

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, March 21, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair
Rex Scott, Vice Chair
*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
Jesus Gomez, Sergeant at Arms

Absent: Sharon Bronson, Member

*Supervisor Heinz participated remotely. He joined the meeting at 9:09 a.m. and left at 9:19 a.m. He rejoined the meeting at 9:29 a.m.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$6,931.50 for grading violation at 18057 West Lickskillet Lane, located within Regulated Riparian Habitat classified as Important Riparian Area with underlying Xeroriparian C Habitat. (District 3)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

2. CONTRACT

Pima County Flood Control District and Pima County, to provide an exchange agreement and Quit Claim Deed to establish appropriate property ownership with floodprone and preservation land vested in and managed by the District, no cost (CTN-RPS-23-140)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:53 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 21, 2023. Upon roll call, those present and absent were as follows:

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Also Present: Jan Leshar, County Administrator
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1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Julieann Arechederra, GIS Cartographer, Pima County Assessor's Office.

3. PAUSE 4 PAWS

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

PRESENTATION

4. Presentation of the 2022 Small Business Commission Awards to: Crema Coffee, Small Business Rural; Catalina In Home Services, Small Business Urban; and Arizona Construction Trades, Small Business Nonprofit.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-0 vote, Supervisor Heinz was not present for the vote and Supervisor Bronson was absent, to approve the item.

Janay Arenas, Chair, Ken Goodman, Vice Chair and Kent Blumenthal, Commissioner, Small Business Commission, presented the awards.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to the Honorable D. Douglas Metcalf, Judge, Superior Court, the Honorable Jeffrey T. Bergin, Presiding Judge, Superior Court, Michael Aaron, President, Pima County Bar Foundation, and Cindy Nguyen, President-Elect, Pima County Bar Association's Young Lawyers Division, proclaiming the day of Friday, April 14, 2023 to be: "LAW DAY IN PIMA COUNTY"

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item. Chair Grijalva made the presentation.

6. Presentation of a proclamation to Azhar Jamal, Elma Nunez and James Little, Program Coordinators, Angela Montiel, Health Educator Senior, Dolores Encinas and Jessica Barone, Program Specialists, and Lee Itule-Klasen, Program Manager, Pima County Health Department, Dustin J. Williams, School Superintendent, Matt Stamp, Communications Director and Monica Wright, Director of Healthy and Safe Schools, Pima County School Superintendent's Office, proclaiming the month of March 2023 to be: "PIMA COUNTY REAL DEAL ON VAPING MONTH 2023"

It was moved by Supervisor Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item. Supervisor Scott made the presentation.

7. Presentation of a proclamation to Katie Dusenberry, the first woman elected to serve on the Pima County Board of Supervisors representing District 1, proclaiming the day of Tuesday, March 21, 2023 to be: "KATIE DUSENBERRY DAY"

It was moved by Supervisor Scott, seconded by Chair Grijalva and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item. Supervisor Scott made the presentation.

8. CALL TO THE PUBLIC

Mike Aaron addressed the Board regarding Minute Item No. 34 and commented that it was a waste of taxpayer money and election department resources.

Gisela Aaron spoke about First Amendment rights, Supervisor Heinz's attendance at the Board meetings and policies regarding privileged information.

Robert Reus addressed the Board regarding fentanyl, heroine, and opiates.

Soleste Lupu and Joseph Roberts, Dancing in the Streets AZ, urged the Board to honor the life and memory of Elijah Miranda, who was killed on August 25, 2023, when a Constable tried to serve an eviction notice to a tenant at the Lind Common Apartments.

Jane Hubbard called for the resignations of Chair Grijalva and Supervisors Scott, Heinz and Bronson, for their failure to uphold their Oath of Office.

Brook Doty urged the Board and County Administration to enforce Board of Supervisors Policies D21.1, D21.2, and D21.3.

Dave Smith expressed his frustration with the Board for not fulfilling their obligations to the people.

Cory Stephens addressed the Board regarding fiscal responsibility, the Blue Ribbon Commission and maintenance of the jail.

Sharon Fickes expressed her opposition to the Chair's request to have Minute Item No. 45 discussed in executive session and her opposition to Minute Item No. 19.

Susan Kelly commented on property taxes, her disapproval of Minute Item No. 22 and the behavior of Supervisor Heinz.

Eric Robbin expressed his gratitude to Board members and staff for their service.

John Backer spoke on civility and efforts made by Supervisor Heinz to destroy the County.

Peter Norquest shared his approval of Minute Item No. 22, as part of a way to start economic growth and his concerns with the City of Tucson's proposed 15-minute Cities plan.

Ann Rose commented on small business closures, death statistics and cancers related to COVID injections.

Terra Radliff expressed concern with the actions and behavior exhibited by Chair Grijalva during Board meetings.

J.P. Salvatierra shared information on free PFAS testing for homes, volunteers needed for a Cyclovia event, the County's air quality and unresolved excess of ethylene glycol and diesel above a perched aquifer.

Keith Van Heyningen addressed the Board regarding immigration, sex trafficking and treacherous actions made by Board members.

Roger Score commented on free speech, disclosure that was needed from Supervisor Heinz, fentanyl deaths and sex trafficking.

Anastasia Tsatsakis spoke in opposition to the City of Tucson's proposed 15-minute Cities plan.

Stephanie Kirk commented on a recent radio interview given by Supervisor Heinz, 15-minute Cities plan and the Emergency Health Powers Act.

Lisa Stuessel shared her disapproval with Supervisor Scott's lack of outrage toward the actions of Supervisor Heinz.

Laurie Moore expressed her disapproval regarding how the democratic Board members handled COVID-19, the fentanyl crisis and full-term abortion, and called for them to be voted out of office.

Jim McFadzean addressed the Board regarding communism, Minute Item No. 22, and the City of Tucson's proposed 15-minute Cities plan.

Pilar Ruiz addressed the Board regarding the hiring of Constable Martinez-Garibay and how it was nepotism gone wrong.

Rafael Polo shared his comments on the political indoctrination of children and freedom of speech.

* * *

Chair Grijalva asked the County Administrator to address Minute Item No. 22, in regards to the idea that funding could be redirected elsewhere.

Jan Leshner, County Administrator, responded that a memorandum would be posted that listed state statutes. She explained that State law specified the amount of a bed tax, how it would be collected and how those dollars were used. She stated that the Board did not have discretion on how it moved the money through to be given to Visit Tucson and if it had been done differently, it would be in violation of State law.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-0 vote, Supervisor Christy was not present for the vote and Supervisor Bronson was absent, to convene to Executive Session at 10:07 a.m.

10. **RECONVENE**

The meeting reconvened at 10:17 a.m. Supervisor Bronson was absent. All other members were present.

EXECUTIVE SESSION

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Mendibles v. Pima County Settlement.

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

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Tinley v. Pima County Settlement.

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

COUNTY ADMINISTRATOR

13. **Update on County Initiatives to address Homelessness and Public Safety**

Chair Grijalva introduced Chief Deputy County Attorney Baird Green and Tucson Police Department Chief of Police Chad Kasmar. She stated the presentation was an effort to have a similar presentation done for the City of Tucson Mayor and Council and the Board of Supervisors.

Chad Kasmar, Chief of Police, Tucson Police Department, shared that the profession of policing had changed and a key aspect of being successful was scaling alternative response resources by recognizing the burden and complexities of issues, such as Fentanyl, drug use, mental health and homelessness. He added that a nine-month deputy was not equipped to handle those complexities on their own. He stated the City of Tucson (COT) had invested and scaled in on Community Safety, Health and Wellness and alternative response resources so the burden of the issues would not fall solely on the police department. He shared an example created of a three-tier system to evaluate the types of camps in the COT that had been reported and which required police presence. He stated prior to that system, it had been the sole burden on the Tucson Police Department (TPD), and it was important to put the right work into the right hands. He shared in the past year the face of homelessness had changed. He explained those typically seen would be unsheltered people, those in a mental health crisis or dealing with substance misuse disorders. He stated they also saw those that could not afford housing, lost their jobs or were facing other issues that would not fit into the traditional category of mental health or substance misuse disorders. He stated that he had about 15 total staff on the Community Outreach Response Engagement (CORE) team and the Homeless Outreach team and Substance Misuse Resource Disorder team. He stated that Tucson was the 33rd largest city in the country and had the same major issues as others in the country. He stated that it was important to be transparent with the data to help support those resources and look at what needed to be scaled or could be done differently within the police department. He shared in January the CORE team members evaluated just under 200 people contacted and found that 68% reported they had lived in Tucson for over six years, 39% acknowledged they were addicted to a narcotic, over 75% were addicted to Fentanyl and 26% reported job loss. He stated that with the unsheltered population, they normally dealt with low level misdemeanor crimes that impacted the operation of local businesses. He shared that one of the things being worked on would be the collaborative efforts with Pretrial Services and Arizona Superior Court to reinstate area restrictions, which would be a valuable tool for the entire region. He stated it would help disrupt the behaviors that was impacting the lawful community members and business

owners. He stated it had been challenging in the last year with over 3,000 narcotics arrests and over 250 deflections. He added that this year they were scaled to beat those numbers and so far, there were 846 narcotic arrests, 780 for possession, 66 for sales and 59 deflections which had put a burden on other system partners, such as Pretrial Services, the jail, the Public Defender's Office, the County Attorney's Office and programs like the Supportive Treatment and Engagement Program (STEPS). He stated it would take an investment of wraparound services, psychological and chemical support for individuals using drugs and be placed in a situation where they could manage their disorder. He stated there had been a misconception with Fentanyl use and shared that last year there were nearly 500 drug related overdoses in the larger Pima County and 70% were Fentanyl related. He explained that most Fentanyl users were also poly users. He shared that 6 out of 10 pills seized in the country contained lethal doses of Fentanyl, which caused the poly use. He stated that last year, 50% of the Fentanyl confiscated in the U.S. was in Arizona, and the street value had gone from two dollars a pill to under a dollar. He remarked that accessibility, affordability and the addiction it created had made it a large challenge. He mentioned businesses were very communicative about their challenges. He stated TPD was working on being more progressive and accountable with shop lifting so they could create an environment where they were able to get back to proactive police work. He shared they had responded to over 33,000 calls this year and officers initiated 17,000 self-initiated activities because they recognized the proactive work was what would provide relief to community members. He commented there were no simple solutions to complex problems and encouraged the collaboration between the COT and County continue to come up with more meaningful solutions.

Supervisor Scott inquired what Pima County's position was regarding the changes being implemented with Pretrial Services and how the changes may impact the time commitments for arresting police officers.

Jan Leshner, County Administrator, replied the County was continuing to work on the intergovernmental agreement for Initial Appearances and regularly worked with Pretrial Services, Adult Probation and the court system.

Steve Holmes, Deputy County Administrator, explained that a modular would be set up outside of Pretrial Services at the beginning of June. He stated that the modular would be the place for warm hand offs for people entering through Pretrial Services or exiting the jail system. He stated part of the challenge of recidivism and failure to appear could potentially be avoided if people could be quickly connected to those services. He explained 15 to 30 minutes was the expected amount of time spent in the pretrial modular and it was the booking into jail that took up most of an officer's time.

Supervisor Scott asked for more information on the zone restrictions and the input offered by the arresting officers who would know those areas.

Chief Kasmar replied they had been working on what were reasonable agreed upon area restrictions, which included evaluation of individuals to learn if they had a place to go or had been a prior offender. He explained if the issue had occurred with the same individual, they would ask for a progressive extension of the initial geography block. He remarked those disruptions created a level of discomfort with the goal to encourage someone to seek treatment for their issues and if treatment was not an option, then arrest opportunities would take place to address the behavior.

Supervisory Christy expressed his gratitude and appreciation for Chief Kasmar's efforts and leadership. He asked Chief Kasmar to continue in his efforts because he was making a difference and he had the support of the community behind him.

Chief Kasmar responded that he worked with a great team, had great leadership and partners who had a lot of pride in the community. He shared he had never seen a time with more collaboration between the Sheriff and other public safety heads and would continue to make Tucson a great place to live, work and play.

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

COUNTY ATTORNEY

14. Mendibles v. Pima County Settlement

Discussion/Action related to the negotiated settlement for Mendibles v. Pima County.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Heinz voted "Nay," and Supervisor Bronson was absent, to approve and proceed as discussed in Executive Session.

15. Anti-Racketeering Revolving Funds

Staff recommends approval to utilize Anti-Racketeering Revolving Funds in the amount of \$1,153.52 to help fund a Nation Crime Victims' Rights Week event under Board of Supervisors Policy No. C 6.3.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

DEVELOPMENT SERVICES

16. Final Plat With Assurances

P22FP00007, Bacardi Acres, Lots 1-14 and Common Area "A". (District 4)

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

FACILITIES MANAGEMENT

17. The Board of Supervisors on February 7 and 21, 2023, continued the following:

Contract

American Indian Association of Tucson, Inc., d.b.a. Tucson Indian Center, Amendment No. 4, to provide for a promissory note related to the Purchase and Sale Agreement of 160 N. Stone, extend contract term to 1/1/38 and amend contractual language to approve total contract amount of \$1,484,141.00 revenue (\$29,041.00 revenue decrease) (CTN-FM-17-14)

Jan Leshner, County Administrator, explained that effective April 1st, the amendment would extend the note by 13 years and 42 days, decrease the principal balance by \$33,980.00, which would reflect the payments that had already been made, eliminate the balloon payment due in 2025 and increase the interest from 3.5% to 5.5%, and the County would receive additional interest payments of \$696,333.80 due to the changes.

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

Supervisor Christy asked for clarification if the County was the financing arm entity of this purchase.

Carmine DeBonis, Jr., Deputy County Administrator, replied that the County was the beneficiary of the promissory note. He stated the County was not financing it, rather the County held the note and was the beneficiary. He added no funds were being expended by the County as part of the agreement.

Supervisor Christy inquired why Pima County was in the position as a beneficiary.

Mr. DeBonis, Jr., responded that in 2016 there was an amendment made to the lease with Tucson Indian Center that authorized the negotiation of the purchase of the building and property at 160 N. Stone. He stated that the amendment was unanimously approved by the Board, which included the form of the promissory note that was executed.

Supervisor Christy questioned why the purchase was not financed through the private sector arranged by the purchaser.

Mr. DeBonis, Jr., replied that he did not have any other information to provide, other than the previous Board had approved the lease agreement amendment in 2016, they authorized the negotiation of the sale of the property and included a form of the promissory note.

Supervisor Christy asked if the purchaser had made interest only payments during the first note and if so, why.

Mr. DeBonis, Jr., responded they made interest payments in the first five years of the agreement, as stated in the documentation from 2016.

Supervisor Christy inquired if there was a Payment Abatement Program made available during COVID to the purchaser.

Mr. DeBonis, Jr., responded that he was uncertain of one being made available.

Jacob Bernal, Executive Director, Tucson Indian Center, responded there was no abatement payment during the five-year period.

Supervisor Christy asked how many other County-owned properties had the same financial arrangement and why it was set up with the current configuration.

Mr. DeBonis, Jr., responded he was unaware of any others, but could research it and bring that information back to the Board. He added that it was set up based on the documentation from 2016 in the form of a promissory note.

Supervisor Christy commented that Pima County taxpayers should not be in the commercial real estate financing business. He stated that he would vote no on this item.

Mr. Bernal commented that the Tucson Indian Center had a full force and effect lease with the County and had been good tenants for over a decade. He stated the County desired to move them out to make room for Caterpillar. He explained to expedite the situation, Pima County offered a surplus property in exchange for foregoing their lease at 97 E. Congress. He stated it was part of the arrangement the Board made at that time to facilitate the move and minimize the disruption of services.

Supervisor Scott commented that four of the current Board members were not on the Board at that time. He read from the County Administrator's Memorandum dated March 10, 2023 and reiterated the County Administrator's opening statement.

Upon roll call vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

FLEET SERVICES

18. Annual Vehicle Exemptions

In accordance with A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2023.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

HUMAN RESOURCES

19. Classification/Compensation

The Pima County Recorder requests approval to create the following new classifications, associated costs will be borne by the department from within its current budget:

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

1124/ Voter Registration Specialist/38(\$38,355-\$57,179)/6/ NE*

1125/ Voter Registration Unit Supervisor/47(\$47,008-\$69,576)/6/ NE*

*NE = Not Exempt (paid overtime)

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

Supervisor Christy inquired if this was to hire new employees for the Recorder's Office or if this was for the reclassification of existing employees.

Jan Leshner, County Administrator, responded that the Recorder was creating new positions, but was unsure if the intent was to reclassify existing or to expand them.

Hilary Hiser, Chief Deputy Recorder, explained that there were existing positions in the Recorder's Office with current employees in those positions and the new classifications were to better reflect the operations of the department.

Supervisor Christy clarified that the Recorder was only reclassifying current employees.

Ms. Hiser responded in the affirmative.

Supervisor Christy asked why the request was from Human Resources (HR) and not directly by the Recorder.

Ms. Leshner explained all requests for HR positions that came from any County department went through HR. She clarified that they opined and made recommendations as to whether positions fit in the overall classification compensation allocations of the entire County.

Supervisor Christy restated existing employees would be reclassified and the procedure was to go through HR.

Ms. Leshner responded in the affirmative.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

REAL PROPERTY

20. Dedication of Right-of-Way

Dedication of a Right-of-Way on Irvington Road. (District 5)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

REGIONAL WASTEWATER RECLAMATION

21. Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

Enterprise Leasing Company of Phoenix, L.L.C., Case No. 2022-D-003. The proposed settlement provides that Enterprise will pay a penalty of \$800.00 and submit to Pollution Prevention School is in accordance with the Industrial Wastewater Enforcement Response Plan.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

CONTRACT AND AWARD

Attractions and Tourism

22. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Amendment No. 1, to promote and enhance tourism, business travel, film production and youth, amateur, semi-professional and professional sports development and marketing and amend contractual language, General Fund, contract amount \$3,850,000.00 (CT-ED-22-401)

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

Supervisor Christy requested clarification if this item was the next step in the process of accepting City of Tucson (COT) monies and directing those into Visit Tucson.

Jan Leshner, County Administrator, responded that these were funds that were paid from the Department of Revenue to the COT incorrectly, that were sent back to the Department of Revenue and then sent to the County. She stated that it was not a direct allocation from the COT to the County, since it went through the State.

Supervisor Christy stated the funds that were misdirected were being returned back to the County and then to Visit Tucson.

Ms. Leshar responded in the affirmative.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

Community and Workforce Development

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

Vendor/Contract Amount/Contract No.

Altar Valley School District/\$73,732.50/CT-CR-22-318

SER-Jobs for Progress of Southern Arizona, Inc./\$237,793.35/CT-CR-22-320

Goodwill Industries of Southern Arizona, Inc./\$150,226.27/CT-CR-22-325

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

24. Three Points Fire District, Amendment No. 1, to provide for Thermal Imaging Cameras, HUD CDBG Community Public Facilities Activity, extend contract term to 8/31/23 and amend contractual language, no cost (CT-CR-22-56)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

25. Ajo Center for Sustainable Agriculture, Amendment No. 1, to provide for Ajo Food Security Response to COVID-19, extend contract term to 12/31/23 and amend contractual language, no cost (CT-CR-22-196)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

26. Arivaca Coordinating Council/Arivaca Human Resource Group, Inc., Amendment No. 1, to provide for Arivaca Coordinating Council/Arivaca Human Resource Storage Facility, HUD CDBG Community Public Facility Activity, extend contract term to 12/31/23 and amend contractual language, USHUD and CDBG Funds, contract amount \$25,000.00 (CT-CR-22-197)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

Human Resources

27. United Way of Tucson and Southern Arizona, Inc., Amendment No. 4, to provide for the Employees Care About Pima County 2023 Campaign, extend contract term to 12/31/23 and amend contractual language, General Fund, contract amount \$39,647.85 (CT-CED-19-401)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by 3-1 vote, Supervisor Christy voted "Nay," and Supervisor Bronson was absent, to approve the item.

Justice Services

28. Old Pueblo Community Services, to provide for Pima County Housing First Pay for Success Initiative, U.S. Department of Justice, Office of Justice Programs and Bureau of Justice Assistance Funds, total contract amount \$901,200.00/3 year term (\$300,400.00 per year) (CT-JS-23-275)

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

Supervisor Christy questioned why this item was under Justice Services and not Community and Workforce Development, where other housing initiatives existed.

Jan Leshar, County Administrator, responded that the grant was funded by the Pay for Success Initiative that came through the Justice Services and part of that element also dealt with the justice side of some of the housing issues. She stated that there was collaboration between different departments that had some element of housing.

Supervisor Christy commented it seemed that this item could have also been included under Behavioral Health instead of Justice Services.

Ms. Leshar explained there were other departments that worked in the housing arena and that this grant came through Justice Services.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was absent.

Office of Sustainability and Conservation

29. City of Tucson, to provide an intergovernmental agreement for historic preservation services for Fort Lowell historic structures and other properties related to the City of Tucson Proposition 407 for Parks and Connections Bond approved by voters in 2018, total contract amount \$2,750,000.00 revenue/5 year term (\$550,000.00 per year) (CTN-SUS-23-112)

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

Chair Grijalva inquired if the County would be paid through Prop. 407 from the City of Tucson (COT).

Jan Leshner, County Administrator, responded in the affirmative.

Supervisor Christy stated the resolution included with the intergovernmental agreement (IGA) listed an amount of \$3.15 million, but the grant from the COT was for \$2.7 million and inquired about the COT's contribution. He asked what the difference represented and where it came from.

Ms. Leshner responded that it was an inclusion of part of an award from a heritage fund by the Arizona State Parks Board for the total fund. She explained the amount of the IGA was with the COT, but the total amount that would be encompassed in the IGA included additional dollars from the heritage fund.

Supervisor Christy inquired if the \$3.15 million would be the working capital for the project.

Ms. Leshner concurred and stated the amount from the COT was a lesser amount, and the two grants together was for the greater amount.

Upon the vote, the motion carried 4-0, Supervisor Bronson was absent.

Procurement

30. Award

Award: Master Agreement No. MA-PO-23-139, to provide for original equipment manufacturer (OEM) warranty parts and repairs. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$624,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Internal Services Fund. Administering Department: Fleet Services.

Contractor Names for Chevrolet Parts

Watson Chevrolet, Inc. (Headquarters: Tucson, AZ) - Primary
O'Rielly Chevrolet, Inc. (Headquarters: Tucson, AZ) - Secondary

Contractor Names for Ford Parts

Jim Click Ford, Inc., d.b.a. Jim Click Ford Lincoln (Headquarters: Tucson, AZ) - Primary
Holmes Tuttle Ford, Inc., d.b.a. Holmes Tuttle Ford Lincoln (Headquarters: Tucson, AZ) - Secondary

Contractor Name for Dodge/Ram Parts

Jim Click, Inc., d.b.a. Jim Click Dodge (Headquarters: Tucson, AZ)

Contractor Name for Toyota Parts

DT Automotive Center, Inc., d.b.a. Desert Toyota of Tucson (Headquarters: Phoenix, AZ)

Contractor Name for Chrysler/Jeep Parts

Jim Click, Inc., d.b.a. Jim Click Dodge (Headquarters: Tucson, AZ)

Contractor Name for Hyundai Parts

Jim Click, Inc., d.b.a. Jim Click Hyundai (Headquarters: Tucson, AZ)

Supervisor Christy recused himself due to a potential conflict of interest.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-0 vote, Supervisor Christy recused himself due to a potential conflict of interest and Supervisor Bronson was absent, to approve the item.

31. Achen-Gardner Construction, L.L.C., Borderland Construction Company, Inc., Ellison-Mills Construction, L.L.C., and Hunter Contracting, Co., Amendment No. 2, to provide a job order master agreement for wastewater conveyance system and related facilities repair, rehabilitation and construction services and amend contractual language, RWRD Obligations Fund, contract amount \$7,000,000.00 (MA-PO-22-35) Administering Department: Regional Wastewater Reclamation

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

Real Property

32. 6971, L.L.C., and 6991, L.L.C., to provide an Agreement, Deed of Easement and modification of Deed of Easement for parking uses, no cost (CTN-RPS-23-137)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

33. Pima County Flood Control District and Pima County, to provide an exchange agreement and Quit Claim Deed to establish appropriate property ownership with floodprone and preservation land vested in and managed by the District, no cost (CTN-RPS-23-140)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

Recorder

34. City of Tucson, to provide an intergovernmental agreement for election services for the May 2023 Special Election, contract amount \$88,000.00 revenue (CTN-RE-23-135)

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

GRANT APPLICATION/ACCEPTANCE

35. Acceptance - Behavioral Health

Department of Justice via National Association of Victim of Crime Act Assistance Administrators, to provide for the 2023 National Crime Victims' Rights Week Community Awareness, \$5,000.00 (GTAW 23-101)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

36. Acceptance – Constables

Arizona Constable Ethics Standards and Training Board (CESTB), Amendment No. 3, to provide for the FY21 CESTB Cycle VII Equipment Grant - firearms and ammunition, extend grant term to 4/30/23 and amend grant language, no cost (GTAM 23-59)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

37. Acceptance – Health

Arizona Department of Health Services, to provide for Prop 201 Smoke-Free Arizona, total grant amount \$256,317.00/5 year term (\$51,263.40 per year) (GTAW 23-99)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

38. Acceptance – Health

Arizona Department of Health Services, Amendment No. 1, to provide for the home visiting services for Maternal, Infant and Early Childhood Home Visiting Program and extend grant term to 1/13/27, \$435,967.71 (GTAM 23-62)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

39. Acceptance - Pima Animal Care Center

Petco Love (formerly Petco Foundation), to provide for the Petco Love 2023 Spring Vaccine Campaign, \$2,821.66 (GTAW 23-103)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

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

Friends of Pima Animal Care Center, to provide for the Muth Patio Grant Recognition Agreement, total grant amount \$150,000.00/20 year term (\$7,500.00 per year) (GTAW 23-104)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

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

Friends of Pima Animal Care Center, to provide for the Katz Dog Area Recognition Agreement, total grant amount \$20,000.00/20 year term (\$1,000.00 per year) (GTAW 23-105)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

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

Friends of Pima Animal Care Center, to provide for the Kennel Grant Recognition Agreement, total grant amount \$5,000.00/20 year term (\$250.00 per year) (GTAW 23-106)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

43. **Acceptance – Sheriff**

U.S. Department of Agriculture (USDA) - U.S. Forest Service, to provide for a Cooperative Law Enforcement Agreement between the Pima County Sheriff's Department and the USDA, Forest Service Coronado National Forest and 2023-2027 Operating and Financial Plan, total grant amount \$38,000.00/4 year term (\$9,500.00 per year) (GTAW 23-100)

It was moved by Supervisor Christy, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

FRANCHISE/LICENSE/PERMIT

44. **Hearing - Liquor License**

Job No. 228120, Ricardo Augunstine Lopez, Jr., Manuel's Restaurant, 121 W. Duval Road, Green Valley, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

BOARD OF SUPERVISORS

45. Legal Opinion Regarding Exclusion of Citizen at Board Meetings

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

At the request of Supervisor Christy and without objection, this item was continued to the Board of Supervisors' Meeting of April 4, 2023.

Chair Grijalva requested that the item be moved into Executive Session during the April 4, 2023 Meeting, since she believed there was a legal concern.

Sam Brown, Chief Civil Deputy County Attorney, stated that his recommendation would be to move the item into Executive Session in order to discuss the legal opinion in a confidential environment.

Supervisor Christy stated that due to the nature of the item, he would not be following that recommendation, as it should be discussed in public.

Chair Grijalva asked that if on April 4th, there was not a majority of the Board that wanted to discuss the item in public, would they be able to address it then, because she would not be comfortable having a legal discussion in public, if a majority of Board members did not want to do that.

Mr. Brown responded in the affirmative and added they could do both.

COUNTY ATTORNEY

46. Tinley v. Pima County Settlement

Discussion/Action related to the Tinley v. Pima County Settlement.

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 3-1 vote, Supervisor Heinz voted "Nay," and Supervisor Bronson was absent, to approve and proceed as discussed in Executive Session.

CONTRACT AND AWARD

ATTRACTIONS AND TOURISM

47. Southern Arizona Kart Club, Inc., d.b.a. Musselman Honda Circuit, to provide a Development, Operation and Lease Agreement (Amended and Restated) for Pima Motorsports Park Facility, total contract amount \$139,999.65 revenue/8 year term (\$17,499.96 per year) (CTN-ED-23-142)

It was moved by Chair Grijalva, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the item.

CONSENT CALENDAR

48. **Approval of the Consent Calendar**

It was moved by Chair Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Bronson was absent, to approve the Consent Calendar in its entirety.

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Flood Control District Advisory Committee**

Ratification of City of Tucson appointment: John Van Winkle, P.E., to fill a vacancy created by Mark T. Murphy, R.G., Ph.D. No term expiration. (Jurisdictional recommendation)

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

2. **Special Event**

- John Walter Kenning, Jr., Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, March 18, 2023.
- Robin McArdle, Sculpture Tucson Org, Brandi Fenton Park, 3420 E. River Road, Tucson, March 17, 2023.
- Rev. Francisco R. Maldonado, Our Lady of the Valley Parish, Our Lady of the Valley Holy Family Center Hall, 505 N. La Canada Drive, Green Valley, May 5 and October 20, 2023.

3. **Temporary Extension**

- 015100022368, Craig Stephen Ivanyi, Arizona-Sonora Desert Museum, 2021 N. Kinney Road, Tucson, March 18, 2023.
- 015100022421, Craig Stephen Ivanyi, Arizona-Sonora Desert Museum, 2021 N. Kinney Road, Tucson, May 13, 2023.

TREASURER

4. **Certificate of Removal and Abatement - Certificate of Clearance**

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$1,979.94.

5. **Request to Waive Interest**

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$866.95.

6. **Duplicate Warrants - For Ratification**

Davis Joyce W. & Joseph G. \$50.89, Day Yacht USA, INC. \$624.65, Bloom Dale \$1,274.97

RATIFY AND/OR APPROVE

7. Minutes: January 24, 2023

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49. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:53 a.m.

CHAIR

ATTEST:

CLERK