

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 15, 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 participated remotely.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Erika Tonorio, Undergraduate Senior at the University of Arizona, Studio Art Illustration, Latin American Studies, and American Indian Studies.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Supervisor Scott acknowledged the passing of Dr. Dan Bailey, a long-time teacher, coach, principal and superintendent in southern Arizona. He thanked Dan Sullivan and Andy Flagg, Community and Workforce Development, for joining his office in sponsoring a job resource fair at the Coronado K-8 Middle School in Catalina on November 5, 2022. He also thanked Suzanne Droubie, Pima County Assessor, who was also in attendance with members of her staff.

PRESENTATION

5. Federal Emergency Management Agency (FEMA) Class 3 Plaque Award Presentation

Presentation of the FEMA National Flood Insurance Program (NFIP) Community Rating System Class 3 Plaque Award to the Pima County Board of Supervisors in recognition of their efforts to meet and exceed the minimum standards of the NFIP.

Kathryn Lipiecki, Mitigation Division Director, FEMA Region 9, presented an award to the Board of Supervisors and the Pima County Flood Control Division for the County's achievement of a Class 3 status in the National Flood Insurance Program's Community Rating System.

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

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to Carlos Ruiz, Chair, Small Business Commission, proclaiming the day of Saturday, November 26, 2022 to be: "SMALL BUSINESS SATURDAY"

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. CALL TO THE PUBLIC

The following speakers addressed the Board in support of Addendum Item No. 4, Tucson Crime Free Coalition's efforts to develop a regional plan for reducing crime on the streets of our community:

- JoAnn di Filippo
- Terra Radliff
- Austin VanDer Heyden
- James Bishopp
- Josh Jacobsen
- Tracy Toland
- Cheryl Caswell
- Kevin Daily
- Lew Hart
- Alex Parrs
- Chris King
- Barney Brenner
- Robert Reus
- Peter Norquest
- Katherine Weasel
- Grant Krueger
- Sue Frey
- Steve Juhan
- Veronica Hanley
- Oliver Swan
- Bill Anderson
- Cathy Fiorelli
- Marta Buchanan
- Rolando Alba
- Monica Carlson
- Ralph Kayser
- Maggie Michel
- Dan Wann
- Mohit Asnani
- Carlos Ruiz

They offered the following comments:

- Constituents had the right to have their pleas heard by the Board regarding the devastation and destruction their businesses and homes faced daily due to the lack of development of a regional plan that would reduce crime on the streets of the community.
- Any Board member who objected to hearing constituents would be exposed and those actions would follow them to the election polls in November 2024.
- Immediate action was needed so that Tucson and Pima County would not become like Phoenix, where crime was rampant, businesses and livelihoods were being destroyed and the safety and well-being of individuals was threatened daily.
- The Board needed to understand the scope and widespread issues of the crimes being committed where businesses had to clean up drug paraphernalia and garbage, and were faced with physical intimidation by criminals.
- The initiative of the Tucson Crime Free Coalition needed to be carefully considered because costs were high for business owners and individuals who struggled with those crimes, which had caused many businesses to close.
- A regional approach was needed between all entities.
- Pretrial services were one of the largest barriers to enforcement.
- A triage facility was urgently needed because the community was experiencing worsening lawlessness on the streets.
- In order for the community to survive this fentanyl and crime epidemic, laws needed to be enforced and there needed to be an end to enablement.
- People were shamed into feeling guilty for the homeless and felt they had no recourse.
- Chief Kasmar, Tucson Police Department was responsive, vigilant and found solutions when directly contacted about the issues.
- Immediate action was required so that parents, children and college students could feel safe and not live in fear of being attacked doing normal activities, such as checking the mail, playing in the front yard or walking on campus.
- Crime was the number one problem in Pima County and the City of Tucson with violence, theft and rampant human tragedy fueled by unchecked fentanyl addiction and abuse.
- Pretrial services' failures were highlighted and this department needed to be fixed.
- Communication between all entities would help find solutions to the problems.
- Businesses were spending thousands of dollars on costs related to break-ins, theft and graffiti.
- It was not a crime to be homeless, but it was a crime to panhandle, physically assault someone, urinate or defecate in public and damage another person's property.
- Action needed to be taken for mitigation of criminal activities and defunding law enforcement disabled officers to perform their sworn duty and the Board was not upholding their oath to the State of Arizona.

- It was the responsibility of the Board to provide the infrastructure necessary to ensure the safety of their constituents.
- The previous actions of local elected officials had allowed small businesses to be in danger of going out of business.
- The State provides a finite list of responsibilities of Supervisors and public safety was top priority.
- There were two classes of homeless people that needed to be differentiated; the ones who abused drugs and the ones who had been priced out of their homes by the 100% increase in rent, the dissolution of the dollar and the incredible inflation. The criminals needed to be arrested and imprisoned.
- Businesses were being drawn away from Tucson because of the unchecked fentanyl and crime crisis.
- Closing open alley ways would dramatically drop neighborhood crime rates.
- Armed citizens would not hesitate to exercise their legal gun-carrying rights to protect those lives in imminent danger.
- Asked the Board to vote in favor of the transition center and allow for the treatment of drug addicted criminals who terrorized the City and County. A vote against it was a vote for death, chaos and lawlessness.
- Businesses adjacent to properties that now housed homeless, drug addicted individuals or those with serious mental health issues, were left out of the decision-making conversations after decades of sacrifice, hard work and endless contributions to the community.
- The Board needed to objectively, and not subjectively, consider the information being shared by the public.
- Crime and retail theft should be viewed as an ecosystem and health insurance rates had gone up by approximately 25% to 30% for businesses since COVID in certain crime ridden zip codes.

The following speakers addressed the Board in opposition to the certification of the election results discussed under Addendum Item No. 3, 2022 Elections:

- | | |
|-----------------------|-------------------|
| • JoAnn di Filippo | • Valeria Garcias |
| • Terra Radliff | • Gisela Aaron |
| • Cheryl Caswell | • Karen Greene |
| • Anastasia Tsatsakis | • Laura |
| • Peter Norquest | • Maggie Michel |

They offered the following comments:

- Voting equipment was not legally certified so every official elected in Arizona since the 2018 elections, occupied their positions unlawfully.
- There were serious integrity and security issues with the voting machines and they demanded the Board to authorize a 100% hand count of at least two state races, two local races and one proposition.
- Allowing a 100% hand count was the best and most effective way to calm the fear of constituents and show them that there were no issues with the voting machines and equipment.

- Encouraged Pima County residents to remove themselves from the early voting list in order to empower their vote.
- Voting machines were prone to malfunction and operator error and the Board had a duty to investigate the 2022 election due to its irregularities.
- Pima County residents deserved better from their elected officers and they deserved excellence in elections for future prosperity.
- Asked the Board to conduct a special election and only use paper ballots and provide confirmation that every person voting could legally vote.
- Katie Hobbs and Adrian Fontes conducted oversight of their own elections, which made it a conflict of interest for the entire state.
- Votes were to be kept private and ballots should not be assigned numbers and colors as identifiers.
- It was the Board's job to ensure they were not certifying an illegal election, therefore they should not sign off on the cast votes report because it would violate constituents' 14th Amendment rights and the Board could face prosecution.
- The Sheriff should take control of all of the ballots in Pima County until a correct ballot challenge was completed.
- The Election Integrity Commission illegally fixed their bylaws behind the scenes.
- Election results took too long to tally, which led to voters' distrust.
- The voters were being unjustly denied their equal protection and due process rights that ensured only legal votes were counted in the 2022 elections.

Keith Van Heyningen spoke to the Board about first amendment rights and the Marshall v. Amuso Civil Action Case No. 21-4336 regarding the challenge to the Pennsbury School District's restrictive speech measures during Board meetings.

Caleb Johnson addressed the Board regarding problems with a two-party system and how easily it was corrupted when those powers were consolidated.

Stephanie Kirk expressed her displeasure with Supervisor Grijalva's appointment to the Board of Health and her opposition to COVID-19 mandates.

Shirley Requard spoke in opposition to COVID-19 vaccinations and mandates.

Dru Heaton expressed her gratitude to the Board, the County Administrator, the Elections Director and the Elections Department for welcoming the participation of the Libertarian Party to the election process.

Robert Reus addressed the Board regarding his satisfactory experience with the voting process and indicated that anyone claiming there was insincerity on the part of election workers should provide the Board with evidence.

Lisa Von Geldern addressed the Board in opposition to the establishment of a transition center and stated that trying to help individuals who did not want help would be useless.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to convene to Executive Session at 1:20 p.m.

9. **RECONVENE**

The meeting reconvened at 1:42 p.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding charitable donations by the County.

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

11. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and discussion regarding waiving the Attorney-Client privilege for the Arizona Gift Clause - AZ Heroes Memorial memorandum dated November 8, 2022 from the Pima County Attorney's Office.

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

BOARD OF SUPERVISORS

12. **Constable**

Appointment of Constable, Justice Precinct 10.

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Grijalva abstained, to appoint Anton R. Chism, Sr., as Constable, Justice Precinct 10.

COUNTY ADMINISTRATOR

13. **County Administrator's Update**

Jan Leshner, County Administrator, commented that the Ruby Bridges Event was scheduled for November 17, 2022 at Palo Verde Magnet High School.

14. **Constables Administration and Oversight**

Discussion/Direction/Action regarding Administration and Oversight.

Jan Leshner, County Administrator, provided a brief description of the three elements contained in the package that was combined in order to provide some assistance to the constables. She stated that the first element encouraged them to develop their

internal manual and some of the guidelines and procedures within their own organization with the hope that they would do voluntarily or staff would come back to the Board with a recommendation to modify salaries. She stated that that would not happen until the next election cycle in 2024 and would not go into effect until 2025. She explained that their goal was to allow the Constables more equitable division of their workload and provide consistency to approach, a tool that the Presiding Constable along with the constables, could use to get cooperation and the voluntary delineation of standards within the organization. She stated that another element was the recommendation to add to the 2023 legislative agenda under the element of fortified public safety, "to pursue and support measures to increase authority in working with the constables on their workloads." She explained that the other two elements were to provide funding for body-worn cameras and tasers for constables working in the field and to develop the position of Deputy Constable so that available AZPOST certified individuals could accompany the constables when they were faced with potentially difficult situations.

Supervisor Christy commented that the Board had no authority or purview to deal with these elements of the constitution and legislature and read the following statement into the record. He stated as affirmed by the Arizona Supreme Court:

"Constables are constitutional officers and any changes to the office are constitutional issues, therefore, constables cannot be eliminated by the County or by the legislators without a constitutional amendment. This further says that only Constables and Sheriffs are able to serve writs, evictions and asset seizures to satisfy civil judgements and that private process servers, municipal police officers or any other County employees cannot enforce evictions or asset seizures. It further states that by statute, Constables are peace officers charged with making arrests and keeping the peace. Constables and sheriffs are the only elected peace officers in the same state, cutting Constable salaries or budgets is defunding the police. Constables receive Arizona AZPOST approved training upon election and must receive 16 hours of training a year. Newly elected Constables receive 40 hours of training. Constables like Justices of the Peace are elected to their precincts and reflect the values and needs of their specific community. Two precincts, even within the same county can have radically different views, values and needs. To require all Constables in County to conduct their business the exact same way is not realistic. Constables are required to follow State law and execute court orders as directed, however both they and the Sheriffs have discretion on how they fulfill their duties. It is inappropriate for one elected official to dictate to another elected official how they shall perform their duties. It would be just as unethical for the Board of Supervisors to dictate to the Justices of the Peace how they will conduct their courtrooms as to how they will rule on certain issues. Constables have many more checks and balances that most other elected officials and it is also determined they are to be elected because if they are to seize private assets they must be accounted and accountable to the voters."

Supervisor Christy asked that no action be taken on this item until a legal opinion was received from the County Attorney's Office on all of these matters, particularly in the area that dealt with Constable Administration and Oversight.

Chair Bronson concurred with Supervisor Christy's comments and expressed concern with the request for two Deputy Constables. She indicated that it seemed to be a permanent and expensive solution to a temporary problem for an office that was statutory.

Supervisor Christy questioned whether the items were being addressed separately or together.

Supervisor Grijalva stated her preference was to address each one separately so that there was no confusion on what was being discussed and voted on.

Supervisor Christy concurred.

It was moved by Supervisor Christy and seconded by Chair Bronson to continue the item pending a legal review by the County Attorney. No vote was taken at this time.

Supervisor Grijalva commented that it was important to note that Recommendation No. 2, listed on the County Administrator's November 15, 2022 Memorandum, indicated that salaries could be reduced to the minimum amount allowable by law and that was the amount being requested. She stated that their goal was to create an equitably distributed workload because the previous County Administrator had done an assessment that showed it was not equitable. She stated that she was not opposed to continuing the item until the Board received a legal review.

Supervisor Christy asked that Supervisor Grijalva's concerns be addressed in the legal opinion.

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

15. **Body Worn Cameras and TASERs for Pima County Constables**

Discussion/Direction/Action regarding body cameras and TASERs.

Supervisor Christy stated that the Chief Constable was aware that additional charges were anticipated for the storage and evaluation of the elements of the body-worn camera findings, and was in favor of the purchase since they would provide transparency and accountability.

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

ASSESSOR

16. Distribution of State of Arizona Highway Property Rent Funds

Pursuant to A.R.S. §28-7094(F), staff recommends approval for distribution of State of Arizona Highway Property Rent Funds for the months of July 1, 2021 through June 30, 2022, in the amount of \$6,014.06.

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

ATTRACTIONS AND TOURISM

17. Grant Acceptance

Arizona Aerospace Foundation, to provide for the Titan Missile Museum Acquisition, \$655,000.00 (GTAW 23-61)

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

HUMAN RESOURCES

18. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 3.18, Tobacco and Vape-Free Environment.

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

19. Revisions to Personnel Policy

Staff recommends approval of the proposed revisions to Personnel Policy No. 8-105, Annual Leave.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of December 20, 2022.

20. Revisions to Personnel Policy

Staff recommends approval of the proposed revisions to Personnel Policy No. 8-106, Sick Leave.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of December 20, 2022.

21. **Revisions to Personnel Policy**

Staff recommends approval of the proposed revisions to Personnel Policy No. 8-123, Termination.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of December 20, 2022.

22. **Classification/Compensation**

The Constables Office requests approval to create the following new classification, associated costs will be funded through Contingency in the current year:

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

7304/ Deputy Constable/ U2(\$51,396-\$107,848; Hiring Rate \$55.00 per annum)/ 4/ NE*

*NE = Not Exempt (paid overtime)

Supervisor Christy stated that the Presiding Constable had informed him that the two positions would be floating deputies who would perform the preliminary work for the Constables. He indicated that the Constables Office was sorely understaffed and both deputies would help to reduce the workloads within areas of high traffic and volume, which would be at the discretion of the Presiding Constable. He stated the deputies would have the required constable training and background, but that the actual paper service would be conducted by a Constable. He stated that the Presiding Constable felt the addition of these positions would reduce the workload and streamline the efforts for a much more efficient method of delivery.

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

Supervisor Grijalva indicated that there were several open constable positions that needed to be filled and noted that Justice Precinct 5 had recently been eliminated due to a 5-year trend of declining workloads in both the Justice Courts and the Constables Office. She stated that she was not in favor of moving forward with the item until the Board received additional information regarding their workloads and clarification of their job duties.

Chair Bronson concurred with Supervisor Grijalva's comments.

Supervisor Christy withdrew his motion.

It was then moved by Supervisor Christy and seconded by Supervisor Scott to continue the item to the Board of Supervisors' Meeting of December 6, 2022, so that the Presiding Constable could be present to explain the necessity of the position. Upon the vote, the motion unanimously carried 5-0.

Supervisor Grijalva commented that it was her understanding the constable position was not always a full-time position and she wanted verification that there would be a consistent workload to justify the salary range for the proposed classification.

REAL PROPERTY

23. Contract

RESOLUTION NO. 2022 - 68, of the Board of Supervisors, authorizing acquisition of land and improvements relating to Pima County Tax Parcel No. 303-33-042E (Titan Missile Museum) held by the United States of America as surplus real property (Acq-1010), contract amount \$655,000.00 (CT-RPS-23-229)

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

FRANCHISE/LICENSE/PERMIT

24. Hearing - Liquor License

Job No. 210048, Carolina Solorzano, Mi Tierra Restaurant, 16238 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

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

25. Hearing - Liquor License

Job No. 209959, Keith Brian Turner, Dog House Cigar, 6866 E. Sunrise Drive, Suite 150, Tucson, Series 7, Beer and Wine Bar, Person Transfer and Location 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 and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

26. Hearing - Concurrent Comprehensive Plan Amendment and Rezoning

P22CR00001, EXA ARCHITECTS, INC. - E. RIVER ROAD PLAN AMENDMENT AND REZONING

EXA Architects, Inc., represented by Jose Ceja, request a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Higher Intensity Urban (HIU) and to rezone from CR-1

(Single Residence) to TR (Transitional) zone on approximately .77 acres. The site is located on the north side of E. River Road approximately 560 feet east of the T-intersection of N. Camino Escuela and E. River Road addressed as 2103 and 2107 E. River Road, in Section 20, T13S, R14E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Gungle were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner(s) shall dedicate 30 feet of right-of-way for River Road.
 - B. The existing eastern driveway on River Road shall be abandoned and reconstructed to match adjacent conditions, at a minimum curb and sidewalk.
 - C. Prior to development plan approval, written proof of coordination with the City of Tucson Department of Transportation is required regarding traffic impacts to their roadway system.
3. Regional Flood Control conditions:
 - A. Reduction of increased peak discharge shall be maximized in depressed landscape areas. If reduction from post-developed to pre-developed levels cannot be achieved through stormwater harvesting, a request to waive the excess detention requirement shall be approved by the District prior to submittal of the site permit.
 - B. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment of capacity to serve any new development within the plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/rezoning area.

5. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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 sketch plan as approved at public hearing.
8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
9. 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.
10. 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)."

The Chair 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 P22CR00001, subject to standard and special conditions.

27. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2022 - 22, Co9-71-178, Empire Acres Subdivision Rezoning (Lot 31). Owner: Patricia Ann Payne-Kautenburger and David Scott Kautenburger. (District 4)

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

28. Hearing - Specific Plan Rezoning Ordinance

ORDINANCE NO. 2022 - 23, P21SP00002, Bratton, et al. - N. Reservation Road Specific Plan Rezoning. Owner: Bratton, et al. (District 3)

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

29. Hearing - Rezoning Resolution

RESOLUTION NO. 2022 - 69, Co9-11-08, Andrada Investors, L.L.C. - Andrada Road (Alignment) Rezoning. Owner: Andrada Investors, L.L.C. (District 4)

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

30. Hearing - Rezoning Resolution

RESOLUTION NO. 2022 - 70, P16RZ00011, Ajo Camino de Oeste, L.L.C. - W. Ajo Highway Rezoning. Owner: Ajo Camino de Oeste, L.L.C. (District 5)

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

31. Hearing - Plan Amendment Resolution

RESOLUTION NO. 2022 - 71, P22CA00001, Stinson Family Trust - S. Headley Road Plan Amendment. Owner: Stinson Family Trust - Attn: Paul and Barbara Stinson. (District 5)

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

32. Hearing - Plan Amendment Resolution

RESOLUTION NO. 2022 - 72, P22CA00002, Bell Warren Jessica Living Trust - W. Ina Road Plan Amendment. Owner: Warren/Jessica Bell Living Trust - Attn: Warren and Jessica Bell. (District 1)

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

BOARD OF SUPERVISORS

33. 2022 Elections

Discussion/Direction/Action regarding the compilation of an After-Action Report by the Pima County Elections Director and Recorder for the 2022 General Election as well as the new voting system implemented for the 2022 Elections including, but not limited to, the following areas of concern:

- Poll worker selection and training process.
- The October 21, 2022 Elections Integrity Commission agenda item entitled "Derogatory Correspondence" and its relationship to the Department of Justice announcement of 11/7/22 that it would be monitoring compliance with federal voting rights laws in Pima County for the 11/8/22 General Election.
- Cost savings realized by switching to the ePoll book/Vote Center model vs. those projected. (District 4)

Supervisor Christy asked the Elections Director and the Recorder to provide an after-action report in the same fashion as they did after the Primary Election. He added that it should be an analysis of the steps taken during the election process by both departments.

Chair Bronson asked Supervisor Christy if he would submit his questions in writing so they could be forwarded to the Elections Department and the Recorder.

Supervisor Christy stated that this was an important discussion. He relayed that during an interview with Lupita Murillo, he was asked about a threatening letter that had been sent to the Chair of the Pima County Democratic Committee and that the Department of Justice (DOJ) had been notified due to its nature. He commented that at the previous Election Integrity Commission (EIC) meeting, Chair Bickel presented the letter, but it was not included in any of the background material and was not part of the public record. He stated that Chair Bickel might have read the letter and handed it to another commission member in order to take a picture of it, but it was not released to the public. He asked if Director Hargrove recalled the incident and letter in question.

Constance Hargrove, Director, Elections Department, replied that she recalled the conversation, but never saw the letter and did not have a copy of it.

Supervisor Christy stated that since it was presented at the EIC meeting and was not provided as background material it could potentially be an Open Meeting Law violation.

Chair Bronson responded that was a question for the Board's legal counsel.

Supervisor Christy requested that the County Attorney look into this matter. He stated that he was being asked about a letter that he had never seen and that it was conveyed to him that the DOJ would be sending observers to Pima County to

observe the polls, the voting election and system. He asked if the County Administrator was notified of the DOJ coming to Pima County.

Jan Leshner, County Administrator, responded that she did not have knowledge of the DOJ coming to Pima County. She added that she would be able to look for the letter and its official response.

Supervisor Christy indicated that the DOJ notification could be found online. He stated that it was concerning because the Board did not know the contents of the letter, who wrote it and why the Democratic Party Chairman felt compelled to report it to the DOJ. He added that it may be a purposeful device to try to intimidate people in the voting process and created a false narrative that there would be violence.

Ms. Hargrove commented that the DOJ sent notification to the Secretary of State that they would be visiting Arizona, but she was unsure if they provided specific locations and she did not receive a letter from the DOJ. She added that she received a phone call from the DOJ informing her that they would be visiting Pima County and they asked for some information. She stated they asked for a letter documentation that allowed them to introduce themselves as they went into any vote centers. She added that she had not heard if they went into a vote center and she had not received any calls from any inspectors and they had not provided a reason why they would be visiting Arizona.

Supervisor Christy requested that the County Administrator look into this incident and provide a report to the Board. He asked if the Elections Department posted certifications that vote centers were properly politically balanced.

Ms. Hargrove replied that she provided that information to the vote centers and instructed them to be posted.

Supervisor Christy requested confirmation that the Director's certifications were posted. He questioned if QR slips were handed out on Election Day and if it was proper procedure to do so.

Ms. Hargrove responded that they did receive some QR slips from the Recorder that allowed individuals dropping off early ballots to keep track of their ballots. She stated that the QR slips should not have been handed out to voters that were voting on Election Day. She reiterated that individuals that dropped off their early ballots on Election Day that had already been marked and voted could receive a QR code.

Supervisor Christy asked for an explanation of express voting machines and what was their use.

Ms. Hargrove explained that the express voting machines were ADA machines that were located in each vote center and were required by the Help America Vote Act. She stated that they were used as back up in the event that a printer did not work

and individuals could use the express vote machine to mark a ballot. She added it was a ballot marking device that created a ballot for the voter.

Supervisor Christy asked if it could be used in the event of other voting machines not functioning or the inability to produce ballots.

Ms. Hargrove replied in the affirmative and stated that they were instructed to do this if they could not print a ballot or they could use their emergency ballots.

Supervisor Christy commented that he received constituent calls that there was some inability to produce ballots and the emergency voting system was not utilized. He asked if the express voting machine or emergency voting system could have been used.

Ms. Hargrove responded yes.

Supervisor Christy stated that he would include all his questions to the Director to add to the after-action report. He commented that the Recorder had personally called him to inform him that she would be unable to be present for the meeting. He stated that he would provide his questions to the Clerk for the Elections and Records after-action report.

Supervisor Grijalva thanked Ms. Hargrove and her team for all the hard work.

Ms. Leshar clarified that the EIC will not meet again until January 2023 and that the report would be provided directly to the Board.

Chair Bronson echoed Supervisor Grijalva's sentiments and stated that Director Hargrove did an outstanding job and she had joined the department at a challenging time and she looked forward to working with her in the future.

34. **Tucson Crime Free Coalition**

Discussion/Direction/Action regarding an update from the County Administrator on Pima County's efforts to develop a regional plan to reduce crime on the streets of our community, in support of the Tucson Crime Free Coalition's efforts. (District 4)

Chair Bronson commented that during Call to the Public many constituents had expressed concerns with Pretrial Services and the transition center. She stated that there was a need for assistance regarding County washes and asked for information from Flood Control.

Supervisor Christy requested an update on what County Administration and the City of Tucson (COT) had done to address this issue with the County Attorney. He added that the County Attorney was not willing to activate Pretrial Services properly to address issues heard from the community. He stated that he had heard that

police were inactive on purpose because they did not want to expand resources and go through the arrest or incarceration process.

Chair Bronson indicated that she had heard that both Sheriff's Deputies and TPD Officers would spend three hours at Pretrial only to see the individual released almost immediately and that it was not a good use of their time.

Jan Leshner, County Administrator, responded that there was a group of individuals, that included Deputy County Administrators, that participated in a weekly meeting to try to coordinate and collaborate on various activities to look at, including the municipal courts, Superior Courts and drug courts. She commented that Mari Vasquez had been hired to be the point person and this was a joint position between the COT and County, which would be their focal point for communications internally and externally. She added they had spent some considerable time with Pretrial Services and talked about what needed to be done and what they could do to use the Annex. She stated that the building was adjacent to the jail that could be used as a location to expand Pretrial Services' availability. She added they were currently in a couple of trailers by the jail and had done some additional work to the site. She stated they had looked at a variety of locations for a longer term facility and talked to owners of a larger facility to accommodate another portion of the community. She stated they had looked at working with local nonprofits that knew the area and developed a Request for Proposal. She stated they looked at the counts going into available shelters. She added that the COT had purchased four smaller hotel facilities and there were currently 144 individuals at those locations. She stated that there was not one answer that fit everyone and they needed to figure out what to do with a larger box that people could go to.

Steve Holmes, Deputy County Administrator, commented that there were unknown questions about how the Pretrial Service system worked. He stated they had an upcoming scheduled meeting with pretrial staff from the County Attorney's Office, Public Defender's Office and Probation Office, to try to figure out the scope of the system. He added there was some agreement based upon conversations with officers regarding the current system. He stated they had been working to better understand the current court systems at the Superior Court level. He hoped they received more clarity and answers to some of the questions around pretrial. He added that in collaboration with the City, they have attended meetings for the last two months in order to better understand how they could work together in the County's efforts. He stated their focus was for cleanup and outreach and move camps out. He added they needed to work with Tucson Police Department (TPD) on enforcement with cleanup and enforcement with crime. He stated they had an upcoming meeting with Chief Kasmar, to understand what direction was being given by TPD regarding that issue.

Supervisor Christy stated that time was of the essence as described by the business community and the coalition and he was concerned that this would be pushed aside.

Chair Bronson added or that this issue would be assigned to a committee.

Supervisor Christy commented that there was an urgency on the County's part and the urgency should also be conveyed to the COT. He questioned if there was a real necessity to have the COT involved and was there a situation of funding for the space. He stated that there were plenty of space at the former Juvenile Detention Center that had been turned into a welcoming center for asylum seekers overnight. He stated that he thought the County had spaces available.

Ms. Leshar commented that Casa Alitas was an important piece because when it was first identified it took quite some time to move into the facility and they had used temporary locations at the Kino Complex and other locations while the system was prepared. She stated they were seeing the same thing with this situation. She added that they hoped to collaborate with the COT because many of the instances and the problems were in the COT. She stated that they would move forward as the County and would do so in conversations with many partners, but hoped to bring the COT to the table because of the role of TPD.

Supervisor Christy reiterated the sense of urgency and the need to do everything that the County could do. He commented that the community was very passionate about this issue as they were with the Monsanto issue. He directed County Administration to conduct county-wide town halls in each district over the next month in the same manner as the Monsanto issue where County Administration coordinated it so that the public can express themselves and further gather information county-wide through each supervisorial district the need to address the issue and how the community was suffering.

Chair Bronson commented that what she has seen was anecdotal and there was a large increase in the number of homeless camps and that had nothing to do with people being evicted. She did not know if there was a way to get a handle on the sudden explosion of encampments because they were coming from somewhere and would get more. She added that the Super Bowl would arrive in January and she wondered what Phoenix was doing and what type of challenges they had with the homeless.

Supervisor Scott expressed his concern with the increased levels of homelessness and unsafe criminal behavior in the community. He stated that there was a need to adopt a framework for action.

It was moved by Supervisor Scott to approve the following:

1. Given the prevalence of criminal behavior that causes great hardships for our residents and businesses, the Board of Supervisors states that anyone who violates laws in place to protect public health and safety should be arrested and prosecuted. Anything that prevents the enforcement of our laws should be identified and removed. The Board directs the County Administration to work with the County Attorney, Sheriff, Superior Court and any other involved parties

to identify any barriers or impediments to effective enforcement or prosecution and report back to us with plans for addressing them.

2. The Board directs County Administration to devise a plan for making use of the Mission Annex as a site for the expansion of pretrial and probation services.
3. Given the need for more low barrier shelter space in our community, the Board directs County Administration to move expeditiously to open a large County run, low barrier shelter.
4. Given that the small low barrier shelters recently opened by the City of Tucson are currently at or above capacity, the Board directs County Administration to explore the possibility of acquiring other small properties to be used as low barrier shelters.
5. There are numerous high and low barrier Pima County shelters run by private organizations. The Board directs County Administration to develop a plan for an informational campaign designed to ensure that all private and public entities are aware of which populations are served by each one of these existing shelters so that we can always make effective use of any available spaces.
6. There is a need for comprehensive wrap around services that seek to address the root causes of homelessness. The Board directs County Administration to report to us on any current joint efforts being undertaken by County and City of Tucson staff to provide such services. Any further opportunities for greater collaboration and ways that private sector agencies can join in support of these efforts.
7. The Board directs County Administration to fully evaluate and report back to us on any options for reallocating unexpended American Rescue Plan Act funds to pay for any expenses associated with any of the items addressed in this motion.

The motion died for a lack of a second.

Supervisor Christy asked what low barrier shelter meant in Supervisor Scott's motion and where it fit into the scenario.

Supervisor Scott explained that a high barrier shelter was one where you needed to meet certain criteria to be admitted, for example, you cannot be using drugs, cannot bring a spouse or pet. He added that a low barrier shelter was one that took in anybody to provide shelter.

Chair Bronson commented that the problem with low barrier shelters was that you would essentially be buying housing and what the Board had heard from those that spoke at Call to the Public was a need for an immediate solution. She stated the immediate need to get criminals off the streets and did not think low or high barrier shelters were an immediate solution. She added that they were looking at some kind of sanctioned camping as an immediate, but not long-term solution.

Supervisor Grijalva commented that one of the reasons they asked for the County Administrator to start working together on a task force to bring nonprofits and law enforcement and business community together to come up with different solutions because she did not think there was going to be one silver bullet to fix it. She stated

there had been arrests and most of them were nuisance crimes. She added that they were arrested if law enforcement chose to pick them up, because that did not always happen. She stated that the Board was not in charge of how the courts imposed the consequences, but that they needed to have a conversation with the courts. She commented that there had to be conversation about drug court, but in order for drug court to work, you had to have a certain sentence in order to opt to go into treatment. She added that they could not be forced into treatment. She questioned how they could make all of the pieces work together to help support a safe community and healthy environment, how they could compel people to go to treatment and break the cycle. She also asked if encampments would be a solution to the problem or if it was pushing the problem into certain centers of town.

Chair Bronson commented that encampments worked in Seattle and Portland.

Supervisor Grijalva replied that some of those programs have been moved around. She questioned if those programs were working, why hadn't the Board been presented with information as opposed to their own research and homework. She added that she had not heard from County Administration to bring a group of people together on what they thought a good plan would look like.

Supervisor Christy added that it was imperative at this point to change the no cash bail policy. He stated that policy was putting criminals back out on the street. He stated that he could agree with some parts of Supervisor Scott's motion, but he did not see anything that showed they would collaborate with non-governmental organizations (NGO's) in the community that dealt with the homeless. He questioned why they had not stepped up to the plate. He added one way to make a change was to the no cash bail policy.

Supervisor Scott replied that the NGO's were addressed in Nos.5 and 6 of the motion and the approach to getting criminals off the street and making sure they were effectively dealt with were addressed in Nos. 1 and 2 of the motion. He stated that it could be used as the basis for doing something because so far they had taken no direct action. He recognized that the motion was not able to get a second, but that there were parts of the motion that the entire Board could support.

Chair Bronson stated that part of the problem was how people were arrested and charged by the arresting entity and how the County Attorney chose to or not to prosecute. If the County Attorney was not prosecuting, or the arresting officer was charging them with a lesser crime, then they ended up not getting prosecuted and would keep going around in a circle. She questioned how they could get them off the street immediately and part of the hang-up was Pretrial services and how deflection would work.

Supervisor Grijalva commented that the County Attorney sent an email that explained the concerns of theft, trespass, disorderly conduct, and simple assault, which were City misdemeanors that her office had zero authority over. She indicated the need for a regional collaboration to work with other courts and other

municipalities. She stated the Pretrial Services was run by the COT and that was why one of the issues was how the courts and law enforcement worked together.

Supervisor Christy stated that Supervisor Scott answered Supervisor Grijalva's concerns in No. 2 of his motion and thought that it could be brought forward as an agenda item for support. He stated that he could support that item if it stood alone and that it could be an initial step forward.

It was moved by Supervisor Christy, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to direct County Administration to devise a plan for making use of the Mission Annex as a site for the expansion of Pretrial and Probation Services.

Chair Bronson questioned how the County would address crimes being charged as misdemeanors in City Court.

Mr. Holmes replied that they needed to better understand the process to bring people together and change the way things were currently done. He stated that since they had no jurisdiction over the courts, but they had the ability to bring people together, they would figure out what the best course of action was going to be to address some of the issues. He added it would require collaboration with the COT since they had jurisdiction over those courts and with TPD. He stated that it would start with trying to better understand the system and influence the way it was currently done.

It was then moved by Supervisor Scott and seconded by Chair Bronson to approve No. 1, given the prevalence of criminal behavior that causes great hardships for our residents and businesses, the Board of Supervisors states that anyone who violates laws in place to protect public health and safety should be arrested and prosecuted. Anything that prevents the enforcement of laws should be identified and removed. The Board directs the County Administration to work with the County Attorney, Sheriff, Superior Court and any other involved parties to identify any barriers or impediments to effective enforcement or prosecution and report back to us with plans for addressing them. No vote was taken at this time.

Supervisor Grijalva offered a friendly amendment to amend the word Superior Court to Courts in general.

Supervisor Scott accepted the friendly amendment.

Supervisor Christy asked for clarification if the Mission Annex was County-owned property.

Chair Bronson concurred.

Supervisor Christy commented that the County would provide the COT with County-owned property to address the court's issue, Pretrial Services issue that the COT

seemed to have the stumbling block. He added the County was doing everything it could and it was time for the COT to step up to help resolve the issue with the courts. Supervisor Christy called the question.

Supervisor Grijalva commented that Pretrial Services was limited on space and that expansion made sense and was something coming out of County facilities. She stated it made sense to house the program because it would be long term.

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

It was thereupon moved by Supervisor Scott and seconded by Chair Bronson to approve No. 7, direct County Administration to fully evaluate and report back to the Board options for reallocating unexpended American Rescue Plan Act funds or other funds from the feds related to the pandemic to pay for expenses associated with the items.

Supervisor Christy commented that he was concerned with this item and questioned what would happen when the American Rescue Act Funds ended.

Chair Bronson replied that they had ended, but the County may have some left over funds that could be used.

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

Supervisor Scott stated that some NGO's ran shelters that were already up and running and that he would like to have them working in partnership with COT and County staff on wraparound services.

It was again moved by Supervisor Scott to approve No. 5 and 6.

Chair Bronson replied that she was not comfortable with No. 5, but could support No. 6.

Supervisor Scott amended his motion to approve No. 6 only. Chair Bronson seconded the motion.

Supervisor Grijalva commented that the Board had given prior direction to start working on a regional plan and part of that was to get all the organizations together and that it was redundant with the direction given.

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

COUNTY ATTORNEY

35. Waiver of Attorney - Client Privilege

Discussion/Action: Consideration of waiver of Attorney-Client Privilege for the Arizona Gift Clause - AZ Heroes Memorial memorandum dated November 8, 2022.

It was moved by Supervisor Scott, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to waive attorney-client privilege and release the memorandum.

36. Pascua Yaqui Indian Tribe Intergovernmental Agreement

Discussion/Action regarding the intergovernmental agreement between the Pascua Yaqui Indian Tribe of Arizona and Pima County:

Pascua Yaqui Tribe of Arizona, to provide an intergovernmental agreement to coordinate the prompt processing, execution, and enforcement of state or tribal warrants, demands for extradition, and protection orders, and to authorize the appointment of a tribal prosecutor as a Special Deputy County Attorney, no cost/5 year term (CTN-PCA-23-71)

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

Laura Conover, County Attorney, addressed the Board and stated that they had collaboration that would best serve the O'odham Nation and the Pascua Yaqui people to make sure they provided good services to victims. She stated she was pleased to have the opportunity to deputize a Pascua Yaqui prosecutor. She added that they were in negotiations with the O'odham Nation as well to deliver on the promise to serve all the people.

Alfred Urbina, Attorney General, Pascua Yaqui Tribe, thanked the Board for bringing this item forward and stated it would help them work with the County Attorney moving forward. He added that the agreement gave them the ability to have a special Deputy County Attorney appointed by the County Attorney to bring the cases to the County if they were not filed in tribal court or federal court. He stated this would be a model program for Indian country across the nation.

Peter Yucupicio, Chairman, Pascua Yaqui Tribe, thanked the Board and stated that the support would go both ways. He stated it would help the jurisdictions of the whole County, the State and everyone else and that it was wonderful to think of the partnership between Pima County and the Pascua Yaqui Tribe.

Chair Bronson thanked everyone for coming and stated that they voted in support of the contract.

Supervisor Christy asked when they voted in favor.

Chair Bronson stated that the Board had voted prior to the speakers' comments and when she asked there were no objections.

Supervisor Christy commented that he was somewhat troubled by the issue because he was always under the impression that the nations were sovereign. He questioned why they were starting a relationship with the County Attorney's Office who had no real connection to a sovereign nation. He stated that the nation had its own judicial system, but yet the County extended the County Attorney's jurisdiction into the judicial system. He added that the separation of what the County had and what the nation owned was being put into a jeopardizing situation. He stated that they created a new job classification, but it had no involvement with a budgeting impact. He added that what was being asked was to approve this new position, which he thought would be a dysfunctional relationship between the County Attorney and the sovereignty of the nations.

Attorney General Urbina replied that the jurisdiction was separated and on the reservation it was separated and sovereign. He stated that the state, the federal government and the tribe all had jurisdiction over certain people and certain crimes. He stated there had always been crimes that had found its way to County court. He added those were crimes committed by non-Indian offenders on the reservation that flowed off the reservation. He stated that the Supreme Court recently ruled that states also had jurisdiction over crimes involving non-Indians and tribal victims, which opened up a new category. He stated these cases would be assessed through this program either to flow into state court, federal court or tribal court. He added it was a way for them to manage what the Supreme Court brought across Indian country. He stated that the County Attorney would be using her authority to appoint a special deputy prosecutor whose costs would be paid by the tribes and there would be no costs associated with the appointment of a Special Deputy County Attorney.

Supervisor Christy questioned if there would be no agreements to be negotiated and entered into separate agreements regarding costs.

Attorney General Urbina stated there would be no costs as the IGA term indicated both parties would cover their own costs. He added there would be no additional costs to the County or the Tribe to address violent crime cases.

Supervisor Christy asked if there was no infringement on the sovereignty of the nations by having a representative from the Pima County Attorney's Office serving in the capacity presented.

Attorney General Urbina commented that he did not agree with the Supreme Court case, but he did not believe it affected their sovereignty moving forward.

Supervisor Scott questioned what the legislative fix to the Supreme Court ruling would be.

Attorney General Urbina responded that there could be a legislative fix by Congress in the future. He stated that there were drafts and would be something addressed in 2023 or 2024, after tribes and states weighed in. He added that the fix would clarify jurisdiction for tribes or an Oliphant fix to restore tribal jurisdiction over all crimes over all people that occurred on the reservation.

Chairman Yucupicio commented that as you looked at jurisdictional issues you thought of a reservation and they looked at the whole County and whole State. He stated that he was a taxpayer to the County and that two-thirds of tribal members lived off the reservation. He added that it was a misconception to think of putting them in a zone or cell or something like a reservation. He stated that the agreement would be no further costs to the County. He asked the Board for their consideration and to give it a chance.

Attorney Conover commented that they had been trying to look forward and not backward. She stated that they had a responsibility to take care of the Pascua Yaqui victims of violent crime that occurred off the reservation. She stated that when she arrived to the County, she watched for ten years the U.S. Attorney's Office grant authority without cost and grant authority to tribal prosecutors to co-try cases and to best serve Pascua Yaqui victims. She added that this would open up lines of communication and her office would be tremendously served by better collaboration and she looked forward to the partnership.

Supervisor Scott requested information when the new congress was seated from Mr. Rossi, the County's lobbyist in Washington and Phoenix, as to whether there was any kind of legislative fix moving forward with this matter.

BOARD, COMMISSION AND/OR COMMITTEE

37. Community Action Agency Board

Reappointment of Judith Keagy. Term expiration: 12/31/23. (District 1)

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

38. Pima County Regional Affordable Housing Commission

- Appointments of Tom Litwicki and Meghan Heddings. Term expirations: 11/14/26. (District 2)
- Appointments of Shawn Cote and Steve Huffman. Term expirations: 11/14/26. (District 3)
- Appointments of JoAnn di Filippo and Chris Erickson. Term expirations: 11/14/26. (District 4)

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

CONSENT CALENDAR

39. Approval of the Consent Calendar

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item No. 6 was set aside for separate discussion and vote.

Upon the request of Supervisor Grijalva to divide the question, Consent Calendar Item No. 30 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Procurement

6. Award

Amendment of Award: Master Agreement No. MA-PO-18-182, Amendment No. 5, Advent Electric, Inc., to provide for jail security systems maintenance. This amendment extends the contract termination date to 12/31/23, includes two (2) one-year renewal options, and adds the annual award amount of \$180,000.00 for a cumulative not-to-exceed contract amount of \$1,080,000.00. Funding Source: Inmate Welfare Fund. Administering Department: Sheriff.

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

Supervisor Christy requested clarification on the funding source.

Jan Leshner, County Administrator, responded that when inmates purchased items at the jail the amounts spent on items went into the Inmate Welfare Fund.

Supervisor Christy questioned whether that meant the inmates paid for their own security system.

Ms. Leshar responded in the affirmative.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR GRIJALVA

ELECTIONS

30. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Andi De Bellis-034-LBT, Maritza Barajas-Downing-103-LBT

APPOINTMENT-PRECINCT-PARTY

Joseph Guarino-107-LBT, David Croteau-167-LBT

Supervisor Grijalva asked that David Croteau be pulled from this item due to the anti-semitic content on his personal social media accounts. She indicated that this was unacceptable and would not be tolerated and that the Board should not move forward with approval of his appointment.

Chair Bronson concurred, but stated that the Board's actions were ministerial and asked for clarification from the County Attorney.

Sam Brown, Chief Civil Deputy County Attorney, responded that the information would be provided to the Board.

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

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

No Board action was taken on the Precinct Committeeman appointment of David Croteau.

* * *

CONTRACT AND AWARD

Community and Workforce Development

1. Tucson Center for Women and Children, Inc., d.b.a. Emerge! Center Against Domestic Abuse, Amendment No. 3, to provide for safe, green and health energy-efficient facility improvements, extend contract term to 9/30/23 and amend contractual language, no cost (CT-CR-21-167)
2. Tucson Clean & Beautiful, Inc., Amendment No. 1, to provide for the TCB Clean & Green Program, extend contract term to 10/31/23 and amend contractual language, no cost (CT-CR-22-108)
3. Salvation Army, Amendment No. 1, to provide for U.S. Housing and Urban Development (HUD) Continuum of Care (CoC) Program - Project Advent, extend contract term to 6/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$142,497.50 (CT-CR-21-418)

County Attorney

4. Humphrey & Petersen, P.C., Amendment No. 4, to provide for the representation of Pima County and Mark Napier in Murillo v. Pima County, et. al., C20201462 and amend contractual language, Risk Management Tort Fund, contract amount \$75,000.00 (CT-FN-21-150)

Facilities Management

5. Five-To-Oh Coffee, L.L.C., Amendment No. 1, to provide a lease agreement for the operation of a coffee and snack shop in the Pima County Historic Courthouse located at 115 N. Church Avenue, extend contract term to 11/30/23 and amend contractual language, contract amount \$7,800.00 revenue (CTN-FM-21-27)

Procurement

6. **Award**
Amendment of Award: Master Agreement No. MA-PO-18-182, Amendment No. 5, Advent Electric, Inc., (PULLED FOR SEPARATE ACTION)
7. **Award**
Award: Master Agreement No. MA-PO-23-77, Waste Management of Arizona, Inc. (Headquarters: Houston, TX), to provide for solid waste removal. This master agreement is for an initial term of one (1) year in the annual award amount of \$500,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Facilities Management.

8. **Award**

Award: Master Agreement No. MA-PO-23-74, to provide for auto body repair and refinishing services. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$550,000.00 including sales tax and includes four (4) one-year renewal options. Funding Source: Fleet Services Ops Fund. Administering Department: Fleet Services.

Group A: Automotive and Truck Repairs

Fabco Enterprises, Inc., d.b.a. Family Auto Body (Headquarters: Tucson, AZ)
Generation Loop, L.L.C., d.b.a. Von's Carstar (Headquarters: Tucson, AZ)
O'Reilly Chevrolet, Inc. (Headquarters: Tucson, AZ)
Olde English Creations, L.L.C. (Headquarters: Tucson, AZ)
Watson Chevrolet, Inc. (Headquarters: Tucson, AZ)

Group B: Specialty Vehicles

Fabco Enterprises, Inc., d.b.a. Family Auto Body (Headquarters: Tucson, AZ)
Generation Loop, L.L.C., d.b.a. Von's Carstar (Headquarters: Tucson, AZ)
Olde English Creations, L.L.C. (Headquarters: Tucson, AZ)
Watson Chevrolet, Inc. (Headquarters: Tucson, AZ)

9. **Award**

Amendment of Award: Master Agreement No. MA-PO-20-56, Amendment No. 6, McKesson Medical-Surgical Government Solutions, L.L.C., to provide for medical supplies. This amendment increases the annual award amount by \$300,000.00 from \$500,000.00 to \$800,000.00 for a cumulative not-to-exceed contract amount of \$2,550,000.00 and appends the Forced Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. § 35-394. Funding Source: General Health Fund. Administering Department: Health.

10. **Award**

Amendment of Award: Multiple Master Agreements, to provide for janitorial services. This amendment extends the termination date to 12/31/23 and increases the not-to-exceed contract amount by \$1,700,000.00 for a cumulative not-to-exceed contract amount of \$22,058,000.00. Funding Source: General Fund. Administering Department: Facilities Management.

Master Agreement No./Amendment No./Contractor Name/Current Not-to-Exceed/Annual Award Amount/New Not-to-Exceed

MA-PO-18-92/ 7/ JanCo FS2, L.L.C., d.b.a. Velociti Services/ \$7,337,000.00/ \$825,000.00/
\$8,162,000.00
MA-PO-18-93/ 6/ G&G Janco Enterprise, L.L.C., d.b.a. Janco Janitorial/ \$3,856,000.00/
\$825,000.00/ \$4,681,000.00
MA-PO-18-94/ 7/ JanCo FS2, L.L.C., d.b.a. Velociti Services/ \$3,355,000.00/ \$50,000.00/
\$3,405,000.00
MA-PO-18-95/ 7/ JanCo FS2, L.L.C., d.b.a. Velociti Services/ \$2,975,000.00/ \$0.00/
\$2,975,000.00
MA-PO-18-96/ 7/ JanCo FS2, L.L.C., d.b.a. Velociti Services/ \$2,835,000.00/ \$0.00/
\$2,835,000.00
Totals: \$20,358,000.00/ \$1,700,000.00/ \$22,058,000.00

11. Consultant Engineering, Inc., and HDR Construction Control Corporation, Amendment No. 8, to provide for construction surveillance and inspection services for Transportation Capital Improvement Projects and amend contractual language, Various Funds, contract amount \$500,000.00 (MA-PO-18-184) Transportation
12. Application Software, Inc., d.b.a. ASI COBRA, L.L.C., Amendment No. 1, to provide for COBRA administration services, extend contract term to 6/30/24 and amend contractual language, Pima County Health Benefits Trust Fund, contract amount \$50,000.00 (MA-PO-18-295) Human Resources

Real Property

13. United States Air Force, to provide for a Deed of Easement for property located within the vicinity of Davis-Monthan Air Force Base, Tax Parcel Nos. 141-21-0260, 141-26-003H and 141-26-003G, no cost/perpetual (CTN-RPS-23-64)

Regional Wastewater Reclamation

14. Town of Marana, Amendment No. 1, to provide for sewer billing and collection services, extend contract term to 11/30/23, amend contractual language and scope of services, RWRD Enterprise Fund, contract amount \$85,000.00 (CT-WW-21-224)

GRANT APPLICATION/ACCEPTANCE

15. **Acceptance - Constables**
Arizona Constable Ethics Standards and Training Board, to provide for the FY23 Constable Equipment - Ballistic Vests, \$1,204.67 (GTAW 23-44)
16. **Acceptance - County Attorney**
U.S. Department of Justice and U.S. Department of Treasury, to provide for the FY23 Crime Victim Compensation Program, \$592,339.00 (GTAW 23-19)
17. **Acceptance - Development Services**
The Sonoran Institute and the Babbitt Center for Land and Water Policy, to provide for the Growing Water Smart technical assistance grant, \$10,000.00/\$10,000.00 Development Services Enterprise Fund Match (GTAW 23-35)
18. **Acceptance - Pima Animal Care Center**
Friends of Pima Animal Care Center, to provide for the Pet Support Center staff funding support, \$152,000.00 (GTAW 23-40)

19. **Acceptance - Pima Animal Care Center**
Friends of Pima Animal Care Center, to provide for a mobile medical unit, \$420,000.00/4 year term (GTAW 23-62)
20. **Acceptance - School Superintendent**
Arizona Department of Education, to provide for the Elementary and Secondary School Emergency Relief Grant Pima County Capacity Projects, \$2,626,117.93/2 year term (GTAW 23-67)
21. **Acceptance - Sheriff**
Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety DUI/Impaired Driving Enforcement, \$10,000.00 (GTAW 23-58)
22. **Acceptance - Sheriff**
Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety STEP Enforcement related professional services, materials and supplies, \$28,000.00 (GTAW 23-59)
23. **Acceptance - Sheriff**
U.S. Department of Justice - Office of Community Oriented Policing Services (COPS), to provide for the FY2022 COPS Hiring Program, \$1,750,000.00/\$1,361,067.68 General Fund Match/5 year term (GTAW 23-63)
24. **Acceptance - Sheriff**
Arizona Department of Homeland Security, Amendment No. 1, to provide for the FFY2021 Homeland Security Grant Program Award for ten (10) ballistic shields for patrol deputies and extend grant term to 11/30/22, no cost (GTAM 23-29)
25. **Acceptance - Sheriff**
Arizona Department of Public Safety, Amendment No. 1, to provide for the Arizona Vehicle Theft Task Force and extend grant term to 6/30/23, \$58,354.00/\$19,541.00 General Fund Match (GTAM 23-30)
26. **Acceptance - Sheriff**
Arizona Department of Education, Arizona State Board of Education - Health and Nutrition Services Division, Amendment No. 4, to provide for Supply Chain Assistance Funds, \$5,000.00 (GTAM 23-31)

BOARD, COMMISSION AND/OR COMMITTEE

27. **Metropolitan Education Commission**
 - Appointment of Hannah Lui, representing MEC Youth Advisory Council/Tucson Teen Congress, to fill a vacancy created by Samia Palmer. Term expiration: 9/15/23. (Commission recommendation)

- Appointment of Emily Ross, representing University of Arizona, to fill a vacancy created by Kasey Urquidez. Term expiration: 11/14/25. (Commission recommendation)
- Appointment of Katie Rose Wilbur, representing MEC Youth Advisory Council/Tucson Teen Congress, to replace Elayna Mack. Term expiration: 11/14/25. (Commission recommendation)

28. **Workforce Investment Board**

Reappointments of the following members, term expirations: 9/30/25. (Staff recommendations):

- Irisbeth 'Iris' Matheny, representing Business.
- James Zarling, representing Business.
- Laurie Kierstead-Joseph, representing Education and Training; Title II Adult Education and Literacy.
- Paul Stapleton-Smith, representing Workforce; Labor Org. Rep. nominated by Local Labor Federation.

Change category appointment of Kathy Prather, from representing Education and Training; Educational Agency to representing Workforce; CBO and fill the current seat of Kari Hogan. Term expiration: 9/30/23.

Appointments of the following members, representing Business. (Staff recommendations):

- Lance Jones, to fill a vacancy created by Marji Morris. Term expiration: 9/30/23.
- Steven Hosseinmardi, to replace Alex Horvath. Term expiration: 9/30/25.

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

29. **Special Event**

Robert Peter Mariani, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, October 29, 2022.

ELECTIONS

30. **Precinct Committeemen**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments (PULLED FOR SEPARATE ACTION)

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40. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:08 p.m.

CHAIR

ATTEST:

CLERK