

## **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, October 2, 2018. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman  
Ramón Valadez, Vice Chair  
Sharon Bronson, Acting Chair  
Ally Miller, Member  
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### **1. FLOODPLAIN MANAGEMENT PLAN**

RESOLUTION NO. 2018 - FC6, of the Flood Control District Board of Directors, approving initiation of a Floodplain Management Plan Process as part of the National Flood Insurance Program's Community Rating System.

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

### **2. EXTENSION OF EASEMENT**

UNS Electric, Inc., has requested an easement across Pima County Flood Control District owned property lying within Section 18, T16S, R15E, G&SRM, Pima County, Arizona, \$1,742.00 revenue and \$1,500.00 reimbursement for appraisal fee. (District 4)

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

### **3. CONTRACT**

Kimley-Horn and Associates, Inc., to provide for the Santa Cruz River: Irvington to Drexel East Bank Improvements (5SCRIR), Flood Control Non-Bond Projects (Flood Control Tax Levy) Fund, contract amount \$329,405.00/2 year term (CT-FC-19-177)

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

Supervisor Miller inquired why the contract was a direct select and not a competitive bid.

Chuck Huckelberry, County Administrator, responded that the direct select was a consultant selection and not a contract. He stated that this was to design the remedial measures necessary for bank protection for a park built for the City of Tucson by a developer. He explained that when the Flood Control District agreed to take over the system these repairs were not included. He added that the County negotiated with the City that remedial measures would be designed by the County and the repairs would be paid for by the City.

Supervisor Miller asked why the park was being transferred to the Flood Control District instead of the Natural Resources, Parks and Recreation (NRPR) Department.

Mr. Huckelberry responded that the river park system was the responsibility of the Flood Control District per the Federal Clean Water Act, Section 404. He stated that the Act mandated remediation or mitigation measures; therefore, the County was required to put in river parks and stabilize river banks with soil cement. He added that the Flood Control District would contract with NRPR for the maintenance of the park.

Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay," to approve the item.

#### 4. **CONTRACT**

Arizona Board of Regents, University of Arizona, to provide for project services and related research, education and employment, Flood Control Tax Levy Fund, contract amount \$750,000.00/5 year term (CT-FC-19-154)

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

Supervisor Miller commented about the contract allocation and expressed concerns with allowing the University of Arizona (UofA) to employ third party consultants on a case-by-case basis. She inquired whether any Flood Control District employees could perform these services.

Chuck Huckelberry, County Administrator, responded that the UofA possessed expertise in a number of areas related to the Regional Flood Control District and that it was more economical to contract with specialists as opposed to hiring staff. He added that the benefit of having individuals work as interns was they could ultimately be employed within the County.

Suzanne Shields, Director, Regional Flood Control District, explained that the UofA possessed the ability to provide such items as atmospheric models. She stated that these models were utilized by various counties and utilities, and they monitored large weather systems moving into the area. She indicated that they also had the ability to design scours along piers of bridges and that those designs, which were approved by the Arizona Department of Transportation, allowed the County to construct bridges. She stated that these efforts ultimately saved the County money. She indicated that the Flood Control District operated their own flood alert system and provided internal modeling, but that there were times when specific expertise was needed. She noted that the contract was for a not-to-exceed amount and there were years when Pima County would not request any work. She added that in the future Pima County would be requesting a flood plain and weather model and this model would be the first of its kind to link actual storms and the watershed response.

Supervisor Miller expressed concern over the intergovernmental agreement not being clearly defined with regards to professional services. She added that training individuals in real world experiences was a good approach, but she did not believe that was the County's role.

Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay," to approve the item.

5. **ADJOURNMENT**

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

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CHAIRMAN

ATTEST:

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CLERK

## LIBRARY DISTRICT BOARD MINUTES

The Pima County Library 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, October 2, 2018. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman  
Ramón Valadez, Vice Chair  
Sharon Bronson, Acting Chair  
Ally Miller, Member  
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### 1. **ACCEPTANCE – LIBRARY**

Arizona State Library, Archives and Public Records, to provide for the State Grants-In-Aid 2019 Program, \$25,000.00/\$26,600.00 Library District 2051 Fund Match (GTAW 19-18)

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

### 2. **ACCEPTANCE - LIBRARY**

Arizona State Library, Archives and Public Records, to provide for the State Grants-In-Aid 2019 Program, \$25,498.00/\$33,110.00 Library District 2051 Fund Match (GTAW 19-19)

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

### 3. **ADJOURNMENT**

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

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CHAIRMAN

ATTEST:

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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, October 2, 2018. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman  
Ramón Valadez, Vice Chair  
Sharon Bronson, Acting Chair  
Ally Miller, Member  
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### **1. MOMENT OF SILENCE**

A Moment of Silence was observed.

### **2. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

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

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

### **PRESENTATION/PROCLAMATION**

4. Presentation of a proclamation to Suzanne Shields, Director and Chief Engineer, Regional Flood Control District; Jason Grodman, Permit Regulatory Compliance Officer, Regional Wastewater and Reclamation Department; Linda Mayro, Director, Office of Sustainability and Conservation; Karen Simms, Division Manager, Natural Resources, Parks and Recreation Department; and Ian Dowdy, Director, Sustainable Landscapes and Communities - Sonoran Institute, proclaiming the month of October 2018 to be: "RETURN OF THE GILA TOPMINNOW MONTH"

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

5. Presentation of a proclamation to Laura Hagen Fairbanks, National Alliance on Mental Illness of Southern Arizona, proclaiming the week of October 7 through 13, 2018 to be: "MENTAL ILLNESS AWARENESS WEEK"

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

## 6. **CALL TO THE PUBLIC**

The following speakers addressed the Board in support of the resolution regarding non-interference of the Sheriff's efforts to secure outside funding:

- Karen Kansfield
- David Eppihimer, Chair, Pima County Republican Party

They offered the following comments:

- Disappointed with the disparaging remarks made by members of the Board regarding members of law enforcement and the Board's decision to terminate the Stonegarden grant.
- Ranchers living on the border lived in fear.
- The Board was urged to vote for the resolution in order to ensure safe communities and protect public health.

The following speakers addressed the Board in opposition of the resolution regarding non-interference of the Sheriff's efforts to secure outside funding:

- Ryan Kelly
- Steve Diamond
- Kristen Randall
- Marla Pacheco, Derechos Humanos
- Marion Chubon
- Sara Mae Williams
- Michael E. Cease, Chair, Pima County Green Party

They offered the following comments:

- Declining Stonegarden was not a political stunt.
- Sheriff Napier's appearances at the White House, on the Fox Business Channel with Charles Payne, and on 'Fox and Friends' was playing politics.
- The resolution stated that additional funding and appropriation would not be required; however, the Stonegarden grant did require additional appropriation.
- State law gives the Board of Supervisors fiscal and supervisory authority over the Sheriff's Department and the resolution's request to deliver fiscal authority to the Sheriff cannot supersede state law.
- Police abuse does occur and affects the community negatively.
- Concern was expressed regarding accountability of police abuse, if the Resolution passed.
- Less autonomy for law enforcement was needed and the Law Enforcement Commission should continue their efforts.
- The Tohono O'odham Nation had autonomy and they have suffered, by allowing armed law enforcement officers to illegally enter and search their homes on the pretense of immigration.

- Individuals live in fear of the unknown crossing the borders, but those that live on the border feel safe.
- Migration is a human right and there is outrage for the inhuman way children and families seeking refuge in the United States are being treated.

Roger D. Score spoke to the Board regarding taxes.

Geri Ottoboni addressed the Board regarding bonds, taxes, county spending and road repair.

Christopher Cole, Chair, Pima County Libertarian Party, addressed the Board regarding I-11, county spending and the conditions of the roads.

Keith Van Heyningen addressed the Board regarding bonds, individuals migrating through the county and abortion.

Kathy Morrow, Felicia Chew Community Projects, read a message from Rosemary Bolsa. Ms. Bolsa asked that the Board gather input from the community regarding Golden Pin Lanes and requested that the building be preserved as a Community Center.

Mikki Niemi expressed disappointment to the Board for their denial of the Stonegarden grant. He added that if the County could decline \$1.4 million, it should not raise taxes but should decrease taxes.

Chairman Elías asked the County Administrator to clarify property tax amounts.

Chuck Huckelberry, County Administrator, responded that the primary property tax rate was reduced 39 cents, and it was the largest reduction in 32 years.

Jonathan Salvatierra addressed the Board regarding the water company's oversight of harmful pollutants that contaminated the water supply of 60,000 Tucson residents for the past 10 years.

Gabriella Cazares-Kelly addressed the Board regarding 7 roads that were inaccessible due to flooding, the lack of services to the Tohono O'odham Nation, and Stonegarden.

Jo Holt, Chair, Pima County Democratic Party, read a Resolution passed by the Pima County Democratic Party supporting the rejection of Operation Stonegarden.

Brenda Wexler spoke about Stonegarden and how powerful fear is.

Robert Reus recited a poem and recognized the 50th anniversary of the October 2, 1968 massacre at Tlatelolco Plaza in Mexico City.

Lena Rothman thanked the Board for turning down the Stonegarden grant and spoke about the war on drugs.

Brian Bickel addressed the Board regarding Supervisor Miller's quote in the Arizona Daily Star about road repair.

Hanson Fotherby addressed the Board regarding the Goldin Pin Lanes.

Felicia Chew, Founder, Felicia Chew Community Projects, spoke to the Board about domestic violence and Golden Pin Lanes.

Supervisor Miller responded to a statement made at Call to the Public and spoke about respecting and not denigrating people with mental illness.

7. **CONVENE TO EXECUTIVE SESSION**

It was move by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:14 a.m.

8. **RECONVENE**

The meeting reconvened at 11:42 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 a settlement offer in Cutler v. Pima County, et al., U.S. District Court Case No. 18-CV-00383-FRZ.

Andrew Flagg, Chief Civil Deputy County Attorney, explained this was a settlement offer in Cutler v. Pima County, et al., U.S. District Court Case No. 18-CV-00383-FRZ. He stated that the County Attorney's Office recommended proceeding as discussed in Executive Session.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the County Attorney's recommendation and proceed as discussed in Executive Session.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement of a claim filed April 10, 2018 by Gayle Neher.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that staff sought direction on a proposed settlement for a claim filed April 10, 2018 by Gayle Neher. He indicated that the terms of the proposed settlement was for Pima County to pay \$142,000.00 to fully resolve the claim. He added that the County Administrator and County Attorney's Offices recommended approval of the proposed settlement.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the County Administrator and County Attorney's recommendation.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to authorize the filing of a lawsuit on behalf of Pima County for damages arising out of the opioid crisis.

Andrew Flagg, Chief Civil Deputy County Attorney, explained this item involved a lawsuit being filed on behalf of Pima County for damages arising out of the opioid crisis. He stated the County Attorney's Office sought direction on whether the Board authorized filing a lawsuit related to the opioid crisis, which would be handled by outside counsel in coordination with the County Attorney's Office. The County Administrator recommended filing of a lawsuit.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the County Administrator's recommendation.

#### **CLERK OF THE BOARD**

12. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109, Arizona District Council of the Assemblies of God has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2014, 2015, 2016 and 2017, for Parcel Nos. 137-15-106A, 137-15-1040, and 137-15-1050.

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

#### **ATTRACTIONS AND TOURISM**

13. **Pima County Fairgrounds/Southwestern Fair Commission Capital Improvement Project FY 2018-19**

Staff recommends approval of the Pima County Fairgrounds/Southwestern Fair Commission Capital Improvement Project FY 2018-19 budget for upgrade and re-development of the Manny's RV Park in the estimated total amount of \$180,000.00.

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

## **DEVELOPMENT SERVICES**

### **14. Final Plat With Assurances**

P18FP00015, Sonoran Desert Reserve Subdivision, Lots 1-25, Block 1 and Common Areas "A" (Private Streets & Utilities), "B" (Detention Basin), "C" (Open Area & Utilities) and "D" (Common Driveways & Utilities). (District 1)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve P18FP00015.

## **FRANCHISE/LICENSE/PERMIT**

### **15. Hearing - Liquor License**

09100208/Job No. 28028, James William Boyd, Jr., Ice Cream Bar, 1135 W. Hoover Street, Ajo, Series 9, Liquor Store, Person and Location Transfer.

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

### **16. Hearing - Liquor License**

Job No. 28274, Michael James Corleone, The Spotted Bull, 13005 E. Benson Highway, Vail, Series 12, Restaurant, New License.

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

### **17. Hearing - Liquor License**

06100155/Job No. 28962, Jeffrey Craig Miller, Arizona National Golf Club, 9777 E. Sabino Greens Drive, Tucson, Series 6, Bar, Person Transfer.

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

**18. Hearing - Bingo License**

18-02-8035, Krista Lange, Agua Caliente Elementary School PTG, 11420 E. Limberlost Road, Tucson, Class A - Small Game.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Revenue.

**19. Hearing - Agent Change/Acquisition of Control/Restructure**

12103036, Shoumei Fu, China Phoenix Restaurant, 7090 N. Oracle Road No. 172, Tucson, Agent Change and Acquisition of Control.

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

**DEVELOPMENT SERVICES**

**20. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2018 - 27, P18RZ00002, ACM Ventures, L.L.C. - E. Snyder Road Rezoning. Owner: ACM Ventures, L.L.C. (District 1)

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

**BOARD OF SUPERVISORS**

**21. Non-Interference in the Pima County Sheriff's Efforts to Secure Outside Funding**

RESOLUTION NO. 2018 - 65, of the Board of Supervisors, of non-interference in the Pima County Sheriff's efforts to secure outside funding. (District 4)

Supervisor Christy stated that this Resolution was before the Board for various reasons. He indicated that this Resolution was in response to the public's outrage over the Board's majority terminating the Operation Stonegarden Grant. He stated that his constituency was overwhelmingly frustrated over the termination of a federal grant designed to assist the Sheriff's Department, and other local law enforcement agencies, in the protection of our citizens. He pointed out that the Operation

Stonegarden Grant had been summarily and routinely approved by the Board's majority over the past 12 years and that the grant's fundamental purpose and focus had never changed during that time. He stated that the only changes that had occurred were the current occupants of the White House in Washington, D.C., and the current Sheriff of Pima County. He noted that this grant had been "Rubber Stamped" by this Board under two previous presidential administrations and two previous Sheriff administrations, both of which were Democrats. He stated that this was pure politics that came at the expense of public safety. He indicated that the Sheriff had the statutory and constitutional authority to maintain public safety in the County and, as an elected official, was mandated to do so. He stated that the Board should not have rejected the funding and should not have interfered with the Sheriff's authority. He indicated that if a grant is presented by the Sheriff, that was in his judgment important to public safety, the Board should not reject the grant in order to make a political statement. He added that the Sheriff should be able to determine the merit of a public safety grant and that the Board did not possess expertise in the area of public safety. He indicated that this Resolution was also being brought before the Board because at the September 4, 2018 Board Meeting, the Board heard hours of public testimony opposing the Stonegarden Grant and Sheriff Napier was not provided the opportunity to speak to the Board on this issue. He stated that he and Sheriff Napier collaborated in developing the Resolution and that the Resolution's language came from contributions made by Sheriff Napier. He asked that the Board pay particular attention to the following sentence: "this is provided that the grant does not require any additional funding or other appropriation by the Board of Supervisors and that all ancillary costs associated with the acceptance of the grant and its administration can be absorbed under the current budget of the Sheriff's Department." He indicated that the inclusion of that statement should address any legal issues regarding potential liability and exposure, and take into consideration the Board's budgeting authority over the Sheriff's Department. He commented that it was time for the Board to take a stand and adopt a Resolution that supported the Sheriff, the deputies and the entire law enforcement community whose thankless and dangerous mission it was to protect our citizens, our county, our state, our border, and our nation. He asked that Sheriff Napier be allowed to address the Board.

Chairman Elías conveyed his pride and respect for the men and women of the Sheriff's Department. He indicated that he appreciated their dangerous job, their bravery and their dedication. He stated that his concerns with Stonegarden revolved around specific concerns such as Sheriff's deputies being precluded from responding to calls for assistance from County residents while they were participating in Operation Stonegarden. He indicated that Sheriff deputies should be responding to calls from residents, at all times, while on duty. He stated that \$1.4 million was a lot of money, but it was not worth denigrating our Sheriff's Department and having residents fearful when deputies responded to their homes. He added that the integrity of the Sheriff's Department needed to be protected and that the culture of fear that surrounded them was part of the Board's responsibility. He stated that there were good reasons why the Board reviewed all grants and the Board took it very seriously. Chairman Elías asked for clarification from counsel on this item. He inquired whether this item was a reconsideration and indicated that he

was of the understanding that a motion to reconsider could only be made by a member of the prevailing vote.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the Chairman's interpretation of the Board's rules were correct. He indicated that this Resolution was to establish a policy for future grants and not a reconsideration of the Stonegarden Grant.

Supervisor Christy noted that the Resolution made no mention of reconsidering the Stonegarden Grant and that it was applicable to future grants only.

Chairman Elías declared that he had wanted assurances and was willing to accept that the Resolution was only for future grants. He expressed dismay over Supervisor Christy's comment that prior Stonegarden grants had been 'Rubber-Stamped'. He indicated that the comment was inappropriate since Supervisor Christy had not participated in previous discussions.

It was moved by Supervisor Christy and seconded by Supervisor Miller to adopt the Resolution. No vote was taken at this time.

Mark Napier, Sheriff, Pima County Sheriff's Department, addressed the Board. He indicated that the Sheriff's Department had worked hard to remove any divisiveness by engaging the community and addressing their concerns. He stated that the Board had placed five conditions on the Sheriff Department's acceptance of the Stonegarden Grant and that the Department dutifully met those conditions. He then added that additional conditions were placed on the Department and again the Department tried to march in the right direction. He stated that the Sheriff's Department worked with the community, and worked with such stakeholders as the American Civil Liberties Union (ACLU). He indicated that they reached out to every segment of the community to address concerns because there were legitimate concerns that needed to be addressed. He stated that the Resolution before the Board, was simply asking that the politics be removed and that the responsibility be placed on the shoulders of the elected Sheriff. He added that any ancillary costs for the grants would be absorbed within the Department's budget. He stated that he had proven to the Board his ability to fiscally manage the Department's budget by reducing the \$6 million deficit he inherited when he became Sheriff. He stated that the Sheriff's Department was statutorily responsible for public safety and that he had shown incredible willingness to reach out to other segments of the community. He indicated that if the Resolution was adopted, he would continue to engage the community because there were preexisting goals each side was working towards. He added that the Department did not have a policy on racial profiling and that he had collaborated with the ACLU to create a policy and that deputies would be trained on that policy. He concluded that the Sheriff's Department was willing to work with the Board and the community. He asked the Board to grant him the authority to apply his experience, education, and background and allow him to decide whether grants had a public safety benefit. He respectfully asked that the Board entertain the Resolution.

Chairman Elías stated that he respected Sheriff Napier and that his comments regarding Stonegarden had nothing to do with politics. He indicated that it was important that the Sheriff's Department be available to respond to the community when they were called upon. He added that the Board had to be cognizant that federal policy affected us and federal policies have taken a turn for the worst. He indicated that the Board's vote on Stonegarden was to protect the community from divisiveness and make the community and Sheriff deputies feel welcomed when responding to calls from residents.

Supervisor Bronson expressed agreement with Chairman Elías' statements. She stated that changes had been made to the Stonegarden Grant in 2016. She added that those changes included peace officers reporting directly to Border Patrol. She commented that peace officers should only work for Pima County, all grants should continue to be reviewed by the Board and better grant monitoring was needed.

Supervisor Miller commented that she had supported Sheriff Napier, his deputies, the Stonegarden Grant, and that she would continue to support them because it was critical to the community's public safety and well-being. She stated that the Board's majority should have accepted the Stonegarden Grant and should not have rejected it. She agreed with Sheriff Napier that it was his responsibility to protect the community, as an elected official, and he should have the authority to run his department as he deemed necessary.

Supervisor Valadez commended the Sheriff and the Sheriff's Department on working with community members. He expressed concern with the notion that if members did not agree with a policy it was considered playing politics. He explained that policies needed to be viewed in multiple ways and those ways included how it impacted the community from various perspectives. He noted that there were issues with the Resolution. He stated that the Resolution interfered with the separation of executive and legislative functions and asked the Board to give up its legislative mandates governed by the federal and state constitutions. He stated that the legislative function included a public venue which allowed the public a voice and the executive function was responsible for making and carrying out those decisions. He stated that without that balance and ability to have the public venue, the true losers would be the public. He stated that another issue pertained to who had the legal authority to enter into an intergovernmental agreement. He indicated that the Board was the only authority that could do so. He also noted that while matching funds was a part of ancillary costs, other costs to Stonegarden grants included retirement pay to officers, which were paid for by the taxpayers. He pointed out the issue of budgeting which was not a lump sum budget that Row Officers could allocate as they wished, but was a line item budget, which required that every cost/expenditure be accounted for, and also required the Board's approval every budgetary cycle. He stated that due to these issues, he would not be able to support the Resolution.

Chairman Elías stated his agreement with Supervisor Bronson's comments and that Supervisor Valadez had pointed out the structural problems in government created by resolutions like this. He commented about the resultant expectations of absolute power that occurred through lump sum budgeting and indicated that would not be the case under the current Board of Supervisors.

Supervisor Christy commented that the true losers would be the public, in that they would lose public safety at the expense of playing politics while accepting outside grants.

Chairman Elías stated his disagreement with Supervisor Christy's statement and noted that the public won because they would be able to trust the Sheriff's Department when they were called for assistance.

Supervisor Miller inquired about the legal perspective regarding the Board's budgetary authority over Row Officers as set by state statute.

Mr. Flagg responded that the Board had budgetary authority but not absolute authority over elected officials. He added that there was a test to the extent that the Board's budgetary authority could interfere with elected officials' exercising their statutory power and that there were a number of cases in the Arizona courts that addressed those issues.

Supervisor Bronson added that the Board had budgetary authority, but that the administrative authority rested with the Sheriff and the Row Officers, which caused a conundrum because of the way the constitution had been established.

Supervisor Miller inquired about the test.

Mr. Flagg indicated that the test meant that the Board could not use its budgetary authority in a way that unreasonably interfered with the elected official's ability to do his or her statutory job.

Supervisor Miller stated she would support the Resolution but the direction on statutory authority was a concern.

Upon roll call vote, the motion failed 2-3, Chairman Elías, Supervisors Bronson and Valadez voted "Nay."

## **22. Open Meeting Law Complaint**

Discussion and vote for the retention of outside counsel as related to the Attorney General's investigation of an Open Meeting Law complaint against members of the Board. (District 1)

Chairman Elías asked that the County Attorney provide direction on this item with regards to the privileged communication received by the Board.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office provided the Board with an attorney-client privileged memorandum last week regarding this matter. He stated that any discussion should not include contents from that communication without the Board voting to waive the attorney-client privilege or voting to adjourn into Executive Session to discuss the attorney-client privileged communication.

Supervisor Valadez indicated that the Board should limit their discussion to the intention of outside counsel. He suggested that an Executive Session be noticed for an upcoming meeting and that this item be continued until then.

Supervisor Miller noted that there was a response deadline.

It was moved by Supervisor Miller to convene into Executive Session. The motion died for lack of a second.

Supervisor Miller commented about receiving the Attorney General's open meeting law complaint filed against certain members of the Board of Supervisors. She stated that she had compiled her response and wanted to retain outside counsel in order to properly respond to the Attorney General's Office. She inquired whether the County Attorney's Office could represent individual Board members because there were adversarial positions.

Supervisor Valadez indicated that the County Attorney's Office could not be utilized by individual Board members for this matter.

Mr. Flagg confirmed that the County Attorney's Office was unable to represent individual Board members with respect to this open meeting law complaint.

It was then moved by Supervisor Miller that she be allowed to retain outside counsel in order to formulate her response to the Attorney General's Office. The motion died for lack of a second.

The Board took no action on this item.

#### **CLERK OF THE BOARD**

### **23. Petitions for Redemption of Property Tax Exemption Waiver**

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

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

## **FINANCE AND RISK MANAGEMENT**

### **24. Duplicate Warrants - For Ratification**

Catherine O'Grady \$276.50; Recorded Books, Inc. \$1,824.67; Banner-University Medical Center South Campus, L.L.C. \$9,200.00; Pima County Superior Court \$782.61; Wendy Ann Petersen \$188.24; Angelica Macias Tresvik \$59.20; Manufacturers & Traders Trust Company \$648.91; Washington Federal, N.A. \$445.37; Lazco Lath, L.L.C. \$130.00.

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

## **RECORDER**

### **25. Document Storage and Retrieval Fund**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of July, 2018.

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

## **TREASURER**

### **26. 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 \$53,858.14.

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

## **CONTRACT AND AWARD**

## **PROCUREMENT**

### **27. Award**

Amendment of Award: Master Agreement Nos. MA-PO-14-313 (AWASA), MA-PO-14-314 (Spay and Neuter Solutions), and MA-PO-14-315 (The Animal League of Green Valley), to provide for spay/neuter services. This revision increases the shared annual award amount by \$265,000.00 from \$400,000.00 to \$665,000.00 for a cumulative not-to-exceed contract amount of \$2,265,000.00 and increases the scope of services to include pets living in foster care but in the legal custody of Pima County. Funding Source: PACC Companion Animal Fund. Administering Department: Pima Animal Care Center.

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

**28. Award**

Amendment of Award: Master Agreement No. MA-PO-18-76, Central Pet Partners, L.L.C., to provide for kennel and pet care services. This revision increases the annual award amount by \$30,000.00 from \$670,000.00 to \$700,000.00 for a cumulative not-to-exceed contract amount of \$1,370,000.00 to allow for the mandated living wage increase of 2.65%. Funding Source: PACC Special Revenue Fund. Administering Department: Pima Animal Care Center.

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

Supervisor Miller inquired about the legality of a contractor requesting an hourly rate increase due to the mandated 2.65% living wage increase. She stated that her concern was due to the unfair advantage of amending a contract for wage increases after the contract had previously been approved during a competitive bid.

Chuck Huckelberry, County Administrator, responded that wages and wage increases, beyond the control of the contractor, were passed along in a contract and were passed through due to the state mandated wage increase.

Supervisor Miller inquired whether wage increases were typical amendments to a contract and asked if wage increases had ever been challenged.

Mr. Huckelberry responded that wage increase amendments had never been challenged. He stated that contracts were awarded based on certain premises and changes made afterwards, which were out of the control of the contractor.

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

**GRANT APPLICATION/ACCEPTANCE**

**29. Acceptance - Sheriff**

State of Arizona Department of Homeland Security, Amendment No. 2, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, \$47,350.00 (GTAM 19-13)

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

**30. Acceptance – Sheriff**

State of Arizona - Department of Public Safety, to provide for the Border Strike Task Force, \$166,666.66 (GTAW 19-26)

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

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

### **31. Community Law Enforcement Partnership Commission**

- Appointment of Colin Oglesbee. Term expiration: 12/31/20. (District 1)
- Appointment of Gabe Ruiz. Term expiration: 12/31/20. (District 2)

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

### **32. Parks and Recreation Commission**

Appointment of Robert Owens, to replace Karen Cesare. Term expiration: 6/30/24. (District 1)

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

## **CONSENT CALENDAR**

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

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 1 and 3 were set aside for separate discussion and vote.

Upon the request of Chairman Elías to divide the question, Consent Calendar Item No. 8 was set aside for separate discussion and vote.

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

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

## **CONTRACT AND AWARD**

### **Community Services, Employment and Training**

1. Dorothy Kret and Associates, Inc., f.k.a. DK Advocates, Inc., Amendment No. 3, to provide for workforce development services and amend contractual language, no cost (CT-CS-19-113)

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

Supervisor Miller expressed concern over the continuation of the contract because there were no reported outcomes even though administrative funds had been expended. She inquired whether there were any corrective actions on the contract for not meeting the required participant outcomes.

Jan Leshner, Chief Deputy County Administrator, indicated that she could not provide a response at this time, but would obtain the requested information.

Supervisor Miller made a substitute motion to continue the item to the Board of Supervisors' Meeting of October 16, 2018. Chairman Elías seconded the motion. Upon the vote, the motion unanimously carried 5-0.

### **Procurement**

3. Crafcro, Inc., to provide for four (4) spray injection patcher trailers, Fleet Services Operations Fund, contract amount \$277,213.63 (PO-PO-19-18) Fleet Services

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

Supervisor Miller inquired whether an analysis had been completed detailing the cost difference between outsourcing pothole repairs and having the work performed internally.

Chuck Huckelberry, County Administrator, responded that an analysis had not been completed within the last 10 years. He stated that outsourcing would require executing contracts and due to the recent need for increased pavement repairs, additional equipment was required.

Ana Olivares, Director, Department of Transportation (DOT), commented that the most common requests were for pothole repairs. She stated that DOT had responded to those requests by increasing the number of crews performing pothole repairs. She added that the department had five patch trucks but needed more to keep up with the demand. She stated that these injection patch trailers would increase the County's ability to perform road repairs because they used readily available chip and oil.

Mr. Huckelberry explained that the cost analysis previously completed showed that patch repairs were more cost effective when performed internally. He stated that major pavement repairs, such as sealing and overlays, were more cost effective using external contracts. He added that emergency pothole repairs were performed internally throughout state agencies and available 24 hours a day, 7 days a week.

Supervisor Miller recommended that a cost analysis be performed.

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

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## **PULLED FOR SEPARATE ACTION BY CHAIRMAN ELÍAS**

### **GRANT APPLICATION/ACCEPTANCE**

#### **8. Acceptance – Sheriff**

State of Arizona, Department of Public Safety, to provide for the Gang Intelligence Immigration Team Enforcement Mission Program, \$350,000.00/\$116,666.67 General Fund Match (GTAW 19-20)

Chairman Elías commented about the lack of background information provided and that it had not been provided in a timely manner.

It was moved by Chairman Elías and seconded by Supervisor Bronson to continue this item to the Board of Supervisors' Meeting of October 16, 2018. No vote was taken at this time.

Supervisor Christy inquired whether the contract had time restrictions.

Karl Woolridge, Operations Bureau Chief, Pima County Sheriff's Department, responded that the timeframe for the grant was July 1, 2018 to 2019, and continuing the item would not cause any hardship.

Supervisor Christy inquired whether continuation would cause a negative effect on the recipients or grantors.

Chief Woolridge replied that continuing the grant would not have any negative effects.

Chairman Elías inquired whether the grant had been submitted late.

Chief Woolridge responded that the grant was received in early October and was immediately brought before the Board for approval.

Supervisor Bronson asked if the grant had been processed through grants administration.

Chuck Huckelberry, County Administrator, responded the grant had not gone through grants administration. He indicated that it was a reoccurring grant that required last-minute negotiations and often arrived late from the state.

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

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## **CONTRACT AND AWARD**

### **Community Services, Employment and Training**

1. Dorothy Kret and Associates, Inc., f.k.a. DK Advocates, Inc., Amendment No. 3, (PULLED FOR SEPARATE ACTION)
2. Dorothy Kret and Associates, Inc., f.k.a. DK Advocates, Inc., Amendment No. 3, to provide for workforce development services in the ARIZONA@WORK - workshops and amend contractual language, no cost (CT-CS-19-119)

### **Procurement**

3. Crafc0, Inc., (PULLED FOR SEPARATE ACTION)
4. Whelcon Contractors, L.L.C., to provide for the Benson Highway at Drexel Road Intersection Improvements (4DRXXL), Transportation CIP Projects (Federal (FHWA) - 94.3%) (HURF Bonds (DOT-57) - 5.7%) Funds, contract amount \$734,104.14 (CT-TR-19-165) Transportation

### **Real Property**

5. Family Life Broadcasting, Inc., Amendment No. 1, to provide a Consent to Assignment of a Lease Agreement for property located at 2401 W. Zinnia Avenue, Tax Parcel No. 103-05-024F, between SCRIPPS Media, Inc. and Pima County and amend contractual language, no cost (CTN-PW-19-40)

### **Transportation**

6. Green Valley Fire District, to provide for Emergency Vehicle Preemption equipment access at signalized intersections, no cost/10 year term (CTN-TR-19-34)

## **GRANT APPLICATION/ACCEPTANCE**

7. **Acceptance - Community Development and Neighborhood Conservation**  
U.S. Environmental Protection Agency, Amendment No. 1, to provide for the Agency Southside Brownfields Assessment Cooperative Agreement, no cost (GTAM 19-9)
8. **Acceptance - Sheriff**  
State of Arizona, Department of Public Safety, (PULLED FOR SEPARATE ACTION)

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

### **9. Flood Control District Advisory Committee**

Appointment of Chris Rod, to replace Ian P. Sharp. No term expiration.  
(District 4)

### **10. Flood Control District Board of Hearing Review**

Appointment of Chris Rod, to replace Ian P. Sharp. No term expiration.  
(District 4)

## **SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/ PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED PURSUANT TO RESOLUTION NO. 2016-62**

### **11. Temporary Extension**

- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, October 21 and 31, 2018.
- 06100228, Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, September 29 and November 10, 2018.
- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, October 4, 6, 7, 13, 14, 20, 21, 27, 28, November 1, 3, 4, 10, 11, 17, 18, 24, 25, December 1, 2, 6, 8, 9, 15, 16, 22, 23 and 29, 2018 and January 1, 2019.

### **12. Special Event**

- Keith Daniel Stoltzfus, Interfaith Community Services, Plaza Colonial, 2870 E. Skyline Drive, Tucson, October 5, 2018.
- William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, October 6, 2018.
- Chloe L. Weeks, Green Fields School, 6000 N. Camino de la Tierra, Tucson, October 13, 2018.
- Michelle Lynn Garmon, St. Thomas the Apostle, 5150 N. Valley View Road, Tucson, November 3, 2018.

## **ELECTIONS**

### **13. Relocation of Polling Place**

Staff requests approval for relocation of Voting Area 112 (which is a combination of Precincts 112 and 163) to St. Alban's Episcopal Church for the November 6, 2018 General Election.

### **14. Precinct Committeemen**

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

#### **RESIGNATION-PRECINCT-PARTY**

Nanci A. Nelson-082-GRN

**RATIFY AND/OR APPROVE**

15. Minutes: September 4, 2018  
Warrants: September, 2018

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34. **ADJOURNMENT**

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

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CHAIRMAN

ATTEST:

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CLERK