

## **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, May 7, 2019. 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. INVOCATION**

The invocation was given by Reverend Kelley Dick, Saguaro Christian Church.

### **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**

#### **4. Chuck Catino Community Leadership Award**

Presentation of the Chuck Catino Community Leadership Award to Chuck Hill, Volunteer Leader for Green Valley and Pima County. (District 4)

No Board action was taken. Supervisor Christy made the presentation.

### **PRESENTATION/PROCLAMATION**

5. Presentation of a proclamation to Terry Luna and Adam Stewart, Pima Federal Credit Union; Randy Roger, Barbara Lasky-Wilson and Annalisa Moreno, Tucson Association of REALTORS; and Patty Gonzalez and Danny Knee, Community Investment Corporation, proclaiming the month of June 2019 to be:  
"HOME OWNERSHIP MONTH"

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

## **PROCLAMATION**

6. Proclaiming: "SPECIAL RECOGNITION OF PPEP INC. AND PPEP TEC"

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

7. **CALL TO THE PUBLIC**

Chris King advised the Board on the differences between politicians and statesmen.

The following speakers addressed the Board in support of the Amado Youth Center:

- Tony Bruno, Project PEPP
- Amy Bass
- Kathleen Wishnick
- Reverend Matthew Funke Crary

They offered the following comments:

- Conveyed the hardships experienced by the Amado Youth Center during last year's microburst and flooding.
- The Amado Youth Center served at-risk children and provided a variety of skills training at the Center.
- Expressed support for the Amado Youth Center and mentioned the chili cook-off fundraiser that helped pay for after school programs, career planning and other activities.
- The Center provided hope, focus and a safe place for Generation Z youths throughout Southern Arizona.

Haziel Lopez and Murray Peer addressed the Board regarding their personal experiences with adult education and thanked the Board for their support.

Barbara Crummit addressed the Board regarding Pima Animal Care Center policies.

Dana Kormash spoke to the Board regarding God's views on killing wildlife.

Roberto Rodriguez addressed the Board regarding a policy that identified which law enforcement entities were allowed to patrol the University of Arizona campus.

Geri Ottoboni spoke to the Board regarding Tucson being an immigrant friendly city.

Mia Title addressed the Board about the County Administrator's April 25th memorandum regarding the Transportation Advisory Committee Meeting on April 23, 2019.

J.P. Salvatierra addressed the Board regarding Rosemont Mines, the geology of Tucson and its surrounding areas, and water pollution.

Martha Michaels addressed the Board regarding road repairs and the inequitable funding recommended for road repair.

Robert Reus briefed the Board on the history of Guatemala's 1944 revolution.

Paul Parisi, 4Tucson, extended an invitation to the Board for the May 24, 2019, breakfast featuring Sheriff Mark Napier.

Maximiliano Torres addressed the Board regarding the human race treating each other with equality, compassion and caring.

Christopher Cole, Chair, Pima County Libertarian Party, addressed the Board regarding I-11.

Rachel Sedgwick addressed the Board regarding Charter School funding and the approval of agenda items that benefitted taxpayers.

The following speakers addressed the Board in support of the Stonegarden grants:

- Brad Cowan
- Andrew Gullo
- Roger D. Score
- Kevin McNichols
- Barney Brenner
- Kathleen Wishnick
- Dion Heimink, Sr.
- David Eppihimer
- Jackie Groch

They offered the following comments:

- Personally experienced how illegal operations along the border affected citizens.
- The Sheriff needed the tools to properly perform his duties.
- Due to the political affiliation of the President and Sheriff, Stonegarden grants were being politicized and threatening the security of the community.
- Individuals opposed to the grants do not reside near the border.
- Individuals continued to mention families being separated, but failed to mention the drug dealers, sex traffickers, and children being used as decoys crossing the border.
- The Sheriff's Department saved the lives of several individuals crossing the desert.
- American citizens have died at the hands of illegal immigrants.
- Stonegarden funding provided law enforcement with tools for gathering intelligence and provided enforcement for areas experiencing high activities of criminal.

- Urged the Board to accept the Stonegarden grant and the Governor's Office of Highway Safety grant for seat belt safety.
- The Sheriff should be allowed to do his job of protecting the citizens, and the Board should do their job by funding public safety and road repairs.
- It was disingenuous to have voted for Stonegarden grants previously and using the fact that children were being separated from their parents as the reasoning for denying the grant, especially when these activities were also occurring under different Administrations.
- Stonegarden provided specialized equipment, allowed overtime and promoted public safety.
- Stonegarden reduced illegal human and drug trafficking and reduced the spread of diseases.
- Health care workers have shared the suffering of border crossers and have asked that Stonegarden be approved to protect individuals from those that would cause them harm.
- This was a country of laws, not of feelings or opinions, and there would be no country if there were no borders.
- Experienced illegal activities at the border and requested Stonegarden funding be granted to assist law enforcement and Border Patrol.

The following speakers addressed the Board in opposition of the Stonegarden grants:

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|---|--|
| • Steve Diamond   | • Roger E. McManus   |
| • Alison Jones, Chair, Pima County Democratic Party                     | • Leilani Clark  |
| • Luis Oquendo  | • Brenda Wexler  |
| • Ryan Kelly  | • Bryan Sanders  |
| • John Denker   | • Jessica Rodriguez  |
| • Janni Simner  | • Pat Malchow  |
| • Mari Herreras   | • Richard Boren  |
| • Jaime Tadeo   | • Nigel Valdez   |
| • Fred Markussen  | • Gail Kamaras   |
| • Lena Rothman  | • Connor Welton  |
| • Zaira Livier, Community Law Enforcement Partnership Commission member | • Reyna Figueroa, Mi Familia Vota  |
| • Isabel Garcia   | • Alicia Dinsmore  |
| • Rachel Port   | • Rob McLane   |
| • Kristen Randall   | • Summer Aguilera  |
| • Betts Putnam-Hidalgo, Tucson Peace Center                             | • Emily Saunders   |
| • Ashley Edgette  | • Paul Stapleton-Smith, Pima area - American Federation of Labor and Congress of Industrial Organizations member |
| • Marion Chubon   |  |
| • Josh Leonard  |  |

They offered the following comments:

- Because of the lack of transparency by the Sheriff's Department there was uncertainty that the Sheriff's Department would abide by the conditions for expending grant monies.
- The Democratic Party was against accepting Stonegarden grants.
- When racism was removed from the process only then should Stonegarden be considered and accepted.
- Urged the Board to deny the grants because it would be a vote for force and paranoia, rather than solidarity and empathy.
- Accepting the grants placed a burden on the Sheriff's Department.
- Collaboration between local law enforcement and federal immigration agencies were oppressive and detrimental to the community's most vulnerable and separated families.
- If approved, ironclad conditions for Stonegarden should be implemented on how the Sheriff's Department spends the money
- Shared personal story of family's immigration and indicated that Stonegarden victims were not strangers but family members and neighbors.
- Our community was hurting from a lack of trust in the Sheriff's Department and in Board members.
- Shared personal experience of being an undocumented community member and detailed how the fear and uncertainty of Stonegarden affected neighborhoods.
- The Sheriff indicated that there was not enough money for overtime but returned \$5 million from his department's budget back to the County.
- Under Stonegarden, Sheriff Deputies would be removed from doing their jobs to perform work as Border Patrol agents.
- The notion that individuals residing close to the border lived in fear was false.
- There were similarities between people running from poverty, gang violence and a corrupt government to Jews trying to escape Germany in the 1940's. One cannot forget history because it serves as a blueprint for today.
- Stonegarden was a political whim of the current administration's operation through the Department of Homeland Security (DHS).
- The internal policy has resulted in 3,000 children being separated from their families, 471 parents being deported without their children, a countless number of individuals being lost in the system, the death of 3 children who died while in custody with the DHS, and refugees being gassed at the international border.
- Objections to Stonegarden grants have been continuous, however individuals are now paying attention.
- How could citizens feel safe when local law enforcement was cooperating with agencies that failed to recognize immigration laws?
- Concerned with license plate readers capable of collecting data and sharing information with private companies.
- Policing communities and making life unlivable does not make a safe community.
- Border Patrol and Immigration and Customs Enforcement (ICE) are responsible for policing entry points.

- Youths should be in school instead of being detained or separated from families.
- Individuals are dying in the desert while trying to cross the border to get back with their families.
- Lives matter.
- Citizens of Tucson would like to end the Tucson Police Department's Gestapo-like collaboration with Border Patrol and ICE.
- The federal government claimed that grant monies were being used to protect against murderers and to stop drugs from coming into the community, but what was occurring was individuals were being profiled and stopped for the purpose of being deported.
- Latinos have reported that they were less likely to contact police when a victim of a crime because state and local law enforcement were involved in enforcing immigration policies.
- DHS has unprecedented authority to waive federal, state and local laws, this is apparent with the bridge being built across the Santa Cruz River by DHS which the Arizona Department of Environmental Quality had no knowledge of.
- Urged Board to deny monies that allowed for racist and anti-immigrant policies.
- Dr. Martin Luther King was quoted: 'One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws.'
- The argument that we are a nation of laws only applied to certain groups.
- We are a nation of fear, which warped judgment and made you do things you would not normally do.
- The \$1.8 million of Stonegarden funding equated to about .01% of the Sheriff Department's \$160 million annual budget and provided no saving to the County.
- There was irony in providing \$12,000.00 for humanitarian aid while the County Administrator's annual salary was \$288,000.00.
- Sheriff Napier allowed the collaboration with Border Patrol even without Stonegarden funds.
- Problems needed to be solved with compassion, not with war or flawed immigration policies.
- Pima County should not partner with agencies that use excessive lethal force such as DHS and Border Patrol.
- Immigration grows an economy.
- Immigrants work hard and produce wealth that is shared by everyone.
- Pima County cannot afford Stonegarden, the grant will cost taxpayers more in unwarranted overtime, pension costs for deputies, or liability from injury to a deputy or civilian.
- National security was a rationale born out of fear to encourage the criminalization of non-citizens and militarization of the border.
- The Sheriff Department's focus should be on residents and immigration enforcement should be performed by Border Patrol because immigration laws were federal laws.
- Stonegarden funds are enforcement funds, not humanitarian funds, and do not apply to calls from distressed people in the desert.

- The Sheriff's Department highlighted the successful collaboration with Border Patrol, but failed to mention that Border Patrol did not respond to 70% of the calls they were transferred.
- We all migrated and instilling fear regarding migrants and foreigners was not a solution.
- Drug abuse and sex trafficking were due to demand and were home grown issues that need to be addressed.
- This land was Tohono O'odham land, not 'your land' and that needed to be respected.
- Proponents of Stonegarden grants spoke of stopping rapists and violence from coming across the border, but a personal experience of sexual assault was depicted as being committed by a white, male American citizen.
- Activists want to change laws for the better and want to fight against the separation.
- Concerned that accountability measures did not work because there had been no slowing of racial profiling or of the disproportionate number of people of color being pulled over.
- Do what is right for your community, do not accept dirty funds.
- Raise money for the Sheriff's Department, if underfunded, and protect our communities, neighbors and families.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 3:06 p.m.

9. **RECONVENE**

The meeting reconvened at 3:13 p.m. All members were present.

**EXECUTIVE SESSION**

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Jennifer Chansley, et al. v. County of Pima, Pima County Superior Court Case No. C20181178.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that under the terms of the proposed settlement, the County would pay \$95,000.00 to resolve all claims in this lawsuit and the County Administrator and County Attorney's Office 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.

## **BOARD OF SUPERVISORS**

11. The Board of Supervisors on April 16, 2019, continued the following:

### **Community Law Enforcement Partnership Commission**

Transfer of Administration and Management of the Commission. (District 2)

Supervisor Valadez recommended that discussions by the Board include restoring the original purpose of the Community Law Enforcement Partnership Commission (CLEPC) with regards to Stonegarden.

Supervisor Miller inquired whether the original recommendation was to move the administration of CLEPC to the Grants Management and Innovation (GMI) Department and she asked whether Stonegarden was included in that previous recommendation.

Supervisor Valadez responded that was the intent and Stonegarden was to be included. He further clarified that moving CLEPC's administration under the GMI would allow GMI to review the grants and provide the Board with advisory recommendations. He also indicated that he wanted to repurpose CLEPC back to its original intent, which was to provide the Sheriff's Department with advice and oversight on Stonegarden matters.

Supervisor Miller asked whether CLEPC members would continue to be appointed by the Board.

Supervisor Valadez confirmed that CLEPC members would be appointed by Board members.

Supervisor Bronson inquired whether the Commission would remain intact.

Supervisor Valadez responded in the affirmative.

It was moved by Supervisor Valadez and seconded by Chairman Elías to approve the item with the inclusion that the Stonegarden component be repurposed in alignment with the Sheriff's previous discussion with regards to the original intent of the CLEPC. No vote was taken at this time.

Supervisor Christy made a substitute motion to disband the CLEPC. Supervisor Miller seconded the motion. No vote was taken at this time.

Supervisor Christy stated that CLEPC was not functioning as intended. He indicated that if the Sheriff desired to convene a citizen's advisory committee, it should be established under his administration. He stated that the CLEPC should be dissolved and disbanded and that the Board of Supervisors should not retain any authority, jurisdiction, or control over it.



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

Upon roll call consideration of the original motion, it carried 4-1, Supervisor Miller voted "Nay."

12. **Ajo Improvement Company**

RESOLUTION NO. 2019 - 30, of the Board of Supervisors, opposing the Ajo Improvement Company's application filings to the Arizona Corporation Commission for rate increases in their wastewater, electric and water divisions. (District 3)

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

Supervisor Miller inquired why Arizona Water was requesting a rate increase and why the Ajo Domestic Water Improvement District was not requesting an increase. She also inquired why the two companies had such a large discrepancy regarding their rates since both received their water from the same entity.

Supervisor Bronson indicated that the discrepancy was part of the problem with the requested rate increase.

Chuck Huckelberry, County Administrator, indicated that the matter was scheduled to go before the Arizona Corporation Commission on May 21, 2019 because Pima County had objected to the rate increases. He stated that the capital improvements had not been pre-approved by the Corporation Commission which would have resulted in future rate hikes or adjustments. He indicated that the rate hikes could be characterized as public relations investments by Freeport McMoRan. He noted that there was speculation about the dramatic rate increases but the resolution supported the County's intervener status.

Supervisor Miller asked which company had provided the capital investments.

Mr. Huckelberry replied that Ajo Improvement Company (AIC) had provided the investment and it was a subsidiary of Freeport McMoRan.

Supervisor Bronson commented that this was a unique situation because Ajo was a mining town and when the mine closed AIC was formed and they provided utilities which not only included water, but electricity, solar and wastewater. She indicated that the conflict with the utilities began after Freeport McMoRan purchased the mine from Phelps Dodge. She noted that Ajo residents were mostly low income senior households that would be severely impacted by the rate increases. She also indicated that Pima County would be impacted due to the number of auxiliary facilities located in the town.

Supervisor Miller inquired where Ajo got their electricity.

Supervisor Bronson responded that Arizona Public Service Electric Company serviced a portion of the town and AIC serviced the other portion.

Supervisor Miller asked whether there were generating stations.

Supervisor Bronson responded in the affirmative.

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

## **CLERK OF THE BOARD**

### **13. 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 Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

## **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

### **14. Annual Action Plan**

RESOLUTION NO. 2019 - 31, of the Board of Supervisors, to approve submission of the Annual Action Plan 2019-2020 to the U.S. Department of Housing and Urban Development.

#### **FY 2019/2020 Pima County Community Development Block Grant (CDBG) Program**

##### **Location-Applicant/Program/Activity/District/Request/Recommendation**

Ajo Center for Sustainable Agriculture/Seeds of Future/ps/3/\$38,200/\$28,000

Ajo Community Health Center, d.b.a. Desert Senita Community Health Center/Health Center

Imaging Center Improvements/pf/3/\$67,000/\$67,000

Ajo-International Sonoran Desert Alliance/Ajo Builds/hsg/3/\$45,000/\$40,000

Ajo-International Sonoran Desert Alliance/Ajo Works/ps/3/\$25,000/\$20,000

Ajo-International Sonoran Desert Alliance/Curley School Stabilization & Efficiency

Improvements/pf/3/\$65,000/\$50,000

Portable Practical Educational Preparation, Inc./Amado Teen Project/ps/3/\$30,000/\$30,000

Portable Practical Educational Preparation, Inc./Amado Youth Center/pf/3/\$125,000/\$0

Arivaca Community Center/Arivaca Community Center Park and Surrounding Outdoor Facilities/pf/3/\$30,000/\$0

Arivaca Fire District/Fire Facility Improvements & Emergency Vehicle Upgrades/pf/3/\$75,000/\$60,000

Arivaca Fire District Auxiliary/Type 6 Brush Truck/pf/3/\$75,000/\$0

Friends of the Arivaca Schoolhouse & Historic Townsite, Inc./Arivaca schoolhouse kitchen floor and wall repair/pf/3/\$85,000/\$30,000

Avra Water Co-op, Inc./Aging Meter Replacement Program-MXU Install Program/pf/3/\$20,000/\$20,000

Avra Water Co-op, Inc./Pipeline Replacement Program/pf/3/\$31,833/\$0

Drexel Heights Fire District/Family Safety Program/ps/3,5/\$15,000/\$11,560

Drexel Heights Fire District/Thermal Imaging Cameras/pf/3,5/\$18,000/\$18,000

Flowing Wells Continental Little League/Flowing Wells Continental Little League & Pima County  
 NRPR Curtis Park Snack Bar & Storage/pf/1,3/\$30,000/\$0  
 Flowing Wells Neighborhood Association and Community Coalition/Operating Funds and Technical  
 Assistance/ps/1,3/\$35,000/\$15,000  
 Flowing Wells-Amistades, Inc./Leaders In Action, Ellie Towne Teen Program/ps/3/\$15,000/\$15,000  
 Flowing Wells School District/Flowing Wells Family Resource Center/ps/1,3/\$65,000/\$37,000  
 Northwest Fire District/Personal Protection & Communications Equipment/pf/3/\$38,728/\$0  
 Friends of Robles Ranch/Site Manager-My Friends Closet Program/ps/3/\$20,722/\$12,000  
 Three Points Fire District/Community be Safe Program-Marquee/pf/3/\$43,300/\$0  
 Green Valley Assistance Services, d.b.a. Valley Assistance Services/Valley Assistance Services for  
 Public Use/pf/2,4/\$45,000/\$0  
 Green Valley Assistance Services, d.b.a. Valley Assistance Services/Valley Assistance Services  
 Workforce Center Improvements for Public Use/pf/2,4/\$40,000/\$0  
 Sahuarita Food Bank-Good Shepherd United/Sahuarita Food Bank Facility  
 Improvement/pf/2,3,4/\$95,000/\$50,000  
 Town of Marana/Administration/admin/1,3/\$20,000/\$13,000  
 Town of Marana/Colonia-Neighborhood Cleanup/ps/1,3/\$20,000/\$10,000  
 Town of Marana/Emergency Home Repair/hsg/1,3/\$85,000/\$18,500  
 Town of Marana/Owner-Occupied Housing Rehabilitation/hsg/1,3/\$85,000/\$18,500  
 City of South Tucson/Administration/admin/2/\$50,000/\$30,000  
 City of South Tucson/South Tucson Neighborhood Revitalization Strategy Area  
 (NRSA)/admin/2/\$25,000/\$25,000  
 City of South Tucson/Bicycle-Pedestrian Safety Program/ps/2/\$15,000/\$10,000  
 City of South Tucson/Code Enforcement Program/ps/2/\$20,000/\$10,000  
 City of South Tucson/Community Cleanup & Green Program/ps/2/\$40,000/\$5,000  
 City of South Tucson/Community Policing and Crime Prevention/ps/2/\$50,000/\$28,000  
 City of South Tucson/Facility Upgrades-JVYC/pf/2/\$85,000/\$40,000  
 City of South Tucson/Fire and Rescue Safety Equipment/pf/2/\$45,000/\$20,000  
 City of South Tucson/Spanish Trail Sign/pf/2/\$75,000/\$0  
 City of South Tucson/Youth Programs/ps/2/\$120,000/\$100,000  
 Pima County CDNC/Administration/admin/all/\$550,000/\$493,984  
 Pima County CDNC/Brownfields/bf/all/\$30,000/\$30,000  
 Pima County CDNC/Commercial Façade/pf/all/\$100,000/\$50,000  
 Pima County CDNC/Flowing Wells Street Lights/pf/all/\$20,000/\$20,000  
 Pima County CDNC/Project Delivery/pf/all/\$150,000/\$25,000  
 Pima County CDNC/Emergency Demolition/demo/all/\$30,000/\$25,000  
 Pima County CDNC/Emergency Septic/hsg/all/\$100,000/\$75,000  
 Pima County CDNC/Home Repair Program Lead/hsg/all/\$25,000/\$0  
 Pima County CDNC/Home Repair Program Lead Relocation/hsg/all/\$30,000/\$0  
 Pima County CDNC/Home Repair Program/hsg/all/\$650,000/\$650,000  
 Pima County CDNC/Safe, Healthy Green/shg/all/\$100,000/\$0  
 Pima County CDNC/Rural Food Pantry Improvement Program/pf/all/\$40,000/\$40,000  
 Administration of Resources and Choices/New Jobs through Senior Boarding Home  
 Projects/ed/1,2,3/\$45,000/\$20,000  
 Catholic Community Services, d.b.a. Pio Decimo Center/Getting Ahead/ps/2/all/\$51,996/\$30,000  
 Chicanos Por La Causa, Inc./CPLC Nahui Ollin Wellness Youth Program/ps/all/\$25,000/\$10,000  
 Community Food Bank, Inc./Distribution Systems Upgrade/pf/2/all/\$50,000/\$50,000  
 Community Home Repair Projects of Arizona/Emergency Home Repair Program  
 /hsg/all/\$175,000/\$175,000  
 Community Investment Corporation/Brownfields Façade Improvement/ed/all/\$75,000/\$70,000  
 Habitat for Humanity Tucson/Habitat Home Repair Owner-Occupied Housing  
 Rehabilitation/hsg/all/\$150,000/\$50,000  
 Interfaith Community Services/ Conference and Training Room Site Completion  
 Work/pf/1/all/\$60,000/\$45,000  
 Interfaith Community Services/Temporary Housing for Lead Removal and Repair/  
 hsg/1/all/\$50,000/\$10,000

Mobile Meals of Southern Arizona, Inc./Home-Delivered, Medically-Tailored Meals for Severely Disabled Adults with Disabilities/ps/1,2,4,5/\$15,000/\$0  
 Old Pueblo Community Services/3rd Street Shelter Repair/shg/5,all/\$150,000/\$100,000  
 Pima Prevention Partnership/Pima County Teen Court/ps/all/\$25,000/\$15,000  
 Primavera Foundation, Inc./Men's Shelter Rehab/pf/2,all/\$100,000/\$0  
 Primavera Foundation, Inc./Men's Shelter Rehab-SHG/SHG/2,all/\$100,000/\$0  
 Southern Arizona AIDS Foundation/Glenn Street House Rehab Project/SHG/3,all/\$125,000/\$0  
 Southern Arizona Children's Advocacy Center/Education Program/ps/2,all/\$75,000/\$0  
 Southwest Fair Housing Council/Fair Housing Enforcement, Education, and Outreach/admin/5,all/\$35,000/\$25,000  
 TMM Family Services, Inc./Marana Apartments/pf/1,all/\$91,535/\$0  
 Tucson Clean & Beautiful, Inc./TCB Clean and Green Program/ps/all/\$75,000/\$35,000  
 Tucson Urban League/Tucson Urban League Comprehensive Housing Services/hsg/1,2,5/\$55,000/\$0  
 Watershed Management Group/Green Stormwater Infrastructure for Neighborhood Cleanup/pf/all/\$99,773/\$70,000  
**TOTAL REQUESTED \$5,361,087/TOTAL RECOMMENDED \$2,945,544**

**FY 2019/2020 Pima County Emergency Solutions Grant (ESG) Program**

**ESG Component/Agency/Program/Activity Focus/District/Request/Recommendation**

Street Outreach/Our Family Services/Street Outreach/Families, Individuals/all/\$32,000/\$32,000  
 Emergency Shelter/Emerge!/Emergency Shelter/DV Families/all/\$100,000/\$30,000  
 Emergency Shelter/Our Family Services/Emergency Shelter/Families, Individuals/all/\$30,000/\$10,000  
 Emergency Shelter/PC Sullivan Jackson Employment/Motel Voucher/Families, Individuals/all/\$20,000/\$20,000  
 Emergency Shelter/Primavera Foundation/Casa Paloma/Single Women/all/\$25,000/\$10,000  
 Emergency Shelter/Primavera Foundation/Family Pathways/Families, Individuals/all/\$25,000/\$10,000  
 Emergency Shelter/SAAF/Emergency Shelter Expansion/Families, Individuals/all/\$90,000/\$0  
 Emergency Shelter/Sister Jose Women's Center/Emergency Shelter/Single Women/2/\$50,000/\$27,000  
 Homeless Prevention/Green Valley Assistance Svcs/Valley Assistance Family MAP (Map a Plan)/Families, Individuals/4/\$20,000/\$20,000  
 Homeless Prevention/CCS, d.b.a. Pio Decimo Center/Pio Decimo Housing/Families, Individuals/all/\$61,328/\$20,000  
 Homeless Prevention/Interfaith Community Svcs/Homeless Prevention/Families, Individuals/1,4/\$60,000/\$10,000  
 Homeless Prevention/Our Family Services/Homeless Prevention/Families, Individuals/all/\$36,330/\$15,000  
 Homeless Prevention/PC CSET/Emergency Solutions/Families, Individuals/all/\$26,000/\$11,595  
 Administration/Pima County/-/Administration/all/\$17,481/\$17,481  
**TOTAL REQUESTED \$593,139/TOTAL RECOMMENDED \$233,076**

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

**REAL PROPERTY**

**15. Abandonment by Vacation**

RESOLUTION NO. 2019 - 32, of the Board of Supervisors, for the vacation of a portion of an unnamed roadway as Pima County Road Abandonment No. A-0028, within Section 9, T13S, R13E, G&SRM, Pima County, Arizona. (District 1)

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

**16. Abandonment by Vacation**

RESOLUTION NO. 2019 - 33, of the Board of Supervisors, for the vacation of Jeffrey Road, a planned development roadway as Pima County Road Abandonment No. A-0033, within Section 16, T15S, R12E, G&SRM, Pima County, Arizona. (District 3)

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

**17. Abandonment by Vacation and Exchange Agreement**

A. RESOLUTION NO. 2019 - 34, of the Board of Supervisors, for the vacation by exchange of a portion of Eisenhower Road for the fee dedication of other public right-of-way and property as Pima County Road Abandonment No. A-0007, situated within Section 31, T15S, R14E, G&SRM, Pima County, Arizona. (District 2)

B. City of Tucson, to provide an Exchange Agreement for a portion of Eisenhower Road, contract amount \$27,560.00 revenue (CTN-PW-19-182)

It was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt the Resolution and accept the Exchange Agreement.

**FRANCHISE/LICENSE/PERMIT**

**18. Hearing - Liquor License**

Job No. 55867, Janice Glenn Welker, Food Mart, 2001 N. Ajo Gila Bend Highway, Ajo, Series 9, Liquor Store, Person Transfer and Location Transfer.

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

**19. Hearing - Liquor License**

Job No. 55961, Theresa June Morse, Longhorn Grill and Saloon, 28851 S. Nogales Highway, Amado, Series 12, Restaurant, New License.

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

20. **Hearing - Liquor License**

Job No. 50963, James William Boyd, Millie's, 1135 W. Hoover Street, Ajo, Series 7, Beer and Wine Bar, Person Transfer and Location Transfer.

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

21. **Hearing - Permanent Extension of Premises/Patio Permit**

012100004106, Jeffrey Craig Miller, Arroyo Gardens Independent & Assisted Living, 160 N. La Cañada Drive, Green Valley.

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

**DEVELOPMENT SERVICES**

22. **Hearing – Rezoning**

P18RZ00012, ROBERT LEE BOYKIN - N. CAMINO DE OESTE REZONING

Request of the Robert Lee Boykin Estate, represented by Projects International, Inc., for a rezoning of approximately 9.7 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, Parcel Code No. 221-35-0010, located at the southwest corner of W. Pima Farms Road and N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Membrilla, Maese, and Hook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation condition: During the subdivision platting process, five (5) feet of right-of-way shall be dedicated along the eastern property line (adjacent to Camino De Oeste).
3. Regional Flood Control District condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation Department conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources condition: Archaeological testing/data recovery plan and mitigation is needed.
7. Adherence to the preliminary development plan as approved at public hearing.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

9. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chris Poirier, Deputy Director, Development Services, reported that this request was for a rezoning of approximately 9.7 acres from SR to CR-4, which would allow for 45 lots. He indicated that staff received letters of concern regarding traffic congestion, road conditions, and potential flooding downstream from the site. He stated that the applicant had gone before the Design Review Committee and received approval for exceptions to the hillside development zone overlay elements. He also indicated that the Planning and Zoning Commission had approved the rezoning with certain stipulations, including an additional set back along the western property boundary and a commitment to construct single family homes that matched the existing single family homes with compatible areas between the two developments. He stated that the properties were located outside the Maeveen Marie Behan Conservation Lands System.

Cynthia Merodias-Montenegro addressed the Board regarding flooding on her property and neighboring properties. She indicated that they did not have issues with the rezoning if the builders kept their promise to fix the flooding. She stated that the flooding was caused when Mr. Boykin illegally filled in his property to change the water flow. She stated that this caused more flooding on the properties and caused sediment to flow into the Pima Farms subdivision. She indicated that a retention pond was installed but it diverted water to Massingale Road, which caused about 2 feet of flooding and kept homeowners trapped until the water receded.

Supervisor Miller inquired about the flooding's duration.

Ms. Merodias-Montenegro responded that the flooding had been occurring since 2006, which was the year Mr. Boykin filled in his property and the Pima Farms subdivision was built. She indicated that Mr. Boykin's property had flooding problems prior to the other subdivisions being built and the flooding could have gone back 50 years.

Supervisor Miller asked staff what had been done to address the flooding issue.

Mr. Poirier explained that upon approval of the rezoning, the developer was required to submit a subdivision plat. He indicated that the area was mapped a critical basin and the developer would be required to provide no less than a 10% reduction of water flow from the development. He noted that the area had historic flood issues but with proper subdivision reviews and engineer requirements, the development would be able to provide the 10% reduction.



Greg Saxe, Environmental Planning Manager, Regional Flood Control District (RFCD), explained that the Pima Farms subdivision had historic flooding problems. He indicated that since its development RFCD updated its Retention Detention Manual and the Floodplain Management Ordinance, which was approved by the Board of Supervisors. He stated that the changes allowed the department to address shortcomings of historical subdivisions and update current subdivision standards so that impacts were mitigated for current developments.

Supervisor Miller inquired whether these standards included reducing the water flow from the property by 10%.

Mr. Saxe responded that the 10% was for rainwater that fell onto the site. He stated washes that flowed through the site would not be reduced as that was not the applicant's responsibility.

Supervisor Miller inquired whether any flood complaints had been filed with the RFCD and what was done to address those complaints.

Mr. Saxe replied that the RFCD had received multiple complaints regarding flooding in the neighborhood. He indicated that the department regulated flows of 100 cubic feet per second (cfs) or over, but the flow complaints, based on the Federal Emergency Management Agency Sheet Flood X Zone, were considered a non-regulatory flow.

Supervisor Miller asked if the complainants were in an area that had less than 100 cfs.

Mr. Saxe replied yes.

Supervisor Miller asked whether the County addressed flows less than 100 cfs.

Mr. Saxe responded that it would be addressed by the building code as site drainage and not by the Floodplain Management Ordinance.

Mr. Poirier explained that the Development Services Department included the Building Department, and at the time of subdivision plotting the site group would enforce the critical basin 10% reduction requirement. He stated the department did not respond to complaints downstream as that was a RFCD issue.

Supervisor Miller indicated that the flooding issues appeared to be the result of construction in the area.

Mr. Poirier responded that due to the topography and the history of development in the area, that was correct.

Supervisor Miller inquired whether the 10% flow reduction would be addressed during the final building plans.

Mr. Poirier confirmed that it would be addressed at that time.

Chairman Elías asked how the flooding issues would be resolved.

Jim Portner, Projects International, Inc., responded that there were historical flooding issues in the neighborhood and a majority of the concerns stemmed from nearby residents being flooded. He indicated that there was no control over what developments were done previously with regards to flooding. He stated that the current developer exceeded the 10% reduction standard which would assist in cleaning out the sediment and removing erosion from surrounding properties. He noted that the oversized basins would clean up and fix the impacts from large to small storms. He stated that the potential impacts from this development, under today's standards, would be an improvement over what was currently being experienced.

Ms. Merodias-Montenegro commented that the 10% reduction was adequate, but indicated that her concern was that Mr. Boykin had filled his property in order to sell it and not deal with the water overflow.

Mr. Portner responded that the focus was on fixing the problem and not what happened in the past. He indicated that at the subdivision engineering stage, two strategically placed drainage basins would be built.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and carried by a 4-1 vote, Chairman Elías voted "Nay," to close the public hearing and approve P18RZ00012, subject to standard and special conditions.

**23. Hearing - Zoning Code Text Amendment**

**P18TA00007, INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA TEXT AMENDMENT**

An ordinance of the Pima County Board of Supervisors; amending Chapter 18.37 (MU Multiple Use Zone), Section 18.37.030 and Section 18.37.040 (Development Standards - Residential and Development Standards - Nonresidential, Respectively) to increase building heights to 80 feet subject to a minimum setback distance from any abutting, existing residence of double the height of the proposed building; amending Chapter 18.51 (CI-1 Light Industrial/Warehousing Zone), Section 18.51.050 (Development Standards - General) to increase the maximum building heights to 90 feet; amending Chapter 18.53 (CI-2 General Industrial Zone), Section 18.53.040 (Development Standards - General) to increase the maximum building heights to 90 feet; amending Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits, and Interpretations), Section 18.93.030 (Variances) to increase the mailing notice to property owners within 300 feet to 1000 feet from the subject property if the existing zoning of the subject property is: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Becker, and Cook were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2019 – 10

Chairman Elías read Roger Carpenter's statement requesting that notifications being mailed to surrounding homeowners, for areas with zoning densities of CR-1 and less, be increased from 300 feet to 1,000 feet from the subject property.

Chairman Elías 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 P18TA00007 with the suggested changes, and adopt the Ordinance.

**24. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2019 - 11, P18RZ00004, Larsen - N. Treasure Drive Rezoning. Owner: Peter Larsen. (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.

**25. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2019 - 12, P18RZ00006, Ofenloch - N. Calle de Estevan Rezoning. Owner: Bernard Ofenloch. (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.

**26. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2019 - 13, P18RZ00007, Fimbres - S. Victor Drive Rezoning. Owner: Francisco Fimbres. (District 3)

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.

**27. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2019 - 14, P18RZ00009, Ventana Canyon Car Wash, L.L.C. - N. Sabino Canyon Road Rezoning. Owner: Ventana Canyon Car Wash, 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.

**28. Hearing - Rezoning Resolution**

RESOLUTION NO. 2019 - 35, Co9-04-30, White - Oracle Jaynes Station Road Rezoning. Owner: Daniel White. (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 Resolution.

**29. Hearing - Rezoning Resolution**

RESOLUTION NO. 2019 - 36, Co9-08-08, Riverside Associates, et al. - River Road No. 2 Rezoning. Owner: Riverview 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 Resolution.

**30. Hearing - Rezoning Resolution**

RESOLUTION NO. 2019 - 37, Co9-09-09, Orange Grove Property, L.L.C. - Orange Grove Road Rezoning. Owner: Orange Grove Property, L.L.C., Attn: Carol P. Taylor, Trustee. (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 Resolution.

**BOARD OF SUPERVISORS**

**31. Ban Wildlife-Killing Contests**

RESOLUTION NO. 2019 - 38, of the Board of Supervisors, supporting the Arizona Game and Fish Commission's proposed new rule to ban wildlife-killing contests. (Districts 3 and 5)

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

Supervisor Miller provided the following clarification for the animals defined in this Resolution: muskrats, raccoons, otters, weasels, beavers, badgers and ring-tailed cats; as well as predatory animals such as foxes, skunks, coyotes, and bobcats.

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

## **GRANTS MANAGEMENT AND INNOVATION**

### **32. Pascua Yaqui Tribe State-Shared Revenue Program Funds**

RESOLUTION NO. 2019 - 39, of the Board of Supervisors, to approve acceptance, if awarded, of Pascua Yaqui Tribe State-Shared Revenue Program Funds and pass-through to Tucson Unified School District on behalf of Valencia Middle School.

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

## **CONTRACT AND AWARD**

## **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

### **33. Nancy Chow, Amendment No. 3, to provide for academic tutoring services for Pima Vocational High School students, extend contract term to 6/30/20 and amend contractual language, State Equalization Fund, contract amount \$35,000.00 (CT-CS-16-408)**

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

### **34. Jessica M. Estrada, Amendment No. 1, to provide for special education services, extend contract term to 6/30/20 and amend contractual language, State Equalization and IDEA Funds, contract amount \$27,000.00 (CT-CS-18-375)**

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

### **35. Christine Nybakken, d.b.a. Nybakken Group, L.L.C., Amendment No. 1, to provide for special education and youth development support, extend contract term to 6/30/20 and amend contractual language, State Equalization and IDEA Funds, contract amount \$30,000.00 (CT-CS-18-376)**

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

## **PROCUREMENT**

36. B&K Fencing Services (Joint Venture of TB Contractors, Inc. and BBK Fencing, L.L.C.); Brown and White, Inc.; and Canyon Fence Company, Inc., Amendment No. 1, to provide for fencing services, Various Funds, contract amount \$150,000.00 (MA-PO-19-12) Facilities Management

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

37. Microsoft Corporation, Amendment No. 4, to provide for Microsoft Premier Support services, extend contract term to 5/24/20 and amend scope of services, General Fund, contract amount \$600,000.00 (MA-PO-16-369) Information Technology

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 this was a one-time increase.

Dan Hunt, Director and Chief Information Officer, Pima County Information Technology Department, responded that the intention was for a one-time increase.

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

## **GRANT APPLICATION/ACCEPTANCE**

38. **Acceptance - County Attorney**

Arizona Automobile Theft Authority, to provide for the Metal (Industry) Awareness Training - Arizona Auto Theft and Metal Summit, \$476.09 (GTAW 19-101)

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

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

39. **Transportation Advisory Committee**

Appointment of Ed Verburg, to fill a vacancy created by Bob Gugino. Term expiration: 12/31/22. (District 5)

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

## **FRANCHISE/LICENSE/PERMIT**

### **40. Hearing - Fireworks Permit**

Heather Anderson, Mountain View High School, 3901 W. Linda Vista Boulevard, Tucson, May 21, 2019 at 9:30 p.m.

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

### **41. Hearing - Fireworks Permit**

Russell Doty, Sabino High School, 5000 N. Bowes Road, Tucson, May 23, 2019 at 9:00 p.m.

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

### **42. Hearing - Fireworks Permit**

Brian Koerber, Walden Grove High School, 15510 S. Sahuarita Park Road, Sahuarita, May 23, 2019 at 9:30 p.m.

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

## **CONSENT CALENDAR**

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

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

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 26 was set aside for separate discussion and vote.

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

\* \* \*

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

### **GRANT APPLICATION/ACCEPTANCE**

**16. Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, \$1,218,986.00 (GTAW 19-93)

Chairman Elías indicated that discussion on the two Stonegarden grants, GTAW 19-93 and GTAW 19-94, would proceed concurrently, but the Board would vote on the items separately.

Mark Napier, Pima County Sheriff, addressed the Board. He stated that the Sheriff's Department had revised policies, implemented new policies and made existing procedures more stringent, all in response to concerns conveyed by the public. He explained that several border county sheriffs collaborated to re-scope federal government grants to include humanitarian aid and other indirect costs. He indicated that the lack of transparency and record keeping was a valid concern, because these types of records had not been previously captured. He added that Border Patrol only required daily activity reports, but the Sheriff's Department had revised its policies to the level of transparency that the community desired. He indicated that these revisions also included the development of a tracking system. In response to public comment regarding the transfer of 911 calls to Border Patrol, he stated that since March 2018, 80% of the phone calls transferred to Border Patrol had resulted in the successful rescue of migrants in distress. He expressed his concerns on the separation of families and stressed that the Sheriff's Department was not responsible for separating families. He explained that if there was reasonable suspicion that an individual was in the country without proper documentation, they were turned over to federal authorities. He stated that the Department had been accused of racial profiling and he had requested that specific examples be provided. He indicated that those examples had yet to be provided. He indicated that Stonegarden grants were approved by the Tucson, Oro Valley, and Marana Police Departments and Cochise, Yuma, and Santa Cruz County Sheriff Departments. He added that he rejected the notion that any of those departments or their employees were prolifically racist in their acceptance of these funds.

Supervisor Bronson inquired whether the Tohono O'odham Nation had accepted Stonegarden grant funds.

Sheriff Napier replied that the Tohono O'odham Nation had rejected the funds.

Chairman Elías noted that Maricopa County had also rejected Stonegarden funding.



Sheriff Napier responded that Maricopa had rejected funding. He added that Maricopa County was not a border county and had not solicited for Stonegarden funding. He explained that based on the due dates for the grants the department had submitted a request for \$2.7 million. He indicated that the Board's rejection of these grants could potentially result in the recall of \$6 million worth of equipment received through the Program. He stated during his administration the Department would not participate in the cross certification of deputies as immigration enforcement agents (287G), or the New Warrant Service Officer Program. He expressed support for Humane Borders and their policy of placing water out for migrants in the desert. He explained that license plate readers were already being used by Pima County deputies and other Southern Arizona law enforcement agencies. He explained the importance of license plate readers and how they were protecting the community. He indicated that the Sheriff's Department had implemented a policy that prohibited deputies from asking the immigration status of victims or witnesses, unless immigration status was a facet of the crime, and that the policy included school grounds. He reiterated his willingness to repurpose the Community Law Enforcement Partnership Commission (CLEPC) back to its original intent, which was to provide the Sheriff's Department with advice and oversight on Stonegarden matters. He commented about asylum seekers that were released into the community and explained that the obligation of the department was to provide them adequate care, which he had advocated for.

Chairman Elías restated his support for the Sheriff's Department and its deputies. He stated that racial profiling was an issue throughout America and that the conditions previously placed on the acceptance of the Stonegarden grant did not work. He expressed concern with the disparaging remarks made against CLEPC volunteer members and welcomed the Sheriff's support of the CLEPC. He noted that family separations were beyond Pima County's control, but if the County collaborated with Customs and Board Protection (CBP) they would contribute to those separations. He stated that immigration enforcement policies had drastically changed recently and that contributed to the lack of trust in our County sheriffs. He indicated that Pima County attorneys could argue the federal government's potential reclamation of equipment and expressed his dismay with individual comments made about immigrants being criminals and diseased. He stated that CBP had no compunction in overriding laws as evident by their lack of local permits to build a bridge without prior studies on how the bridge would impact residents and the Santa Cruz River. He added that there was no oversight by local or state authorities and there was no notification of the bridges construction. He expressed hope that humanitarian aid funds would go to non-profits helping Pima County and its citizens, but expressed doubt that local agencies would receive funds. He then commented about a \$393,000.00 contract expenditure made by Pima County for 287G which had not received approval from the Board.

It was moved by Chairman Elías and seconded by Supervisor Valadez to refuse the funds and deny the item. No vote was taken at this time.

Supervisor Christy confirmed his support for the Stonegarden grants, believed there was a legitimate crisis at the border and indicated that accepting the grant monies would be beneficial to the community and convey the Board's support for the Sheriff and his deputies. He commented on the CLEPC's ability to make a rational decision, that the CLEPC placed law enforcement officials at risk of harm and that the CLEPC should be abolished. He expressed disapproval of the reallocation of \$450,000.00 to cover indirect costs associated with humanitarian aid instead of funds being used for the intended purpose of law enforcement along the border. He also indicated that since Sheriff Napier approved of the reallocation, he would accept that stipulation. He expressed concerns over the returning of equipment, incurring costs of deploying law enforcement assets, risking local control over the safeguarding of citizens and the risk of never receiving federal grant monies.

Supervisor Christy made a friendly amendment to the motion, to include the County Administrator's recommendations outlined in his memorandum dated April 17, 2019, as a condition for approving the grant.

Chairman Elías declined the friendly amendment. He reminded the Board that his motion was to deny acceptance of Stonegarden grant funding and that his motion included both Consent Calendar Item Nos. 16 and 17; grants GTAW 19-93 and GTAW 19-94.

Supervisor Bronson commented about the Chairman's previous confirmation that the two grant would be voted on separately.

Chairman Elías responded that his motion was to deny both grants, however if the Board desired the two items could be voted on separately after discussion.

Supervisor Miller indicated that she visited the border town of Arivaca and was shown videos of border crossers carrying backpacks filled with drugs and individuals carrying weapons crossing the yards of citizens. She stated that the citizens located in these border towns supported Border Patrol because they were there to keep them safe. She expressed displeasure with the way Border Patrol agents were being vilified and described an incident where agents pulled migrants from the Rio Grande River in an effort to save their lives. She conveyed her support for Stonegarden grants and expressed her disapproval with the CLEPC for accusing Sheriff Napier of lying and denying a seatbelt safety grant. She stated that Sheriff Napier had worked diligently to alleviate concerns, such as removing Immigration and Customs Enforcement (ICE) from county jails. She indicated that she and the Sheriff have made several requests that racial targeting proof be provided, but no

proof had been provided. She reiterated her continued support for Stonegarden and urged her fellow Board members to accept the grants and help keep the community safe.

Supervisor Bronson expressed concern over the rhetoric and misinformation being provided on this issue. She explained that the reason for previously denying Stonegarden was based on the Department of Homeland Security Office of Inspector General's 2017 report. She indicated that the report had identified nine concerns, including transparency, accountability and efficacy of grant monies usage. She stated that the Arizona Border County Coalition (ABCC) met with the Director of the Arizona Department of Homeland Security and top-level Border Patrol agents in the Tucson sector. She indicated that the ABCC was informed that they may be required to pay back all equipment purchases made with Stonegarden funding and replace equipment at the current cost. She commented that encounters of racism by Pima County residents was not a consequence of receiving Stonegarden grants and that denying the grant would not alleviate the problem. She added that racism was an issue that needed to be addressed at the community level. She indicated that she had personally encountered drug runners, observed fences being cut, cattle harmed and had spoken with ranchers who were afraid to leave their homes for fear of having them broken into. She stated that those opposed to Stonegarden were denying that there was a real public safety issue.

Supervisor Bronson made a substitute motion to approve Consent Calendar Item No. 16, with the following conditions:

- A. Pima County receive a maximum allowable indirect cost reimbursement of approximately 28.58% of the personnel component of this grant, which was approximately \$256,919.00;
- B. \$200,000.00 of this grant amount be repurposed for humanitarian aid to assist local, faith based, non-profit organizations through FEMA Grants Program Information Bulletin 436: for the provisions of food, water, hygiene products, medicine, medical supplies, housing and transportation, and the temporary and permanent housing of asylum seekers released to non-profits by ICE, CBP, or both;
- C. Include Item Nos. B, C, and D of the recommendation section in the County Administrator's Memorandum dated April 17, 2019, (attached), that the Sheriff provide the CLEPC and the Board of Supervisors with data regarding all Sheriff's Department activities related to Operation Stonegarden missions, including appropriate time and effort verification for federal regulation as well as the policies and procedures issued by the Sheriff to deputies participating in Operation Stonegarden to ensure federal grant compliance, without exception. If this information and data was not provided satisfactorily to the Board of Supervisors, the Board could terminate the grant;

- D. Request that the Sheriff coordinate approximate security review for the Humane Borders water stations and investigate any vandalism of said stations and request the County Attorney to prosecute anyone who vandalizes the Humane Borders water stations; and
- E. Have the Sheriff reaffirm in writing to the Board his previous commitment to provide no office for ICE at the Pima County Jail and to not deploy Pima County Law Enforcement personnel to border patrol checkpoints for the purpose of performing pretextual stops, if such was requested by border patrol, and include the addition of appropriate staff from the County Administrator's office to ensure the validity of the data being provided.

Supervisor Christy seconded the motion. No vote was taken at this time.

Supervisor Miller asked Sheriff Napier for his opinion on the substitute motion.

Sheriff Napier responded that he was in agreeance with those items he could control. He stated that he would process the paperwork and work diligently to achieve the requested reallocation of monies for humanitarian aid, but the federal government would make the final decision. He indicated that he encouraged full transparency, welcomed the County Administrator's staff's input, and accepted the conditions.

Supervisor Miller inquired whether Pima County had billed back the indirect costs that were previously not recovered.

Chuck Huckelberry, County Administrator, responded that there were certain indirect costs that were allowed under the grant, but the requested provision for humanitarian aid to local, faith based non-profit organizations would need to go through an approval for reallocation of funding.

Supervisor Miller asked whether funding for humanitarian aid was billed through the original amount or whether addition funding was being requested.

Mr. Huckelberry responded that there was a humanitarian aid component that allowed repurposing grant funding and required a contractual relationship with the non-profit organizations providing the services.

Supervisor Miller inquired whether humanitarian aid could be billed back.

Chairman Elías indicated that approval from six separate entities was needed before receiving the funding.

Supervisor Miller asked what happened if the repurposing was not approved.

Mr. Huckelberry responded that the approval of the grant, and the Board's motion, was subject to the inclusion of the humanitarian aid funding reallocation.

Supervisor Miller expressed concern over the Board reversing their decision with regards to Stonegarden funding if the humanitarian aid component was not approved.

Sheriff Napier indicated that the grant would not be used for prior expenses, the grant would cover expenses going forward.

Supervisor Christy asked whether Sheriff Napier concurred with the substitute requirements.

Sheriff Napier responded that he agreed with the substitute requirements for those issues he had control.

Supervisor Valadez commented that the consequences of Stonegarden were bad either way the Board voted. He explained that his greatest concern was the potential that immigrant and minority communities would not call the Sheriff's Department for fear of being deported.

Upon roll call vote, the motion carried 3-2, Chairman Elías and Supervisor Valadez voted "Nay."

17. **Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Equipment, \$595,600.00 (GTAW 19-94)

It was moved by Chairman Elías to deny the item. The motion died for lack of a second.

It was then moved by Supervisor Bronson and seconded by Supervisor Christy to approve the item, with the deletion of \$33,600.00 for the purchase of license plate readers. Upon roll call vote, the motion carried 3-2, Chairman Elías and Supervisor Valadez voted "Nay."

\* \* \*

**PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

**RATIFY AND/OR APPROVE**

26. Minutes: April 2, 2019  
Warrants: April, 2019

Supervisor Miller explained a word correction was needed on page 19 of the April 2, 2019 minutes. The word 'could' should replace the word 'would.'

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

\* \* \*

## **CONTRACT AND AWARD**

### **Community Development and Neighborhood Conservation**

1. Kuehl Enterprises, L.L.C., to provide for consulting services for planning, technical/training assistance and report planning, HUD, CDBG, and General (\$75,000.00) Funds, contract amount \$150,000.00 (CT-CD-19-427)

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

2. To provide for workforce development services in the ARIZONA@WORK - Workshops Project, extend contract term to 6/30/20 and amend contractual language, USDOL-WIOA, ADES, HPOG and General Funds, for the following:

**Vendor Name/Amendment No./General Fund Amount/Contract Amount/Contract No.**  
Cope Community Service, Inc., d.b.a. Rise, L.L.C./5/\$25,079.00/\$60,616.08/CT-CS-16-307  
Goodwill Industries of Southern Arizona, Inc./5/\$24,623.74/\$65,272.82/CT-CS-16-309  
Tucson Youth Development, Inc./3/\$6,000.00/\$14,613.48/CT-CS-16-314  
Dorothy Kret and Associates, Inc./4/\$5,800.13/\$15,086.16/CT-CS-19-119

3. To provide for workforce development services, extend contract term to 6/30/20 and amend contractual language, USDOL-WIOA and HPOG Funds, for the following:

**Vendor Name/Amendment No./Contract Amount/Contract No.**  
Goodwill Industries of Southern Arizona, Inc./8/\$350,434.11/CT-CS-16-441  
SER-Jobs for Progress of Southern Arizona, Inc./4/\$805,979.48/CT-CS-17-9

### **Facilities Management**

4. Baggin's, Inc., Amendment No. 5, to provide a lease for 33 N. Stone Avenue, Suite 140, extend contract term to 5/31/24 and amend contractual language, contract amount \$333,872.89 revenue (CTN-FM-CMS139840)

### **Natural Resources, Parks and Recreation**

5. Sahuarita Unified School District No. 30, Amendment No. 1, to provide for a Kay Stupy Intergovernmental Agreement and amend contractual language, General Fund, contract amount \$25,000.00 (CT-PR-19-391)

## **Office of Sustainability and Conservation**

6. Arizona State Historic Preservation Office, to provide for a Programmatic Agreement regarding HUD-funded program activities, no cost/10 year term (CTN-SUS-19-180)

## **Procurement**

### **7. Award**

- Award: Master Agreement No. MA-PO-19-176, San Diego Police Equipment Co., Inc. (Headquarters: San Diego, CA), to provide for law enforcement ammunition. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$596,500.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.
8. Burns Wald-Hopkins Shambach Architects, Inc., Amendment No. 1, to provide architectural and engineering design services: Defense Services Building - Juvenile Courts (XDSBJC), extend contract term to 9/30/21, amend contractual language and scope of work, FM-Capital Projects Non-Bond Fund, contract amount \$64,952.00 (CT-FM-19-124) Facilities Management
  9. Environmental Systems Research, d.b.a. ESRI, Amendment No. 4, to provide for the ESRI Geographic Information Systems Software ELA Project, amend contractual language and scope of services, General Fund, contract amount \$200,000.00 (MA-PO-17-125) Information Technology

## **Real Property**

10. ATC Sequoia, L.L.C., to provide for an agreement to purchase communications easement, contract amount \$365,000.00 revenue/50 year term (CTN-PW-19-184)
11. Young Artists' Community Ballet, Inc., Amendment No. 1, to provide a lease for specific portions of the Continental Community Center located at 530 E. Whitehouse Canyon Road, extend contract term to 3/17/20 and amend contractual language, contract amount \$1,800.00 revenue (CTN-PW-14-137)
12. Fatbeam, L.L.C., to provide for a Nonexclusive Right-of-Way Use License for a Fiber Optic Communications System, contract amount \$3,000.00 revenue/5 year term (CTN-PW-19-183)

## **Recorder**

13. City of Tucson, to provide for election services, contract amount \$90,000.00 estimated revenue (CTN-RE-19-161)

## **GRANT APPLICATION/ACCEPTANCE**

14. **Acceptance - Community Services, Employment and Training**  
City of Tucson, to provide for the HUD Continuum of Care Program - End of Chronic Homelessness Supportive Housing Program Intergovernmental Agreement, \$66,763.00 (GTAW 19-100)
15. **Acceptance - Health**  
The Arizona Department of Health Services, Amendment No. 3, to provide for the Health Start Program, extend grant term to 6/30/20 and amend grant language, no cost (GTAM 19-49)
16. **Acceptance - Sheriff**  
Arizona Department of Homeland Security, (PULLED FOR SEPARATE ACTION)
17. **Acceptance - Sheriff**  
Arizona Department of Homeland Security, (PULLED FOR SEPARATE ACTION)
18. **Acceptance - Sheriff**  
Governor's Office of Highway Safety (GOHS), to provide for the GOHS Buckle Up Arizona Enforcement Campaign, \$5,000.00 (GTAW 19-99)

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

19. **Fair Horse Racing Commission**  
Reappointment of Timothy Kelly. Term expiration: 1/18/21. (District 3)
20. **Metropolitan Education Commission**
  - Reappointments of Javier Herrera, representing Minority Group (AZ Hispanic Community Forum), Daisy Rodriguez Pitel, representing Minority Group (Asian American Community) and Patricia Wiedhopf, At-Large Commission Appointee. Term expirations: 3/19/22. (Commission recommendations)
  - Reappointment of Teri Bohr Laguna, representing Teachers, Grades K-6 (AZ Education Association). Term expiration: 4/16/22. (Commission recommendation)
  - Reappointment of Steven Freeman, representing Disabled Community. Term expiration: 12/31/21. (Commission recommendation)



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

**21. Special Event**

- Audra L. Winters, Marana Chamber of Commerce, Glover Ranch, 13400 W. Twin Peaks Road, Marana, April 26, 2019.
- Courtney Jayne Gregory, Valley View Preschool Family Faculty Organization, Plaza Colonial Shopping Center, 2870 E. Skyline Drive, Tucson, April 27, 2019.
- Wolfgang J. Knudson, Racing Home Greyhound Adoption, Sweetwater Reserve Community, Corner of Cuprite Loop/Star Valley Lane, Tucson, May 4, 2019.
- Carol L. Morales, St. Elizabeth Ann Seton School, 8650 N. Shannon Road, Tucson, May 4, 2019.
- Syvana Bre Elías, Desert Christian Schools, Fee Ranch, 5800 E. Santa Fee, Tucson, May 17, 2019.
- Jonah R. Trussel, Motoland Recreation Club, Inc., USA Raceway, 4300 E. Los Reales Road, Tucson, April 27, July 6, 20, August 10 and September 14, 2019.

**ELECTIONS**

**22. Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Kitt Leonard-164-DEM; Brendan Patrick Griffin-174-DEM

APPOINTMENT-PRECINCT-PARTY

Ramón Montaña-018-DEM; Veronica R. Hirsch-072-DEM; Kitt Leonard-073-DEM; Jennifer Dawson-093-DEM; Buddy P. Gill-104-DEM; Kenneth L. Bertschy-116-DEM; Catherine Borinstein-164-DEM; Denis J. Holt-192-DEM; Caroline A. Salcido-203-DEM; Daniel A. Leidenz-218-DEM; John W. Green-220-DEM; Steven R. Marks-220-DEM; Karen A. Stiles-239-DEM; Roberta J. Bauer-012-REP; Jose G. Flores-013-REP; Robert J. Burke-016-REP; Keith M. Demand-024-REP; Alice A. Bever-024-REP; Susan E. Hiestand-036-REP; Abraham Michael Considine-058-REP; William G. Stubler-058-REP; R.P. Howie-069-REP; Alicia Grimes-069-REP; Timothy E. Grimes-069-REP; Garret A. Wadsack-078-REP; Justine L. Wadsack-078-REP; Jonathan J. Sparks-091-REP; Michael L. Lore-098-REP; Carrea S. Uremovich-099-REP; Richard D. Gillooly-108-REP; Lucy P. Hoffman-116-REP; Barbara Hildenbrand-117-REP; Laura L. Vest-123-REP; Laura M. Basurto-124-REP; Scott L. Jones-125-REP; James "Jim" F. Willenbecher-127-REP; Philip M.

Bryson-132-REP; Hilarie Anne Hindhaugh-133-REP; Tad M. Hindhaugh-133-REP; Kathryn E. Banky-145-REP; Alejandro E. Castellanos-162-REP; Dale D. Lips-170-REP; James F. Lips-170-REP; Robert A. Moskovitz-171-REP; Gene E. Solosky-178-REP; Jennifer M. Rawson-181-REP; Edwin A. Sanford-182-REP; Dawn R. Houghton-183-REP; Steven L. Nygren-183-REP; Anita L. Leist-192-REP; Joel A. Cisco-Gardunio-198-REP; Vernon D. Sandt, Jr.-198-REP; Maureen E. Tuohy-200-REP; Tambre H. Marshall-216-REP; Laurel A. Nason-224-REP; Bonnie E. Kampa-228-REP; Darryl L. Weaver-228-REP; Lori R. Piper-229-REP; Robert L. Piper-229-REP; Paul A. Wildum, Jr.-229-REP; Michael J. Grimes-241-REP; Logan A. Calendine-153-LBT

## **FINANCE AND RISK MANAGEMENT**

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

Olga P. Rodriguez \$47.50; Southwest Gas Corporation \$251.23; Flowing Wells Irrigation District \$20.08; Roseann Schaye \$1,548.00; Home Depot USA, Inc. \$192.07; Home Depot USA, Inc. \$43.90; Hydromantis Environmental Software Solutions, Inc. \$2,875.00; Law Office of Jeremy Zarzycki, P.L.L.C. \$2,671.00; Eastman Distributing \$5,353.65; Hussein Al Zubaidi \$161.00; Yvette Herrera \$164.22; Stacey Nicole Brady \$102.00; Dana Metcalf \$47.00; Daniel's Moving and Storage, Inc. \$1,677.35; Office Depot \$4,256.81.

## **RECORDER**

24. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of March, 2019.

## **TREASURER**

### **25. 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 \$54,142.57.

## **RATIFY AND/OR APPROVE**

26. Minutes: April 2, 2019 (PULLED FOR SEPARATE ACTION)

\* \* \*

44. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:57 p.m.

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK



# Board of Supervisors Memorandum

May 7, 2019

**Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

## **Background**

On March 1, 2019, the Sheriff received two Operation Stonegarden (OPSG) award letters from the Arizona Department of Homeland Security (AZDOHS). To secure these grants, these letters require an affirmative response on or before May 31, 2019. The first letter is notice of an Operation Stonegarden (OPSG) Grant Program award for a total of \$1,218,986—for Overtime (\$1,155,866), Mileage (\$50,000), and Travel (\$13,120). The other letter is also notice of an OPSG Grant Program award for a total of \$595,600—for two (2) License Plate Readers (\$33,600), Aircraft Mount FLIR Camera (\$502,000), and Aviation Fuel (\$60,000). The table below lists all law enforcement agency Stonegarden awards for Federal Fiscal Year (FFY) 2018.

**Operation Stonegarden: FFY 2018 Awards**

Law Enforcement Agency	Overtime	Travel	Mileage	Equipment	Total
Pima County	\$1,155,866	\$50,000	\$13,120	\$595,600	\$1,814,586
City of Tucson	594,676		10,000		604,676
Sahuarita (combined OT/M)	210,000			16,800	226,800
Oro Valley	75,000		7,200	50,400	132,600
Marana	250,000		5,000	53,800	308,800
City of South Tucson					
<b>TOTAL</b>	<b>\$2,285,542</b>	<b>\$50,000</b>	<b>\$35,320</b>	<b>\$716,600</b>	<b>\$3,087,462</b>

The above FFY 2018 OPSG grant awards were considered by the Community Law Enforcement Partnership Commission (CLEPC) on April 9, 2019 in a two hour, 26 minute meeting. The audio and video of this meeting is available for review at (<http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=448498>).

Ten members of the CLEPC attended the meeting. After input from the Sheriff and his staff and extensive discussion, CLEPC voted 4 to 6 to support the grant; hence, the motion of support failed and the grant award recommendation from CLEPC is negative.

## **2017 Federal Fiscal Year OPSG Grant Terminated**

During much of 2018, the Board of Supervisors debated the purpose and acceptance of the FFY 2017 OPSG Grant and ultimately decided to terminate the grant on September 4, 2018. Notice was provided to AZDOHS of this termination and, pursuant to the subrecipient agreement, all Sheriff Department activities related to OPSG terminated on October 5, 2018. Of this grant, the original personnel overtime and mileage reimbursement totaled \$1,191,208. At termination, \$636,559.93 had been utilized. In addition, none of the capital equipment had been purchased. Pima County's termination of this OPSG grant returned \$792,615.07 of the grant award.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

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AZDOHS and US Customs and Border Protection (CBP) have now reallocated this amount. This funding was reallocated to: Pinal County Sheriff's Department for aircraft surveillance equipment (\$697,318), Tucson Police Department (\$57,414), Sahuarita PD (\$41,400), Marana PD (\$117,000) and Oro Valley PD (\$22,500) and to the Arizona Department of Public Safety (\$190,928). The total reallocation amount of \$1,126,560 includes Pima County (\$792,615). The funds rejected by the Pima County Sheriff were reallocated to other law enforcement agencies in the region, including some within Pima County. OPSG funds continue to be utilized directly within Pima County, but not by the Pima County Sheriff's Department. The Board and concerned residents have no transparency or input into Stonegarden expenditures/operations in these other police organizations. They have not adopted the same policies as the Sheriff with respect to utilization of Stonegarden funding.

#### **Increasing Concerns over OPSG**

The County, through the Sheriff's Department, has been receiving OPSG grants for more than a decade. Little concern has ever been expressed over receiving the grants until relatively new Federal border policies were implemented. Concerns regarding these new policies peaked in early 2018 and led to a great deal of requests for additional information related to OPSG as well as a 2017 Inspector General Report—"FEMA and CBP Oversight of Operation Stonegarden Program Needs Improvement"—that strongly criticized OPSG Grant Program accountability. It is important to know that none of the areas for improvement noted in this report directly related to Pima County participation in the program.

Based on these concerns, the newly formed Pima County Criminal Justice Reform Unit began a concerted effort to obtain data and information regarding previous OPSG actions and activities for 2016 and 2017. Our requests were met with varying degrees of cooperation from refusal to provide the information by the Department of Public Safety to the traditional bureaucratic response by the Federal Government, which is to file a Freedom of Information Act (FOIA) request. The most refreshing response regarding information sharing came from the Pima County Sheriff's Department. In fact, no other police agency provided the Daily Activity Reports (DARs) and the data and information requested. I communicated this fact to the Board on March 23, 2018 by stating:

*"The Sheriff, to his credit, has agreed to provide copies of the DARs filed by the Pima County Sheriff's Department without the present drama we are experiencing with other requests."*

Unfortunately, after reviewing the video of the recent CLEPC meeting, it is now apparent that this openness by the Sheriff and his agency is being mischaracterized in order to argue that his Department is now hiding information, which is incorrect.

We have received more open cooperation and communication from Sheriff Napier and his Department than any other police agency regarding OPSG. If there is any hope in reforming the system, it is only through cooperation with the police agencies receiving funding. The

The Honorable Chairman and Members, Pima County Board of Supervisors

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cooperation received from Sheriff Napier provides this hope. Reason: "to date" could infer that cooperation would not be expected to continue. It should be remembered that federal legislative reform, based in part on the 2017 Inspector General Report, must be founded on actual evidence that can be provided by police agencies such as our Pima County Sheriff's Department. Therefore, if there is any hope in improving the present program, it rests with continuing our participation in OPSG.

**The Sheriff Reforms and Responds to Community Criticism and Input has been Significant**

Sheriff Napier has openly discussed appropriate modifications and/or reforms to Sheriff's policies that have not been implemented in the past. He has implemented new policies, and changed old policies, in response to significant community concerns regarding the activity of our police agency as well as how it operates under OPSG. Just a few of these performance and operational changes are itemized below:

- Implementation of Racial Profiling Policy developed in cooperation with our community partners, including the American Civil Liberties Union (ACLU),
- Implementation of a written policy prohibiting inquiry about immigration status of victims/witnesses of crimes unless immigration status was in some way an element of the crime being investigated,
- Implementation of a written policy prohibiting inquiry about immigration status of persons on school grounds unless immigration status was in some way an element of the crime being investigated,
- A written policy prohibiting the staffing of Sheriff's Department personnel at Border Patrol Check Points, unless called there for a specific County related law enforcement activity,
- Elimination of office space for Immigration and Customs Enforcement representatives at the Detention Center,
- Implementation of a tracking system to document every time that Sheriff's Department communications personnel call Border Patrol for assistance,
- A prohibition against using personnel/departments cell phones for the purpose of requesting Border Patrol assistance,
- Development of an improved tracking system to better document Stonegarden related activities to enhance transparency and availability of public information on all Stonegarden activities of the Sheriff,
- A stated commitment to have regular meetings with CLEPC to discuss community concerns regarding Stonegarden operations and a specific commitment to obtain data and other information as requested by CLEPC,
- Ensuring the Sheriff's Department personnel on Stonegarden deployments remain under the control of the Sheriff with a clear understanding they will exit Stonegarden deployment if required for urgent County public safety related needs,
- The Sheriff has made clear his position that department personnel will never be part of the 287G Program (cross-certification of deputies as immigration

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

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enforcement agents.) Several agencies are 287G certified including the Pinal County who received the largest amount of redistributed Stonegarden funding.

- Requirement that all personnel again review and acknowledge the Racial Profiling Policy prior to participating in Stonegarden operations,
- The requirement to document the specific reason for a traffic stop if no warning or citation is issued when engaged in Stonegarden deployments.

A violation of any of these policies by a deputy make them subject to an internal affairs investigation that could lead to disciplinary action up to their decertification as a law enforcement officer in the State of Arizona.

These concessions are significant and almost unprecedented in the law enforcement community. Essential to demonstrating a lack of racial profiling in law enforcement traffic stops and random enforcement contacts is the policy of the Sheriff that requires every deputy who initiates a traffic stop on a Stonegarden deployment—but who does not issue an actual traffic citation for a violation of Arizona law—to then document what caused the traffic stop to be initiated.

The fact is these policy changes and modifications have been made and are significant and far-reaching. Clearly, Sheriff Napier is attempting to address the concerns of the critics of the OPSG grant and, in my opinion, has done so effectively.

#### **Community Law Enforcement Partnership Commission Public Review, Discussion and Action Regarding the 2019 Operation Stonegarden Grant**

Unfortunately, we are judged, or sometimes prejudged, by our incomplete responses to questions and concerns or a lack of understanding of the depth or complexity of a question. After twice reviewing the two-hour, 26 minute CLEPC meeting this is my conclusion of the meeting. Clearly, a number of CLEPC Commissioners felt strongly about present national immigration policies, and a number of law enforcement officials felt strongly about supporting the Sheriff. The result was a mixed bag recommendation regarding the Stonegarden grant. This resulted in a 4 to 6 vote to reject the OPSG grant.

In reviewing the video/audio of the April 9, 2019 CLEPC meeting, it is possible the grant was rejected in part by a belief that a) our local law enforcement staff/Sheriff's deputies are overstressed and cannot accept any additional OPSG overtime, b) assurance by the Sheriff that, regardless of OPSG funding, the County will continue active drug interdiction and other crime fighting activities that may be required because of our proximity to the border, and c) the issue of transparency of the Sheriff and whether he accurately responded to questions of the Chair regarding data and information associated with OPSG.

Many other questions arose at the meeting, all of which can be viewed in the documented video/audio recording of the meeting.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

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**The Key Issues Raised at the April 9, 2019 CLEPC Meeting Need a Response**

*Sheriff Deputy Staffing* – Each year in the budget process, the Sheriff funds a significant number of unfunded positions, essentially overfunding the Department in a budget maneuver to create excess funds for capital acquisitions such as capital expenses related to the Bomb Squad or the Air Unit. These excess budgeted positions that are unfilled add to the illusion that the Sheriff's Department is understaffed. Based on actual crime statistics, the Sheriff's Department may in fact be overstaffed. That said, Sheriff staffing ratios to the unincorporated population have been consistent for decades.

It must be remembered that the OPSG program funds overtime. Overtime falls in two general categories: "scheduled" and "unscheduled." The overtime that causes staff stress is unscheduled overtime. Scheduled overtime, such as in OPSG, causes little or no staff stress since it can be planned for and scheduled. To the contrary, this type of overtime is highly desired. Furthermore, deputies are never required to work overtime under Operation Stonegarden, they sign up for it. The Sheriff's Department monitors voluntary deputy overtime to ensure that adequate rest periods are maintained. The theory that OPSG is causing staff stress is simply false. Years ago, I talked to a Sheriff Commander regarding staffing ratios and his response to me was, "What would you like them to be?" Accepting this grant will not stress the existing law enforcement staff in the Sheriff's Department. It will, in fact, increase public safety by increasing the presence of law enforcement in those areas where such is needed – i.e., rural western Pima County.

*Crime and Drug Interdiction* - Another theory being advanced during the CLEPC discussion is that it really does not matter whether we accept the OPSG grant because the Sheriff will continue to do what is necessary regarding crime and drug interdiction. This theory misses the point. The Sheriff and his deputies will answer a call for service during a violation of County or State law by anyone, which includes a call by a Border Patrol Agent - such is appropriate and should continue. What the OPSG grant provides is funding for law enforcement to work in an overall strategy with CBP, and therefore the opportunity to increase the time of law enforcement exposure in locations that otherwise would not occur if the grant had not been received. Such increased exposure clearly increases overall public safety. I believe it is appropriate the federal government share in providing expenses associated with our exposed border areas, particularly in western Pima County by increased County law enforcement through OPSG.

*Transparency or Truthfulness of Sheriff in Responding to CLEPC Information Requests* – In my review of the April 9, 2019 CLEPC meeting, it is clear there is a trust issue with the Sheriff, but I believe it is misplaced. My view is that this impression arises because of communication. We all want accurate, timely information that is not distorted by bias. The information requested was whether the County had specific information regarding Sheriff's activities related to OPSG. The County previously reported that it had information from a number of police agencies regarding Daily Activity Reports (DARs) filed as a requirement of OPSG. Our information was somewhat inconsistent as some agencies refused to provide



The Honorable Chairman and Members, Pima County Board of Supervisors

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information while others, such as the Sheriff, openly and freely provided the information without question. This information has not been verified as completely and unquestionably accurate.

The Sheriff, in his response, said that he did not have accurate information because his point of reference comes from the official data systems of the Sheriff commonly referred to as the Spillman System. This was correct from his perspective since it has not been possible to develop the appropriate information reporting protocols within Spillman to ensure that the accurate information is timely and correct. To do so would require extensive programming of the Spillman software system. Instead, Stonegarden data is gathered in a paper system and transferred to an Excel spreadsheet. However, it is important to understand the Sheriff has pledged to provide this information based on developing protocols to gather the information timely and accurately. To ensure this occurs, the Sheriff has directed the implementation of a separate tracking system that accurately captures the data the community has indicated interest in reviewing. This data will be entered into a spreadsheet that makes it easy to query and report on. This information will be made available to CLEPC and published on the Sheriff Department's website. It is clear the Sheriff is now being criticized for not either fully understanding the scope of the question, or responding in what he felt was an accurate response but deemed inaccurate by members of CLEPC since the DARs had been previously provided. It should be remembered his own Department provided the DAR information freely and openly while other law enforcement agencies did not.

In my opinion, claiming the Sheriff is lacking transparency and information disclosure is incorrect. The Sheriff takes a strict view of what constitutes accurate, comparable and actionable data within the information management systems of the PCSD.

#### **Concerns of the Arizona Border Counties Coalition**

Comprised of representatives from each of the four Arizona border counties (Santa Cruz, Cochise, Pima, and Yuma), the Arizona Border Counties Coalition (ABCC) has expressed concerns regarding full cost recovery associated with accepting OPSG grants. These concerns relate specifically to:

1. Mileage Reimbursement
2. Indirect Cost Reimbursement
3. Equipment Use
4. Local Law Enforcement Priority
5. Expanded Function and Mission

On April 11, 2019, the ABCC convened a meeting with AZDOHS and regional CBP leadership and staff. AZDOHS representatives included Mr. Gilbert Orrantia, Director of AZDOHS, as well as Assistant Directors Susan Dzbanks and Terry Riordan. CBP leadership and staff included Mr. Javier Gurrola, Acting Director over the Alliance to Combat Trans National Threats (ACTT), Mr. Mike Ulrich, Special Operations Officer at ACTT, and Mr. Andrew Culp,

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

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Acting Special Operations Supervisor serving as the Tucson Sector OPSG Coordinator. ABCC was represented by Supervisors from the four border counties: Supervisor Bruce Bracker of Santa Cruz County; Supervisor Ann English of Cochise County; Supervisor Sharon Bronson of Pima County; and Supervisor Martin Porchas on behalf of Supervisor Marco A. "Tony" Reyes of Yuma County. They were joined by County Manager Jennifer St. John (Santa Cruz County), County Administrator Edward T. Gilligan (Cochise County), and County Administrator C.H. Huckelberry (Pima County) as well as Pima County Director of Grants Management and Innovation, Regina Kelly, and other staff. In my opinion, this was one of the most informative and productive meetings we have had with State Homeland Security and US Customs and Border Protection officials. Issues were discussed openly and frankly with all parties resulting in a much better understanding of the mission and role of border security agencies as well as counties and sheriffs. Most importantly, we learned there are a number of other detailed information sources that can be obtained that will further provide documentation and transparency related to any OPSG activity that occurs in border counties. For example, time and effort documentation of law enforcement overtime activity in relation to OPSG must be robust enough to satisfy federal grant regulations. In other words, this is a potential source of data to ensure that OPSG overtime directly ties to grant strategies and benchmarks. Overall, I am confident that all of the five previously identified issues can be satisfactorily resolved. In fact, I am convinced that the performance, transparency and efficiency of border security as well as law enforcement drug and human trafficking interception can be greatly enhanced thereby significantly improving overall public safety.

Of interest to Pima County, in regard to the fifth concern reference above, was that part of the discussion related to expanded function and mission primarily associated with the Ajo Airport. There is significant interest in increasing air assets and deploying them to the Ajo Airport, as such would be beneficial and highly effective for both law enforcement and rescue efforts. Federal authorities are very interested in improving air assets that facilitate a technical response to border security, law enforcement, and interdiction of human and drug smuggling. In addition, air resources greatly facilitate and improve humanitarian rescue efforts by increasing the search area and providing rapid directional response.

Our area of primary concern is in receiving indirect cost reimbursement. Based on our cost allocation and indirect cost rate proposal plans, which are developed and maintained in compliance with relevant federal regulations, the indirect cost rate for the Pima County Sheriff's Department is 28.58 percent; this rate would be applied to personnel costs (wages, salaries, fringe) associated with OPSG for this grant cycle. In relation to the current FFY 2018 OPSG award, this means approximately \$330,000 in indirect cost reimbursement. If the personnel grant cost remains fixed at \$1,155,866, then the amount allocated to overtime and fringe benefits would be reduced to approximately \$825,866.

During discussion of the third item – equipment use – a new concern surfaced. It became clear that if a law enforcement agency is not participating in an active OPSG grant, then equipment that was previously purchased with OPSG funds – and with a residual value

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greater than \$5,000 - is subject to recall and distribution to another police agency. Below is a list of Sheriff's Department equipment purchased with OPSG grants, including the original amount and its estimated depreciated value. Any of this equipment with a value greater than \$5,000 is subject to recall and distribution to another police agency participating in Operation Stonegarden. If the Board declines to participate in Operation Stonegarden, it is possible that the equipment listed will be recalled by AZDOHS or CBP agencies. Some, perhaps a significant amount, of the equipment cannot be returned without significant compromise to the operational effectiveness of the department – for example, some equipment affixed to the rescue helicopter. We may be required to make monetary reimbursement for equipment that cannot be recalled for redistribution. If recalled, the County General Fund will be used to purchase replacement equipment.

EQUIPMENT/VEHICLE DESCRIPTION	COUNT	DATE PURCHASED	ORIGINAL AMOUNT FUNDED BY OPSG	EST. DEPRECIATION 3/31/2019	EST. REMAINING BOOK VALUE
HELICOPTER: AS350B3E WITHOUT CARGO SWING	1	4/3/2012	\$ 1,135,685.50	\$ 784,664.25	\$ 351,021.25
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124607	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124608	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124609	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124605	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124604	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124606	1	10/23/2013	11,069.39	6,016.87	5,052.52
BOMB DETECT EQUIP: SCANX RECON METRO & DISMOUNT RESPONSE KIT	1	10/4/2013	56,696.64	31,113.24	25,583.40
EQUIPMENT: UC6000- ULTICHART MOVING MAP SYSTEM	1	11/7/2017	120,791.98	16,679.57	104,112.41
EQUIPMENT: AVIATOR NIGHT VISION IMAGING SYSTEM (2)	2	12/27/2017	28,881.60	3,631.96	25,249.64
EQUIPMENT: LICENSE PLATE RECOGNITION (LPR) (5)	5	12/4/2017	75,897.75	10,022.72	65,875.03
CEK ENHANCED KIT - POLICE AND PRISON EQUIPMENT	1	8/4/2015	27,027.73	9,878.08	17,149.65
MINI Z HANDHELD XRAY IMAGING SYSTEM TAG 127163	1	12/22/2015	52,941.98	17,318.56	35,623.42
SUV: 2014 CHEVY TAHOE 1GNSK2E09ER195372	1	12/1/2015	34,585.92	11,512.83	23,073.09
SUV: 2016 CHEVY TAHOE 1GNSKFEC2GR130867	1	11/3/2015	34,585.92	11,778.14	22,807.78
EQUIPMENT: AVIATOR NVG IMAGING SYSTEM (6)	6	1/11/2017	67,573.44	14,977.20	52,596.24
VEHICLE: 2016 FORD TRANSIT XL 150 CARGO VAN (SURVEILLANCE)	1	12/8/2016	164,516.80	37,993.77	126,523.03
EQUIPMENT: APZ7500 DUAL BAND MID POWER	1	1/31/2017	7,994.54	1,728.13	6,266.41
AIRCRAFT: CESNA T206H FIXED WING AIRCRAFT	1	6/9/2014	245,463.54	119,682.90	125,780.64
EQUIPMENT: 2 ATV'S	2	6/28/2016	43,027.52	unknown	43,027.52
STRONGWATCH LONG RANGE CAMERA	1	9/21/2015	77,696.88	27,374.86	50,322.02
<b>TOTALS</b>	<b>32</b>		<b>\$ 2,239,784.08</b>	<b>\$ 1,134,457.43</b>	<b>\$ 1,105,326.65</b>

### **Non-reimbursed Costs Related to Operation Stonegarden and Federal Border Security Activity is Significant**

Counties have expressed concern over other county costs that increase as a result of border security activities acceptance. These include additional public safety pension liability, and increases in the cost of detention associated with non-citizens who are charged with felony or misdemeanor crimes as well as prosecution of same.

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Other less discussed costs, but real expenses incurred by counties, relate to public health. Our public health agency has been an active participant in providing vaccinations and health screenings to recent migrant families arriving in Pima County. We have allocated additional staff time, including nursing staff, leadership, operators, support staff, Director, Deputy Director and our Chief Medical Officer. We have provided over 1,000 doses of vaccines procured through our normal processes at a cost of at least \$15,850 since January 2019, for just the first quarter of this calendar year. Direct public health employees, supplies and vaccines will likely total \$45,000 per quarter. These public health expenditures are directly related to arriving migrant families, and their release and transfer to non-governmental organizations for temporary settlement. The pace of these releases has significantly increased over the last quarter and very often exceeds over 100 individuals per day within Pima County. The costs now being incurred by our public health agency have not been budgeted. The costs detract from our ability to provide our regular public health services in Pima County. Given the significant increase in migrants who are surrendering to Border Protection agencies, just 393 yesterday at Lukeville, Arizona, our primary concern to over resource availability for the nongovernmental organizations that assist the federal government in asylum requests and safely as well as humanely processing migrants.

#### **Recommendation**

It is recommended the Board of Supervisors approve the two Operation Stonegarden Overtime and Equipment Grant Awards for Federal Fiscal Year 2018, subject to the following:

- a) the County receives indirect cost reimbursement at the rate of 28.58 percent as applied to the personnel component (wages, salaries, fringe) of the Operation Stonegarden Overtime grant; this will generate approximately \$330,000, which will reduce the allowable overtime and fringe cost component to approximately \$825,866. It is further recommended:
  - 1) the recovered indirect cost monies be used to reimburse our public health agency for expenses now being incurred and anticipated to be incurred through the end of February 2020 for public health services related to migrant families and asylum seekers. Such cost is estimated to be near \$150,000. These costs have not been budgeted within the public health budget; resultantly, unless reimbursed, the public health budget will have to be curtailed in other key public health service areas to County residents; and
  - 2) the balance of the indirect cost recovery received by the County will be allocated to the County's Outside Agency Review Committee in the approximate amount of \$180,000 to increase funding for established service nonprofits with the primary purpose of said funds to strengthen the social service safety net within the County.

The Honorable Chairman and Members, Pima County Board of Supervisors

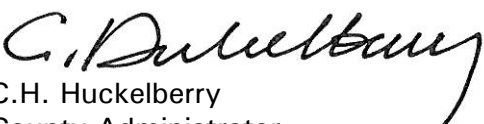
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- 3) if the Operation Stonegarden grant of \$1,814,586 is rejected, the Board should direct that at least \$500,000 be set aside in the budget for next year to support the Sheriff budget in overtime for western Pima County and at least \$2,239,784 to pay for capital equipment purchased with OPSG funds. Hence, the Stonegarden decision has an economic value to Pima County of approximately \$5 million.
- b) the Sheriff provides the Community Law Enforcement Partnership Commission with data regarding all Sheriff Department activities related to Operation Stonegarden missions, including appropriate time and effort verification per federal regulations as well as the policies and procedures issued by the Sheriff to deputies participating in Operation Stonegarden to ensure federal grant compliance without exception.
- c) if this information and data is not provided satisfactorily the Board of Supervisors can terminate the grant similar to last year.
- d) based on information regarding the deliberate vandalism of life saving water stations, request the Sheriff coordinate appropriate security review for Humane Borders water stations and investigate any vandalism of said stations, and request the County Attorney to prosecute anyone who vandalizes a Humane Borders water station.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/lab – April 17, 2019

- c: The Honorable Mark Napier, Pima County Sheriff  
The Honorable Barbara LaWall, Pima County Attorney  
Chair and Members, Community Law Enforcement Partnership Commission