

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, December 19, 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
John Stuckey, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:19 a.m. and left the meeting at 11:53 a.m.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Troy French, Custodian, Natural Resources, Parks and Recreation.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Chair Grijalva requested a Personal Point of Privilege to allow Larry Starks, Board President, Tucson Juneteenth Festival, to address the Board. Mr. Starks presented the Board with an award and thanked them and other County staff for their continued support of the festival.

5. ACKNOWLEDGEMENT

Acknowledgement of Sherry Ruther, Deputy Director, Office of Sustainability & Conservation.

Carmine DeBonis, Jr., Deputy County Administrator, thanked Ms. Ruther for her dedicated years of service and for being an amazing contributor to Pima County and the community. He wished her well in her retirement.

Jan Leshner, County Administrator presented Ms. Ruther with a Philabaum and acknowledged her many years of service to Pima County.

No Board action was taken.

6. CALL TO THE PUBLIC

Jerry Gutierrez addressed the Board regarding concerns with the extensive damage to Calle Loma Linda Road and the numerous speeding vehicles due to the absence of speed limit signs. He requested the Board's assistance with resolving these issues.

Hans Huth wanted to raise the Board's awareness to the chronic drug use along the Loop and the growing number of homeless encampments along the intersection of the Santa Cruz River between Grant Road and Speedway Boulevard. He indicated that he no longer felt safe using the Loop.

Robert Reus spoke about the Earth's growing population and his rejection to the Democratic Dogma of opening borders as a solution and the Republican Dogma of dehumanizing individuals.

Don Hayles spoke against ranked choice voting for Minute Item No. 10, and expressed opposition to Minute Item Nos. 34, 35, 36 and 45. He urged the appointment of Supervisor Christy as the County's representative and alternate to the Arizona Border Counties Coalition.

Angie Anderson addressed the Board in opposition to ranked choice voting to decide the appointment of a new District 3 Supervisor.

Amelia Cramer spoke on behalf of the National Association for the Advancement of Colored People (NAACP) – Tucson Branch and indicated that the Superior Court work group's progress report lacked any specific implementation plan for addressing the problems with the Pre-Trial Justice System. She urged the Board to insist that the Court implement a financial assessment tool for bail decisions as a condition of any future renewal of the IGA for initial appearances.

Laurie Moore expressed her displeasure with past COVID mandates, open borders, and ongoing asylum aid.

Susan Kelly spoke against ranked choice voting for the appointment of a District 3 Supervisor.

Liz Casey addressed the Board in opposition to the Blue Ribbon Commission's recommendation for a new jail.

Yvonne Clay expressed her support for the appointment of Edgar Soto as the new District 3 Supervisor.

Sharon Greene spoke in opposition to open borders and illegal immigration.

Sandra Davenport expressed concerns about the slow progress made by the Superior Court working groups in collecting data to address problems in their pre-trial justice systems and asked the Board for assistance in implementing constructive recommendations.

Julia Strange, Vice President, Tucson Medical Center (TMC), commended the Board for the action taken at a previous meeting regarding the prosperity initiatives and extended her appreciation for the vision and leadership to support improvements to TMC's Emergency Room.

Joshua Lee, Senior Vice President and Chief Information Officer, TMC, expressed appreciation for the Board's consideration to provide American Rescue Plan funding for two important efforts of collaboration between TMC and the Pima County Health Department. He indicated that this partnership was unique, innovative and would make for a healthier community.

Mathew Aguilar, Lead Organizer, Mass Liberation Arizona, addressed the Board in opposition to the Blue Ribbon Commission's proposal for a new jail.

Cory Stephens spoke in opposition to COVID protocols, open borders, the fentanyl crisis and continued aid for asylum seekers.

Petra M. expressed her opposition to the proposal for a new jail and indicated that individuals were currently dying inside the existing facility due to medical abuse and violence by Corrections Officers.

Grant Krueger spoke in support of Edgar Soto as District 3 Supervisor and indicated he would be an excellent choice due to his extensive experience with the City of Tucson and his educational background.

Blake Eager expressed his support for Edgar Soto as District 3 Supervisor and indicated he was a great leader and had a way of empowering the people around him.

Tiera Rainey, Executive Director, Tucson Bail Fund, addressed the Board in opposition to the new jail proposal and stated that those resources should be used for housing and investment.

Dewell Duhrr expressed opposition to the use of County property to aid asylum seekers.

Gabriella Cazares-Kelly, Pima County Recorder, addressed the Board in support of April Ignacio as District 3 Supervisor due to her unique and deep knowledge and understanding of the Native, tribal and rural communities.

Keith Van Heyningen spoke against ranked choice voting, the Board's measures to deal with the growing homeless population, open borders, and illegal immigration.

Nick Bruno spoke on behalf of the Tucson Tenants Union in opposition to the new jail proposal and suggested that unconditional housing with embedded services could reduce chronic homelessness and incarceration and improve quality of life for those in need.

Engels Polanco addressed the Board in support of Edgar Soto and asked the Board to appoint him as District 3 Supervisor because of his leadership qualities.

Ernesto Trujillo expressed his support for Edgar Soto as District 3 Supervisor and indicated he was a great leader who was compassionate, empathic and knowledgeable about education.

Jeneva Parks spoke in support of April Ignacio as District 3 Supervisor and stated that the County would benefit from her expertise and leadership and she would work tirelessly and passionately for causes she believed in.

* * *

Supervisor Scott asked the County Administrator to follow-up with the individual who spoke about the situation with Calle Loma Linda Road and to provide the Board with more information about the use of the road by the staff and students from Canyon Del Oro High School and the absence of speed limit signage.

Chair Grijalva asked staff to address the concerns raised about the Loop within the area near the QuikTrip and Circle K on Grant Road. She also asked Ms. Casey to email her documents to the Clerk of the Board's Office.

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 4-0 vote, to convene to Executive Session at 10:58 a.m.

8. **RECONVENE**

The meeting reconvened at 11:29 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding an update from Snell & Wilmer regarding differential water rate litigation.

Board direction was provided to proceed as discussed in Executive Session.

BOARD OF SUPERVISORS

10. Board of Supervisors, District 3

Discussion/action regarding the appointment of a new District 3 Board of Supervisor.

Chair Grijalva stated that this item was regarding the appointment of the new District 3 Supervisor, and in this case, the Clerk may be called upon to vote. She stated that the Clerk researched the history of past Board member appointments and asked the Clerk to explain those results.

Melissa Manriquez, Clerk of the Board, explained that during previous Board of Supervisor appointments it appeared that the Clerk only voted when there was a tie vote. She provided four prior instances and indicated that in 1997 and 2002, the Clerk had voted to break a tie vote. She indicated that in 2003 and 2020, the Clerk had not voted on those Board member appointments since they were approved by a majority of the Board. She stated that after researching what her past predecessors' had done, she would abstain unless in the event of a tie vote of the appointment because she believed that a majority of the Board could come to an agreement to fill the vacancy for one year until the voters decided in the 2024 election.

Chair Grijalva asked Supervisor Heinz if he wanted to address his item that he wanted considered regarding voting.

Supervisor Heinz replied that he was interested in what the law was with regards to the Clerk voting, not what previous Clerks or previous Boards had done. He asked if legal counsel could provide an explanation as to what the actual role of the Clerk was based on the statute.

Sam Brown, Chief Civil Deputy County Attorney, responded that the statute was vague and it stated that when a vacancy occurred, the remaining Supervisors together with the Clerk shall fill the vacancy. He indicated that was all the guidance provided in the statute.

Supervisor Heinz asked if it stated the Clerk only voted in the case of a tie.

Mr. Brown responded that the statute did not have any specific guidance.

Supervisor Christy questioned if a case could be made that while the Clerk could vote in the event of a tie, then the Clerk could vote at any time.

Mr. Brown responded that the best way to proceed was for the Board to decide how they wanted to move forward together with the Clerk in accordance with the statute.

Supervisor Christy asked whether "together with the Clerk" meant if the Clerk so decided, she may vote in this case, as well as vote in the event of a tie.

Mr. Brown replied that was correct, pursuant to whatever motions were passed.

Supervisor Christy asked if the Clerk chose not to vote that would be an abstention.

Mr. Brown responded in the affirmative and that was another option.

Chair Grijalva commented that the Clerk had the option to abstain.

Christy asked if the ruling of the ability of the Clerk's position in this matter was that she had a vote and was not just a vote in the event of a tie.

Mr. Brown responded that statutorily, he thought the purpose of the intent behind the Clerk having a vote was to break a tie, in the event there were four people remaining on the Board and practically if the Clerk decided to abstain it was sort of consistent with what the Board had done in the past and had the same effect if there were other motions.

Supervisor Christy stated that he agreed with Supervisor Heinz and was not concerned about what was done in the past, but was more concerned about what the law stated as to the Clerk's ability. He added that when the law stated that the Clerk would work in accordance with the Board that meant that she also had a vote and whether she chose to exercise that vote was up to her, but nonetheless she had a vote.

Mr. Brown responded in the affirmative.

Chair Grijalva requested to read her statement aloud, "I have taken great care in creating with my staff a fair process for meeting with all of the eight applicants seeking appointment to the District 3 office. I have had the opportunity to meet with every applicant, all of whom received the same questions in advance, had the same meeting format and for the same length of time. My staff and I met with every applicant over Zoom, our Clerk Melissa Manriquez, also listened in on every meeting. I also had the opportunity to watch the public forum on Monday, December 11th facilitated by the League of Women Voters and supported by the Pima County platform. Thank you to the League and to Pima County IT and Communications for making that possible. Throughout this process I can undeniably attest that I have learned so much more about District 3 and the issues facing our Pima County constituents in that District. As a member of this Board, I am cognizant of the impact that our votes have on Pima County as a whole and it was invaluable to hear from each and every applicant. I am very impressed with the caliber of all the applicants, and I want to thank each applicant for taking the time to meet with our D5 team as well as with many of my colleagues, most of whom held similar meetings of their own. I know it had to be difficult to manage this interview and forum process while juggling work, family, holidays, scheduling, and commitments. Each applicant put forward a great effort and it did not go unnoticed. I also appreciate our community members who reached out directly advocating for a specific applicant or asking for an applicant who would champion the issues important to their specific concerns. I read every letter, email, text, and chats with those who called. No matter who is

appointed today District 3 will be in good hands with someone who is passionate about representing the D3 community, willing to put in the hard work and do their best by their constituents. Thank you to Jen, April, Matt, Kristen, Sylvia, Joe, and Edgar for your willingness to serve our community in this way. There is one disclaimer I have to say, Mr. Edgar Soto is the Vice President of Pima Community College Desert Vista Campus where my husband works. Mr. Soto does not supervise or evaluate my husband and I have no conflict with this vote, but I want to make sure that I made the statement in case someone should decide later on to bring it up. With that said, I would like to put forward a motion in support of appointing April Ignacio for the Pima County District 3 Supervisor. As a member of the Tohono O'odham Nation Ms. Ignacio brings a unique and valuable perspective to the Board it has never had before, an indigenous voice. Ms. Ignacio's experience and background is unique and one that has not been represented on this Board. The Nation occupies much of D3 and April would be the first member of the Nation to serve on the Board. For Pima County it would help establish a better working relationship with our partners, the Tohono O'odham Nation, and Pascua Yaqui communities and bring a lived experience of living in rural Pima County. In her interview she proved to be knowledgeable of the needs and diverse interests of District 3."

It was moved by Chair Grijalva and seconded by Supervisor Heinz to appoint April Ignacio to fill the position of District 3 Supervisor. No vote was taken at this time.

Supervisor Scott commented that he interviewed all eight of the candidates for an hour each and every one of them made a compelling and convincing case for why they should be granted this appointment. He stated that four of the eight candidates indicated that they would be or could be candidates for a full-term the following year. He added that District 3 had not had an open seat in over 30 years, Supervisor Bronson had served for 27 years, and when first elected, she defeated a multi-term incumbent. He stated that other than the four indicating their interest to run, there may well be other candidates who had not applied for the appointment. He stated that appointing someone who planned to run for the office gave them several advantages and he believed that after not having an open seat for over 30 years, that the Board should confer the advantage of incumbency upon anybody who stated that they would be a candidate or could be a candidate. He stated that for that reason, he would not be able to support Chair Grijalva's motion since Ms. Ignacio was one of the four people who indicated that she would be a candidate. He added that even if it was not the Board's intention, there would be people in the community who may believe they wanted a certain person to be elected as the District 3 Supervisor. He stated that his preference was to appoint someone who stated they would only serve out the balance of Supervisor Bronson's term and would not seek a term in their own right and he felt it would allow the people of District 3 to be represented for the next year and that politics could take care of itself in both the Primary and General elections.

Chair Grijalva requested a roll call vote on the motion.

Katrina Martinez, Deputy Clerk of the Board, called the roll call vote.

Upon roll call vote, the motion tied 2-2, Supervisors Christy and Scott voted "Nay," and Clerk Manriquez abstained.

Chair Grijalva stated that at this point the Clerk would break the tie vote.

Ms. Manriquez requested clarification whether the motion was to appoint April Ignacio.

Ms. Martinez confirmed the motion was to appoint April Ignacio and continued the roll call vote.

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

Chair Grijalva stated she would ask to put forward a motion in support of appointing Jennifer Allen for Pima County District 3 Supervisor. She stated that Ms. Allen's experience spoke for itself with her background in advocacy of immigrants' rights, indigenous land rights, labor movement, voting rights, pro-neighborhood and other efforts would be a great perspective to add to the Board. She stated that in her interview she proved to be incredibly well prepared and knowledgeable of Pima County programs and initiatives like the Sonoran Desert Conservation Plan, an effort that the Board's former colleague Supervisor Bronson championed, Pima County's housing efforts and the Early Education Program. She stated that overall, her professionalism was apparent and felt that she was ready and qualified to represent the diverse interests of District 3.

It was then moved by Chair Grijalva and seconded by Supervisor Heinz to appoint Jennifer Allen to fill the position of District 3 Supervisor. No vote was taken at this time.

Supervisor Scott stated that for the same reasons he cited in opposition to Ms. Ignacio's appointment, he would also not be able to support Ms. Allen's appointment. He added that like Ms. Ignacio, Ms. Allen had filed a statement of interest indicating that she would be a candidate and did not believe the Board should confer the benefits of incumbency on someone who indicated they would run for a term in their own right.

Ms. Martinez called the roll call vote.

Upon roll call vote, the motion tied 2-2, Supervisors Christy and Scott voted "Nay," and Clerk Manriquez abstained.

Chair Grijalva stated that the Clerk would break the tie vote.

Ms. Martinez continued the roll call vote.

Upon roll call vote, the motion failed 2-3, Supervisors Christy and Scott, and Clerk Manriquez voted “Nay.”

It was then moved by Supervisor Heinz to appoint Kristen Randall to fill the position of District 3 Supervisor. The motion died for lack of a second.

It was thereupon moved by Supervisor Scott and seconded by Supervisor Heinz to appoint Dr. Syliva Lee to fill the position of District 3 Supervisor. No vote was taken at this time.

Supervisor Scott commented that Dr. Lee had previously been elected by the voters of District 3 to represent them on the Pima Community College Governing Board, a position that she held for six years. He stated that she also had decades of leadership experience in a variety of capacities, earned a great deal of recognition and respect throughout the community through her involvement in organizations such as Literacy Connects and Las Doñas de Tucson. He stated that she indicated that she would not seek a term in her own right in 2024. He added that he believed that her experience with budgets, policymaking, and personnel would equip her well to represent the people of District 3 for the year remaining on former Supervisor Bronson's term, and in the interim, there could be robust contests in both the democratic Primary with multiple candidates and then in the General Election. He felt that this was the most sensible and fair outcome for the people of District 3 and the Board.

Ms. Martinez called the roll call vote.

Upon roll call vote, the motion carried 3-1, Supervisor Christy voted “Nay,” and Clerk Manriquez abstained.

Chair Grijalva congratulated Dr. Lee and thanked all the candidates for their presence and continued advocacy for Pima County and specifically for District 3. She added that this was a very difficult vote for the Board and any of the candidates would have done a good job.

ASSESSOR

11. Request for Redemption of Waiver of Exemption

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that the applications for Redemptions of the Waivers of Tax Exemptions for Tax Year 2023 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

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

DEVELOPMENT SERVICES

12. Final Plat With Assurances

P23FP00010, Enclave at the Canyon, Lots 1-9, Common Area "A", "B" and "C". (District 1)

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

ELECTIONS

13. Finalizing Reprecincting and Adoption of New Board of Supervisor, Pima Community College and Justice of the Peace District Maps

Staff recommends approval of the new maps outlining the affected Board of Supervisor, Pima Community College and Justice of the Peace district lines.

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

FINANCE AND RISK MANAGEMENT

14. Monthly Financial Update

Discussion/Direction/Action regarding a monthly financial update on the County's financial performance.

Ellen Moulton, Director, Finance and Risk Management, provided highlights of the update and stated that the revenue forecast for the General Fund was stable and currently projected to receive approximately \$1.1 million more in revenue than budgeted, the property tax revenue was forecasted to be slightly under budget at \$1.6 million garnering \$428 million in tax revenues for the General Fund. She stated that the reason for the decrease in projected tax revenues was due to Southwest Gas's lawsuit settlement for tax years 2022 and 2023. She added that State and Federal revenues and other non-departmental revenues were forecasted to be slightly over budget and the reason for the increase was due to interest income. She stated that the General Fund departmental revenues were forecasted to be on target with a budget of \$38 million, which included revenues generated by General Fund departmental revenues for departmental activities' fees and permits. She stated that the projections of General Fund expenditures for October were projected to be over budget by \$1.9 million at June 30th and three General Fund departments, Facilities Management, Sheriff's Department and Public Defense Services, indicated through their forecast that they would be significantly over budget if nothing changed. She explained that Facilities Management was projected to be \$535,000.00 over budget at June, most of which was due to increased electricity costs and a countywide analysis of electricity costs was underway. She added that the Period 5 forecast that the Board would receive the following month

would include a recommendation on how to distribute a portion of the inflation contingency. She explained that the Sheriff's Department was also projected to be over budget \$5.5 million, which was a significant decrease from their first projection in August, mostly attributed to personnel costs including \$3.9 million in overtime, and supplies were also projected to be over budget by roughly \$1.5 million. She stated that the Sheriff and Finance Risk Management's staff had continued to work together to monitor all expenditures within the Sheriff's Department. She added that Sheriff Nanos had additionally instructed his management staff to monitor their expenditures and were making progress towards reducing their over budget condition. She further explained that as with Facilities Management, the Sheriff's Department was also impacted by inflation and was also included in the countywide analysis on electricity. She stated that they would review other areas identified by the Sheriff's Department for food, janitorial supplies, and maintenance. She stated that Finance and Risk Management would provide recommendations with the Period 5 forecast on the distribution of the \$5 million inflation contingency that was in the '24 budget. She explained that Public Defense Services was also projected to be over budget by \$1.3 million, which was a reversal of the September projection which indicated the department was going to be under budget. She stated the department identified two areas that contributed to this swing, which was due to a more refined staffing model. She added that the department expected to fill six vacant positions in the month of December and an additional three positions in January, which had changed their vacancy savings. She stated that they were also increasing the amount of contract Attorneys that they believed was needed due to persistent heightened caseloads. She explained that in total, the Period 4 forecast for the General fund had the County ending in a slightly negative position. She stated that two Non-General Fund departments; Human Resources (HR) and the Information Technology Department (ITD), were forecasted to either be over budget in expenses at the end of the year or experiencing a revenue shortfall. She explained that the HR Health Benefit Trust was forecasted to be over budget by \$2.6 million due to continued increased costs in medical and pharmaceutical claims and earlier this month the Board identified or approved increases in the medical premiums which would address that shortfall. She explained that the ITD Internal Service Fund for enterprise software was also projected to be over budget by \$1.8 million, a portion of which was related to increases to the Microsoft Enterprise Licensing Agreement, the Library and the new Enterprise Resource Planning system. She stated that they were currently reviewing where those charges were and the overage on this budget decreased in Period 4 and she expected to have a verifiable number in December. She explained that the Pima County Transportation Department (PCDOT) experienced a revenue shortfall, and the Arizona Department of Transportation provided updated projections for the Highway User Revenue Fund (HURF) fees and PCDOT anticipated to receive approximately \$2.3 million less than what was budgeted and was in the process of identifying how they would deal with that revenue shortfall. She added that all the departments that were projected to be over budget or had significant revenue shortfalls would provide budget remediation plans, which would be brought to the Board with the Period 5 forecast in January.

Supervisor Scott thanked Ms. Moulton for the memoranda that the Board received regarding the work being done with the Sheriff's Department and for the different

forecasts that various departments used between the budgetary periods and had a question regarding the remediation plans.

Melissa Manriquez, Clerk of the Board, indicated that the Board had lost a quorum and the meeting needed to recess due to the lack of a quorum.

(Clerk's Note: The meeting was recessed at 10:22 a.m., due to lack of a quorum. The meeting reconvened at 10:24 a.m., once quorum had been established for the Board. Supervisor Heinz was not present; all other members were present.)

Supervisor Scott inquired about the components of the budget remediation plans that would be shared with the Board.

Ms. Moulton explained staff had designed a form that would help the departments provide sufficient information, which identified whether the department was over budget due to expenditure increases or if it was a problem due to a lack of revenue and would request the department to identify each area and how they planned to come back into line with specificity, such as reducing a line item on the budget, eliminating and also providing a timeline for when they believed they would be back in compliance with their budget.

Supervisor Scott asked if the Board would receive information from Administration with regards to the Inflation Contingency Funds in January.

Ms. Moulton answered affirmatively and stated that it would be provided as part of the financial update.

Supervisor Christy stated that he was concerned due to the fact that there were promises made and pledges of promises to be kept and was troubling to see the Non-General Fund revenues under PCDOT. He read aloud from the background material and stated that PAYGO was supposed to be funding the 10-year Road Repair Plan. He stated that he did not understand why a \$2.3 million shortfall should have that great of an impact on the process of fixing County roads which the Board promised to do within 10 years and that amount did not come close to representing much of anything as far as the overall allocated money to repair roads. He requested an explanation or a determination of what the background material meant with the term, "service delivery."

Jan Leshner, County Administrator, explained that the County and PCDOT remained committed to the plan that was brought to the Board for repair roads. She stated that it was not possible for a department with a loss of revenue from the State of over \$2 million to not begin to review what was needed in order to make up for it which was a reason why information was not provided to the Board because it was their belief it would not necessarily have a direct impact on that plan. She stated there were other funding models and other funding opportunities such as PAYGO, but it was absolutely necessary for the department to find a way to make up the deficit.

Carmine DeBonis, Jr., Deputy County Administrator, stated that staff would review the entirety of the services delivered by PCDOT and that pavement was only one component, so they wanted to comprehensively analyze it and come back to the Board to show the ways they would deal with the revenue shortfall.

Supervisor Christy questioned if it was determined that the \$2.3 million shortfall from other sources other than PAYGO would affect the “service delivery?”

Mr. DeBonis, Jr., explained that the original 10-year plan was for about \$560 million and they had experienced inflationary increases.

Ms. Leshar explained that the service delivery within PCDOT included many elements other than simply the road repair and maintenance which was why it was indicated they come back to the Board with what was included. She added that it did not suggest that the \$2 million would come out of the road maintenance program but would be from all of the operations of the PCDOT. She stated that information would be provided to the Board.

Supervisor Christy inquired when the information would be provided to the Board.

Ms. Leshar responded that a financial update would be provided at the second Board meeting of each month and the next one would be on January 23, 2024, but would provide materials before that meeting.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

15. Single Family Mortgage Revenue Bond Program

RESOLUTION NO. 2023 - 65, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima and the Single Family Mortgage Revenue Bond Program of 2024 of the Industrial Development Authority of the County of Pima (which may also include the Industrial Development Authority of the City of Tucson, Arizona); approving standards and requirements related thereto; approving a general plan related thereto; approving program documents related thereto; and authorizing and approving the issuance of not-to-exceed \$100,000,000.00 the Industrial Development Authority of the County of Pima Single Family Mortgage Revenue Bonds, in one or more series or subseries; and declaring an emergency.

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

Supervisor Christy asked if it was known what percentage of the bonds was dedicated to unincorporated Pima County versus the City of Tucson (COT).

Michael Slania, Attorney, Industrial Development Authority (IDA), explained that there was no division, and the total amount was made available with each tranche or subseries of the bonds. He stated that until the loans were fully originated, and the first series was currently being originated due to the amount of time it took to go through the system. He added that that information for the division between what the COT received versus unincorporated Pima County for the first issue completed for 2023A in June, would not be known for another month or two because they were currently originating those loans. He clarified there was no division and lenders were told that they could make the loan anywhere within Pima County.

Supervisor Christy asked if a response or feedback to this issuance was received from the Regional Affordable Housing Commission (RAHC).

Mr. Slania replied that he attended and presented the Single Family Mortgage Revenue Bond Program that Pima IDA and Tucson IDA had undertaken to the RAHC, a few questions were asked, but nothing else had transpired.

Supervisor Christy asked if they indicated their approval.

Mr. Slania responded affirmatively and stated that they were very interested in what was going on, expressed interest in how they could participate and asked questions about marketing.

Chair Grijalva commented that she believed they did not vote on the item and clarified that the Board of Supervisors voted on the item.

Supervisor Christy asked why there was a need for an emergency clause in the Resolution.

Mr. Slania explained that after discussion with the Pima County Attorney's Office (PCAO), the use of an emergency clause was used when the Resolution was to be immediately effective and would cut off what was otherwise available under State law for a 30-day referendum or initiative period so that the bonds could be immediately sold, or action taken thereafter. He added that he had represented the IDA of the County of Pima for a number of years on the advice of PCAO they always used to use the emergency clause, then there was a decision that it was not needed, but after the Board's action on the 2023B, the decision was made to include it. He stated that it required a 75% vote of the sitting members at the time in order to be effective and if it was less than that, they had to wait 30 days, but would become effective after the 30 days unless there was a referendum or initiative taken. He clarified that he represented the IDA of the County of Pima but deferred to PCAO on certain matters and in this case took their advice.

Supervisor Christy asked if the emergency clause was ever invoked.

Mr. Slania answered affirmatively and stated that the majority of the bond issues up through 2010 all had an emergency clause in it and different Pima County Attorneys had different attitudes towards it and the law changes depending on a court ruling.

Chair Grijalva stated that the last time the Board approved this it passed 3-2 and it had to wait for 30 days. She asked if waiting impacted the rate.

Mr. Slania explained that if it would have priced on the original schedule assuming it would have been immediately effective, the loan rate would have been about 6.25% and that by waiting interest rates were increasing in that time period, and they secured it for the 2023B program at a 6.89% rate so waiting costed that. He stated that interest rates were currently decreasing and part of the reason for the size of this offering was to have the flexibility to price it according to when the market said this was a good rate they could use.

Chair Grijalva asked if in this case they needed three members to vote in favor so that it could move forward.

Mr. Slania responded in the affirmative and deferred to PCAO.

Upon the vote, the motion unanimously carried 4-0.

SPECIAL TAXING DISTRICT

16. Cortaro-Marana Irrigation District

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 14, 2023 election conducted by the Cortaro-Marana Irrigation District.

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

SUPERIOR COURT

17. Findings and Recommendations for Pretrial Justice Workgroups

Discussion/Direction/Action: Presentation by the Presiding Judge of the Superior Court, of the findings and recommendations of the three workgroups: Data Governance, Electronic Monitoring, and Release Conditions Matrix.

Jeffrey Bergin, Presiding Judge, Superior Court, addressed the Board and emphasized that he was not asking for any approvals or funding, and this was a purely informational presentation. He stated that they put together four working groups, which included Data and Collection, Electronic Monitoring Evaluation, Expansion of Pretrial and Bail and Bond Evaluation. He explained that the Data and Collection group was a central and important part of what was being done because they would collect accurate data and be able to identify what they had done well in those areas and identify where they could improve. He stated that it was data driven and they would not be guessing where there might be leaks. He stated that he had discussed with the Board the five areas of data collection and that they were ready

to collect the Felony information and to have that reported to the court on a quarterly basis and the first report was expected to start right away in early Spring. He stated that there was a two-fold challenge collecting some of the information due to there being twice as many Misdemeanor defendants which required an expansion of their Statistics Department and Pretrial for three additional people. He added they intended to put forward a funding request in their '24/25 budget however late Summer the Administrative Office of the Courts mandated that all Pretrial departments including Probation, changed their case management systems to a consistent system throughout the State which was important because they relied on it to collect their data. He stated that the frustrating delay was that during '24 they would institute a case management program, which without the individuals in place, was going to make it difficult if not impossible to collect Misdemeanor information. He reiterated that they intended to put the people in place and begin collection and reporting of that data in '25. He added that the positive was that they would be able to collect/compare statewide data which was much more valuable so they could identify what was working, what was not working and how they could improve their system. He explained that the Electronic Monitoring group as previously discussed was a very complicated issue and the data of electronic monitoring was very limited as to whether it would have any positive impact on groups at all. He stated that it was his belief that the reason for that was that most jurisdictions that used electronic monitoring used it in a scattershot and not tailored to any particular population and it was also known to not work in some groups. He stated they believed that domestic violence felonies would be a good population to start with and recognized that Arizona statute required certain sexual offenses to be included. He stated that their initial population would be fairly large with an estimated expense of \$2.5 million to design and implement that program. He stated the challenge was with that level of an investment and without a high level of assurance, was whether there would be a positive impact. He stated that they continued to look at what other options they had and in the Summer they were given the opportunity to join a less robust "Electronic Monitoring Program," a non-traditional program without an ankle bracelet. He explained that it was an application placed on the cell phone of the defendant, which Pima County was one of the three counties that had begun to explore it and may be the only one that actually started using the program. He explained that it allowed a chat function, the ability to have FaceTime check-ins and the ability of push notifications which he found to be a very exciting program. He stated that they were currently using it on nonviolent felons and nationally the Pretrial community learned that they could improve their Failure to Appear (FTA) rate by some very simple actions like reminders which was possible with court hearings and with therapist appointments. He anticipated this would have a significant positive impact on reducing FTA rates and a good move forward which they would continue to evaluate. He added there was an opportunity for GPS tracking, but they had not gotten there yet and there was also administrative issues that came with that and some issues as to whether the GPS tracking would be accurate under the current way it was designed. He added that it was biometric and had face verification, so they knew that they were talking to the defendant. He explained that the Expansion of Pretrial group was to make it more robust and the basis behind it was that their prosecuting agencies indicated they would be more likely to recommend and support release to Pretrial Services if it was more robust

and able to spend more time with each defendant. He stated they recommended an increase in Pretrial staffing by five individuals with an estimated expense of about \$600,000.00 and also recommended three Peer Support positions. He stated that Peer Support was a critical aspect of Pretrial which were individuals with lived experiences like the defendants and they had found that if you had someone who had been where they had you could say that it worked and they expected improvement on compliance and on getting people on the right track. He stated that it was anticipated they would ask for about half of that funding request in their '24/25 budget because their experience recently with recruiting and hiring individuals had been a challenge and it would take through '24 to get those people on board and begin training. He stated that they were not fully utilizing all the money at that time and expected to ask for the second half in their '25/26 budget which would allow them to expand the Pretrial department. He stated it would reduce caseloads from 120 per officer on average to 85 per officer on average and would allow them to spend more time with each defendant. He explained that the Bail and Bond Review Committee group had done exciting work. He stated that a matrix had been used in the past where defendants were evaluated prior to being brought before the initial appearance and were given a score based upon their risk of FTA and the risk to reoffend, and within that score they were put into a grid chart which showed whether to release or not release. He stated that the current chart changed and focused on specific conditions and supportive services put in place. He stated that it ranged from own recognizance to a severe or a very restrictive form or anything combined in between. He stated that they worked with national advisors regarding the design and was told that it was the first instrument in the nation that looked at it in this way and they applauded their efforts in putting it together and they would promote it to other jurisdictions. He stated that it was expected to be rolled out in the first quarter of 2024 and would be training their judges and would be using that instrument going forward. He addressed the public comment relating to the financial assessment tool. He stated it was an important aspect of analysis and that absent of a State accepted financial analysis was an important issue. He added that the State had put together similar work groups as the court, and they had members on each of the committees. He stated that the State work group had taken the financial assessment tool to heart and were working on it, and the court would continue using their own input to work through that to hopefully move forward on a State accepted financial assessment tool.

Supervisor Scott questioned the robustness and seriousness of the work group's efforts in the last 6 months because when he read the report it had not looked like six months of work. He stated that the County Administrator had come up with the concept for this work group so that concerns raised by the Board and the community regarding the size and composition of the jail population could be addressed along with the practices of magistrates and judges during initial appearances. He stated that six months from now the Intergovernmental Agreement (IGA) would be up for renewal, and he was unlikely to vote in favor of its current form unless he could see more substantive progress being made by this work group. He added that many of the items that were in the memorandum dated December 15th were shared with the Board in June including all of the cost estimates. He stated that he had questions/requests that he would send to the

County Administrator and requested written responses in a memorandum to the Board as follows:

- What specific further exploration regarding release conditions matrix, increased use of preventive detention and the implementation of a financial assessment tool for bail decisions would look like currently and between the date of the IGA renewal? He requested data for reporting of felonies in categories as listed in the memorandum and stated that it would be helpful for when the Board considered recommendations from the Blue Ribbon Commission on the existing jail and whether a new facility was needed.
- What was the population makeup in the jail, do they have to be there because they were a threat to public safety or were they sentenced there? He requested a revised estimate on electronic monitoring based on the savings that would come about by people not being incarcerated in the jail. He requested a response to the County Attorney's three recommendations made at a prior Board meeting which had been referred to the work group.
- What was the status of law enforcement partners being added to the work group? How would the new presiding Magistrate address questions by the Board and community regarding excessive bail being imposed during initial appearances and what would be done differently from the prior Magistrate? He requested that Administration and the work groups explore a consolidated warrant resolution center as suggested by Mr. Holmes on May 2nd.

Supervisor Scott further explained that the Board needed information and data to make intelligent decisions about the IGA and the Blue Ribbon Commission recommendations and that there needed to be more coordination and collaboration between all players in the criminal justice system with regard to these matters and it did not appear to be happening.

Judge Bergin responded that he would review and evaluate Supervisor Scott's questions. He emphasized that Judge Riojas made the decision not to be reappointed and had stepped down and had nothing to do with bail and bond decisions. He stated that the recommendations from the commission focused on another issue and once their recommendation was published other groups came forward with their concern for bail and bond. He emphasized that judges were committed to the Constitution of the United States, the constitutional laws of the State of Arizona and that was how they evaluated cases and how it was applied. He stated they were an independent branch of government and not governed by the Board to direct them how to evaluate cases and how to make decisions. He stated that if there needed to be a change in how they made decisions it would be through the Legislature which was a preview of what some of the responses to Supervisor Scott's questions would be. He understood the frustration at the pace the work was being done but it was being done in an informed manner and with stakeholders from all areas. He explained the work groups were not just court oriented, they were also prosecutors, defense, resource driven, and Pretrial individuals. He stated they received input from many resources but what they did not want to do was to make changes and put programs in place that were ill informed or not fully explored. He added that it would take time to make the right changes but making the right

changes was more important than making the wrong changes for the purpose of immediacy. He stated that he had full confidence in the work groups and stated that law enforcement had not been added yet because their role would be in enforcement aspects specifically with electronic monitoring. He reiterated their concerns that the work groups had as to whether it would even be an effective program but were currently focusing on the new electronic monitoring mechanism using the cell phone apps and evaluating how it could go forward.

Chair Grijalva commented that the Board's frustration was that the public addressed the Board with their concerns about what was happening in the jail, the overcrowding in the jail, to build or not to build a new jail and much of what happened there, the Board had no control over. She stated that the Board was being asked for increases in funding and was being informed of overbudgets. She stated the Board had to deal with the consequences and there was not a mechanism by which people could go directly to the courts to inquire why bail recommendations were being made or not made. She was concerned that the Board had not received timely answers to questions and being provided the same report previously provided with slight changes. She expressed her understanding that the courts was a different branch, and the courts did not take direction from the Board, but the Board had to deal with consequences of what happened or did not happen in court and in the jail. She stated she looked forward to a more collegial relationship to better understand any limitations with interest in moving forward. She stated that the Board approved the IGA with the City of Tucson and if the Board had not, the outcomes of that were unknown. She added that the Board was very limited in the scope of what they could or could not do, but were the location and faces that people came to express their sadness, frustration, anger and it did not seem like the Board had any role in helping to frame it in any different way.

Judge Bergin responded that he was grateful to the Board on how available they were to the public and appreciated how concerns and complaints were received in areas whereby constitutional design the Board did not have authority over, and with the Board's desire and willingness to help. He explained that many of the concerns did not start and end with the court, rather areas such as charging decisions, arresting decisions, why there were high crime areas, and socioeconomic issues needed to be considered which were complicated issues and there was not one answer that would fix the issues that were before the Board.

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

CONTRACT AND AWARD

Community and Workforce Development

18. Amendment No. 2, to provide for work experience program administrator, extend contract term to 12/31/24 and amend contractual language, USDOL, ADES Funds, for the following:

Vendor/Contract Amount/Contract No.

Tucson Youth Development, Inc./\$406,517.02/CT-CR-22-147

SER-Jobs for Progress of Southern Arizona, Inc./\$359,059.00/CT-CR-22-148

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

19. Goodwill Industries of Southern Arizona, Amendment No. 3, to provide for work experience program administrator, extend contract term to 12/31/24 and amend contractual language, USDOL, ADES Funds, contract amount \$219,456.66 (CT-CR-22-141)

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

County Attorney

20. Avertest, L.L.C., d.b.a. Averhealth, Amendment No. 5, to provide for the Tucson/Pima County Problem Solving Court Initiative, extend contract term to 10/31/24 and amend contractual language, SAMHSA Fund, contract amount \$57,750.00 (CT-PCA-20-155)

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

Facilities Management

21. State of Arizona Department of Child Safety, Amendment No. 2, to provide a lease agreement for property located at 2329 E. Ajo Way, extend contract term to 1/27/29 and amend contractual language, contract amount \$75,000.00 revenue (CTN-FM-24-62)

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

Health

22. Helping Ourselves Pursue Enrichment, Inc., to provide for the Pima CARES Project, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$329,992.00 (CT-HD-24-239)

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

Procurement

23. Award

Amendment of Award: Multiple Master Agreements for janitorial services. These amendments extend the termination date to 6/30/24, increases unit prices due to Living Wage and increases the not-to-exceed contract amount by \$2,976,538.58 for a cumulative not-to-exceed contract amount of \$25,034,538.58. Funding Source: General Fund. Administering Department: Facilities Management.

MA & Version/Amendment No./Contractor Name/Current Not-to-Exceed/Annual Award Amount/New Not-to-Exceed

MA-PO-18-92, 29/8/JanCo FS2, L.L.C., d.b.a. Velociti/\$8,162,000.00/\$1,153,506.31/ \$9,315,506.31

MA-PO-18-93, 36/7/G&G Janco Enterprise, L.L.C., d.b.a. Janco Janitorial/\$4,681,000.00/

\$533,512.02/\$5,214,512.02

MA-PO-18-94, 31/8/Janco FS2, L.L.C., d.b.a. Velociti/\$3,405,000.00/\$368,970.91/ \$3,773,970.91

MA-PO-18-95, 28/8/Janco FS2, L.L.C., d.b.a. Velociti/\$2,975,000.00/\$86,357.25/ \$3,061,357.25

MA-PO-18-96, 27/8/Janco FS2, L.L.C., d.b.a. Velociti/\$2,835,000.00/\$834,192.09/ \$3,669,192.09

Totals: \$22,058,000.00/\$2,976,538.58/\$25,034,538.58

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

24. Award

Award: Purchase Order No. PO-PO-24-12, Border States Industries, Inc., d.b.a. Border States Electric Supply (Headquarters: Fargo, ND), to provide for Tres Rios plant lighting. This contract is for a one-time award in the discrete amount of \$385,151.13 (including sales tax). Funding Source: Wastewater Ops Fund. Administering Department: Regional Wastewater Reclamation.

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

25. Southern Arizona Paving & Construction Co., to provide for FY24 Pavement Repair and Preservation Program High Volume & Low Volume Roadways, Casas Adobes & Catalina, Districts 1 and 3 - Mill and Pave, Transportation Ops Fund, contract amount \$3,137,357.00 (CT-TR-24-261) Administering Department: Transportation

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

Real Property

26. Los Cerros Water Company, Inc., to provide for a Non-Exclusive Right-of-Way Use License for Public Utility Facilities, no cost/25 year term (CTN-RPS-24-79)

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

27. Ylene A. Larsen, M.D., Trustee under the Ylene A. Larsen, M.D. Trust, to provide an acquisition agreement and warranty deed for 4.14 acres of privately owned property for open space purposes, Tax Parcel No. 211-07-011H, CPR.OSAD23-PAYGO, Open Space Capital Projects Funds, contract amount \$114,000.00 (CT-RPS-24-257)

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

Supervisor Christy stated he would be voting against this purchase and expressed concern with the funding source since the background information indicated that the \$114,000.00 would be from the PAYGO Open Space Capital Projects Fund. He questioned the use of PAYGO funds for open space capital projects.

Jan Leshner, County Administrator, responded that PAYGO provided opportunities for other uses besides roads, and this was one of them.

Supervisor Christy questioned whether it had been listed as one of those funds.

Carmine DeBonis, Jr., Deputy County Administrator, responded in the affirmative and explained that the Board had approved \$2 million each fiscal year for open space acquisition as part of PAYGO, and other projects had been funded with PAYGO dollars during Fiscal Years '23 and '24. He presented a slideshow that showed the biological corridors and critical habitat of the area, as well as the County owned properties and current acquisition.

Supervisor Christy questioned whether the use of PAYGO Funds was required.

Mr. DeBonis, Jr., explained that when the Board approved the \$2 million, those were the funds identified and allocated for these conservation land acquisitions.

Chair Grijalva requested confirmation that this would not impact other PAYGO expenditures including roads.

Mr. DeBonis, Jr., responded that it would not and indicated that the PAYGO allocation for transportation would remain intact.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay."

28. Oneten REI Willco 2, L.L.C., to provide for Pima County License for Right-of-Way encroachment, contract amount \$175.00 revenue (CTN-RPS-24-81)

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

29. Friends of Robles Ranch, Inc., d.b.a. My Friend's Closet, Amendment No. 3, to provide for a lease agreement at Robles Ranch Community Center located at 16150 W. Ajo Way, extend contract term to 12/31/24 and amend contractual language, no cost (CTN-RPS-22-72)

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

Sheriff

30. RESOLUTION NO. 2023 - 66, of the Board of Supervisors, authorizing the approval of Organized Crime Drug Enforcement Task Forces FY 2024 Agreement for Case No. SW-AZT-930 between the Federal Bureau of Investigation and Pima County for assistance in law enforcement operations during Fiscal Year 2023 - 2024, \$25,000.00 revenue, (CTN-SD-24-73)

It was moved by Supervisor Christy, seconded by Chair Grijalva and unanimously carried by a 4-0 vote, to adopt the Resolution.

31. RESOLUTION NO. 2023 - 67, of the Board of Supervisors, authorizing the approval of Organized Crime Drug Enforcement Task Forces FY 2024 Agreement for Case No. WG-CR-0073 between the Federal Bureau of Investigation and Pima County for assistance in law enforcement operations during Fiscal Year 2023 - 2024, \$25,000.00 revenue (CTN-SD-24-74)

It was moved by Supervisor Christy, seconded by Chair Grijalva and unanimously carried by a 4-0 vote, to adopt the Resolution.

32. RESOLUTION NO. 2023 - 68, of the Board of Supervisors, authorizing the approval of Organized Crime Drug Enforcement Task Forces FY 2024 Agreement for Case No. SW-AZT-962 between the Federal Bureau of Investigation and Pima County for assistance in law enforcement operations during Fiscal Year 2023 - 2024, \$25,000.00 revenue (CTN-SD-24-75)

It was moved by Supervisor Christy, seconded by Chair Grijalva and unanimously carried by a 4-0 vote, to adopt the Resolution.

GRANT APPLICATION/ACCEPTANCE

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

Tucson Electric Power Company (TEP), Amendment No. 2, to provide for TEP low income weatherization program services, extend grant term to 12/31/24 and amend grant language, \$150,000.00 (GTAM 24-38)

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

34. **Acceptance - Health**

Arizona Department of Health Services, to provide for the Pima County Tuberculosis Control Project, \$76,150.00/5 year term (GTAW 24-15)

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

35. **Acceptance - Health**

Arizona Department of Health Services, to provide for the Pima County Medical Reserve Corps State, Territory and Tribal Nations, Representative Organizations for Next Generation, \$201,500.00/2 year term (GTAW 24-81)

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

Supervisor Christy stated that the background information indicated that the Administration for Strategic Preparedness and Response's Medical Reserve Corps (MRC) Program had made \$2 million available to Arizona and its local subcontracted MRC units in an effort to expand the functions of the national Medical Reserve Corps network. He stated the item would inject money into the County's Health Department who already had adequate funding and was not in need of another bureaucracy. He indicated that despite the fact that the pandemic was over, the Health Department wanted to create a permanent department to address a transitory situation within this Corps and asked that it be voted down.

Chair Grijalva read the program goals listed on the Agenda Item Report and stated that the possibility of another pandemic was always present and the County should be prepared. She indicated that she had no objections.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay."

36. **Acceptance - Office of Emergency Management**

State of Arizona Department of Homeland Security, to provide for the FFY2023 Southern Arizona Multi-Jurisdictional Training and Exercise Initiative, \$150,000.00 (GTAW 24-83)

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

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

Arizona Companion Animal Spay/Neuter Committee, to provide for the PACC Community Cat Spay/Neuter Program, \$12,000.00 (GTAW 24-73)

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

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

Arizona Companion Animal Spay/Neuter Committee, to provide for the Free Roaming Spay/Neuter Program, \$15,000.00 (GTAW 24-74)

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

39. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for accident investigation related professional and outside services, in-state travel and related materials and supplies, \$27,967.00 (GTAW 24-57)

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

40. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the DUI/Impaired Driving Enforcement and Training related professional and outside services, and training related out-of-state travel, \$5,605.00 (GTAW 24-58)

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

41. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for occupant protection enforcement related materials and supplies (car seats distribution to communities for education and awareness), \$5,295.00 (GTAW 24-60)

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

42. **Acceptance - Sheriff**

Southern Arizona Law Enforcement Foundation, to provide for the donation of equipment: InBody 270 Body Composition Analyzer, \$12,611.94/5 year term (GTAW 24-86)

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

BOARD OF SUPERVISORS

43. Delay in Issuance of Audited Annual Comprehensive Financial Report

Discussion/Direction/Action: Delay in Issuance of Audited Annual Comprehensive Financial Report of the School Reserve Fund of the Pima County School Superintendent's Office. Request presentation by Pima County Superintendent of Schools Dustin Williams, to include: a listing of the school districts the delay impacts, the consequences to them of this delay, how Mr. Williams plans to remedy these negative consequences, and whether or not this has happened before, and if so, how it was mitigated. (District 5).

Chair Grijalva stated that she brought this item forward due to her concern with the impact that every single Supervisor District had with this delay. She stated that she was informed by Superintendent Williams that he did not plan to attend in public, which was unfortunate because it was not the responsibility of the County Administrator to respond to questions generated by it. She stated that if there were questions by the Board they could be asked at this time with a request for a response. She added that a written response was provided, and a response from the former Chief Financial Officer (CFO) who had read Mr. Williams' response and wanted to address some of those concerns. She added that she had questions, but would not be asking them at this time.

Supervisor Christy expressed his confusion procedurally and it seemed inappropriate that an elected official would go directly to the Chair and the Chair went directly to him and not to the County Administrator like the Sheriff had. He stated that if the Sheriff had a problem, he would go to the County Administrator and the County Administrator would provide a report to the Board that analyzed the situation. He questioned whether there was a policy regarding this type of situation, why it was treated differently as opposed to the way it was done by the Sheriff, and what action could be taken by the Board in this matter.

Chair Grijalva clarified that when she submitted the item, her Chief of Staff provided Mr. Williams' memorandum to the Clerk and their communication had been attached to the background material. She stated that she believed Mr. Williams contacted the County Administrator and she felt it was not the County Administrator's responsibility to answer those questions. She explained that the list of the school districts impacted were in each of their Supervisorial Districts.

Supervisor Scott commented that the Board received a County Administrator memorandum regarding the issue and asked that a recap be provided by Ms. Leshner.

Jan Leshner, County Administrator, explained that for a variety of reasons it appeared that the Superintendent of Schools had not been able to complete the closeout of the financial proceedings of the year. She stated that he provided work for the office and the majority of the school districts, and it was brought to their attention when notice was received from the Auditor General that there would be a finding in the

County's audit next year indicating close out of the Superintendent's work was not completed and had apprised the Board of the finding. She stated that the Treasurer had been working with the Superintendent to close out the financials and get their financial reporting up to date. She added that her most recent conversation with the Superintendent was that he indicated they would be finished optimistically by the middle of January. She stated that they would keep the Board updated on the status of the financial reports.

Chair Grijalva asked if the County had a finding, would every school district impacted also have a finding.

Ms. Leshar responded in the affirmative.

Chair Grijalva commented that the biggest issue it caused were for grant funds and some of these districts did not know how much was left in their budget, and if they could not reconcile it that meant either money would be left on the table, or some districts would overspend, which then funds would have to come out of their General Fund.

Supervisor Scott asked if questions were provided to Ms. Leshar, could she provide responses to the Board.

Ms. Leshar stated that she would answer questions to the best of her ability.

Supervisor Scott referred to Mr. Williams' memorandum and requested a definition for what "an ongoing basis" meant for completing cash reconciliations and questioned when they should be done by and who would take responsibility of overseeing cash reconciliation in the absence of the CFO. He added that the former CFO provided a letter to the Board, which stated that all general ledger reconciliations were completed through May 2023, however Mr. Williams indicated they were partially completed through September 2022 and questioned the discrepancy. He questioned what the impacts of the audit findings would be and would like further input from the affected school districts and what the County would face. He stated that another question not addressed was whether this had happened previously and how it was addressed. He felt that the discrepancies between the Superintendent's memorandum and the former CFO were concerns that needed to be addressed.

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

COUNTY ADMINISTRATOR

44. Appointment of Pima County Representative and Alternate to the Arizona Border Counties Coalition

Since the formation of the Arizona Border Counties Coalition, representation of Pima County has been appointed by the Board of Supervisors; therefore, staff recommends the following:

1. The Chair of the Board of Supervisors appoint, on an annual basis, the Pima County representative and alternate to the Arizona Border Counties Coalition;
2. Pima County will continue to provide staff support for the Arizona Border Counties Coalition; and
3. The County Administrator determines which Department shall provide staff support to the Arizona Border Counties Coalition.

Chair Grijalva asked if the Board was willing to postpone this item until Supervisor Lee could join the next meeting on January 9, 2024. She stated that there were a few more committees that the Chair had the discretion to appoint and felt that it should be a collective decision of the Board. She stated that the other committees included the County Supervisors Association, Metropolitan and Education Commission, Pima Association of Governments, Pima County Board of Health, Regional Transportation Authority, Sun Corridor, Inc. and Visit Tucson. She reiterated that currently it fell under the Chair's discretion to make appointments and it did not come back to the Board for a vote, and with approval it would state that the Chair would come up with the list and come to the Board for approval, and that it was important for the Board to be able to vote on who was going to represent them on these different committees.

It was moved by Chair Grijalva and seconded by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of January 9, 2024. No vote was taken at this time.

Jan Leshner, County Administrator, explained that another item could be brought to the Board in January with a possible addition to the Board's Rules and Regulations noting that the Chair would bring nominations to the Board for ratification for these various boards.

Chair Grijalva stated that in her position as Chair she had not changed any of the appointments, but felt that since there was a new Board member joining it was something that all Board members should be able to vote on.

Supervisor Scott clarified that each Board Supervisor was a member of the County Supervisors Association. He asked if Chair Grijalva was referring to the Legislative Policy Committee.

Chair Grijalva responded affirmatively and then withdrew the item from the agenda. She clarified that it would be brought back on January 9, 2024, as a new item with the changes recommended by Ms. Leshner.

CONTRACT AND AWARD

GRANTS MANAGEMENT AND INNOVATION

45. Tucson Medical Center (TMC), to provide for TMC emergency room enhancements, U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds, contract amount \$6,300,000.00/5 year term (CT-GMI-24-230)

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 if this was to implement what the Board had already passed or if it was for additional funding.

Jan Leshner, County Administrator, explained it was to implement what had already been passed at a previous Board meeting and the Board delineated the program for expenditures related to the American Rescue Plan Act (ARPA) funds. She stated that the \$6.3 million was included in that plan and had come back with the specific contractual agreement for the utilization of these funds. She clarified it was not additional funds, but was for funds that were previously approved.

Supervisor Christy referred to the minutes from the previously approved item and stated that there was a motion that was seconded and approved by the Board to separate the items from the expansion and improvement to the emergency room at TMC and the accumulation of patient information and dissemination to other authorities. He stated that his concern was still the same and in addition to the fact that there were other ramifications involved of sharing personal private information with other entities other than a primary physician, caregiver and the patient. He added that he was concerned about Health Insurance Portability and Accountability Act of 1996 (HIPAA) violations that may exist with the accumulation of patient history. He asked if there was an opportunity with this item to replicate the separation of the items for vote.

Chair Grijalva stated that she would be happy to do that, but both items had passed so she thought that was why it was combined into one.

Supervisor Christy explained that he wanted to support the expansion of TMC, but his issue was that he could not support the accumulation of private information.

Chair Grijalva asked if the document listed where the costs were separated so that it was clear what was being voted on.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that the scope of work for this particular contract was included in the agreement. He stated that it was put into a single contract because it was with a single entity that the County was contracting with to do these things. He added that there would be no sharing of personal information and it would provide a HIPAA compliant way of being able to exchange

information when patients authorized that exchange of information on either end. He explained that the contract was broken up into four components including design and planning, demolition, laboratory, electronic health record, and a digital connectivity infrastructure. He stated that digital connectivity was the way that information was shared within the health system and TMC was a highly reputable HIPAA compliant entity that never had an issue with this and was part of the overall infrastructure of an emergency room.

Supervisor Christy read from the background material and commented that he only saw two areas that indicated what it would be allocated for. He commented that this was a difficult situation because of what he earlier stated.

Dr. Garcia explained that the Community Hub was a TMC operated system for healthcare partners to connect with TMC and to connect with each other, which was part of what was covered in the contract. He stated it would also allow the Health Department to replace its outdated electronic health record which would be up for replacement in the following two years. He asked Dr Josh Lee to address that specific issue.

Dr. Josh Lee, MD, Senior Vice President, Chief Information Officer & Chief Health Information Officer, TMC, explained that with the provision of this next generation electronic health record implementation on behalf of the County, it would provide the patient with much more control of where their records went. He clarified that there were Federal statutes that prevented any given health system from not making data available and it was a requirement to make data available, with the patient's consent it could be part of sharing. He stated this was a part of the framework and was the electronic health record they currently used and was compliant with the standard known as Trusted Exchange Framework and Common AgreementSM (TEFCASM) that became effective this week. He stated that it put the patient in the control point when they signed up at a notice of privacy practices when they initially registered to identify the conditions under which they would share that information. He stated that the transmission of health information for the purpose of continuity of care was permissible to transfer information so that when a patient chose to present for care at any emergency department, they effectively agreed to let that emergency department have access to those records that were available. He clarified that what was not happening was some large aggregation of data at the countywide level that the patient did not know about, nor had they agreed to. He stated that the patient initially provided consent for their data to be made available in a sharing moment and the only moment at which data was accessed across this line was when a patient had chosen to present for continuity of care.

Supervisor Christy stated that he took the information at face value.

Upon the vote, the motion carried 3-0, Supervisor Heinz was not present for the vote.

PROCUREMENT

46. Custom Storage, L.L.C., d.b.a. cStor, to provide for flex production refresh and disaster & recovery deployment services, General Fund, contract amount \$500,000.00 (MA-PO-24-94) Administering Department: Information Technology, on behalf of Treasurer's Office

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

CONSENT CALENDAR

47. **Approval of the Consent Calendar**

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

* * *

BOARD, COMMISSION AND/OR COMMITTEE

1. Metropolitan Education Commission

- Appointment of Alejandro Tavera-Reyes, representing MEC Youth Advisory Council/Tucson Teen Congress, to fill a vacancy created by Hannah Lui. Term expiration: 12/18/26. (Commission recommendation)
- Reappointment of Alexander Lewis, representing Minority Group (Native American Community). Term expiration: 5/16/26. (Commission recommendation)

2. Election Integrity Commission

Appointment of Tiana Smith, to fill a vacancy created by Toni Hellon. Term expiration: 12/18/25. (County Administrator recommendation)

3. Workforce Investment Board

- Appointments of Gladys Walker, Stefanie Litwiller and Steven Hosseinmardi, representing Business, to fill vacancies created by Frank Watts, Jr., Jay Lau and Christine Hazen-Molina. Term expirations: 9/30/26. (Staff recommendations)
- Appointment of Dylan Baysa, representing Workforce; CBO, to fill a vacancy created by Rose Grijalva. Term expiration: 9/30/26. (Staff recommendation)
- Appointment of Victor Cardenas, representing State Employment Service Office under Wagner-Peyser, to fill a vacancy created by Brent Maloney. Term expiration: 9/30/24. (Staff recommendation)

4. **Pima County Fair Commission**
Reappointments of Judith Patrick and Mark Cowley. Term expirations: 12/31/27. (Commission recommendations)
5. **Natural Resources, Parks and Recreation Advisory Commission**
Appointment of German Quiroga, to fill a vacancy created by Michael Lundin.
Term expiration: 6/30/25. (District 2)

SUPERIOR COURT

6. **Judge Pro Tempore Appointments**
Appointments of Judge Pro Tempore of the Green Valley Justice Court for the period of January 1, 2024 through June 30, 2024:

Frederick S. Klein and Erika Acle
7. **Small Claims Hearing Officer Appointment**
Appointment of Small Claims Hearing Officer of the Pima County Consolidated Justice Court for the period of January 1, 2024 through June 30, 2024:

Christopher Holguin
8. **Judge Pro Tempore Appointment**
Appointment of Judge Pro Tempore of the Pima County Consolidated Justice Court:

Hon. Kenneth Lee (Ret.)

TREASURER

9. **Duplicate Warrants - For Ratification**
G & G Financial \$763.90
10. **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 \$3,033.31.

RATIFY AND/OR APPROVE

11. Minutes: October 3, 2023

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48. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:33 p.m.

CHAIR

ATTEST:

CLERK