

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, July 7, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 *Ally Miller, Member
 *Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Regina Nassen, Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisors Christy and Miller participated remotely.

1. REVISIONS TO BOARD OF SUPERVISORS POLICY

Staff recommends approval of the revisions to Board of Supervisors Policy No. D 32.2, Pima County Public Library - Circulation Policy.

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

2. CONTRACT

Tucson Unified School District No. 1, Amendment No. 4, to provide for a Southwest Library lease located at 6855 S. Mark Road, extend contract term to 5/31/25 and amend contractual language, Library District Fund, contract amount \$141,394.81 (CT-LIB-12-871)

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

3. ACCEPTANCE - LIBRARY

Institute of Museum and Library Services CARES Act Award, to provide for the CARES Expanded Project, \$4,000.00 (GTAW 20-137)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:11 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, July 7, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 *Ally Miller, Member
 *Steve Christy, Member
 Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Regina Nassen, Civil Deputy County Attorney
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisors Christy and Miller participated remotely.

1. POINT OF PERSONAL PRIVILEGE

Supervisor Villegas asked that a Moment of Silence be observed for Vanessa Guillen.

2. MOMENT OF SILENCE

A Moment of Silence was observed by those in attendance.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PRESENTATION/PROCLAMATION

Presentation of a proclamation to the Drowning Prevention Coalition of Arizona, proclaiming the month of August 2020 to be: "DROWNING IMPACT AWARENESS MONTH"

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

5. CALL TO THE PUBLIC

No one appeared at Call to the Public to address the Board.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:09 a.m.

7. **RECONVENE**

The meeting reconvened at 10:03 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Scott v. Napier, et al., Pima County Superior Court Case No. C20202314.

Regina Nassen, Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Paradigm DKD Group, L.L.C., et al. v. Pima County/Bill Staples, Pima County Superior Court Case No. C20141150.

Regina Nassen, Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding enforcement and penalty options for noncompliance with face-covering requirements.

Regina Nassen, Civil Deputy County Attorney, stated this item was for information only. No Board action was taken.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to file an amicus brief in support of the Center for Biological Diversity ("the Center") and others, opposing the appeal filed by Rosemont Copper Company and others in the Ninth Circuit Court of Appeals, Case Nos. 19-17585 and 19-17586. This is an appeal of the U.S. District Court's ruling in D.C. Nos. 4:17-cv-00475-JAS, 4:17-cv-00576-JAS, 4:18-cv-00189-JAS, in favor of the Center and other plaintiffs, which overturned certain administrative rulings by the United States Forest Service.

Regina Nassen, Civil Deputy County Attorney, indicated that the County Attorney's Office sought direction on whether to file an amicus brief on an appeal filed by the Rosemont Copper Company on behalf of Pima County in support of the plaintiffs, the Center for Biological Diversity.

It was moved by Supervisor Bronson and seconded by Supervisor Villegas to file an amicus brief. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

COUNTY ADMINISTRATOR

12. Updates and Action on COVID-19

(Clerk's Note: See the attached verbatim Minute Item Nos. 12, 36, and 37 related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

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 Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to approve the item.

DEVELOPMENT SERVICES

14. Final Plat With Assurances

P18FP00013, New Tucson, Unit 8, Lots 68-77 and Common Area "A". (District 4)

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

15. Final Plat With Assurances

P20FP00002, Ventana Heights II, Lots 1-15 and Common Area "A". (District 1)

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

16. Final Plat With Assurances

P20FP00003, Miramonte at Orange Grove, Lots 1-11, Common Areas. (District 1)

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

INDUSTRIAL DEVELOPMENT AUTHORITY

17. Center of Hope Apartments Project

RESOLUTION NO. 2020 - 51, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$10,000,000.00 Multifamily Housing Revenue Bonds (Center of Hope Apartments Project, 4554 S. Palo Verde Road, Tucson, Arizona), Series 2020 and declaring an emergency.

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

FRANCHISE/LICENSE/PERMIT

18. Hearing - Liquor License

Job No. 109744, Shelly Christine Gerrish, Monsoon Vermut, L.L.C., 6940 N. Bobcat Lane, Tucson, Series 18, Craft Distiller, New License.

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

19. Hearing - Liquor License

Job No. 110288, Nicholas Carl Guttilla, Safeway No. 2809, 13380 E. Mary Ann Cleveland Way, Vail, Series 9, Liquor Store Sampling Privileges.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chairman Valadez 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. 110292, Nicholas Carl Guttilla, Safeway No. 2988, 5085 N. La Canada Drive, Tucson, Series 9, Liquor Store Sampling Privileges.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chairman Valadez 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 - Agent Change/Acquisition of Control/Restructure**

Job No. 111747, Jonathan Phillip Alubowicz, Jr., Risky Business, 6866 E. Sunrise Drive, Suite No. 130, Tucson, Acquisition of Control.

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

DEVELOPMENT SERVICES

22. **Hearing - Rezoning**

P20RZ00004 ARIZONA BAPTIST CONVENTION - E. VISTA MONTE DRIVE - REZONING

Arizona Baptist Convention represented by Beau Borboa, requests a rezoning of approximately 4.78 acres from the TR (Transitional) to the CB-2 (General Business) zone located on the north side of E. Vista Monte Drive, approximately 1,000 feet east of the intersection of S. Houghton Road and E. Vista Monte Drive, addressed as 195 E. Vista Monte Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

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: Development shall meet the requirements of the Subdivision and Development Street Standards.
3. Regional Flood Control District conditions:
 - A. 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. This shall include water harvesting to support site

- landscaping.
- B. The development shall provide retention/detention. First flush retention shall be distributed throughout the facility.
4. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
- B. The owner 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 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 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 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 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 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 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: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
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 Department, stated that staff and the Planning and Zoning Commission recommended approval. He indicated that a supermajority was triggered for this request. He emphasized that the current zone was a TR-zone, which allowed, without a rezoning, such uses as hotels, medical offices and other non-residential. He stated that this rezoning was for a different commercial usage: Self Storage and R.V. Storage. He indicated that the department received a petition with twenty-two signatures objecting to the rezoning, two letters of support and a letter of no opposition from the School District. He added that the property was located outside of the Maeveen Behan Conservation Land System.

Supervisor Christy inquired whether the Planning and Zoning Commission's approval was unanimous. He also asked whether this rezoning request was more restrictive than what was currently permitted.

Mr. Poirier responded in the affirmative with regards to the Planning and Zoning Commission's approval. He indicated that the existing TR-zone allowed uses such as; hotel, medical offices and other professional services, which were currently permitted by code. He stated that if approved, the rezoning would be subject to a series of rezoning conditions and would require fine-tuning to offset any negative impacts on the surrounding area.

Supervisor Christy inquired whether objections to the rezoning were considered by staff.

Mr. Poirier responded that the original conditions were formulated by staff after the spokesperson for the neighborhood provided a list of concerns and comments.

Supervisor Christy inquired whether District 4 had been provided copies of those concerns and comments submitted.

Mr. Poirier responded in the affirmative. He indicated that the comments were reviewed by staff in order to identify those that could be enforced, redundancy, and those that were fair. He stated that had resulted in the seven additional conditions presented.

Supervisor Christy inquired whether those conditions would be a part of the rezoning request.

Mr. Poirier responded, if approved, all the conditions would be tied to the rezoning request.

Supervisor Christy asked whether the School District submitted a letter indicating that they had no objections or concerns regarding the project.

Mr. Poirier responded in the affirmative. He indicated that there was a concern that the school and schoolchildren could be jeopardized; however, the School District submitted a letter of no opposition.

Supervisor Christy inquired whether the Department of Transportation had any objections with regards to traffic count.

Mr. Poirier responded that the Department of Transportation's review indicated that the roads were under capacity. He added that they also reported that a Self-Storage or RV Storage were low traffic generators and there were no specific concerns.

Supervisor Christy inquired whether a traffic study was a requirement of the planning process.

Mr. Poirier responded in the affirmative. He added that the applicant, if approved, would be subject to additional traffic information, which would highlight deficiencies and would require to construct accordingly.

Supervisor Christy inquired whether objections were analyzed by staff and condensed to the real essence of the request.

Mr. Poirier responded in the affirmative. He stated that staff analyzed the conditions presented and that resulted in the additional conditions presented to the Board.

Supervisor Christy inquired whether staff, along with the Planning and Zoning Commission, were recommending approval of this project.

Mr. Poirier responded that staff recommended approval.

Supervisor Christy inquired whether individuals opposing the rezoning had an opportunity to express their objections to the Planning and Zoning Commission.

Mr. Poirier responded that individuals were given the opportunity to express their objections.

Wilson E. Heavener expressed his opposition to the request. He stated that he was concerned with the impact area children, light pollution, noise from commercial air conditioners, the potential crime and decreased property values.

Chas Bird indicated that he objected to the request. He stated that his concerns were for the children crossing when traffic was hectic and vehicles parking on both sides of the road. He stated that the roads were narrow and large vehicles, such as motorhomes and boats, would affect the traffic flow.

Steven Willis objected to the rezoning due to the traffic congestion it would create.

John Backer stated that he opposed the project. He indicated that property values would decrease, that there were public safety concerns and the location was wrong.

Beau Borboa, applicant, commented that he had looked at the area for two years in order to cure some of the concerns. He indicated that he had researched speed bumps, crosswalk, and child safety. He added that he was hoping to bring a valued service to the community.

It was moved by Supervisor Christy and seconded by Supervisor Villegas, to close the public hearing and approve P20RZ00004, subject to standard and special conditions. Upon roll call vote, the motion carried 3-2, Chairman Valadez and Supervisor Bronson voted "Nay." Due to the requirement of a Supermajority vote the motion failed.

23. **Hearing - Conditional Use Permit**

P20CU00004, UNITED STATES OF AMERICA - E. SKI RUN ROAD

Request of United States of America, represented by Pinnacle Consulting, located at 10300 E. Ski Run Road, in the IR (Institutional Reserve) zone for a Type III Conditional Use Permit for a 75 foot Communication Tower, in accordance with Section 18.07.030 of the Pima County Zoning Code. Staff and the Hearing Administrator recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the monopole tower structure shall not be more than the requested seventy-five feet (75'). The tower shall replace an existing Trico Electric Cooperative pole, as shown on the submitted materials, and shall be painted to match the color of the existing pole being replaced.
2. All associated cabling, etc. necessary to serve the antennae will be placed within the tower's monopole or be painted to match the color of the pole.
3. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.

Chris Poirier, Deputy Director, Development Services Department, indicated that the applicant was working with the United States of America to secure a site that had previously held a Trico pole. He stated that the Hearing Administrator, the Planning and Zoning Commission and staff recommended approval with three conditions, one of which included colored pole equipment. He added that the applicant had proven the area was in need of additional services.

Michelle Lamoureux, Agent, Pinnacle Consulting, Inc., indicated that this was a collocation on an existing Trico pole and that the height of the pole would be increased by 75 feet, with additional antennas on Mount Lemmon at 71 feet. She stated that this would serve Summerhaven and the Mount Lemmon Fire District. She added that the developer agreed with all the conditions and the project had the support of the Fire District and the Forest Service.

It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P20CU00004, subject to standard and special conditions.

24. Hearing - Rezoning

P19RZ00010, YATES IRA JON - N. COMO DRIVE REZONING

Request of Ira Yates represented by the Planning Center, for a rezoning of approximately 12.49 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, parcel code 225-43-0030, located approximately 300 feet north of E. Magee Road and 10 feet east of N. Como Drive addressed as 7801 N. La Cholla Boulevard. 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 5-4 (Commissioners Bain, Membrilla, Becker and Johns voted NAY; Commissioner Hook was absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS. (District 1)

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of September 1, 2020.

25. Hearing - Comprehensive Plan Amendment

P20CA00001, CHACON - S. MARIO RANCH LANE PLAN AMENDMENT

Request of Norma Chacon, represented by the Planning Center, for a comprehensive plan amendment of approximately 1.11 acres from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU) land use designation, on the parcel addressed as 2655 S. Mario Ranch Lane, located on the east side of S. Mario Ranch Lane, about 250 feet south of the intersection of S. Mario Ranch Lane and E. Golf Links Road, in Section 25, T14S, R15E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 7-2 (Commissioners Bain and Becker voted NAY; Commissioner Gungl was absent) to recommend DENIAL. Staff recommends MODIFIED APPROVAL SUBJECT TO A REZONING POLICY. (District 4)

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of September 1, 2020.

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

P20TA00002, ECONOMIC OPPORTUNITY EXPANSION OMNIBUS NO. 2

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.25 (CR-3 Single Residence Zone), Section 18.25.030 (Development Standards-General), to reduce the minimum front yard setback requirement and increase the allowed buildable area; Chapter 18.27 (CR-4 Mixed-Dwelling Type Zone), Section 18.27.030 (Development Standards-General), to change the maximum lot coverage limit to a maximum site coverage limit; and Chapter 18.29 (CR-5 Multiple Residence Zone), Section 18.29.030 (Development Standards-General); to change the maximum lot coverage limit to a maximum site coverage limit. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt ORDINANCE NO. 2020 – 18

Chris Poirier, Deputy Director, Development Services Department, indicated that this request was for a zoning code text amendment to the CR-3, CR-4 and CR-5 zones. He stated that the proposal for the CR-3 zone was to increase lot coverage from 40 to 60 percent, which would allow flexibility to the building community to offer products that may not otherwise fit due to the lot constraints. He indicated that they also recommended a reduction of the front yard setback in the CR-3 zone to allow more flexibility in subdivision designs. He stated that for the CR-4 and CR-5 zones, staff recommended a 60 percent lot coverage change based on the entire site. He added that the Southern Arizona Home Builders Association and the M.P.A had provided letters of support. He stated that the Planning and Zoning Commission and staff recommended approval.

Supervisor Bronson inquired if anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to close the public hearing and approve P20TA00002 and adopt the Ordinance.

27. **Hearing - Waiver of the Platting Requirement**

P20RZ00003 FRIED - E. RUDASILL ROAD REZONING

Request of Ellen Fried, represented by Simmons Home Designs, for a waiver of the platting requirement of the Catalina Foothills Zoning Plan. The applicant requests a rezoning of approximately 5.23 acres from SR (BZ) (Suburban Ranch - Buffer Overlay) zone to CR-1 (BZ) (Single Residence - Buffer Overlay) zone on a property located on the south side of E. Rudasill Road approximately 1,900 feet west of N. Sabino Canyon Road addressed as 7590 E. Rudasill Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban-1.2. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Membrilla abstained; Commissioner Gungl was absent) to recommend APPROVAL SUBJECT TO A REVISED SKETCH PLAN AND MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS. (District 1)

7-7-2020 (11)

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A 30 foot ingress/egress easement shall be recorded for the new proposed lots as shown in the sketch plan. All lots shall be served by this common, private road/driveway (easement) from the existing ingress/egress easement. The private roadway/driveway shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. The property owner(s) shall accept responsibility for the maintenance, control, safety, and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. Flood Control condition: Floodplains, floodway, Important Riparian Area and Erosion Hazard Setbacks shall be avoided by all development. Easements and covenants, conditions, and restrictions shall be recorded at the time of the split.
4. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
5. Building heights are restricted to a maximum of 24 feet.
6. The owner(s) shall dedicate a Non-Motorized Trail easement to Pima County and construct the Esperero Wash single track trail in accordance with the Pima County Standards.
7. The utilities shall be underground within the rezoning site on the rezoning site for new structures.
8. Adherence to the sketch plan as approved at public hearing, including a maximum of three lots.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding 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 Department, indicated that this request was to waive the platting requirement for a previously approved Regional Catalina Foothills zoning plan that was rezoned from SR to CR-1 in the early 60's. He stated that this CR-1 condition was memorialized and it required the applicant to obtain a full subdivision plat. He stated that over time the County through the Code, Board and Commission Policies have taken this request and designated a rezoning and had processed it as a rezoning; however, the applicant requested CR-1 based on previous Board approvals and not a plat. He stated that a public hearing was held before the Planning and Zoning Commission and staff and the Planning and Zoning Commission recommended approval. He indicated that there were some concerns regarding shared use of an existing driveway, but the applicant resubmitted a new preliminary development plan mitigating concerns

which included improvements to the driveway to alleviate conflicts. He added that they received two comments and one was opposed to the project.

Al LeCoco, Owner, indicated that he was building three custom homes on the property. He stated that he had met with different associations within the neighborhood and everyone was satisfied with the development. He added that there would be restrictions on the properties such as paved roads going to each of the home sites.

Greg Simmons commented that it would make the area desirable and he did not have any negative concerns.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00003, subject to a revised sketch plan and modified standard and special conditions, as recommended by the Planning and Zoning Commission, and approve subject to standard and modified conditions, as recommended by staff.

28. Hearing - Rezoning Ordinance

ORDINANCE NO. 2020 - 19, P19RZ00011, Higinio - N. Camino De Oeste Rezoning. Owner: Higinio Avilez. (District 1)

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

29. Hearing - Rezoning Ordinance

ORDINANCE NO. 2020 - 20, P19RZ00013, St. Philips Plaza, L.L.C. - N. Campbell Avenue Rezoning. Owner: St. Philips Plaza, L.L.C. (District 1)

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

30. Hearing - Rezoning Ordinance

ORDINANCE NO. 2020 - 21, P19RZ00008, Unisource Energy Corp. - N. La Cholla Boulevard Rezoning. Owner: Unisource Energy Corporation. (District 1)

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

31. Hearing - Comprehensive Plan Amendment Resolution

RESOLUTION NO. 2020 - 52, P19CA00005, Mortgage Equities XVI, L.L.C. - S. Sorrel Lane Plan Amendment. Owner: Mortgage Equities XVI, L.L.C., Attn: Michael Medigovitch. (District 5)

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

TRANSPORTATION

32. Hearing - Roadway Development Impact Fee

Pursuant to A.R.S. §11-1102, conduct a public hearing on proposed new roadway development impact fees as presented in the draft Fee Study and the attached draft implementation phasing schedule.

The Chairman inquired if anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Villegas and unanimously carried by a 5-0 vote, to approve the item.

33. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 22, of the Board of Supervisors, relating to traffic and highways; regulating traffic at the intersection of Andrada Road and Rincon View Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

34. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 23, of the Board of Supervisors, establishing Andrada Road as a through street in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

35. **Hearing - Traffic Resolution**

RESOLUTION NO. 2020 - 53, of the Board of Supervisors, permitting the temporary closure of portions of Kinney Road in Pima County, Arizona, for the Everyone Runs Kinney Road 5 Mile Run on ~~July 12, 2020~~ **August 16, 2020**. Staff recommends APPROVAL. (Districts 3 and 5)

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

BOARD OF SUPERVISORS

36. **Report on Possible Violations Related to COVID-19**

Discussion/Action regarding the report on possible violations of Pima County Adopted Public Health Rules, Regulations or Standards to minimize the spread of COVID-19. (District 3)

(Clerk's Note: See the attached verbatim Minute Item Nos. 12, 36 and 37. related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

37. **Body Basics**

Discussion/Action regarding Body Basics, a small gym that does personal training by appointment only. (District 1)

(Clerk's Note: See the attached verbatim Minute Item Nos. 12, 36, and 37 related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

CLERK OF THE BOARD

38. **Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109(E), Flowing Wells Assembly of God, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for the following: Parcel No. 107-06-018B, and Personal Property Nos. 139909 and 139910, for tax year 2019.

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

39. **Petitions for Redemption of Property Tax Exemption Waiver**

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

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

HUMAN RESOURCES

40. **Revisions to Board of Supervisors Policy**

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. C 2.9, Temporary Policy - Novel Coronavirus (COVID-19).

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

41. **Classification/Compensation**

The Finance and Risk Management Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

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

1364/ Financial Analyst/53(\$50,814-\$76,336)/2/E*

*E = Exempt (not paid overtime)

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

REAL PROPERTY

42. **Quit Claim Deed**

RESOLUTION NO. 2020 - 54, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0038. (District 2)

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

TREASURER

43. **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 \$145,941.05.

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

CONTRACT AND AWARD

ATTRACTIONS AND TOURISM

44. Wildcat Golf Partners, L.L.C., Amendment No. 4, to provide for a cooperative management agreement for operation of Crooked Tree Golf Course, extend contract term to 5/31/21 and amend contractual language, contract amount \$37,461.00 decrease (CTN-ED-12-107)

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

COMMUNITY AND ECONOMIC DEVELOPMENT

45. The Arizona Board of Regents for and on behalf of Arizona State University ("ASU") Biodesign Institute, to provide for COVID-19 Testing, At this time, the County will be funding the contract from the Health Special Revenue Fund, with expectation of reimbursement from Federal sources post-pandemic, contract amount \$2,000,000.00 (CT-GMI-20-390)

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

COMMUNITY AND WORKFORCE DEVELOPMENT

46. City of South Tucson, Amendment No. 1, to provide for the John A. Valenzuela Youth Center, extend contract term to 6/30/21, amend contractual language and scope of services, General Fund, contract amount \$113,000.00 (CT-CR-20-454)

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

47. To provide for workforce development services in the ARIZONA@WORK - Workshops, extend contract term to 6/30/21, amend contractual language, scope of services and scope of work, USDOL-WIOA, ADES, HPOG and General Funds, for the following:

Vendor Name/Amendment No./General Fund Amount/Contract Amount/Contract No.

Portable Practical Educational Preparation, Inc./4/\$13,624.00/\$43,373.76/CT-CR-20-411

Tucson Youth Development, Inc./4/\$6,000.00/\$14,613.48/CT-CR-20-413

Tucson Hispanic Chamber of Commerce/4/\$12,800.00/\$28,652.58/CT-CR-20-412

Goodwill Industries of Southern Arizona, Inc./7/\$24,623.74/\$68,796.04/CT-CR-20-410

YWCA of Southern Arizona/4/\$8,000.00/\$21,088.32/CT-CR-20-414)

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

48. Cope Community Service Inc., d.b.a. Rise, L.L.C., Amendment No. 6, to provide for workforce development services in the ARIZONA@WORK - Workshops, extend contract term to 6/30/21, amend contractual language and scope of work, USDOL-WIOA, ADES, HPOG and General (\$25,079.00) Funds, contract amount \$60,616.08 (CT-CR-20-408)

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

ECONOMIC DEVELOPMENT

49. Rio Nuevo Multipurpose Facilities District, Amendment No. 1, to provide for a Ground Lease and Purchase Agreement for property located at 75 E. Broadway Boulevard, extend contract term to 1/7/25 and amend contractual language, no cost (CTN-CA-19-109)

At the request of staff and without objection, this item was removed from the agenda.

HEALTH

50. Mollen & Kinsley P.L.L.C., d.b.a. Dr. Art Mollen Flu Shots, to provide for mobile immunization clinics, Health Special Revenue Fund, contract amount \$954,800.00 (CT-HD-20-330)

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

REAL PROPERTY

51. Sprint Spectrum L.P., Amendment No. 1, to provide a master agreement for wireless communications facilities and site-specific agreements with 5 specified locations at: 4005 S. Sheridan Road; 3184 N. Calle Castellon; 3211 N. Soldier Trail; 7999 N. La Cholla Boulevard and 16120 S. La Canada Drive, extend contract term to 6/6/25 and amend contractual language, contract amount \$348,961.30 revenue (CTN-IT-16-5) Information Technology

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

REGIONAL WASTEWATER RECLAMATION

52. Southwest Gas Corporation, to provide for a Renewable Natural Gas Interconnection Construction Agreement, RWRD Operating Fund, contract amount \$1,760,000.00/20 year term (CT-WW-20-463)

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

GRANT APPLICATION/ACCEPTANCE

53. **Acceptance - Environmental Quality**

United States Environmental Protection Agency, to provide for the Clean Air Act Section 105, 66.001-Air Pollution Control Program Support for PPC FF1920, \$522,061.00/\$781,000.00 PDEQ AMS Unit 0301 Minor Stationary Source Revenue Fund Match (GTAW 20-133)

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

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

Arizona Community Action Association, d.b.a. Wildfire, to provide for the 2020-21 Utility Assistance Programs, \$206,030.00 (GTAW 20-141)

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

55. **Acceptance - County Attorney's Office**

Arizona Criminal Justice Commission, to provide for the Pima County Attorney's Office Mitigation of Coronavirus Exposure, \$248,339.00 (GTAW 20-143)

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

56. **Acceptance - Sheriff**

U.S. Department of Justice - Office of Community Oriented Policing Services, to provide for the FY2020 COPS Hiring Program, \$1,250,000.00/\$1,842,567.00 General Fund Match (GTAW 20-144)

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

Supervisor Villegas requested clarification regarding the Community Oriented Policing Services. She inquired about the type of training that would be provided and whether special training would be implemented addressing policing concerns. She also requested a copy of the plan.

Chief John Stuckey III, Pima County Sheriff's Department, responded that officers assigned to these rural areas would receive the basic training required by the state. He indicated new officers would not be hired for these positions, but they would be hired to backfill the positions that were drawn into this specialized assignment. He stated that the training plan would incorporate Search and Rescue training due to the number of immigrants in the area, additional training would be provided for narcotics interdiction, and training on operating All-terrain vehicles and four-wheel drive vehicles.

Supervisor Villegas inquired what type of training would be provided with regards to Community Policing.

Chief Stuckey responded that the department had assigned a Lieutenant responsible for engaging and establishing relationships with stakeholders in the rural areas, such as landowners and community organizations. He stated this individual would be responsible for forming partnerships to better understand the specific needs of the areas. He indicated that the purpose would be to engage with the public which might not be considered a training issue but a relationship building issue. He added, again, that the Lieutenant was in place and upon approval of the Grant, the department would make those Deputy Sheriffs and support staff assignments.

Supervisor Villegas confirmed her concerns were about community engagement as well as ensuring that deputies were properly trained.

Chief Stuckey indicated that the Sheriff was moving forward with a Police Reform Program that would address Policy Reform, Accountability Reform, Use of Force Reform, and Pursuit Policies. He added that these were department and public concerns as well as national concerns.

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

57. Acceptance - Community and Workforce Development

Arizona Community Action Association, d.b.a. Wildfire, Amendment No. 4, to provide for the 2019-20 Utility Assistance Programs, \$105,690.00 (GTAM 20-51)

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

58. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 4, to provide for the Emergency Preparedness Program, \$857,694.00/\$85,769.00 Health Special Revenue Fund Match (GTAM 20-58)

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

BOARD, COMMISSION AND/OR COMMITTEE

59. **Small Business Commission**

Appointment of Natasha Herzig, to replace Lucretia Free. No term expiration. (District 4)

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

60. **CONSENT CALENDAR**

Approval of the Consent Calendar

Upon the request of Supervisors Christy and Miller to divide the question, Consent Calendar Item No. 3 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISORS CHRISTY AND MILLER

CONTRACT AND AWARD

Facilities Management

3. Catholic Community Services of Southern Arizona, Inc., Amendment No. 1, to provide a Cooperative Agreement for the provision of humanitarian services located at 2225 E. Ajo Way (a.k.a. Casa Alitas), extend contract term to 7/21/21 and amend contractual language, no cost (CTN-FM-20-10)

Supervisor Christy stated his objection and indicated that he would not be voting in favor of the item.

Supervisor Miller stated her objection to this item and expressed concern over the liability this created for Pima County.

Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

* * *

CONTRACT AND AWARD

County Attorney

1. Southern AZ Children's Advocacy Center, Inc., to provide for evidence collection services for children - evidentiary consultations, Anti-Racketeering Fund, contract amount \$15,570.30 (CT-PCA-20-415)
2. City of Tucson, Amendment No. 1, to provide for the Out of the Shadows: Justice for Unsolved Sexual Assault Case Victims Project and amend contractual language, FY19 BJA National Sexual Assault Kit Initiative 2019-AK-BX-0016 Fund, contract amount \$7,500.00 (CT-PCA-20-197)

Facilities Management

3. Catholic Community Services of Southern Arizona, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Procurement

4. **Award**
Amendment of Award: Master Agreement No. MA-PO-16-11, Amendment No. 5, Aquatic Environmental Systems, Inc., to provide for pool pump room supplies and repairs. This Amendment extends the termination date to 12/31/20. No additional funds required at this time. Administering Department: Natural Resources, Parks and Recreation.
5. **Award**
Amendment of Award: Master Agreement No. MA-PO-16-112, Amendment No. 6, Southland Medical, L.L.C., to provide for Forensic Science Center medical supplies. This Amendment extends the termination date to 10/20/21 and adds the annual award amount of \$250,000.00 for a cumulative not-to-exceed contract amount of \$627,068.00. Funding Source: General Fund. Administering Department: Forensic Science Center.

6. 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. 3, to provide a Job Order Master Agreement for fencing services and amend contractual language, Various Funds, contract amount \$150,000.00 (MA-PO-19-12) Facilities Management
7. ALCC Corp., Amendment No. 2, to provide for the Murphy-Wilmot Library Roof Replacement (XWLIBR) and amend contractual language, FM Capital Non-Bond Projects Fund, contract amount \$30,000.00 (CT-FM-20-168) Facilities Management
8. Blue Source, L.L.C., to provide for Renewable Natural Gas Management Services, contract amount \$2,500,000.00 estimated revenue/5 year term (MA-PO-20-220) Regional Wastewater Reclamation

School Superintendent

9. Pima County Board of Supervisors, Pima County Elections Department and the Superintendent of Schools, to provide for school district election services, no cost (CT-SS-20-409)

Sheriff

10. Pima County Community College District, Amendment No. 1, to provide for the Adult Basic Education College and Career Program at the Pima County Adult Detention Center, extend contract term to 6/30/21 and amend contractual language, Special Revenue Sheriff Inmate Welfare Fund, contract amount \$141,372.38 (CT-SD-20-16)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Small Business Commission**
Appointment of Josh Jacobsen, to fill a vacancy created by Lyra Done. No term expiration. (Commission recommendation)
12. **Pima Vocational High School Board**
Reappointments of Mary Fellows, Albert Garcia and Dalila Perez. Term expirations: 7/31/23. (Committee recommendations)

ELECTIONS

13. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

William "Billy" Peard-047-DEM; Miriam Lindmeier-084-DEM; Daniel Hernandez Jr.-159-DEM; Federico A. Astiz-174-DEM; Donald D. Lamey-205-DEM; Vicki J. Gee-239-DEM

APPOINTMENT-PRECINCT-PARTY

Audrey S. Reida-008-DEM; Dennis R. Sheldon-008-DEM; Rebecca Pallanes Gonzales-047-DEM; Rene F. Gaspar-053-DEM; Lori Matiella-Murray-084-DEM; Deborah A. Melton-084-DEM; Nancy N. Neely-084-DEM; Sarah R. Jansen-086-DEM; Adrian L. Molina-086-DEM; Ivo A. Ortiz-086-DEM; Lance E. Ussery-089-DEM; Janice R. Covert-118-DEM; John R. Covert-118-DEM; Iddy Simeus-118-DEM; Susan A. Moreno-125-DEM; Robert J. Medina-147-DEM; Luis Alberto Perales-159-DEM; Rhoda I. Hilden-193-DEM; Panagiotis Lembessis-205-DEM; Richard "Rick" H. Ernst-207-DEM; Melinda A. Nedball-209-DEM; Jason T. Freed-217-DEM; JoJene Mills-237-DEM; Pamela K. Simon-239-DEM

FINANCE AND RISK MANAGEMENT

14. Duplicate Warrants - For Ratification

Sign Bizness, Inc. \$1,370.30; Karen Marie Greaber \$895.00; Judith Alice Graf \$125.98; Quanta Electric Power Construction Management, Inc. \$242,879.33.

RECORDER

15. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of April and May, 2020.

RATIFY AND/OR APPROVE

16. Minutes: May 19 and June 9, 2020
Warrants: June 2020

* * *

61. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:11 p.m.

CHAIRMAN

ATTEST:

CLERK

COUNTY ADMINISTRATOR

12. Updates and Action on COVID-19

BOARD OF SUPERVISORS

36. Report on Possible Violations Related to COVID-19

Discussion/Action regarding the report on possible violations of Pima County Adopted Public Health Rules, Regulations or Standards to minimize the spread of COVID-19. (District 3)

37. Body Basics

Discussion/Action regarding Body Basics, a small gym that does personal training by appointment only. (District 1)

Verbatim

RV: Chairman Valadez
SB: Supervisor Bronson
SC: Supervisor Christy
AM: Supervisor Miller
BV: Supervisor Villegas
CH: Chuck Huckelberry, County Administrator
TC: Theresa Cullen, MD, Director, Health Department

RV: Moving on to County Administrator, Item No. 8, Mr. Huckelberry.

CH: Yes, Mr. Chairman.

SB: Mr. Chairman before Mr. Huckelberry talks, can we also consider Item No. 7 because I think they are interrelated on the Addendum Agenda, which is the item I placed.

RV: Alright. Let us go ahead and consider them together then, Item No. 8 on Regular Agenda, and Item No. 7 on the Addendum Agenda.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I wanted to include Addendum No. 8, which is also related to the COVID. I was going to remove that item, but I just wanted to make a few comments and ask one question on it.

RV: Certainly. So, it will be 7 and 8 on the Addendum Agenda and 8 on the Regular Agenda. Mr. Huckelberry.

AM: Thank you.

CH: Mr. Chairman, and Members of the Board, we will give you a brief update. I will hit most of the numbers, talk to you about the enforcement to date. Discuss a little bit about a reasonable testing center we are in the process of trying to stand up. Dr. Cullen will give you a discussion and briefing on the hospital position of the community, at this point in time. Based on the number of hospitalizations that are occurring related to COVID-19. If you recall, we continually kind of give you memorandum updates on this subject periodically. I will just go over to the numbers and the numbers are up again today, they are at 331, as opposed to, and so they are hitting a case of at peak of being approximately 400 plus. They dropped down to 250, they then were going back up 311 and 331. We are still at a pretty good clip with regard to infections. If you recall, I provide you about every week a number of cases by the week, what we call the reporting week of the Health Department. In a given example of how these numbers vary, and we basically go from, you know, week-to-week, and I can give you the data that is in the material I sent you last week, I believe on the 2nd of July. Showed that in week 26, we only had 1,610 infections. That has been modified now with the data that has been released for the week of 7/6, and that is up to 2,153. We have now had four consecutive weeks of increasing infections. It is likely that in week 27, that will also exceed 26, yet the numbers are not fully adjusted yet to show that. We are seeing continued community-wide infections throughout the region. As you recall, you adopted a series of Proclamations and requirements with regard to, you know, minimizing the spread of COVID-19. I have given you a very brief summary of the review actions that we have taken to date with regard to complaints. The number of complaints received, and again, they are all available. We then defined them into two categories, proclamation complaints, which deal with restaurants, bars, gyms, and public pools. Then we basically have the mask complaints. Our experience on mask complaints is that we are not looking to enforce against any individual specifically. We are looking at compliance in public places, which are largely, mostly retail establishments, and once issues are brought to the attention of a retail establishment, we have seen what we would classify as good compliance. That compliance may not appear to be 100%, because there are exemptions in the mask ordinance for people who have medical conditions and cannot use them. But if our inspectors visit a particular retail establishment, see that there is signage in the front about wearing a mask, that there is spacing, that there is Plexiglass separating some of the check-out counters and like. That there are notices provided throughout the facility with regard to wearing a mask. Typically, what we have seen is that if we have a complaint and we visit the establishment after the complaint, bring it to the attention of management, that we see fairly significant compliance. In fact, I was in a Home Depot and we had Home

Depot complaints and I think I saw 90% plus mask compliance from all the folks who were in there. So I think that is good news. We have done and did starting last, I think, Thursday night, Friday night, Saturday night, and Sunday, our health staff visited all of the Series 6, Series 7, and Series 12 Liquor License establishments to determine their degree of compliance. 6 and 7 typically are not supposed to be open unless they have a certain amount of food sales associated with the sale of alcoholic beverages. We visited 168 sites, of those, 124 were closed in compliance with the Governor's Executive Order. 44 facilities were open for business, and the observation made by the staff that was conducting the inspections saw compliance. We have referred 11 facilities to the State Liquor Board for potential; and I think it is important to understand, potential noncompliance because only the State Liquor Board knows the division between liquor sales and food sales. They are the ones who will then tell us whether or not there is compliance and we expect that they would take an action as opposed to the County. I think in summary, given the very short turnaround time between adoption of the mask ordinance, which is basically on a Friday, June 19th, and really to become effective the 21st. We have seen some fairly good compliance. We continue to receive complaints. We will continue to review and investigate all of those complaints. The reason that we are taking a fairly proactive stance with regard to reminding people about the requirements is the fact that we continue to see that Arizona ranks fairly high in the infection rates. I sent around to some of you, and I actually sent a memo recently discussing what is known as the Harvard Global Health Initiative and they are continuing. What they have done, compared to what Arizona has done is they take a seven-day moving average of the infections and the infection rate per day. Then calculate that on an infections per 100,000 people and Arizona has the distinction of being the highest in the Nation at 47.5. What we hear all the time, if you turn on the national news is Florida. Florida has 39.3 infections per 100,000 to put it in perspective. The United States on average is 14.4. Then if you use that same website, you can click on international or worldwide, and Arizona ranks second worldwide, just behind French Guiana. We have an issue and so the reason that we are being proactive in our regulations and enforcement of those regulations is for that particular reason. We also know, and anyone who has experienced this or tried to get a test, knows that it is a fairly difficult process. We have at least someone who we know today is tried to obtain a test and has given an appointment a week out for a test. That is not acceptable. We are in the process and we will provide the Board with a great deal of more information of standing up a Regional Testing Center under the auspices of the Public Health Authority, at the Kino Event Center. That is the facility that is in the Kino Complex Area. It is the large gymnasium, large rooms and so with our partner, our partner happens to be Paradigm Labs. Paradigm Labs is the laboratory that we have had the most success in getting the quickest turn-around time of test results. We are basically bringing them in as a partner to what we call operate this facility under the direction of the Public Health Agency. They will be doing that on our behalf. We are in the process of establishing all of the particular flow

paths and prevention measures. We will test both symptomatic and non-symptomatic individuals with a PCR test and a PCR test will be one that is less invasive than the one that is the nasal jab. This is more of a nasal swab. So it is a little gentler. It does not require nearly as much; we will say invasion into the particular individual's nose. It, we hope to have it up and running by Friday on a Pilot Program. A Pilot Program means operating and see how it flows, see how it goes. This particular lab has on average done about 80% of our all of our PCR testing. We have fielded 24,000 tests since the Pandemic began. We received about 14,000, we will say, responses. We have had differences sitting out there in various hands for deployment. Testing and testing and management of the Pandemic, we have shown progress in one area, I think it was highlighted in a report to you, and that was in Long-Term Care Facilities. If you look at the infection rates in the General Community versus Long-Term Care Facilities in March, you would have seen that you might have had 140 community infections and 130 infections in a Long-Term Care Facility. That caused us a great deal of concern because that is the most vulnerable population. If you now look at all the proactive things that the Public Health Agency did to protect those residents in Long-Term Care Facilities with testing and isolation, we see today that in a typical week, which is, say, the last week or this week. You might see 1,800 infections in the general population, and you are only going to see 20 or 30 in a Long-Term Care Facility. We basically taken those infections and cut them by about a factor of 4. While the infection in the general population increased by a factor of 10 or 12. That is part of the benefit of wide spread testing. We should stand this facility up and we will provide the Board with a great amount of detail. It is by appointment, and the appointment comes through computer registration and the appointments are typically scheduled about, anywhere from two to five minutes apart. Again, they can dual because you have two different paths both symptomatic and nonsymptomatic. In addition, the folks who do not have access to the internet or to a computer can phone, phone in. There will be a phone number where all the information will be taken and they can be tested. A centralized testing facility is much superior to what we see happening in the Maricopa area, which is the drive-thru testing, because the drive-thru testing gets to be chaotic. Things are missed, you know, data is not collected, and if that data is not collected properly, the test is really invalid. This is really trying to increase the throughput in testing and to increase the validation of the testing process. That is a positive step and we will give you more information as the details unfold. This process started last Thursday, continued yesterday, and we have a field meeting with the partner at 2 o'clock today to go over particulars with the staff. So we are moving in that direction. What I would also like to do is have Dr. Cullen speak to you with regard to the critical issue in the community, which is hospitalizations, I.C.U. units, transfer of patients, the importation of federal health officials and skilled physicians to assist and back up and to increase staffing. Dr. Cullen, please feel free to..

RV: Dr. Cullen.

7-7-2020 (29)

TC: Thank you, Mr. Chairman, Members of the Board, I am just going to run through some specifics so that you are aware of it. I am going to start with I.C.U. beds. As you know, as reported in the press, we have had some moments when our I.C.U. beds have been limited. We are grateful to the Southern Arizona V.A., which through an agreement with the State and the Veterans Health Administration opened up five of their beds for nonveteran patients. That in a sense almost doubled our normal I.C.U. open beds that we had been seeing on average. We had been running between five and ten I.C.U. beds open at any moment. I would caution everyone that is an ebb and flow, and it really depends on the moment in time we record that, but we do track that on a daily basis. In addition, we track our ventilators. We have received a shipment of ventilators from the National Stockpile. They came in about eight days ago. We have distributed ten of them, and we have 20 left. We have on order another few hundred that should arrive by the middle of this month. I am feeling pretty comfortable with that. Remdesivir is a medication you may hear about fairly regularly. Up until yesterday, that has been allocated to us from the Federal Stockpile through the State. We got our last shipment yesterday, the hospitals are aware of that. The hospitals will be ordering their own as we go forward, and there is a mechanism in place to make sure that we can quantify and track that and make sure that medication is available. For those of you who know, there are two medications on the market that seem to be effective. Remdesivir is one of them, the other is a medication called Dexamethasone. That does not seem to have any shortages at the current time. P.P.E., we are well supplied at the current moment. Our warehouse is doing and our National Guard and other people that are involved in that are doing a great job. We have been able to meet all the needs of the P.P.E. We are anticipating increasing needs and we continue to make sure that our orders reflect that. In terms of capacity, I talked about the I.C.U. beds. You may read in certain journalism that there have been times when patients have been shipped out of the region. That is accurate. That is through a process called the Surge Line, which was established by the State. It was really based on the issues that people saw in New York, where there was a lack of coordination. The Surge Line ensures there is coordination between all the hospitals in the State. It has been highly effective. There has been over 1,800 transfers. Most patients are going from a facility that has the ability to provide, that does not have the ability to provide a higher level of care to a higher level of care. However, if all the hospitals and the I.C.U.s in Tucson happen to be full, a patient could be transferred to a similar level of care. For instance, they could go from a hospital here to a hospital in Phoenix, both of which provide I.C.U. care. But it is to a hospital that we ensure that there is bed availability for that patient. We also have worked with the State, and the Federal FEMA, and we have activated two DMAT teams that have come into the area. One came approximately ten days ago, focused mostly at T.M.C. Another, what we call an I.C.U. strike team, which meant it was designed to support I.C.U., came in Sunday night, and they have been deployed to another facility. We are

incredibly grateful to FEMA and the State for helping coordinate that. At the same time, we also have, are aware about the potential need for an alternate care site. Those discussions are really at the State level; however, the State has involved us in those discussions and when we have more information about that we will share that with you. Right now, that is solely at a discussion level from our perspective. Finally, I do want to follow up on what Administrator Huckelberry talked about in terms of testing. You know the major thing about testing is we need to be able to do case investigation and contact tracing. We did award a large contact-tracing contract this week and we expect to start standing that up, actually tomorrow. While the virus is in an accelerated transmission phase, I would say we are in an accelerated response phase and our real goal is to make sure that we are, that we overcome the virus and the impact of that on our community. Thank you.

RV: Mr. Huckelberry.

CH: Mr. Chairman, just a little bit of discussion about the two addendums and then a little bit about the Board of Health. The Addendum in response to the material to Supervisor Bronson, is I provided a Memorandum to the Board on that. It really discusses all of the options the County has with regard to enforcement. I think our view is to leave those open so that we can customize the response to the situation, and be as appropriate to what we see the violation. I think the issue also, we are having some, I say inquiries on, is what is a gym, and what is not a gym and what is a studio, and what is a dance and class instruction. That deals, I think, with Supervisor Miller's Addendum 8, and, again, I think what we need to do is, again, clone Dr. Cullen into about seven different people so that we can answer all of these questions from a professional medical perspective. You know, the one example I think cited in Supervisor Miller's Addendum would not concern us. The issue is, what has happened is that a lot of things get thrown into this classification as a gym, and we have continued to need to probably review that and to review on a case-by-case basis what is problematic and what is not problematic. Then finally, the Board of Health met yesterday in Emergency Session and passed a series of recommendations on to the Board and five different motions. I think they are all supportive of the responses that have been made by the Board and the staff to the Pandemic. The first one needs probably a little bit of clarification. What I would suggest is that the Board accept these motions and pass them on to the County Administration and/or Public Health Officer for review and action to figure out how to, in the case of Number One, see what kind of additional implementation we need to do. We have Dr. Cullen, I think, does almost a daily brief now, just a very short video. We are also introducing, I think, others to do it, in at least the bilingual and spanish. I know that is either in process or has started. That helps with that. We also could probably assist and have assistance from community members who would help us in that regard. There is some options with regard to Number One to see how we can actually move on it.

RV: Supervisor Villegas.

BV: If I could just add to that. I do represent the Board on the Board of Health, and I was part of the meeting and the discussion. It was a really good discussion and it was based on the fact that we are getting a lot of mixed messages and the message is not getting to a lot of people that need to get this message. We felt that there needed to be, social media is a great tool if you use social media, but if you do not, you are not getting the message as strongly as when you do not. We felt that because of the situation that we are in now, the emergency situation that we are in now, that we should have a briefing every day from the Board of Supervisors, the Chair of the Board of Supervisors and along with Dr. Cullen. Pretty much the way it has been done in other communities where you hear what is going on that day. Because I think it is that urgent and the Board of Health also thought it was that urgent. That is based on the first, the first item, and then, hold on my computer, my phone just went blank. That was the first motion. I am glad that Mr. Huckelberry will be working on that. Then we definitely all voted to support the recommendations made by Mr. Huckelberry. We also made the recommendation to consider closing the bar portion of restaurants, because we are, we understand that is becoming an issue where they are using the restaurant as a bar to circumvent that. That is something that we felt limit alcohol to only dine-in patrons. Then we also recommended that the County take every available action to avoid implementation of the Arizona Crisis Standard of Care Plan. Which I think Dr. Cullen has explained, you know, and we just want to make sure that we do not have to ever get there. I recommended and I am glad to hear that we are going to do testing at the Kino Center, but I also feel that once we do have access to more testing, that we really need to focus on areas where people do not have transportation to get to the Kino Center. We have to find a way to get to those communities where these hotspots are popping up pretty, pretty drastically. I just wanted to make that comment on behalf of the Board of Health, representing the Board of Health. Thank you.

RV: Thank you, Supervisor Villegas. To that point, I believe, Mr. Huckelberry. I believe that Dr. Cullen had a follow-up meeting with the local organization that really has a little bit of a follow-up to that discussion. Dr. Cullen would you brief us a little bit on that concept?

TC: Thank you, Chairman Valadez. We have been in conversations with the Pima Interfaith Council and we are trying to, we are in the process of setting up some testing for them in conjunction with what their needs are. But Supervisor Villegas, we are more than willing, especially as we figure out how to do this accelerated testing approach to identify additional places that would benefit from on-site testing as we move forward. I would anticipate that we could address that within the next two to three weeks.

BV: Thank you.

RV: Then to Supervisor Villegas' point that we had earlier today, she basically pointed out that some of the populations we need to get the messaging are not getting the messaging. So part of the discussion, based on her comment was really exploring the idea of using existing Peer-to-Peer Networks whether that is C.B.O.'s, whether that is Faith Communities, or other. So that we are not utilizing messaging that they are not getting, but rather the personal communication, the personal relationships. Supervisor Villegas, I want to commend you for that idea and I would certainly ask that staff consider that as an approach as well. Any other comments?

SB: Mr. Chairman?

SC: Mr. Chairman?

AM: Mr. Chairman?

RV: Supervisor Bronson, then Supervisor Christy, and then Supervisor Miller.

SB: Mr. Chairman, Mr. Huckelberry, our office has received a number of calls from individuals who are concerned that when they are going out shopping whether to a grocery store or another establishment that individuals are not wearing masks. What, how do we respond to them? Let us talk a little bit about enforcement too, that again, I think we need to emphasize there is enforcement by the Health Department and it can be, there will be, as appropriate, civil and criminal penalties. Again, Mr. Huckelberry, if you could address that. What do individuals, when they call our office, what do we tell them when they are reporting an individual at an establishment?

CH: Mr. Chairman, and Supervisor Bronson, if each of your offices would just get a name and number, and a general description, we will follow up on one of those. In addition, they should be made aware of the website where they can actually file a written complaint. Every written complaint will be followed-up on and they will be contacted by a member of our staff to get more details about the complaint. Then that complaint then is summarized and forwarded to the responsible party. If it is a retail establishment, it simply means the management of that retail establishment receives typically a letter, which is a notice requirement of the County with regard to potential violation, either the Mask Ordinance or the Proclamation, and asked to take corrective action. In each of our cases to date, we have only been at this over a week and a half. We have had fairly good compliance from the retail establishments once they have been notified that we have actually received complaints about their establishment from individuals who are visiting the establishment for retail purposes. We have, and we will continue to have, and I think as we have discussed previously, a full range of penalties. Those full range of penalties start at the educational process to try and inform the individual as to the need

to comply with their requirements to minimize the spread of COVID-19. If in fact, we have repeat violations which means we get a number of complaints about a particular establishment. Then the enforcement gets elevated to another process that then goes in and documents the conditions and then determines whether or not an appropriate action is necessary. At this point, we would document the case and then come to the Board with regard to a proposed penalty structure, and get Board direction before proceeding. That structure and that process can happen fairly quickly because the Board is continuing under an Emergency Proclamation, which means that the Chair has the ability to call a meeting within 24 hours. So, therefore, I think we can follow up very quickly. Our experiences to date have not led us in that direction. Our experiences to date is that we generally had good compliance once we have indicated to the particular retail establishment or the owner of the business, that this complaint has been filed, and we talk about the complaint and how to correct it. So far we have had basically good compliance. If we find that we are having what we call significant repeat offenders or simply complete lack of compliance. Then, I think we would elevate and get to the point of determining what might be the most appropriate penalty and action and then bring that to the Board for direction.

SB: Thank you, Mr. Huckelberry.

RV: Supervisor Christy.

SC: Mr. Chairman, I just have a couple of quick questions, probably best directed to Dr. Cullen. My first question is what is counted as a COVID case in Pima County? Is it a pending situation, waiting for test result? Is that counted? What actually is a case that is put into the records as counted as an active COVID case? The second question is, what percentage of the total I.C.U. beds are strictly devoted to COVID? How many of those are inhabited, I guess or being utilized by non-COVID patients?

RV: Dr. Cullen.

TC: Thank you, Supervisor Christy, a case is a positive test result. You could be asymptomatic, but have a positive PCR for COVID and you are counted as a case. If you are symptomatic and do not have a test, you are a suspected case but you are not included in that total at the current time. The 10,000 cases you see, are people who have all tested positive for COVID. If you test, if you are positive and you test again positive, you are still only counted as one case. We do what we call reconcile identity. You are only one time. Those are individuals that have tested positive. In terms of the number of patients that are in, that are non-COVID in I.C.U. beds that depends on the facility. I am going to have to get you a range of that. On average, we see probably 50% to 60% of our I.C.U. beds are, have patients in them that do not have COVID. But that changes on a daily basis.

RV: Supervisor Christy.

SC: Thank you very much, Doctor.

TC: You are welcome.

RV: Supervisor Miller.

AM: My situation that I had placed on the Addendum was regarding a gym that does one-on-one training by appointment only. So there is maybe one to three people in the facility at a time, but because he has identified as a fitness facility, he comes under the regulation that is currently applying to gyms. I did speak to Richard Hazelton, who is the Chief Legislative Liaison for the Arizona Department of Health Services, and basically the response I received back from him was if the person does not like it, they can seek Legal Counsel. Which to me is unacceptable. We should have and I do not know if we have this, but some sort of a mechanism in place that allows people to basically appeal their situation. Because I think as you said, Mr. Huckelberry, and I know I spoke to Supervisor Valadez about this, we have to be able to adjust as time goes on and in this case, I have been working also with Senator Leach and with Juan Ciscomani. Juan came back last night with the same answer, you are classified as a fitness facility, so you cannot open up. Do we have any sort of, in the official chain of what we do and how we do this, do we have any sort of a person that we can go to or an office that we can go to, to request additional review or some sort of a waiver from the, you know, the Governor's current regulations? I think we should have that in place, if we do not and whom do we contact to be able to do that?

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Miller, that exact situation is occurring right now this morning. I have received a number of emails already from an attorney in town who represents, I think some dance studios. She then in her conversations has said that she got an answer from the Governor's Office and that it is not applicable to them. Then I think from the State Health Department the same thing, and then I asked, well, do you have anything in writing? The answer is no, we just talked to x., y., z. person. I think that is part of the confusion, and, you know my attempt to try and resolve that would be after this meeting. To try and get to the right people at the State to say, you need to make some written determinations and have a process that says, in the case of, I think, the one you have on the Agenda, that is fairly simple. To me that is an appointment only, you can easily socially distance, and all you have to do is ask the person who is running the place to make sure you have a mask, make sure you have disinfectants, make sure you clean after every visit and socially distance during it and or wear a mask and you are fine. Those are just really common sense answers and it appears that maybe we are not getting those from the folks in the State. Or what is

happening is that somebody is, you know, just randomly asking individuals throughout various authorities and getting answers that they like and then not following up on anything in writing, so nobody can then have a process to say these types of facilities should be exempt. I think I clearly understand the frustrations that are out there. I think we have them as well. I think what we need to do is try to follow up with those authorities and get those things taken on a case-by-case basis, and that was my comment about cloning Dr. Cullen. Because I think it is a medical professional decision and it is not a regulatory decision.

SC: Mr. Chairman?

RV: Supervisor Christy.

AM: Mr. Chairman, I was not finished.

SC: Oh, I am sorry, go ahead.

RV: I am sorry, Supervisor Miller.

AM: Okay the other thing I wanted to talk about was, and I would appreciate that if you could get back to me on that. This poor individual is just ready to file bankruptcy, and in this case, you are telling me that some people have been told verbally go ahead and open. But the people that I talked to are saying, no, you cannot open. Yes, as soon as we could get some resolution on that, that would be great. If you could follow up with the District 1 office and let us know what the results of that is, I would be very appreciative. Also the notification of businesses that Supervisor Villegas talked about. The individual who owns this gym happened to hear it on the radio that Pima County has a program when you can get a grading system for employing best practices, which he has applied for, he heard about it on the radio. But do we also have an official way to reach out to folks. For example, notifying all businesses that are licensed in Pima County because he had not heard about that program at all, until he heard about it on the radio. So he went ahead and he is participating in that process. I do not know where he is at this point, whether Pima County has given him a best practices rating. How are we notifying the businesses out there that they can participate in this? Because I think he was a little frustrated. He goes, if I had known about that, I would have done it right away, because he is meticulous about cleaning and masks, etcetera, and social distancing.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Miller, that is part of the problem that we do not have a general business license requirement. Therefore, we only regulate those who are required to get a particular permit or license from us. That is under the Health Department, just our food organizations, you know, when

they are selling food or the restaurants. So those, or when we inspect pools, public pools because we have some permitting authority over that. We really do not have any permitting authority other than the zoning code over, and that is pretty, it is a big stretch to use that as an enforcement mechanism. We really do not notify anyone because we do not know, we do not have a business licensing requirement. But we made it available and it is on our website and invited everyone to participate, including getting that badge for gyms. Gyms, public pools, and other places.

RV: Supervisor Miller.

AM: We do not have a central repository? We do not have a central repository of a list of all the businesses in Pima County anywhere?

CH: No, we do not from a business licensing perspective, so those, we only have a repository from those that we regulate or issue a permit to. Those are primarily the food establishments, restaurants, and others in public, we will say pools that we regulate. Businesses...

AM: Okay, so.

CH: We can get that list; we get a list. We just are not sure it is completely inclusive from say the Small Business Commission, they have been asked to compile it. We have other means to get that information, but sometimes it is hit and miss.

RV: To that point, Supervisor Villegas.

AM: I do understand, I do understand that and I think that is something that we should, you know, move forward on notifying businesses because you know he was a little frustrated that he had not gotten any notification and I understand the difficulty with it, since they are not required to be licensed through the Health Department. But if we can, if they have compiled that list and let us know who is on that list, if we can get a copy of that list to make sure as many people as possible are notified, that is very important. Because I think, the majority of the businesses out there want to participate in this best practice rating. They want to have that rating because that encourages more people to come. Also, they want to be in compliance. I think that is very important. I think Supervisor Villegas brought up a really good point on the notification and I get it. I understand it. It is difficult, but we need to think of the businesses that are not necessarily licensed under the Health Department as well. Hopefully we can move forward with something there, figure out, get a list of the businesses somehow so that they are notified. Okay, thank you.

SC: Thank you, to that point and I will call on Supervisor Christy. Supervisor Villegas.

- BV: I wanted to ask, is there a way to get those from the tax base? If our, if businesses are taxed with a certain code, could we draw that list of businesses from the tax, from the Assessor's Office possibly?
- CH: Mr. Chairman and Supervisor Villegas, in the Assessor's all they do is classify it as commercial property. You are not going to be able to distinguish...
- BV: The type of business.
- CH: ..the type of business. I think the best, particularly for the smaller operator, the best venue is to try get that information through some kind of small business registry. I think we should probably, if we have not done it already, we should do that and see and make sure everyone knows that they are eligible for that Best Practices Program. Because I agree with Supervisor Miller, I think we have a desire to comply because compliance means safety, and safety means increased business.
- RV: Supervisor Christy.
- SC: This process for trying to analyze a business, whether or not it really meets the full determination as a full blown gym or as an appointment-only situation, where they, where these smaller or lesser businesses that really are not a gym are seeking clarity and seeking some sort of relief. Is there a time frame, Mr. Huckelberry that you might be able to get some sort of a process in place for that kind of clarification and relief for these that really do not fit that definition of a full-blown gym?
- CH: Mr. Chairman and Supervisor Christy, we are going to try to follow up on that this afternoon with the Governor's Office.
- SC: Thank you.
- RV: Alright any further discussion? Alright I do not think we need any action on No. 8 on the Addendum. Supervisor Bronson did you want to take any action on No. 7 or just discussion?
- SB: No I think, but what about can we adopt, the Board of Health had their Emergency Meeting yesterday and there were five motions that passed unanimously. Mr. Huckelberry suggested that we accept those motions. Is that something we do today? Because it was not advertised, I do not know.
- RV: What I would suggest is we take it as staff direction and ask staff to give us a report back and be inclusive of Supervisor Villegas' idea about using that peer-to-peer network to really get the messaging out as opposed to social media and mass media.

SB: Okay.

BV: If I may?

RV: Supervisor Villegas.

BV: Chair Valadez and Supervisor Bronson, if we can add to that, the possibility of closing down the bar section of a restaurant and leaving the bar to sit down only or the alcohol, I should say.

BV: Mr. Chairman, Supervisor Villegas, my concern as the motion is recommended that you are limiting alcohol to only dine-in patrons. But, many restaurants are not doing dine-in, they are doing takeout and they are selling alcohol. We need some clarification.

RV: If I may, on that one, the way we are doing it is staff direction. I am going to ask that the staff come back with a report as to the most effective way to accomplish that end without getting specifics right now, allowing specifics to come back to us.

SB: Yup, I think we need to deal with take-out versus, yup.

RV: Right.

SB: Okay.

RV: Supervisor Miller or Christy, do you have any comment?

AM: Mr. Chairman, I just want to make sure that we are not going to act on this today, since it was not agendaized. I believe that is what you said, but I want to clarify that.

RV: Correct, we are taking it as staff direction. Staff is going to take the points brought up by the Board of Health and report back to the Board of what their recommendations are based on those motions. So, that is correct.

AM: Okay. Thank you.

RV: Alright moving on to Clerk of the Board Item No. 9 on the Regular Agenda.