervisor Heinz confirmed that the Board would encourage PAG and the RTA to move forward with the review.

Supervisor Scott commented that the PAG Regional Council and the RTA Board were presented with an evaluation document that was put together by a subcommittee of their members, but it had not been approved because there was concern that was not as fulsome of an evaluation process. He stated that the 360-Degree review was proposed by one of the members and he anticipated that it would be discussed as an option at a meeting before the end of the year. He stated that he felt it was not in the capacity of Pima County to suggest components for the 360-Degree review.

Chair Bronson commented that the County could not legally demand or tell a Board member to suggest components of the review since PAG and the RTA was an independent body.

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

29. **Funding for Installation of Traffic Signals**

Discussion/action: There are at least 10 intersections in the County where it has been determined that traffic signals need to be installed. For at least one of those intersections, the determination that a traffic signal was needed was made by the Transportation Department many years ago. The cost for installation is estimated to be between \$2 - 2.8 million per signal.

I have been advised that there is no current funding set aside to pay for these traffic signals to be installed. This is a significant safety and risk management concern. The Board needs to know the location of each one of these intersections. There also needs to be a plan developed for funding the installation of the traffic signals.

The intent of this item is for the Board to get an initial report on these matters from the County Administrator, or her designee. Furthermore, it will be requested that a plan to prioritize the installation of each one of these traffic signals will be submitted to the Board for approval. The funding should come from the current budget and/or the budget for the next fiscal year. (District 1)

Supervisor Scott commended the County Administrator for her October 31, 2022 memorandum regarding the subject matter, which stated that additional information from the 10 intersection analysis done, due to constituent requests, would be available in February. He stated that analysis of one intersection was requested after discussion with a Homeowners' Association who had challenges navigating the intersection at certain time and would be surprised if the analysis showed there was an increased need for a traffic signal. He asked that when the additional information was released, if there were any changes to intersections recommended, to provide further explanation as to why the change would be made and how it would be addressed. He shared that there were limited resources for transportation

in the County and that the County was responsible for roads and infrastructure in unincorporated Pima County, which mostly fell within District 1. He explained that it was important for conditions in intersections to be addressed for safety and risk management concerns and funded, since there were limited resources.

Carmine DeBonis, Jr., Deputy County Administrator, stated that there was no further information at this time, but it was important moving forward to look at prioritization. He commented that for the vision of transportation and mobility, there were additional tools that could address issues of congestion and whether a traffic signal was warranted.

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

30. **General Election Update**

Discussion/Direction/Action regarding an update on General Election preparation efforts of the Elections Department and the Recorder's Office including, but not limited to, the staffing and operations of the Early and Emergency Voting Sites, the Election Day Vote Centers, as well as a review of the responses received to questions previously submitted to the Recorder. (District 4)

Supervisor Christy inquired about the current staffing status at vote centers.

Jan Leshner, County Administrator, responded that the Elections Director had shared the most current staffing information as follows: 128 vote centers met the minimum statutory requirement, of those, 115 had equal representation of inspectors, judges and marshals. She stated that vote centers 13, 23, 43, 44, 77 and 92, met the minimum requirements of 1 inspector and 2 judges, 121 vote centers were fully staffed, and 8 vote centers needed either 1 Republican or Democrat to be fully staffed according to Pima County standards.

Supervisor Christy inquired if every poll worker position should be filled, how many early ballots had been sent out, how many had been returned and counted, if there were any hardware or supply issues, and if the vote center notices of politically balanced election workers ready for posting.

Ms. Leshner stated that the Elections Director had been working daily with the Chairs of each party to ensure that every position was filled by the time of the Election. She stated that the Elections Director had no issues with hardware or supply and the ballot questions were for the Recorder. She indicated that the notice had been created and would be sent to the Board.

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

## **COUNTY ATTORNEY**

### **31. World View Appeal**

Discussion and action related to the World View appeal.

(Clerk's Note: See Minute Item No. 9, for discussion and action on this item.)

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

### **32. Pima County Regional Affordable Housing Commission**

- Appointments of Betty Villegas and Sharayah Jimenez. Term expirations: 10/31/26. (District 5)
- Appointments of David Godlewski and David Wohl. Term expirations: 10/31/26. (District 1)

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

### **33. Community Action Agency Board**

Reappointment of Ana Maria Medina. Term expiration: 12/31/23. (District 3)

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

### **34. Transportation Advisory Committee**

Reappointments of Frank G. Santa Cruz and Ed Verburg. Term expirations: 12/31/26. (District 5)

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

## **CONSENT CALENDAR**

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

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 5, 6, 7 and 14 were set aside for separate discussion and vote.

Upon the request of Supervisor Grijalva to divide the question, Consent Calendar Item Nos. 16, 17 and 18 were set aside for separate discussion and vote.

It was then moved by Chair Bronson and seconded by Supervisor Grijalva to approve the remainder of the Consent Calendar, as amended. Upon roll call vote, the motion unanimously carried 5-0.

\* \* \*

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

### **CONTRACT AND AWARD**

#### **Facilities Management**

5. Downtown Tucson Partnership, Inc., to provide an operating agreement for transportation and security, Contingency Fund, contract amount \$235,000.00 (CT-FM-23-174)

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

Supervisor Christy asked how the partnership had developed between the entities.

Jan Leshner, County Administrator, responded that there had been comments received from County employees that felt unsafe when leaving work after normal work hours. She stated that some employees parked further away from their work building, so in collaboration with the Downtown Tucson Partnership, Rio Nuevo, and the City of Tucson, a pilot program would be started with the existing Downtown Tucson Partnership shuttle services and combined to include County employees.

Supervisor Christy asked about the duties and responsibilities of all the partners of the program, the funding sources for the program, the responsibilities for the entities that provided the funding, and who would provide the shuttles.

Chair Bronson asked who would maintain the shuttles provided by Rio Nuevo.

Ms. Leshner responded that Downtown Tucson Partnership would be the operator, the County would provide the funding for the program, in the amount of \$235,000.00 to the Downtown Tucson Partnership and the City of Tucson would pay \$117,500.00 through the intergovernmental agreement. She explained that Rio Nuevo would provide and pay for the equipment and shuttles to Downtown Tucson Partnership for the program, which would be maintained by the Downtown Tucson Partnership.

Supervisor Christy questioned the number of incidents that had occurred to prompt the pilot program, about the current security system of the County and if it could assist with the program and about the security of the people that visited downtown. He commented on the crime in downtown Tucson and how the program would only target employees and not everyone who visited downtown.

Ms. Leshar stated that there was not a specific incident that prompted the project, but there had been concerns for years about safety from employees. She explained that the current security system was to provide safety in the public building and was not similar to the program. She indicated that the Downtown Tucson Partnership was part of the City of Tucson and the downtown area was under the safety and authority of the Tucson Police Department, but she can talk with the City of Tucson regarding expansion of the program to include anyone who was Downtown.

Supervisor Scott requested additional information on what the four ambassadors who would provide escort and security services would be doing when they were not providing those services and how they would work in partnership with law enforcement to provide safety services.

Chair Bronson shared her concerns about why law enforcement was not providing security and what assurances the Board would have to make sure that the ambassadors were up to the task.

Supervisor Christy shared his concerns with liability if the ambassadors were to intervene in an issue caused by the shuttle services and about what type of security the ambassadors would provide.

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

6. City of Tucson, to provide an intergovernmental agreement for Downtown Tucson Partnership Pilot Project, contract amount \$117,500.00 revenue (CTN-FM-23-58)

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

## **Health**

7. SJM Premier Medical Group, L.L.C., Amendment No. 5, to provide for COVID-19 medical support for refugee populations and amend contractual language, FEMA/EFSP/CARES Fund, contract amount \$1,500,000.00 (CT-HD-22-3)

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

Supervisor Christy shared his concern with the amount of money spent on the refugee population. He commented that it was important for the public to know that the money for the contract was taxpayer money and that the total amended amount would equal \$3,300,000.00.

Supervisor Scott stated that it was important for the public to know that the funding source of the contract was from the federally funded grant program for services to asylum seekers who were in the country legally. He commented that in providing care to asylum seekers with COVID-19 it would help protect the health of the general public.

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

### **Transportation**

14. Pinal County, to provide an intergovernmental agreement for the joint administration of Public Works projects, Highway User Revenue Fund, contract amount \$1,000,000.00/5 year term (CT-TR-23-164)

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

Supervisor Christy asked if the project included the repair and maintenance of Redington Road.

Carmine DeBonis, Jr., Deputy County Administrator, responded that he was not aware if Redington Road was included in the project. He stated that Trico Road was one of the projects that would be done jointly with Pinal County. He explained that this agreement was to provide maintenance and repairs to projects that crossed jurisdictional boundaries.

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

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

### **GRANT APPLICATION/ACCEPTANCE**

16. **Acceptance - Community and Workforce Development**  
RESOLUTION NO. 2022 - 65, of the Board of Supervisors, authorizing the approval of Amendment No. Six (6) of the agreement between the Arizona Department of Economic Security and Pima County for Housing Support Services during Fiscal Year 2022-2023, \$363,631.00 (GTAM 23-5)

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

Supervisor Grijalva asked for clarification on Minute Item Nos. 16, 17 and 18 since they were for the same amount of money.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the reason they were split into three separate resolutions was because of an idiosyncrasy by the Arizona Department of Economic Security, which required each element to be its own amendment to the same intergovernmental agreement.

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

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

RESOLUTION NO. 2022 - 66, of the Board of Supervisors, authorizing the approval of Amendment No. Seven (7) of the agreement between the Arizona Department of Economic Security and Pima County for Housing Support Services during Fiscal Year 2022-2023, no cost (GTAM 23-23)

(Clerk's Note: See Consent Calendar Item No. 16, for discussion and action on this item.)

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

RESOLUTION NO. 2022 - 67, of the Board of Supervisors, authorizing the approval of Amendment No. Eight (8) of the agreement between the Arizona Department of Economic Security and Pima County for Housing Support Services during Fiscal Year 2022-2023, \$363,631.00 (GTAM 23-24)

(Clerk's Note: See Consent Calendar Item No. 16, for discussion and action on this item.)

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## **CONTRACT AND AWARD**

### **Community and Workforce Development**

1. Salvation Army, Amendment No. 1, to provide for the U.S. Housing and Urban Development (USHUD) Continuum of Care (CoC) Program - Coalition Assisting Self-Sufficiency Attainment, extend contract term to 4/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$132,154.00 (CT-CR-21-392)



## County Attorney

2. Epidaurus, d.b.a. Amity Foundation, Amendment No. 6, to provide for the Specialty Courts Initiative - Residential Treatment and amend contractual language, DTAP-SAMHSA/Drug Court, and DOJ BJA and **Outside Agencies** Funds, contract amount \$40,285.00 (CT-PCA-19-407)
3. Arizona Board of Regents, University of Arizona, Amendment No. 3, to provide for evaluation services for the Drug Treatment Alternative to Prison Program and Specialty Courts Initiative, extend contract term to 9/30/23, amend contractual language and scope of services, U.S. Department of Justice and SAMHSA Treatment Drug Courts Funds, contract amount \$75,000.00 (CT-PCA-19-515)
4. Avertest, L.L.C., d.b.a. Averhealth, Amendment No. 3, to provide for the Tucson/Pima County Problem Solving Court Initiative Project, extend contract term to 10/31/23 and amend contractual language, no cost (CT-PCA-20-155)

## Facilities Management

5. Downtown Tucson Partnership, Inc., (PULLED FOR SEPARATE ACTION)
6. City of Tucson, (PULLED FOR SEPARATE ACTION)

## Health

7. SJM Premier Medical Group, L.L.C., Amendment No. 5, (PULLED FOR SEPARATE ACTION)

## Procurement

8. **Award**  
Amendment of Award: Master Agreement No. MA-PO-20-110, Amendment No. 6, Tucson Winsupply Company, to provide for plumbing fixtures, pipe and fittings, equipment and supplies. This amendment is for a one-time increase in the amount of \$300,000.00 for a cumulative not-to-exceed contract amount of \$3,660,000.00. Funding Source: Wastewater Ops, Transportation Ops and General (88%) Funds, and Grants. Administering Department: Facilities Management.
9. **Award**  
Amendment of Award: Multiple Master Agreements, Republic Services, Inc., d.b.a. Republic Services of Arizona Hauling, L.L.C., to provide for solid waste handling and recycling services. MA-PO-18-66, Amendment No. 7, extends the termination date to 12/31/22 and increases the not-to-exceed contract amount by \$60,000.00 for a cumulative not-to-exceed contract amount of \$1,530,000.00. MA-PO-18-67, Amendment No. 6, extends the termination

date to 12/31/22. Funding Source: General Fund. Administering Department: Facilities Management.

10. H2O Partners, Inc., to provide for pavement condition index, Highway User Revenue Funds, contract amount \$625,000.00 (MA-PO-23-64) Transportation
11. Alliant Insurance Services, Inc., to provide for insurance broker services, Risk Management Ops Fund, contract amount \$5,425,000.00 (MA-PO-23-36) Finance and Risk Management
12. Lloyd Construction Company, Inc., to provide for design-build services for San Xavier Sheriff Substation Project (XSXDSS), Non-Bond Projects Fund, \$506,869.11/2 year term (CT-CPO-23-148) Capital Program Office

### **Real Property**

13. Valley Telephone Cooperative, Inc., Amendment No. 1, to provide a Non-Exclusive Right-of-Way Use License for a Fiber Optic Communications System, extend contract term to 12/3/26 and amend contractual language, contract amount \$3,000.00 revenue (CTN-RPS-23-57)

### **Transportation**

14. Pinal County, (PULLED FOR SEPARATE ACTION)

### **GRANT APPLICATION/ACCEPTANCE**

15. **Acceptance - Community and Workforce Development**  
Arizona Department of Economic Security, to provide for the Social Services Block Grant - Employment Services, \$41,708.00/5 year term (GTAW 23-50)
16. **Acceptance - Community and Workforce Development**  
RESOLUTION NO. 2022 - 65, (PULLED FOR SEPARATE ACTION)
17. **Acceptance - Community and Workforce Development**  
RESOLUTION NO. 2022 - 66, (PULLED FOR SEPARATE ACTION)
18. **Acceptance - Community and Workforce Development**  
RESOLUTION NO. 2022 - 67, (PULLED FOR SEPARATE ACTION)
19. **Acceptance - County Attorney**  
U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide for the Pima County Consolidated Misdemeanor Problem-Solving Court Enhancement, \$438,122.00/\$150,000.00 General Fund match/4 year term (GTAW 23-52)

20. **Acceptance - Health**

National Association of County and City Health Officials, to provide for the Enhancing Capacity for Infection Prevention in Pima County Long-Term Care Facilities Project, \$99,859.90 (GTAW 23-51)

21. **Acceptance - Justice Services**

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide for the FY 2022 Collaborative Crisis Response and Intervention Training Program, \$250,000.00/3 year term (GTAW 23-47)

22. **Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for the FFY2022 Homeland Security Grant Program Award for SWAT van replacement, \$75,000.00 (GTAW 23-57)

**BOARD, COMMISSION AND/OR COMMITTEE**

23. **Arizona Municipal Property Corporation**

Reappointments of Frank Y. Valenzuela, Stanley Lehman, Kenneth M. Silverman, Diane Quihuis and John H. Payne. Term expirations: 11/19/23. (Corporation recommendations)

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

24. **Special Event**

- William Dean Woodruff, Corpus Christi Roman Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, October 30, 2022.
- Antonella Colagiovanni, Boys & Girls Clubs of Tucson, Inc., North Italia, 2995 E. Skyline Drive, Tucson, November 13, 2022.
- Meredith E. Bode, TMC Foundation, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, November 19, 2022.
- Edward Lucero, Roman Catholic Church of Saint Elizabeth Ann Seton - Tucson, St. Elizabeth Ann Seton Church - Gym, 8650 N. Shannon Road, Tucson, December 2 and 3, 2022.

**FINANCE AND RISK MANAGEMENT**

25. **Duplicate Warrants - For Ratification**

Arizona Department of Transportation \$1,129.20; Northland San Dorado, L.L.C. Delaware limited liability company \$8,528.65; LeAnne Hartin \$154.50; Adair Funeral Homes, Inc. \$23,520.00; Fleming Family Limited Partnership \$2,322.36; Oscar Antonio Furet \$39.49; Flowing Wells Garden \$6,132.34; HSL Canyon Creek Apartments Property 110, L.L.C. \$5,533.93; HSL Springhill Apartments, L.L.C. \$6,738.43; HSL Springhill Apartments, L.L.C. \$9,588.63; The State of Arizona \$1,245,983.33; Silas A. Lewis IV \$24.85;

Abrian Gonzalez \$13.35; University Area Rentals, L.L.C. \$6,100.00; Kristin Dever \$894.77; emocha Mobile Health, Inc. \$580.00.

**RATIFY AND/OR APPROVE**

26. Minutes: September 6 and 20, 2022  
Warrants: October, 2022

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36. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:29 p.m.

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CHAIR

ATTEST:

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CLERK