

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, March 2, 2021. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Adelita S. Grijalva, Vice Chair
Rex Scott, Member
Dr. Matt Heinz, Member
Steve Christy, Member

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

1. CONTRACT

Kings Barn Properties, L.L.C., to provide for an Agreement to Donate Real Property and Special Warranty Deed, Tax Parcel Nos. 226-33-009L, 226-33-174C and 226-27-027C, located on the west side of Silverbell Road, north of Ina Road, in Section 35, T12S, R12E, G&SRM, Pima County, Arizona, Flood Control Non-Bond Projects Fund, contract amount \$12,300.00 for closing costs (CT-PW-21-307)

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

Supervisor Scott inquired about the donation and solicitation process and asked how that differentiated from County acquisitions.

Chuck Huckelberry, County Administrator, responded that with this particular property, which was defined by the wash and flood-prone lands, the property owners had approached the County asking whether the County was interested in the donation. He indicated that the County had expressed interest because the property connected to the Santa Cruz River Linear Park and provided the County with an opportunity to expand the River Park Trail system into Marana. He explained that this differentiated from acquisitions of flood-prone lands because property owners had the opportunity to sell their property to the County at a fair market value.

Supervisor Scott indicated that the Donor Covenants, Covenant 5.2, stated that the donor would be allowed to continue using the property as they have traditionally used the property. He asked what has been the traditional use of the property by the donor.

Mr. Huckelberry responded that he did not have a definitive answer and suggested continuing the item for further clarification.

Supervisor Scott declined continuing the item.

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

2. **RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$1,723.00 for placement of a manufactured home at 17365 W. El Camino de Tres Arroyos, located within Regulated Riparian Habitat classified as Important Riparian Area with Underlying Xeroriparian Class C and Xeroriparian Class C Habitat. (District 3)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:53 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met remotely in regular session through technological means at 9:00 a.m. on Tuesday, March 2, 2021. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Adelita S. Grijalva, Vice Chair
Rex Scott, Member
Dr. Matt Heinz, Member
Steve Christy, Member

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

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. PERSONAL POINT OF PRIVILEGE

Chair Bronson congratulated staff on the Chuck Huckelberry Loop being voted the best recreational trail in the nation by U.S.A. Today.

PRESENTATION/PROCLAMATION

3. Presentation of a proclamation to Terri Spencer, Procurement Director, proclaiming the month of March 2021 to be: "PROCUREMENT MONTH" and proclaiming the day of Wednesday, March 10, 2021 to be: "PROFESSIONAL BUYER'S DAY"

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

4. Presentation of a proclamation to Lynn Sagara, Volunteer Partner, Executive Director, American Red Cross Southern Arizona Chapter, proclaiming the month of March 2021 to be: "AMERICAN RED CROSS MONTH"

It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to approve the item. Julie Castañeda, Clerk of the Board, read the proclamation.

5. PUBLIC COMMENTS

There were no public comments for the record.

BOARD OF SUPERVISORS

6. The Board of Supervisors on February 16, 2021, continued the following:

Reconsideration - District 3

Eviction Prevention

Discussion/Action regarding codifying, extending, and/or expanding a moratorium on evictions in Pima County. (District 2)

In conjunction with or in addition to reconsideration as noted above, discussion/action regarding community/stakeholder input on codifying, extending, and/or expanding a moratorium on evictions in Pima County.

(Clerk's Note: See attached verbatim for Minute Item No. 6, for discussion and action on this item.)

COUNTY ADMINISTRATOR

7. **Updates and Action on COVID-19**

- **Revisions to Board of Supervisors Policy**
Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 2.9, Temporary Policy - Novel Coronavirus (COVID-19).
- **Suspension of COVID-19 Testing**

(Clerk's Note: See the attached verbatim related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

8. **Board of Supervisors Budget Hearing Schedule for Fiscal Year 2021/22**

Staff recommends approval of the proposed schedule for the Fiscal Year 2021/22 Budget Hearings.

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

Supervisor Grijalva asked whether the Board's approval on May 18th set the expenditure limits and asked whether adjustments could be made.

Chuck Huckelberry, County Administrator, asked whether this was in reference to the tentative budget allocations.

Supervisor Grijalva responded in the affirmative.

Mr. Huckelberry responded that the purpose of the tentative budget adoption was to set expenditure caps and tax rates.

Chair Bronson commented that it would set the limits, but adjustments could be made.

Supervisor Grijalva inquired whether additional federal funding would be incorporated into the budget after tentative budget adoption.

Mr. Huckelberry explained that a marker would be placed in the budget, approximately \$50 million, for any grants received during this process. He added that it would raise the expenditure; however, if the grant was not received it would not be spent.

Supervisor Scott inquired whether departmental organizational charts, listing new positions, would be submitted prior to the budget hearings.

Mr. Huckelberry responded in the affirmative and stated that those charts were being formulated.

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

CLERK OF THE BOARD

9. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), St. Demetrios Greek Orthodox Church, has petitioned the Board of Supervisors for relief of Real Property taxes and associated interest/penalty for tax year 2020 for Parcel No. 306-19-0540.

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

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

FINANCE AND RISK MANAGEMENT

11. Execution of Documents

RESOLUTION NO. 2021 - 6, of the Board of Supervisors, authorizing the Director of Pima County Finance and Risk Management Department to execute documents.

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

Supervisor Grijalva thanked Dorothy Askin's family for their generous donation to the Pima County Animal Care Center.

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

FLEET SERVICES

12. Annual Vehicle Exemptions

In accordance with A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2021.

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

HUMAN RESOURCES

13. The Board of Supervisors on November 10, 2020, January 5 and February 2, 2021, continued the following:

Modifications to Administrative Procedure 23-32

Staff requests approval of the modifications to Administrative Procedure 23-32, Meet and Confer Process, to reflect prior version, dated March 6, 2019.

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

Supervisor Scott thanked Human Resources, and the American Federation of State, County and Municipal Employees (AFSCME) representatives for reaching a consensus. He commented about the procedures outlined in an Ordinance regarding the steps that should be followed when an impasse is reached. He asked that specifics on those steps be provided.

Chuck Huckelberry, County Administrator, responded that the steps were outlined in the Meet and Confer Code and it referenced federal mediation, a non-employee mediator and the process used when there was an impasse. He indicated that it connected back to the code, which was not done previously.

Supervisor Scott asked that the Board be informed when the Deputy Sheriff's Association accepted Human Resources' request to join AFSCME in supporting these new procedures.

Mr. Huckelberry responded in the affirmative. He indicated that the agreements needed to be duplicates and the language should reflect the prior marked up version as amended in the agreement with AFSCME.

Chair Bronson inquired whether Supervisor Scott wanted to amend his motion to include that change.

Supervisor Scott amended his motion to include the version, as amended, in the agreement with AFSCME. The motion was seconded by Chair Bronson.

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

14. Classification/Compensation

The Health 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

7218/ Public Health Data/Informatics Analyst-Unclassified/ U2 (\$48,942-\$102,710)/ 2/ E*

*E = Exempt (not paid overtime)

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

Supervisor Christy questioned the need for a new position and asked whether this position was specific to analysis and data collection.

Chuck Huckelberry, County Administrator, responded that this was for clarification purposes and was a modernized job description to reflect what was actually occurring in the industry. He indicated these duties were already being performed by staff.

Upon the vote, the motion carried 4-1, Supervisor Christy voted "Nay."

FRANCHISE/LICENSE/PERMIT

15. Hearing - Permanent Extension of Premises/Patio Permit

03103032, Michael Aaron Figueira, Harbottle Brewing Company, 3820 S. Palo Verde Road, No. 102, Tucson.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

16. Hearing - Rezoning

P20RZ00011 MORTGAGE EQUITIES XVI, L.L.C., - S. SORREL LANE REZONING
Mortgage Equities XVI, L.L.C. represented by Rick Engineering Company, Inc., requests a rezoning of approximately 139.4 acres (parcel codes 138-29-002B, 002C, 002D, 002E, 002F, 002G and 002H) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone located at the northeast corner of the T-intersection of W. Hermans Road and S. Sorrel Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. 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 5)

At the request of Supervisor Grijalva and without objection, this item was continued to the Board of Supervisors' Meeting of April 20, 2021.

17. Hearing - Rezoning Closure

Co9-99-06, VISTOSO CATALINA LIMITED PARTNERSHIP - GOLDER RANCH ROAD REZONING
Vistoso Catalina L.P., represented by Jim Portner, requests closure of the 2.5-acre rezoning from the GR-1 (GZ) (Rural Residential - Gateway Overlay) to the TR (GZ) (Transitional - Gateway Overlay) zone located approximately 600 feet north of E. Golder Ranch Drive and approximately 900 feet west of N. Twin Lakes Drive and addressed as 3495 E. Golder Ranch Drive. The rezoning was conditionally approved in 1999 and has no expiration date. Staff recommends CLOSURE. (District 1)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for closure of Co9-99-06.

18. Hearing - Rezoning Closure

Co9-07-24, ARBER, L.L.C. - TWIN LAKES DRIVE REZONING
Vistoso Catalina L.P., represented by Jim Portner, requests closure of the CR-4 (GZ) (Mixed-Dwelling Type - Gateway Overlay) 7.5-acre portion of rezoning Co9-07-24 (parcel codes 222-22-015A and 222-22-0160). The original 15-acre

rezoning was from the GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential - Gateway Overlay) (7.50 acres) zones to the CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type - Gateway Overlay) (7.50 acres) zones located approximately 600 feet west of N. Twin Lakes Drive and approximately 600 feet north of E. Golder Ranch Drive. The rezoning was conditionally approved in 2012 and expires on April 17, 2022. Staff recommends CLOSURE. (District 1)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for closure of Co9-07-24.

19. Hearing - Rezoning Ordinance

ORDINANCE NO. 2021 - 10, P20RZ00005, Taylor et al. - S. Kolb Road Rezoning. Owners: Spargur Kaye Taylor Revoc Living TR 50% & Taylor Michael Thomas 50%. (District 4)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

BOARD OF SUPERVISORS

20. Meeting Schedule

Approval of the Board of Supervisors' Meeting Schedule for the period May through December, 2021.

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

Supervisor Grijalva expressed concern over the meeting schedule, since the months of June through August had only one meeting scheduled for each month.

Chair Bronson responded that this allowed for summer schedules.

Supervisor Grijalva commented that due to the pandemic, the Board should be holding two meetings per month.

Chair Bronson indicated that if necessary a special meeting could be convened.

Supervisor Grijalva indicated that she preferred meeting twice a month.

Upon the vote, the motion carried 4-1, Supervisor Grijalva voted "Nay."

21. Virtual Meetings with the Pascua Yaqui Tribe and Tohono O'odham Nation

Discussion/direction/action. Directing the county administration to work with the Clerk of the Board to set up "virtual" meetings for the Board of Supervisors with the chairmen and council members of the Pascua Yaqui Tribe and the Tohono O'odham Nation within the next two months. Discussion topics should include, but not be limited to, Pima County intergovernmental agreements with these two entities; land-use, plan-amendment and rezoning issues and how they could impact storm-water issues; how to improve and streamline county-tribal notification and communication issues, especially as they relate to the above land-use issues; and how the county and the tribal entities can better coordinate on celebrations and events. (District 5)

Supervisor Grijalva explained that the purpose of this item was to increase communications between the Board and the tribes. She stated that both tribes expressed their willingness to conduct joint meetings.

Chair Bronson commented that there would be logistical challenges.

Supervisor Grijalva recognized the challenges but wanted to extend an invitation on behalf of the Board.

Chair Bronson indicated that her office would coordinate with the Tohono O'Odham Nation.

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

CLERK OF THE BOARD

22. Revisions to Board of Supervisors Policy

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. C 4.3, Property Tax Exemption Redemption of Waiver.

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

TREASURER

23. 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 \$108,980.61.

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

CONTRACT AND AWARD

COMMUNITY AND WORKFORCE DEVELOPMENT

24. Tucson Clean & Beautiful, Inc., Amendment No. 1, to provide for the South Tucson Community Greenway Project, extend contract term to 1/31/22 and amend contractual language, no cost (CT-CR-21-259)

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

Supervisor Christy asked that contact information for Tucson Clean and Beautiful be provided and requested information regarding the project.

Chuck Huckelberry, County Administrator, responded that the project was a revegetation project specific to the El Paso Southwest Greenway which passed through the City of South Tucson. He added that it was an old railroad right-of-way. He indicated that there were several opportunities for greenway developments with Tucson Clean and Beautiful or related landscape contractors. He indicated that information would be provided.

Supervisor Christy indicated that he was interested in beautification projects for District 4 or other areas within Pima County.

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

25. YWCA of Southern Arizona, to provide for the House of Neighborly Services Facility Improvements, HUD/CDBG Fund, contract amount \$55,184.00 (CT-CR-21-283)

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

COUNTY ATTORNEY

26. Audilett Law, P.C., Amendment No. 5, to provide for legal representation regarding matters pertaining to pretrial publicity for the Pima County Sheriff's Department, extend contract term to 3/6/22 and amend contractual language, no cost (CT-FN-16-255)

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

Supervisor Grijalva inquired whether this contract was a retainer for services. She asked if the funds could be reallocated if the services were not utilized.

Andrew Flagg, Chief Civil Deputy County Attorney, responded in the affirmative. He indicated that this was a contract extension and that this contract was only used for conflicts. He added that the contact had not been utilized, but was a good measure to have in place.

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

PROCUREMENT

27. Borderland Construction Company, Inc., Amendment No. 1, to provide for design-build services for Continental Ranch Regional Pump Station Force Main Augmentation Project (3CFS15) and amend contractual language, RWRD Obligations Fund, contract amount \$30,111,653.09 (CT-WW-20-272) Regional Wastewater Reclamation

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

28. Cornerstone Detention Products, Inc., to provide for Construction Manager at Risk Services for Pima County Adult Detention Complex - Security Electronics Replacement (XADSEC), FM Capital Non-Bond Projects Fund, contract amount \$348,703.00/3 year term (CT-FM-21-326) Facilities Management

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

BOARD, COMMISSION AND/OR COMMITTEE

29. **Natural Resources, Parks and Recreation Advisory Commission**

Appointment of Ted Schmidt, to replace Peter Chesson. Term expiration: 6/30/27. (District 3)

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

30. **Community Action Agency Board**

Appointment of Judith Keagy, to replace Roy Tullgren. Term expiration: 12/31/21. (District 1)

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

31. **Board of Adjustment, District 1**

Appointment of Richard Green, to replace Gary DeGeronimo. Term expiration: 3/1/24.

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

32. **Board of Adjustment, District 4**

Appointments of R. Craig Finrock and Kim Acorn, to replace Jack Mann and Dale Faulkner. Term expirations: 3/1/25.

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

33. **County Attorney Investigators Local Retirement Board**

Appointment of Jennifer Cabrera, to replace Benny Gomez. No term expiration. (Chair recommendation)

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

34. **Corrections Officer Retirement Board**

Appointment of Jennifer Cabrera, to replace Benny Gomez. No term expiration. (Chair recommendation)

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

35. **Public Safety Personnel Retirement Board**

Appointment of Jennifer Cabrera, to replace Benny Gomez. No term expiration. (Chair recommendation)

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

36. **Regional Wastewater Reclamation Advisory Committee**

- Reappointment of Mark Taylor. Term expiration: 3/1/25. (District 2)
- Reappointment of Scott Kolt. Term expiration: 3/1/25. (District 3)
- Reappointment of William L. Katzel. Term expiration: 3/1/25 (District 4)

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

CONSENT CALENDAR

37. Approval of the Consent Calendar

It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

* * *

CONTRACT AND AWARD

County Attorney

1. Audilett Law, P.C., Amendment No. 5, to provide for legal representation - Branden Roth Matter (Walker v. Napier), extend contract term to 5/7/22 and amend contractual language, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-17-375)
2. Helm, Livesay & Worthington, Ltd., Amendment No. 3, to provide for legal advice and representation, extend contract term to 8/16/21 and amend contractual language, General Fund, contract amount \$25,000.00 (CT-AS-20-244)

Natural Resources, Parks and Recreation

3. Thomas R. and Patricia L. Fischer, to provide for a ranch management agreement for J Six Ranch, contract amount \$100.00 revenue/10 year term (CTN-PR-21-64)

Procurement

4. **Award**
Amendment of Award: Master Agreement No. MA-PO-16-331, Amendment No. 5, Everbridge, Inc., to provide for a Mass Notification System. This amendment extends the termination date to 05/29/22 and adds the annual award amount of \$175,000.00 for a cumulative not-to-exceed contract amount of \$1,050,000.00. Funding Source: General Fund. Administering Department: Office of Emergency Management.
5. **Award**
Amendment of Award: Master Agreement No. MA-PO-20-128, Amendment No. 1, Arizona Glove & Safety, Inc., d.b.a. AGS Safety & Supply, to provide for industrial and personal safety supplies. This amendment increases the annual award amount by \$100,000.00 from \$355,000.00 to \$455,000.00. Funding Source: RWRD Operations and General (40%) Funds. Administering Department: Regional Wastewater Reclamation.

6. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-208, Amendment No. 5, The Ashton Company, Inc., Contractors and Engineers, Borderland Construction Company, Inc., Granite Construction Company, Sunland Asphalt & Construction, Inc., and Tucson Asphalt Contractors, Inc., to provide a Job Order Master Agreement for paving services. This amendment increases the annual shared award amount by \$1,000,000.00 for a new annual shared award amount of \$4,000,000.00 due to an increase in yearly projects for these services. The revised cumulative not-to-exceed amount is \$13,000,000.00. Funding Source: Various Funds. Administering Department: Public Works.

7. **Award**

Amendment of Award: Master Agreement No. MA-PO-20-110, Amendment No. 2, Tucson Winsupply Company, to provide for plumbing fixtures, pipe and fittings, equipment and supplies. This amendment is for a one-time increase in the amount of \$210,000.00 for a cumulative not-to-exceed contract amount of \$920,000.00. Funding Source: Wastewater Enterprise, Transportation Operating and General (88%) Funds. Administering Department: Facilities Management.

8. Haley & Aldrich, Inc., Amendment No. 3, to provide for El Camino del Cerro Landfill Remediation Project (211047), extend contract term to 5/16/31 and amend contractual language, no cost (CT-DE-16-276) Environmental Quality

Real Property

9. New Cingular Wireless PCS, L.L.C., to provide for a communications site lease at 11300 S. Houghton Road, contract amount \$158,903.11 revenue/5 year term (CTN-PW-21-68)

GRANT APPLICATION/ACCEPTANCE

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

City of Tucson, to provide for the U.S. Department of Housing and Urban Development Continuum of Care Program - End of Chronic Homelessness Supportive Housing Program, \$50,333.00/\$12,583.25 General Fund Match (GTAW 21-117)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Animal Care Advisory Committee**

- Appointments of Monica Dangler, Ex-Officio, to replace Kristen Auerbach and Tamara Barrick, to replace Laura O'Brien. Term expirations: 6/30/24. (County Administrator recommendations)

- Appointment of Cindy Bezaury, Registered PACC Volunteer, to replace Patty Peth. Term expiration: 6/30/24. (Organizational recommendation)
- Reappointment of Gail Smith, Board of Health. Term expiration: 6/30/24. (Organizational recommendation)

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

12. Special Event

Dennis A. Caldwell, Tucson Conquistadores Foundation, Omni Tucson National Resort, 2727 W. Club Drive, Tucson, February 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, 2021.

ELECTIONS

13. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Rebecca Wicker-061-DEM; Sarah Jansen-086-DEM; Glenn Lundell-193-REP

APPOINTMENT-PRECINCT-PARTY

Aiselyn A. Anaya-Hall-038-DEM; Marcia L. Albert-082-DEM; Terry L. Smith-084-DEM; Marion L. Pickens-099-DEM; Dorothy M. Waugaman-103-DEM; Elizabeth A. Britton-115-DEM; David H. Sattinger-169-DEM; Patricia J. Bersbach-179-DEM; Sharon M. Ickes-207-DEM; Francine B. Rosen-215-DEM; Nancy M. Burton-218-DEM; Darlene R. Dunham-218-DEM; Paul E. Dunham-218-DEM; Lora L. Nastase-231-DEM; Brian K. McComas-014-REP; Keith B. Barnett-036-REP; Charles E. Eaton-053-REP; Sonya R. Mooney-068-REP; Dan Fuggiti-077-REP; Stephanie K. Mashima-077-REP; Lisa B. Stuessel-077-REP; Kifah M. Taila-077-REP; Michael N. Taila-077-REP; Stephen W. Whittier-077-REP; Harry T. Wise-079-REP; Brent A. Ricks-104-REP; Beth J. McGwire-172-REP; Janet E. Gates-173-REP; Teresa "Tere" F. Nuñez-173-REP; Christopher M. Summerhays-175-REP; Trudy M. Dunaway-179-REP; Stephen D. French-179-REP; Lorna J. Macquarrie-181-REP; Jana C. Darragh-184-REP; Raymond "Ray" J. Darragh-184-REP; John A. Holley-184-REP; Vicki L. Cox Golder-188-REP; Valerie R. Anthony-200-REP; David M. Davidson-212-REP; Julie A. Buell-229-REP

FINANCE AND RISK MANAGEMENT

14. Duplicate Warrants - For Ratification

Eastern Arcadia Investments, L.L.C./Fountain Plaza Apartments \$4,877.59;
Eastern Arcadia Investments, L.L.C./Fountain Plaza Apartments \$1,651.50;
Helping Ourselves Pursue Enrichment, Inc. \$9,900.00; R & G Psychological
Services \$840.00; James Cason \$3,444.69; Martin, White & Griffis Structural
Engineers, Inc. \$2,999.87; Palo Verde Estates MHP, L.L.C. \$1,707.48; Tierra
Luna & Sol Enterprises, L.L.C. \$1,985.00; Levi Cureton \$259.55; Mobile
Concepts Technology, L.L.C. \$217,751.04.

RATIFY AND/OR APPROVE

15. Minutes: January 5, 2021 (amended)
January 19, 2021
Warrants: February, 2021

* * *

38. ADJOURNMENT

As there was no further business to come before the Board, the meeting was
adjourned at 12:53 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS

6. The Board of Supervisors on February 16, 2021, continued the following:

Reconsideration – District 3

Eviction Prevention

Discussion/Action regarding codifying, extending, and/or expanding a moratorium on evictions in Pima County. (District 2)

In conjunction with or in addition to reconsideration as noted above, discussion/action regarding community/stakeholder input on codifying, extending, and/or expanding a moratorium on evictions in Pima County.

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Adelita Grijalva
MH: Supervisor Heinz
RS: Supervisor Scott
CH: Chuck Huckelberry, County Administrator
AF: Andrew Flagg, Chief Civil Deputy County Attorney
JC: Julie Castañeda, Clerk of the Board
SH: Steve Huffman
SUS: Susan Creedon
BE: Blythe Edmondson
MZ: Mark Zinman
NG: Nico Grischkowsky
CE: Chris Evans
CL: Courtney LeVinus
JH: Jake A. Hinman

SB: Alright, now we move on to item 8, this is reconsideration of the eviction prevention and so we have a number of people who have signed up to speak on this item. What is the pleasure of the Board? Do you want to hear the speakers before discussing this?

SC: Madam Chair?

SB: Supervisor Christy.

SC: Yes, I do have a question perhaps...

SB: I can hardly hear you. I do not know if anybody else is having that problem?

SC: Okay. Can you hear me? Is this better now?

SB: No, it is still pretty low.

SC: Okay. We will adjust it here, is that sounding better?

SB: Not to me.

SC: Am I now audible?

SB: Now you are sounding better.

SC: Okay. So I will proceed unless, if you cannot hear me, stop me, but I guess this would be directed to Mr. Flagg with the County Attorney's Office. A recent federal court struck down the CDC's controversial eviction ban as unconstitutional. This was done by Judge Day Campbell Barker for the U.S. District Court for the eastern district of Texas. And my question is, is this discussion of the eviction ban as presented before this Board, is it now a moot question that really has no need to be discussed or discerned as this court struck it down as unconstitutional?

AF: Madam Chair, Supervisor Christy, my view is, no it is not moot. The district court judge, although he ruled that the CDC lacked authority under the Commerce Clause to issue the moratorium, he declined to enjoin the moratorium. I do not know yet I looked yesterday, and I do not know whether the order has been appealed yet or is going to be appealed. Pima County, obviously, nor anybody in Arizona was a party to that case. So that judge's order is not binding on Pima County or Pima County Constables or anybody who is involved in dealing with that eviction moratorium and as I said, there has not been any injunction issued barring the enforcement of the CDC moratorium.

SC: Okay, even though the court did not issue an injunction, the government previously said that it would follow a declaration and a professor of constitutional law says, by his interpretation, the order is no longer in effect. So that, does that have an additional bearing on the fact that at this particular point we have no real need to be discussing this as now an unconstitutionally declared, moot subject?

AF: Madam Chair, Supervisor Christy, again, a ruling of a judge in a particular case is binding on those parties and without an injunction in place that purports to have a nationwide scope, and absent any action from the CDC. I did look to see whether the CDC had taken any action to indicate that it was following that order versus appealing it or whatever, and I was not able to find anything to that effect as of yesterday. So based on what I know now and certainly, you know, you can find different professors of constitutional law, who will have different opinions about the meaning of this order. My view is that it certainly does not moot out today's discussion, and to my

knowledge, as of today, there is no prohibition on continuing to follow the CDC moratorium in Pima County.

SC: Well, is further, you know, the government as you have noted is likely to appeal the decision and probably will end up in the U.S. Court of Appeals for the, I guess, it is the fifth circuit. Should not, would it not be more effective and efficient to see what is going to be the process of the appellate route rather than making all the declarations and discussions of it now. Perhaps it will be more effective if we waited for the appeals process to play itself out?

AF: Madam Chair and Supervisor Christy, I really do not think it is my role to decide what is most effective and efficient in terms of this discussion. My only point is that I do not think there is any legal reason why this discussion cannot proceed. And why at this moment, as of what I know today, why the CDC moratorium cannot be followed in Pima County.

SC: Thank you, Madam Chair.

SB: Thank you, Supervisor Christy.

AG: Supervisor Bronson?

SB: Yes, Adelita.

AG: I would, yeah, Sharon, I would like to hear from the people that wrote in before we have a discussion.

SB: Are the people that are signed up to speak, is that what you meant?

AF: Correct, yes. Call to the audience.

SB: Okay. Alright. Very well. Then if nobody has any objections, we will proceed with the speakers. Steve Huffman, is he available and can he speak now? Mr. Huffman?

SH: Can you guys hear me?

SB: Yes, we can, I can.

SH: Okay. Thank you, Madam Chair, Board of Supervisors, and Mr. Huckelberry for having me here. Steve Huffman with the Tucson Association of Realtors. I just want to start off by saying I do not know if you guys know this, but March 24th will be the one-year anniversary of the Governor's first executive order here in Arizona declaring an Eviction Moratorium. A lot has happened in this almost one-year now, but I think it is important to think about that before we talk about this. Because after this last year, tenants here in Pima County that have been living under COVID-19 and this eviction moratorium, for those that have not been able to pay their rent, obviously, there is the health concerns.

There is the financial dislocation that may have happened because of their jobs either shutting down or going away. But as a result of that many of them have huge judgments that will be issued against them eventually. They will owe back rent for this time that they have not been paying rent. Those judgments will create bad credit and will interfere with future housing opportunities and also future job opportunities. Something that we are all concerned about. For property owners, during the same year, they have had to maintain all of their financial obligations, just like you and I have, paying their own bills, their own mortgages, plus they have had to be financially responsible for maintaining, physically maintaining, and also financially maintaining rental properties that they own whether the tenants have been paying rent during this time or not. I will tell you and I know we have worked closely with the County on this, we have appreciated the County working with us. But to be fair, the rental assistance application process, has not been smooth sailing for this last year, and it is not a fair assumption to assume that all the property owners that have been receiving rental assistance in a timely manner. So they have had to make real hard financial decisions about how to maintain their own finances and also safely maintain the properties that they are making available to the tenant. As you could hear from that, it is not a good situation for anybody. As we go into this next year, I am going to suggest to you three things for you to think about during this discussion. I have been in direct communication with folks in Pima County, throughout this year, and recently in this last week. I have been told by folks working for Pima County that there is currently at least a 3,000 case backlog of rental assistance applications that are being processed right now. Hopefully the process improves and hopefully we are able to make improvements in that, but I was told that as recently as last week, that it, with that 3,000 case backlog, the County can process up to 200 cases per week. So, if you do the math on that, just with the backlog we have, we have several months' worth of rental assistance applications and processing work to happen. That is going to mean several months of both landlords and tenants to continue to be in dangerous financial situations. If I were to prioritize where you spend your time and energy right now, I would strongly suggest that getting rental assistance out as quickly as possible, the County and the City of Tucson combined have about \$31 million. That would be my number one, number two, and number three priority. I say that because if you get that rental assistance out and you make the tenants whole and you make the property owners whole, not only do you help the property owners but you prevent the tenants from having judgments filed against them, which will be the collateral damage after the pandemic is over and after the eviction moratorium goes away. All sides are helped by getting that rental assistance out to folks as quickly as possible. I would strongly suggest that you do that. Our number two suggestion is there does need to be more consistency within the courts. We strongly suggest that the County look at training for judges to make sure that the law is being applied evenly, fairly and consistently. Number three, we have seen in the pandemic that there has been improvement in access to the courts through use of technology like Zoom. I would suggest that there are things that you can do to create greater access for people to the courts and

to the court process that will be helpful to all parties. So those are the three things that I would suggest. I just want to close by reminding you that nobody wants to end up in eviction. It is not good for the property owner. It is not good for the property managers. It is not good for the tenant. It does long-term damage to everybody. Mr. Huckelberry has outlined the financial cost to the County of evictions. Nobody wants to end up there, but how you get to eviction is very complicated. It is not just a question of having adequate legal representation in the process. There are social services that need to be provided better. We need to do a better job of creating higher paying jobs and economic development in Pima County. There are mental health issues that are associated with creating situations where eviction happens and quite honestly, there are also law enforcement issues that create eviction. So it is a very complicated process, and just focusing on one very expensive part of it which would be providing legal assistance to people does not really solve the total, very complicated problem of evictions. With that I would be happy to answer any questions but I appreciate your time and, again, I encourage you to really take a hard look at, at rental assistance and make sure we are getting that money out as quickly as possible. Because that is going to be the thing that helps all parties in this.

SB: Thank you, Mr. Huffman. We have got a number, we got, I think, another five, six speakers. I should have said at the beginning, we allow three minutes per speaker. So if you could limit your remarks to three minutes, but I think Mr. Huffman has made some very interesting observations regarding rental assistance, judicial training and how to use technology vis-a-vis representation of the tenants. So, I thank you both for those remarks, Mr. Huffman. I want to move on to the second speaker, Susan Creedon. Is she on the line? Susan Creedon?

SUS: I am here. Can you hear me?

SB: Great. Yeah, we can hear you.

SUS: Okay, outstanding.

SB: Again try, please limit your remarks to three minutes. Thank you.

SUS: Of course, thank you. Good morning, everyone, thank you for allowing me to speak. First of all, my name is Susan Creedon. I am with Tucson Territory Property Management. I am a broker of a smaller property management company here in town. I have been in the business about 18 years or so. We manage single family residence, duplexes, condos, et cetera. So we have kind of a wide variety of a portfolio. I was asked to kind of give two different scenarios on how the Pima County Eviction Moratorium would hinder how these two different scenarios played out. So, scenario number one is, I manage a, it is a fourplex, I manage one individual unit in an H.O.A., where there are multiple plexes throughout. We received a complaint from a neighboring unit. We allowed the tenant three months to remedy the

situation. Month four, the tenant stopped responding and this included follow-up visits almost semi-weekly. We gave the tenants an additional two weeks to respond on some concerns in the unit. They did not. So we had to move forward with the health and the safety eviction, after needing to get pictures of the condition of the inside of the home. All the while, the neighbor did not feel it was fast enough cleanup, I guess, or remedy of the situation and the neighbor filed a lawsuit against the owner and the H.O.A. We moved forward with removing the tenant on a health and safety eviction. Blythe Edmondson was the attorney representing the owner on this case, she is also on the call, I believe. The tenant reached out to legal aid. Both attorneys agreed to avoid the eviction and the tenant decided they would vacate on their own. They did not vacate on their own on the specific date and we did have to forcibly remove the tenant with a Constable. During that time the tenant stopped paying rent and the owner suffered irreparable damage to the property. The owner is now involved in a lawsuit and the tenant left the home in just a terrible, terrible condition. So, the owner is out thousands and thousands and thousands of dollars. If this eviction moratorium is in place, I just do not know how this could have resulted in any other way. The situation number two, is a family that is in a single-family residence. The owners of the home are a military family, had to relocate for military transfer. The tenants have been in the house, and I believe it was a four-month timeframe where they have not been able to pay rent. During the four months, they were trying to obtain rental assistance through Pima County. There was a situation of concern regarding the amount of funds that were being offered, versus being requested. Mr. Huckelberry was an intricate part of having that resolved. Once we had it resolved, everything moved forward. During the time of that four-month period, the tenants were not able, or did not maintain the yard. The H.O.A. sent numerous notices in which the tenants said they were handling and they were not. The owner..

JC: Madam Chair?

SUS: ... two hundred and..

SB: Yes?

JC: The three minutes have expired.

SB: Alright. Susan, could you conclude your remarks in the next ten seconds?

SUS: Sure.

SB: If you have something in writing, please submit.

SUS: Sure. So, the quick version is we had an H.O.A. finding owner had to pay all the while without rent for fourth months. No one ever moved forward to evict the tenant on a fine for an H.O.A. Those are two scenarios on this of how this is going to affect the reduction of affordable housing. It is accelerating the

owner's decision to not renew leases in the forward and selling the homes. That is about it. Thank you for allowing me to speak.

SB: Thank you. I want, I want to move on now to Blythe Edmondson, if she is available.

BE: Hello.

SB: I want to remind you three-minute limit. So, try not to be repetitive and give us new information if you, if you are able.

BE: Thank you very much for allowing me to speak to you today. My name is Blythe Edmondson. I am an attorney here in Pima County and I have been representing landlords for over 20 years. In the past several months, I have heard a great deal of misinformation regarding the eviction process. Specifically, I want to run real quickly with you through the process for an eviction with a health and safety violation or what we call a noncompliance issue. Keep in mind a lot of landlords work out these issues prior to any steps being taken by the landlord to go through the eviction process. The first step, however, in the eviction process is a notice of intent. This notice gives the tenants an opportunity to cure or correct the lease violation. So before anyone goes to court, the tenant receives a written notice that indicates exactly what the violation is. In the case of health and safety, they have five days to correct that violation and in the case of other noncompliance issues, they have ten days to correct that. When the notice is sent via certified mail, they essentially add on another five days. The tenant has anywhere from 5 to 15 days to correct these violations before the next step can be taken. If the tenant corrects these violations no further action is taken. Again, they have an opportunity to fix these things. The landlord is not rushing out to the Constable and having them evicted. Once that time runs on the notice, if the tenant has not adequately resolved the issue, the landlord can go ahead and move forward with the eviction action. When we file an eviction action, it is not a single piece of paper. I know there has been a lot of information about tenants not having access to various sources of information or assistance and that is just simply not true. The tenants, what the landlord filed to the court and what the tenants receive, there is a complaint that indicates, in big bold letters across the top of it, that the landlord is suing to have the tenant removed. They receive a summons, they receive, at the moment, COVID information. They receive a sheet explaining the Zoom process and adequate support for Zoom. They receive a copy of the notice that was originally given to the tenants. They receive a copy of how the notice is delivered via certified mail or hand delivery. They receive what is called a residential eviction information sheet, which goes through a plethora of information, including attorney referral information and links to the landlord/tenant act. They also get a copy of the lease or the lease provision that has been violated. So these nice big packets are delivered to the tenant within essentially a day of being filed with the court, and these hearings are usually set out about a week. So we are looking at least two to three weeks

before we even get into court. Once we are in court, a very important point that I think maybe has been missed is that the judge hears the case. So we have judicial discretion, which is very important in these cases, and the judge weighs the evidence on both sides. If the landlord is successful in proving their case.

JC: Madam Chair?

BE: Sorry?

JC: You are muted.

SB: Yes, Madam, I assume the time is up. That is why you..

JC: Yes.

SB: Okay. So can we get you, again, Blythe to sum up very quickly?

BE Absolutely. So, again, the start-to-finish process for an eviction takes approximately a month, and that is the soonest a tenant could be removed. I know that some other people are going to speak to what we are talking about here. But I do want to point out the term material breach, when we are going through this eviction action and the timeframe, it only applies, we only evict a tenant on a material breach. So there has to be an essential violation of the lease agreement for us to move through this (inaudible) process.

SB: Thank you.

BE: Thank you.

SB: Going to move on quickly now to Mark Zinman. Mr. Zinman?

MZ: Can you hear me?

SB: Yes, loud and clear.

MZ: Thank you, and I think that Nico was going to try to get my camera to work as well as possible.

NG: You should be able to turn it on.

SB: Nico, can we do that?

MZ: Is it coming through? Not yet.

NG: The camera is on but I do not see anything coming through.

SB: I cannot see Mark. I can see you name, but I cannot see your face.

MZ: Okay. Give me one second, I apologize. If you want to go to Mr. Evans first, I can try to figure this out. If not, I can speak.

SB: Fine, let us go to Chris Evans if he is available. We will come back to Mark.

CE: Good morning, Madam Chair Bronson, Supervisors, my name is Chris Evans and I work for HSL Properties. HSL owns and operates several apartment communities in Pima County. I want you to know that we are true advocates of our renters as they are our customers. We assist them in finding an apartment home to fit their needs and work to allow them safe and peaceful use. The vote you make today determines if we are still able to do that. I will tell the story of a recent unauthorized occupant noncompliance case. We had a wonderful resident that unfortunately recently passed. After her death, one of her family members decided to live in her apartment illegally and told us flat out there is nothing we can do about it. We started receiving complaints from nearby residents of noise and large amount of traffic to the apartment at all times of the night. We followed the legal process to evict this individual through noncompliance. When the Constable showed up to process the writ, both the Constable and our manager were threatened with a knife. This caused the Constable to draw their weapon. In the apartment we found several guns, drugs, and signs of prostitution. To be clear, this is not someone you want your family to have as a neighbor. That same day, followed by the next two days, our team's lives were threatened multiple times including with a gun. We had to evacuate our team and place several security personnel at the property to protect our residents. We do thank the Constable for their efforts to protect the residents and our team. We would argue that it is the job of the justice system to determine eviction cases and application of laws. Each of you wonderfully state you are working to help renters during this trying time, and we believe that. We also work to help our renters every day. I would ask you to focus on the processing of rental assistance applications and not remove the legal tools we have to protect our residents. Thank you.

SB: Thank you, and is Mr. Zinman available now or should we move on to the next?

MZ: I am. I do not think the video is going to work with the interface we have, but I am happy to address the issues here. What I want to address, I think Blythe did an excellent job of addressing the procedure for eviction. I just want to go into the substantive issues we have here. My name is Mark Zinman. I am an attorney and partner with Zona Law Group. We are, represent landlords, property owners throughout the state, both large investors and small mom and pop. Madam Chair, Members of the Board, what I want to address is this concept of a loophole eviction. Loopholes are when the law does not address something and attorneys start getting clever about putting out their own arguments when there is an absence of applicable language. Here we do not have loophole eviction, though. Both Governor Ducey's Executive Order as

well as the CDC order specifically allow noncompliance cases to proceed. What the Board is looking at is taking that language and removing that from the actual statute and the order which is what we were provided. Meaning we have already had other branches of government look at this issue and specifically find that noncompliances should proceed. Now I understand the Board is concerned about health and safety issues, which I think everybody are, as Mr. Evans spoke to. He is concerned about. All of our clients are concerned about it. But the Board cannot just look for the health and safety of that individual resident that is being evicted. You have to consider the health and safety of all the residents. What I was going to show is two different things. One is pictures of a noncompliance case we had from last month, where a resident was hoarding and had from floor to ceiling, stacked full of stuff, which creates health and safety for other people. We actually have to go through the eviction process and show that to the judge, and convince the judge that is a material breach that puts other people at risk. The other issue I was going to show, is a noncompliance case we also had from Pima last year, where there was thousands of cockroaches in the apartment. That is a type of case that we will not be able to proceed and my clients will be stuck with if the Board proceeds. In the video you can literally see thousands of cockroaches covering the wall and this is a case we did last year. We took it. We did the eviction and the Constable at that point did not want to remove the resident because they had concerns for the resident. We had three separate hearings to force the writ to have the Constable actually execute it. In each of those cases we had two other residents come to court and explain that they were the neighbor above and the neighbor next door, and they were being affected because of the way the resident behaved in this unit. I understand the intent behind this, but by blocking noncompliances as a whole, there is a wide scope of issues that does not just affect that resident, it affects every other single person around them. This is not just in the apartment communities. In single-family homes for those people that have a party house next to them, an Airbnb next to them. Those people that are out just blasting music all night, you understand that in single family realm. Well, a property owner's remedy, the only way to address that is through the noncompliance eviction. The way, if there is questions of whether they are really material breaches or not, that is a question for a judge sitting when the facts are before them. Not a blanket ban on all types of noncompliances which address lack of water, health and safety issues, unauthorized occupants, and people just simply partying in a property and disturbing the quiet enjoyment of others. We respectfully request that you vote no.

SB: Thank you. Yes, I am assuming Madam Clerk that you are indicating that his time is up?

JC: Yes.

SB: That was, actually, an excellent summation and I appreciate the information, Mr. Zinman. With that, let us move on to Courtney LeVinus, if I am pronouncing that right.

CL Hi, Courtney LeVinus, sorry about that. Can you all hear me?

SB: Yes.

CL: Alright, so Chairwoman Bronson, Supervisors, thank you for your time today. As I mentioned my name is Courtney LeVinus. I am the President and the C.E.O. of the Arizona Multihousing Association. We are a trade association representing over 300,000 units over 2,300 companies in Arizona statewide. I have actually been with A.M.A. in one capacity or another for over 21 years. So, very familiar with the rental housing industry and the challenges, certainly that this industry is facing right now, especially during COVID. But I wanted to touch base on a couple of things and again not to reiterate anything that has been said. But I think it is important to note that our members are in the business of housing people. Nobody wants to see an eviction. An eviction represents a uniquely difficult moment for both the renters and the property owners. For renters' evictions create pain and inconvenience. For property owners, the cost of an eviction and re-renting an apartment home sabotages the bottom line. So that being said, we have a common goal. We all want to reduce or prevent evictions. But what I want to focus on really today is kind of the alternative to the original resolution that was, that was passed by the Supervisors. As Steve Huffman mentioned, assistance really is the key. More assistance needs to be deployed, and it needs to be deployed faster and more efficiently. The County has had the recent federal funds since January, and to the best of my knowledge, these still have not been deployed yet. When you compare that to what is going on in other states, and I bring up the City of San Antonio as an example. Since the beginning of the pandemic, the City of San Antonio has deployed over \$73 million. This is just the City of San Antonio. Pima County, Tucson, I believe has deployed somewhere around \$20 million, and that is a big difference. We need to be deploying more assistance and we need to be doing it faster. As Mr. Huckelberry mentioned in one of his memos, 96% of the evictions that occur in Pima County are for nonpayment of rent. So we have our answer. If we truly want to prevent evictions, it is all about providing assistance to those who are struggling. During a pandemic, and some day, when we are out from under the COVID pandemic, again, education of judges, I think is a great idea. This actually came out of the Pima County evictions study committee over the summer. It was an unanimous, I believe, recommendation out of that committee. Another recommendation is to continue to support virtual courts. This allows residents to show up virtually. We have discovered that during the COVID pandemic, this has been very beneficial for residents who in the past had difficulty driving or taking public transportation or getting a ride to the Justice Court in downtown Tucson. So, virtual court took increased renter attendance in court substantially. Again, more education is certainly needed.

Education for residents on how the process works and how they can avoid eviction.

JC: Madam Chair?

CL: Again, any further action we respectfully, if there is any further action or discussion on this issue, we do respectfully request that balanced stakeholder meetings occur before the Supervisors take any action pertaining to evictions.

SB: Thank you, your time has expired. But I want to get back to one thing you said. Maybe this is a question for Mr. Huckelberry. Does the eviction study committee still exist or was it an ad hoc committee and it no longer is active?

CH: Chair Bronson, it was a one-time study committee that produced the report that has been provided to the Board. There is probably no reason it could not be called back into session.

SB: Would you, Mr. Huckelberry, think that was a balanced committee that represented all interests?

CH: Chair Bronson and Members of the Board, yes, I do believe it was balanced. It had all perspectives included.

SB: Thank you. With that we have one final speaker Jake A. Hinman. Is he available?

JC: Madam Chair, I do not see him on the list, but we have a couple of unidentified callers.

SB: Okay. Those are the only speakers I have. If Mr. Hinman is not available, that brings us to the end of our speakers. What is the pleasure of the Board?

RS: Madam Chair?

MH: Madam Chair?

SB: Supervisor Scott. There were two of you. I do not know whether Supervisor Scott or Supervisor Heinz. Supervisor Scott.

RS: I will defer to Supervisor Heinz for now.

MH: Oh, great. Thank you, Supervisor Scott.

SB: I am having difficulty hearing you, Supervisor Heinz. Could you speak up just a little bit?

MH: Sure. Is this better?

SB: Yeah, much better.

MH: Great. A couple of things I would like to point out. I mean, we heard from, I believe, five representatives regarding this issue. I do not believe I heard from a single representative from any tenants or any organizations that help tenants or renters. So, I think that, that was a pretty one-sided series of attorneys and other representatives from property owners, which, again, we all agree are in extreme cases.

SB: Well, we certainly heard from those others the last time around with no input from this group we just heard from now.

MH: Thank you, I would like to continue my comments uninterrupted. Now, I would like to point out a couple of things. One, like, the situation described by Mr. Evans was literally false. The Constable did not have to draw her weapon. So, I really do not appreciate that kind of public comment when it is literally not true. So, I am, I think that is really offensive and frankly upsetting. Also, they were describing irreparable breaches. My motion carved irreparable breaches out. I think there is a complete lack of understanding about what was moved. And also the fact that we reconsidered and voted to rescind what we did previously. So, I am a little confused about that. But, the motion that we originally passed, which was, again, rescinded did not in any way ban all noncompliance or ban all of the evictions for these loopholes. And with that, I will move on to my remarks and several motions with regard to the recommendations of Mr. Huckelberry and, of course, additional discussion. I think it is important that we note that, I think first of all, Mr. Huckelberry deserves a lot of credit for this memo. I think it does a really great job as some of our folks that were speaking mentioned, bringing together a lot of the recommendations from the task force on the prevention of evictions and homelessness. And I think that it is true, based on that review, that a lot of tenants do not really know their rights. Do not understand the CDC moratorium, and that there is a lot of inconsistencies with regard to how the J.P.s process these evictions. I think that the recommendations of the task force, which I know that we can all see in the memo, but it is very long, I just want to quickly mention the task force, which does remember, include folks representing the landlords, as well as the tenants, nonprofit organizations, government organizations as well, came to the following conclusions with regards specifically to the court process. That one, the eviction process is too quick and does not provide sufficient time for a tenant to obtain rental assistance or final alternative housing. The eviction process is complicated and confusing. There is no uniformity in the way the evictions are handled between precincts and also that court hearings by way of Zoom are difficult for tenants to navigate at times and may, and some may lack computers or access. Tenants have difficulty providing evidence to the court electronically. Tenants represented by attorneys have much better outcomes. And lastly, that judges' rulings vary between a full explanation of that ruling to merely just a statement that this is in the interest of justice. So, the task force

recommended several (inaudible) that I think hopefully the Board will agree to do today. One of them was, to improve court services by distributing pamphlets, enhanced websites, court forms, data sharing and consistent judicial orders. They also mentioned to provide educational programs and resources for judges and staff. Although as an aside, I will note that the judges cannot be compelled to do these at least by this Board, which is unfortunate. Best practices in the handling of cases should be shared at the statewide level. Maricopa County is a good example of having recently produced such document. That we should explore creation of an eviction specialty court, increase access to the courts for the public, utilizing navigators to disseminate information to parties about the eviction process, extend the five-day eviction notice to fifteen, so that the tenants have actual time to respond. Provide legal representation to the tenants, the vast majority which do not have any and then also require Justices of the Peace to attend 15 hours of eviction training annually and increase the time to appeal an eviction judgment. I think that all those things make a lot of sense and for those things that we can either recommend or have Mr. Huckelberry speak to the appropriate Presiding Judge at the Superior Court locally, we should have him do that, and I will move that later. I think it is very, very important to note that we have evidence of landlords filing for noncompliance evictions that cite and this is according to Mr. Huckelberry's memo, trash on the front porch as a breach of contract. Too many vehicles, parking in the wrong parking spot and they are being evicted. Incorrectly installing a smoke detector and an inoperable vehicle present in the yard, clogging the toilet too many times. I understand that there are certainly some significant repairable and public health issues that need to be addressed but those are absolutely examples of what I call a loophole eviction justification. It is furthermore, I think, really telling that we have multiple J.P.s that refuse, despite orders, to actually attend the trainings recommended. I think that really needs to be addressed. Once again, the memo notes that according to the statistics that were brought together, that the filings for noncompliance or material breach evictions have increases from 2% in 2019, to 7% in 2020. I think we do have an issue that my motion partially addressed. I will, I do agree that the best thing is for people to have representation, and that this Board should not prejudice any particular situation. So with that, I would like to move that we direct Mr. Huckelberry to speak with the Presiding Judge of the Superior Court to encourage the court to immediately implement the recommendations as outlined in the County Administrator's memo, which is pages 6 to 7, under the heading Judicial Education and Conformity to Processes. I will bullet these out. There are four. One, only those breaches of contract that meet the standard that an action by the tenant jeopardizes the health, safety and welfare of the landlord, the landlord's agent or another tenant or involving imminent or actual serious property damage should result in an eviction. Next, judges should substantiate that any material breach evictions meet the standard of irreparable harm or criminal activity. This evidence should be noted in the minutes and included in relevant documents. Third, judges should comply with Administrative order 2021-19 and compliance should be monitored. Administrative order 2021-19 states,

effective February 6th of 2021 to bring consistency to adjudication of eviction cases unless a writ is issued under (inaudible) 11.6, federal rental assistance. Sorry, the defendant agrees to apply and the court believes the defendant may qualify for federal rental assistance, the court shall continue the action for 30 days unless there is otherwise good cause to proceed and additional continuance should be granted if the court determines the application process is underway. Lastly number four, hearings on motions to compel the eviction should not be set earlier than five days from the filing to ensure that the defendants receive notice of the hearing.

AG: I will second.

SB: Supervisor Scott, I think you had some comments?

RS: Not with regard to this motion, no ma'am.

SB: Okay.

SC: Madam Chair? Supervisor Christy here.

SB: Supervisor Christy. Again, I am having difficulty hearing you.

SC: Okay. I will speak up. Is this a little better?

SB: A little better, but not good enough.

SC: Okay. Give me just a second here, we are making an adjustment to the volume. Is that a little better? Is it audible? Can everybody hear me?

SB: Yes.

SC: Okay. I have a couple of questions. One is, in Mr. Huckelberry's memo dated February 19th, eviction proceedings in the consolidated justice court. He has eight areas where he has asked for information on these subjects. I am wondering, Mr. Huckelberry, have we received the responses to those eight issues that you have requested?

CH: Chair Bronson and Supervisor Christy, we have received some limited responses. I believe I forwarded those to the Board. If not, we can re-forward them. I do not think any of those responses would have changed the recommendations that I made in my memorandum dated February 25.

SC: Okay. The other aspect of this whole issue is there was, the spirit of what we discussed at the last meeting, regarding this entire subject was there was going to be a meeting the minds of both parties, both sides to sit down and come up with a joint resolution of some sort to this issue. That could be presented for Board approval. I have not seen any indication that both sides have met and have sat down and had discussions. And I think before we can

take any kind of action, regarding this issue, we need to have that document or documents generated so we can hear and see and discern both sides. I have not seen anything of that nature. That was the spirit of what we decided last time that there was going to be a meeting where, or a series of meetings where both sides could air their situations. Also, the federal rent assistance funds, Mr. Huckelberry, what is the status of those? How much has been deployed in Pima County?

CH: Chair Bronson and Supervisor Christy, approximately \$26 million. Then if you recall, in probably the middle of January, which was about six weeks ago, we got notice another \$15 million awarded to Pima County and \$14 million awarded to the City of Tucson. We are in the process of receiving applications. I think as Mr. Huffman has indicated, we do have 3,000, but more than likely 4,000 applications in the system. We are in the ability to, my guess, award a number that and it is higher than Mr. Huffman indicated at 200, but we also have, in-process, a system improvement that would double the output from, you know, what has been stated 200 to 400 a week. That is per current status.

SC: I would have to speak out against Supervisor Heinz's motion. This definitely does not take into consideration the items and the discussion of our speakers or the industry as a whole. It is unbalanced and it is unfair. It does not bring into all parties an ability to have some sort of reconciliation or decision process. It is arbitrary, and by the same token, these are really bad issues that renters and, who are a part of a community or an H.O.A., as well as landlords have to deal with. They need relief to address these issues. Supervisor Heinz's motion does not do anything to allow a fairness to remedy these situations and it is a bad piece of resolution.

MH: Chair, point of information or point of order.

SC: Could I be uninterrupted, please, as I continue? I am almost done.

MH: Sir, I have a point of order. You are speaking to the wrong motion.

SC: Chair Bronson, you are muted.

SB: I think he is addressing your motion, Supervisor Heinz. Supervisor Christy proceed.

MH: My motion has to do with judicial education per Mr. Huckelberry's recommendation. It sounds like he is speaking of something else to me.

SB: Well it sounded like you wanted also some other things besides just the judicial and that is just recommendations since we cannot order the courts to do anything.

- SC: I was pretty much winding up my speaking against Supervisor Heinz's motion. This is not a fair one and until we see something concrete and in writing between both sides, to be presented to this Board, this Board is in no position to make any kind of a decision on this, nor should it. Thank you, Chair.
- SB: Thank you, Supervisor Christy. Supervisor Heinz, would you repeat your motion? Because I am not sure what your motion was, I thought it included some other items.
- MH: Certainly. Apologies, I did restate a lot of the underpinning recommendations that I am pushing for just to be clear, but I might have confused people. The motion is to direct Mr. Huckelberry to speak with the Presiding Judge of the Superior Court to encourage the court to immediately implement the recommendations as outlined in the County Administrator's memo, found on pages 6 and 7 under the heading, Judicial Education and Conformity to Processes. That was my motion.
- SB: That is your motion, okay.
- RS: Madam Chair?
- SB: Supervisor Scott.
- RS: Question for Mr. Huckelberry specific to the motion on the floor. Mr. Huckelberry, on the same memo, on page 10, it indicates, you state, finally, we are following up with the Consolidated Justice Court to determine the status of implementing the task force recommendations. Could you speak to the follow-up that County Administration has had with Consolidated Justice Court because that is what Mr., Supervisor Heinz's memo address, motion addressed.
- CH: Chair Bronson and Supervisor Scott, as well as Supervisor Heinz, the follow-up is that we have forwarded, I have forwarded, the task force recommendations to the Presiding Judge of Superior Court. Due to issues that have arisen in the Consolidated Justice Court, the Presiding Judge of the Superior Court is the appropriate official to have that follow-up with. I believe that my recommendations that are then, I think have been repeated by Supervisor Heinz are, frankly, pretty much in line with everything that was recommended in the task force. So it is just a clearer restatement of one of the things that we think should happen in this process to improve the judicial outcomes. If, and I think as we all know, we can make recommendations to the court and I believe that my discussions with the Presiding Judge have been that he would follow those up in good faith and try to implement whatever he could, and I think that he would also be willing to report back on which particular recommendations he could implement, how he could implement them, when he could implement them, as well as which ones he that would not.

SB: Thank you, Mr. Huckelberry. Does that answer your question, Supervisor Scott?

RS: It did, absolutely. And if we could ask Mr. Huckelberry to provide some written communication to the Board, when he receives that response, that would be most helpful. Again, I think it would address the content of Supervisor Heinz's motion.

SB: This is to Supervisor Heinz. I think given Mr. Huckelberry's response, your motion is somewhat redundant, if that is the correct word. I think we are already going into that direction. Would you be comfortable with Mr. Huckelberry getting the judge to respond in writing, because I think Mr. Huckelberry has, in his memo addressed essentially the motion you made.

MH: I presented this as a motion to the Board, because I believe that it is important to, for the full force of the Board to be behind what Mr. Huckelberry is doing and not have it just as an independent administrative action. Almost like an internal, sort of, memo situation. I think it is (inaudible) other five are important to have this sort of backing. They are all based upon his recommendations.

SB: Mr. Huckelberry, would you like to respond?

CH: Chair Bronson and Supervisor Heinz, I think that is correct. I just make recommendations to the Board. It has a lot more authority if the Board either endorses them or modifies or rejects them. I think that is the purpose of the recommendation, is to determine the position of the Board and if the Board agrees, then I think action should be taken.

SB: Thank you, Mr. Huckelberry.

SC: Madam Chair?

SB: I do not know who is...

SC: Supervisor Christy.

SB: Who was that?

SC: Supervisor Christy.

SB: Supervisor Christy and then Supervisor Grijalva.

SC: I have no problem with waiting for a response from the courts as to what the recommendations of County Administrator Huckelberry has offered, as long as there is an opportunity for the landlord industry and those who own the properties, property owners, to have an equal seat at the table in this whole

process before the Board takes any action. So if we are going to allow the courts to respond, then we also need an equal and fair opportunity for the housing industry to respond as well. So, I would hope that there is a way, again, with the spirit of what we have been discussing for the last two meetings, we could have this meeting of the minds where everyone sits at the table and comes up with a very presentable and equally beneficial resolution. In this process that we are doing now (inaudible) not. Thank you Madam Chair.

SB: Supervisor Grijalva.

AG: Thank you. So, I wanted to ask right now we have funding. Can we explain publicly what the bottleneck is and how far behind we are, is the issue accepting the application? Is the issue distributing the funds? And how far behind are we as, how far behind is Pima County (inaudible) because one of the speakers that I had a meeting with about a month ago, indicated that she put the renter agreement application. There is background in, in another, okay. I feel better now. Indicated that there was an issue with the application had gone in months before and they were just paid for December in, you know, the end of January. So, I am wondering if you could explain what the delay is.

SB: Supervisor, Adelita, I am going to interrupt just quickly. I do not think that speaks to the motion on the floor. But I want to say I share your concern. I was going to make a motion that would address some of the issues that you have raised as well as some others, but the motion more just speaking to the courts.

AG: The reason why I asked the question is because some of the pushback that we are hearing is from landlords that are not able to access funds. I am trying to better understand what that concern is. If Mr. Huckelberry can address whether that is something that is going, we are going to be proceeding through that more quickly and we will not have as much of a need for the eviction process. I mean, I think that Andy, Mr. Flagg can speak to whether it could be part of the item or not.

SB: (inaudible) I am getting feedback too, what is going on?

AG: Somewhere in the Board room, I think.

SB: Okay. I would think that would be a separate motion, but I would be happy, let us talk to the motion at hand and then I think we may want to move on and do a few other things as well. But the motion at hand, just addresses the judicial part of this.

SC: Madam Chair? Madam Chair?

SB: Supervisor, well I think Mr. Flagg, did you want to respond to Adelita's concerns and then we will go to Supervisor Christy.

AF: Thank you. Madam Chair, Supervisor Grijalva, I think it is really not a legal question, it is a parliamentary question, and Chair Bronson, I think your response was appropriate, from my perspective.

SB: Thank you, alright.

SC: Madam Chair?

SB: Supervisor Christy.

SC: I just want to quickly point out that this task force which Supervisor Heinz has bullet pointed a number of items in his motion. This goes back to the Fall of 2020. A lot has changed since that time and a lot of issues have arisen that did not exist at that point and new issues have arisen that did not exist at that point. That is why we need to have a much more up-to-date current meeting of the minds of both sides to come up with a resolution that is...

SB: But, again, Supervisor Christy, let us speak to the motion, which just is the judicial. I concur with you. I think Supervisor Grijalva does also, but the motion on the floor is simply to reaffirm Mr. Huckelberry's memo to the Presiding Judge of the Superior Court indicating that we support what Mr. Huckelberry has presented in that memo.

SC: Thank you. I just wanted to point out when this all originated. Thank you.

SB: You are welcome. Is there any further discussion? On this item, on this motion? If there is no further discussion, I am going to call the question. Roll call, please.

JC: Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scot?

RS: Yes.

JC: Chair Bronson?

SB: Yes. Motion carries, 4-1. I would like to make the motion that this, since this item was on the agenda and since Supervisor Christy, Supervisor Grijalva have brought up some other issues, and I think Mr. Huckelberry said it is possible to reconvene the Eviction Study Committee. I would move, make a motion to reconvene the Eviction Study Committee and address some of the items we discussed in this, during this time and then have that committee come back to us with some recommendations. Do I have a second for that motion?

AG: I will second.

SB: We have a motion, (inaudible) okay, who was that...

SC: Madam Chair? This is Supervisor Christy, again.

SB: Okay, we have a motion and a second. Supervisor Christy.

SC: On this eviction committee who makes it up? Who sits on that? What are the members of it, the task force?

SB: Mr. Huckelberry.

CH: Chair Bronson and Supervisor Christy, all the members are spelled out in the report. It is a broad diverse group of individuals representing all the individuals involved in housing, housing rental assistance. So, it is, we can go get the list, but it has all been outlined in the report.

SC: This is the report dated February 25th?

CH: Chair Bronson, Supervisor Christy, February 25th?

SC: Yes.

CH: Of what year?

SC: 2021.

CH: That is the latest recommendation I made to the Board comprehensively with regard to compiling all the previous information as well as task force report. Yes. But that, the list of individuals are not in that memorandum, they are in the original task force report.

SC: Okay. I would request that a current list be generated and presented to the Board members to make sure that there is a fair and equal balance of the task force so all sides are equally represented.

SB: Any comments?

AG: Supervisor Bronson?

SB: Yes, Adelita.

AG: I am not sure what that means equally represented. I mean, we had the list of the organizations that were a part of it, seemed all related to housing. I think there is representatives from all over. So, I do not know about equal, I think equitable makes some sense. But, if Mr. Huckelberry can just send us a list of the groups that are represented in that task force, I think that would be sufficient for me.

SB: I would concur. I think that if individual Board members have concerns regarding the makeup of that study committee, we can certainly address that at our next meeting. But the motion I have on the floor is just to reconvene the eviction study committee as it priorly existed and then have them come back to us with some recommendations. That is my motion.

RS: Madam Chair?

SB: Is that Supervisor Scott?

RS: Yes, ma'am. I had a question for Mr. Huckelberry in terms of what the reconvened task force would address. Drawing your attention to your February 25th, 2021 memo, page 9. You note and Mr. Huffman noted in his public comments that Pima County received a little over \$15 million in rental assistance funds through the Coronavirus relief fund passed by Congress in December, and that the City of Tucson received \$16.5 million, a little more than \$16.5 million. A couple of paragraphs down you said a significant lesson learned from the last round of stimulus eviction prevention is in the need to coordinate one single access point for Pima County residents to apply and receive funding. You note that both the County and the City are going to be working in partnership to make sure that these funds get out as quickly as possible. My concern is that these matters dealing with the backlog of cases that have been referred to a couple of times in this meeting, making sure that the funds are sent out as quickly as possible, perhaps prioritizing tenants who already have eviction judgments against them. I do not think that is a function for the task force to consider. I think that is a function for the County and the City to consider. I would really like to know, and if it requires a written report to the Board, perhaps even a written report to the Board and the City Council. I would really like to know what we are going to be doing internally to get additional staffing or whatever needs to happen so we can address, not just the backlog of cases, but making sure that those funds get out in to the community as quickly as possible. Because I agree that has to be our highest priority and I see that as more function for the City and County administrations to address, not this task force.

SB: Thank you, Supervisor Scott. I do not agree with you entirely. I think it is important to have their voices. Yes, we need to get the money distributed, but we need their considered judgment if we put together, we being the City and the County, if government puts together this plan, but does not take into account some of the other difficulties. Which is why I think it is important that we have stakeholder input on both sides of the equation, both from the standpoint of tenants and the standpoint of the property owner.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Absolutely agree with everything that you just said. But my question to Mr. Huckelberry was I wanted to know what we are doing internally to make sure that these funds are out in the community as quickly as possible. The memo says that more than 65% of those funds need to be spent by September or they will be swept by the Department of Treasury. So I am really concerned with getting the funds out into the community to avoid that and to ensure that we can hold down the number of evictions which, is, of course, everybody's goal.

AG: Supervisor Bronson, I just (inaudible) if my question was out of order regarding the bottleneck and how we are going to solve the problem. I do not know how Supervisor Scott's question is that much different. I think we should get the answer for both of those but if it is not part of this item. I want to understand that.

SB: No, it is part of my motion, was to address the bottleneck. So you are not out of order at all.

AG: Great.

SB: You are to the point.

MH: Madam Chair? It is Supervisor Heinz.

SB: Supervisor Heinz.

MH: Thank you. I have actually, I have the December 2020 report that we are all talking about right now. This is the Eviction and Homelessness Prevention task force that we are commenting on and in response in part to some of your comments and also Supervisor Christy's concerns about the composition of the Board. I thought it would be helpful to just read a few of these names. It is a very, very, it is quite a long list, 23 folks and representatives, including Mr. Huffman who we heard speaking from the realtors were part of this task force. Jeffrey Landon, from Landon Management, Omar Mireles, who is the President of HSL properties was on the task force. Melanie Morrison from MED Management Services, Lauren

Romero, from the Arizona Multihousing Association also on the task force. Of course, multiple folks from, Dan Sullivan, for example, from Pima County. Then Jay Young, Southwest Fair Housing Council and the list goes on. From in terms of the government and other local, in fact, the Executive Director was Mr. Michael McDonald, (inaudible), sorry the Executive Director of the Community Food Bank. I guess with regard to your motion, I think it is important that we actually implement some of these recommendations. They made, many, many recommendations (inaudible) and this is just one page of two or three. It is important that we actually implement some of these before we call them back to make additional recommendations, I guess would be my point.

SB: Thank you, Supervisor Heinz. I will agree that we need (inaudible) and the sooner we can, the better. Again, we have a motion on the floor, I absolutely concur. We need to start working on some of these things. What is going on? I hear noise.

RS: Supervisor Bronson, I mean, Madam Chair.

SB: Supervisor Scott.

RS: Could you ask, could I ask if Mr. Huckelberry could address the question that I posed about what we were intending to do to not only address Supervisor Grijalva and I have both asked the backlog of cases, but also to deal with the dispensing of the \$31 million of funds that have been granted to the City and the County.

SB: I think it is a work in progress, isn't it Mr. Huckelberry?

CH: Chair Bronson and Supervisor Scott, I can give you a brief overview. I think one of the characteristics, is there a bottleneck, and that depends on the processes that are used and the requirements you have to follow in order to determine eligibility. That is typically the biggest issue that we face. We have actually consolidated or started to consolidate those processes with the City of Tucson to basically increase the throughput and to increase the consistency of application. So those are already in process. Since the pandemic has begun, we have, I think, provided assistance to 9,000 households, just since January, it is approximately 1,500 households. We are on target to exceed the requirement of 65% well before September, so we do not have any issues associated with things getting swept. The next question is, can we accelerate? As I stated earlier, we are in the process of trying to figure out how to accelerate our throughput by a factor of two. I do not have the details of that yet, but it is obviously on everyone's mind that the monies need to get out as quickly as they can. But again, we have to follow all the processes and rules of the granting agencies with regard to eligibility. Perhaps what we should do is, so we can be assured there is, you know, we are putting this money to use as quickly as possible. We will divide or provide you kind of an overview of what we have to go through and how we

determine eligibility and what occurs so that you can see the issues. The State had actually offered to use some of their facilities, both the City and the County declined since we were pretty successful in getting \$26 million out the door before December 31st when the funding expired. I think the best thing for us to do is to outline everything that we do, the processes required and our throughput and how we can increase that throughput with a joint City and County effort.

SB: Thank you, does that answer your question Supervisor?

RS: Very helpful. Thank you both.

SC: Madam Chair?

SB: Supervisor Christy.

SC: I did, I do have a list of the members of the committee. For clarity purposes, could you restate your motion?

SB: My motion is to reconvene the Eviction Study Committee essentially to address the issues we have discussed today and in the previous meeting where we discussed the moratorium.

SC: Okay. So, I can support that motion of yours if it is understood that we are not going to be revisiting the Fall of 2020 recommendations or anything of that nature. Unless, this Board decides to do so. Basically the task force, I should say, and I think it is important that the task force meet and start over fresh. If they want to utilize some of the issues that they came up with back in the Fall of 2020, that would their discretion, but I do not want to direct them to have the use or the implementation of old recommendations. I want everything updated and fresh and at their discretion and not by the Board's pressuring.

SB: What you are essentially saying is that you want them to revisit their recommendations, you want them to put it in today's context?

SC: That was my point, thank you. I do not want the Board to be determining what they are going to utilize. I want the task force on its own to come up with its own recommendations based on today, not February of 2020.

MH: Madam Chair? Supervisor Heinz.

SB: Supervisor Heinz. Wait, I want to make sure Supervisor Christy was concluded his remarks.

SC: Yes, thank you, I am Madam Chair.

SB: Supervisor Heinz.

MH: Thank you. I just really want to clarify information. This report that I just held up, it was issued in December of 2020. Representing, which is two months old, representing four months of work by this 23-member task force, including many of the folks that had their attorneys or representatives speak before this discussion. I really think we need to implement, in first five recommendations, actually, have to do with working to more rapidly get federal assistance to property owners and landlords. I think we all agree that, unfortunately, a lot of those things have to do with the Legislature, but some we can do too. I just really think that calling back the task force to do something else, to update stuff, based on the past, I guess the two or three months when we have not really done anything from this, these are the recommendations from two months ago. I think just, it seems a little strange to me.

AG: Supervisor Bronson?

SB: Yes, Adelita.

AG: If I could indicate why I seconded. The issue for me is making sure that we address some of the questions that I brought up, and Supervisor Scott has brought up, and actually you brought up in other situations. I do think having up-to-date information from a group that really is trying to solve, work to solve the problem and help the County. I do not think that could hurt. I understand your concern, but I do think that they have to look over what their previous recommendations have been, what the County has been able to implement and not implement and then come back to us with, you know, in light of where we are now. I do think it would be helpful to have another set of eyes on what the issues are, as far as distributing the CARES funds. Other funds are coming, so we have to just make sure that we streamline the process as much as possible and make sure that these funds get to the people that need them the most. I really want to understand what is it a process of the application process because of the requirements that we need to fulfill? Is that the issue? Is it just the fact that we have just so many? How will we go through that backlog? I think that would be helpful to have another group look over and so I just wanted to let you know why I was going to be, why I seconded and why I would support this motion.

SB: I appreciate it. I would also say that report was dated December 2020. We have a new administration, things have changed. Which is why it might be useful to review some of the old recommendations in light of the new administration and their directives. Is there any further discussion? Can anybody hear me?

AG: Yes, I can hear you.

SC: Madam Chair, this is Supervisor Christy. Just to be clear your motion is to reconvene the task force and let them come up with current up-to-date recommendations. If they want to utilize what they found in past meetings, that is at their discretion, but this will be considered as a fresh start and a fresh set of eyes and a fresh momentum based on today's issues, not back several months or even longer than that. Is that correct?

SB: (inaudible) Yes.

SC: Thank you.

SB: I would also say that, I think we can utilize it, but it is going to be up to that committee as an opportunity. We have the pandemic, but the idea of homelessness and evictions is one that exists with or without the pandemic and this may be, there may be other things, we are addressing basically the pandemic issues right now. But this may be, you know, an opportunity to just begin the discussion about, a larger discussion about homelessness and eviction down the road. But to the point of my motion, it really is, we are really just dealing with the issues of homelessness and eviction in the time of pandemic.

SC: Madam Chair, do we have a time line on your motion?

SB: I think that is up to the committee. That would be when they convene, they could can give us some recommendations. Is there any further discussion?

MH: Yes, Madam Chair? Supervisor Heinz.

SB: Supervisor Heinz.

MH: Would you consider perhaps, a friendly amendment to make this perhaps quarterly for 2021, or would you like to leave the, that to the committee, the task force?

SB: Let us, my recommendation or what I would like, I would like them to make that determination. I mean, we have, we have changing scenarios every day now with the new administration and at the state level, as well. So, I would think that it would be nice that we get a report from them, but let them convene and then make some recommendations to us regarding that.

(inaudible)

SC: Madam Chair, one more issue. Madam Chair?

SB: Yes, Supervisor Christy.

SC: Just to point out that this memorandum dated December 11, 2020, that Supervisor Heinz is referring to. That task force met in August of 2020, and

the report did not come out until December. So the issues they were compiling go all the way back to August of 2020. It would be timely that your motion be passed.

SB: I appreciate that, thank you. Is there any further discussion? If not, roll call.

JC: Supervisor Christy?

SC: Yes.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: Yes.

JC: Chair Bronson?

SB: Yes, motion carries unanimously. Thank you much my colleagues. It is 10:45 now. We have been at this for a while. Do you wish to take about a ten-minute break and then come back and get to our regular agenda?

RS: Madam Chair?

SB: Supervisor Heinz.

RS: No, Supervisor Scott.

SB: Sorry.

RS: That is okay. Can I ask if we can return to this item when we come back from break because I had additional questions and perhaps a motion based on the response to those questions from Mr. Huckelberry.

SB: You would like to make another motion regarding this item on the agenda?

RS: Yes, ma'am, if we could come back to it after a break, I would appreciate.

SB: Does everyone want to take a break now or do we want to move on to Supervisor Scott's questions?

- AG: I think going with Supervisor Scott's question since we are on the same item makes sense.
- SB: Okay, let us move on then. We called, okay, we have taken two motions on this item. Supervisor Scott, what are your questions?
- RS: My questions have to do with, again, Mr. Huckelberry's memorandum of February 25th. On page 7, you mentioned that the County should consider contracting with Southern Arizona Legal Aid or pursue other representation alternatives such as law students or pro bono representation. My question is, has the County Administration determined that either contracting with Southern Arizona Legal Aid or some combination of that contract and working with U of A law students is the only way to proceed with eviction defense for tenants.
- CH: Chair Bronson and Supervisor Scott, yes. The issue is that in the Justice Court, it is a civil matter, not a criminal matter, and therefore, representation is not required. As in criminal matters, representation is required. What we have suggested is that we explore alternatives to make legal representation or facilitation, maybe another word to be used, to assist those defendants who are on their own. That can come through the University of Arizona Law School, we have already begun conversations with them, had some very positive responses. So, I think we will be able to actually put together a package within, probably, 30 days. And in addition, we will have communication with Southern Arizona Legal Aid or other legal aid representations to where we might contract with services for them in unusual cases that require that. So that is the gist of that particular recommendation.
- RS: Just continuing the line of questioning. I know there are some proposals that I have become aware of to create an Office of Eviction Defense within public defense services. Wondering if your administration has had the opportunity to either review (inaudible) those proposals or if you had any thoughts on that matter?
- CH: Chair Bronson and Supervisor Scott, I have looked at the proposal. I believe it is, I would call it a bad idea to mix civil defense and criminal defense together. I believe also, that if we go that direction, we are exceeding what we call our delegated authority from the State as a political subdivision and subject ourselves to challenge, once again, by what is called a 487 complaint.
- RS: I appreciate that and then just one other quick question. Are we looking at what other counties or cities either in Arizona or other parts the country are doing to provide eviction defense? Because, I know that the memo, and also the task force recommendations, speak for the need for tenants to have better legal representation than they currently do.

CH: Chair Bronson and Supervisor Scott, I think the key is representation for and exposure to an advocate, someone who can determine whether or not the eviction is one of those that fall into these cases of that are frivolous versus ones that are real. So I think that is our position with regard to representation. I do not think even the task force had the concept that we would create any units of defense. It is really trying to determine how better to let that legal system work such that there is adequate notice and that adequate notice allows everyone to understand the claims that are being made and then to have access to someone who can represent them, or understand what their side of the story is before they get before a Justice of the Peace.

RS: I have just one final question and thank you all for indulging me. Mr. Huckelberry, could I request that you and your staff put together a memorandum for the Board that outlines all of your thinking on providing representation for tenants, including some of the concerns that you raised about the Office of Eviction Defense proposal. That would be helpful to me because that topic has been addressed in some of your other memorandum, I would like it to be more specifically addressed for consideration by the Board. I would appreciate it.

CH: Chair Bronson, Supervisor Scott, we can certainly do that.

MH: Madam Chair? Supervisor Heinz.

SB: Supervisor Heinz.

MH: Thank you, and thank you Supervisor Scott for bringing up these issues. Just a couple of things that came up with this discussion I would like to point out that I have some concerns about it, is that, I mean, actually the memo reflects this really well, it was either 90 or 95%, I might be mistaken. The vast majority of folks facing eviction were not represented and continue to not be represented. I think that is why this is such an important point to address for the County. I do not like the idea of law students. First of all, they do not have any, I do not think, authority to represent based on my understanding, not being barred or licensed. I would not want to just leave it to, you know, as much as I support them, of course, the College of Law to furnish representation to these individuals. I think that, in many cases facing very well-funded, you know, like landlords and property owners with a ton of lawyers. And I think that it is important that they at least have someone to give them the correct and most accurate information. So I think, that we probably do need something beyond just law students. I think there are some limitations with regard to Southern Arizona Legal Aid, but I would be willing to look at exploring contract with them as well. I heard, I think that this was Mr. Huckelberry who just said something about the concern with mixing civil and criminal defense. I do not, I mean, my understanding is the Office of Public Defense Services currently has, of course, criminal defense for folks in the Public Defender's Office and Legal Defender. But, I believe there is also civilly in that same office, there is (inaudible) defender there is a (inaudible)

with regard to dependency, Office of Children's Council, I believe something in the (inaudible) health, there is (inaudible) on Office of Public Fiduciary that is also Office of Public (inaudible) so it seems to me that if this Board determines it, we could certainly move forward with at least considering that. I also am concerned that every time the County seems to consider an issue we worry about extortion by a rogue state legislature, (inaudible) 1,487 complaints and it seem incredibly unfair to the County and to the residents that we represent. Every time we consider what is perhaps in the best interest of our people, that we have to worry about extortion and having, you know, funds owed to these residents withheld because we are trying to do the right thing. I would actually, I would actually move that not just ask the, I would have the Board say, let us have the County Administrator and the County staff bring back to the Board of Supervisors at the March 16th meeting all options for meeting a goal of providing representation for defendants in eviction proceedings who cannot afford counsel, including the possibilities for providing this counsel in-house and also providing it through a third party contractor or contractors and make that a formal motion of the Board that we can vote on, to strengthen what Rex Scott, what Supervisor Scott just asked for.

SB: If there is no second, motion fails for lack of a second. I agree with you Supervisor Heinz. Let us get the report and then after we get the report perhaps we can continue this discussion. What is happening? I am not getting any..

AG: I do not think that anyone is commenting.

SB: Okay. The loop was going round and round and round. Okay, thank you. So the motion died for lack of a second. Mr. Huckelberry has direction from Supervisor Scott regarding this item. That brings us to 10:56 and I think we have concluded this item on the agenda, Item No. 8.

RS: No, Supervisor Bronson, I am really sorry. I just needed to ask another question.

SB: Sure, I am sorry.

RS: It is okay. Mr. Huckelberry on page 8 of your memorandum from February 25th, Item No. 5, explore the creation of an eviction specialty court. Could give us some more detail on what would be required for that kind of court to be created.

CH: Chair Bronson and Supervisor Scott, that would be the request of the Presiding Judge to create a specialty court, very similar to in the Justice Court there is a Domestic Violence Specialty Court, there is a Drug Specialty Court. So this would be a court that would specialize in the eviction process, exclusively. So that it would not be handled by one of eight different Justices of the Peace. It would be handled by one individual who would be

responsible for all the evictions that would occur within the Consolidated Justice Court.

RS: Mr. Huckelberry, you said that would require the Presiding Judge to direct that court to be created within Consolidated Justice Court?

CH: Chair Bronson and Supervisor Scott, yes.

RS: Alright, then I would like to move that the Board formally request that the Presiding Judge direct that such an Eviction Specialty Court created within the Consolidated Justice Court.

SB: I will second the motion. Supervisor Grijalva?

AG: I have a question. Can we direct the courts to do that or can we just recommend?

SB: You are correct. I think we can only recommend.

RS: That is what I meant. Thank you, Supervisor Grijalva, that is what I meant.

(inaudible)

AG: I just want to voice my, I have a little bit of a reservation in, I understand the argument that we could have one person that would be really trained to do all the evictions. My concern is if that one person has really like a one-sided view of the issue. Pro, I mean whichever side you want to sit on. Whether they review all evictions or they approve all of them, I am a little concerned with the limited representation that only one person would create. So that is my reservation there. What I would propose is having the courts come back, having Mr. Huckelberry indicate that there was interest on the part of the Board of Supervisors to limiting the role to one person and what do the courts think about that? Because, you know, we do have regional representation throughout Pima County and I just have concern about having one person doing that.

SC: Madam Chair?

SB: Mr. Huckelberry, can you address Supervisor Grijalva's concern?

CH: Chair Bronson, Supervisor Grijalva, I think any time that you create a specialty court, you probably going to have those particular issues. I think it depends on the, we will say history and the cases that are before that particular judge and even that judge, has someone to, you know, report to, and in this particular case, it is the Presiding Judge of the Superior Court. I think there is an avenue to address that. I think the benefit of having a specialty court is that you actually have consistent application of the rules and law as they relate to evictions.

SB: Thank you, Mr. Huckelberry.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Just to follow up on Mr. Huckelberry's points in that same memorandum, he mentioned that the current arrangement has been that responsibility for hearing eviction cases has been done on a rotating basis, which speaks to some of the inconsistencies that even the attorneys, during the public comment section of this meeting, referred to. I also think that we have precedence in terms of the specialty court with domestic violence issues. So I think, with those issues in mind, that is why I think this motion is in order and again it follows up with some of the recommendations of both the County Administrator and the task force.

SB: Thank you, Supervisor Scott. Is there any (inaudible)

SC: Supervisor Christy here, Madam Chair?

SB: Supervisor Christy.

SC: This is another effort by the Board to massage and insert itself into the task force findings. I will be voting against this motion, because it is trying to select the outcome or basically put the outcome of the task force ahead of the actual meeting of the task force. Let us just wait until the task force makes its recommendations in its report. They may very well have some reference to a specialty court or something of that nature, but let us let it lie with their authority to have this meeting and this task force effort before we start to insert certain areas that they may not want to have included.

SB: Thank you, Supervisor Christy. Are there any...

RS: Madam Chair?

SB: Supervisor Scott.

RS: I thought that the creation of an eviction specialty court was a recommendation of the task force, in their December 2020 report. I am not trying to supersede their work. I am endorsing their work.

SB: Thank you, Supervisor Scott.

MH: Chair Bronson? Supervisor Heinz.

SB: Supervisor Heinz.

MH: Thank you. To what Supervisor Scott just said, I was going to say as well. This was, in fact, a recommendation by the task force to at least consider. And it is true, Supervisor Grijalva, we cannot, of course, require this, but I believe and if Supervisor Scott can just restate to clarify this, I believe he is suggesting that in his motion that we direct the County Administrator to speak with the presiding judge (inaudible) explore the creation of this eviction specialty court not to actually have the Board create it since we cannot do that.

RS: Thank you, Supervisor Heinz. That is essentially what we are doing is similar to the motion that we approved earlier, where we are putting the weight of the Board of Supervisors behind recommendations that have been made by both the County Administrator and the task force. So, thank you for that clarification.

SB: Thank you, Supervisor Scott. If there is no further discussion. Let us go to the vote. Roll call, please.

JC: Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: Yes.

JC: Chair Bronson?

SB: Yes. By your vote of 4-1, motion carries. Let us take about a ten-minute break and come back at 11:15, and...

MH: Chairman Bronson?

SB: I am sorry. Who was that?

MH: It is Supervisor Heinz.

SB: Supervisor Heinz.

MH: I do actually have three more very quick motions before we end this subject or we can do them after the break.

SB: Let us do it after our break, given the time.

MH: Okay.

SB: Good morning, once again, everybody. It looks like we have all the Supervisors back. Is that correct? Madam Clerk?

JC: I do see their names. Supervisor Grijalva is with us. Supervisor Heinz. Supervisor Christy. Just waiting for Supervisor Scott.

RS: Yes, I am here.

SB: Okay. So I will, Supervisor Heinz, you said you had several other motions.

MH: Oh, yes, thank you, Madam Chair and these will be fast. I think based on a lot of what we heard. (inaudible) the first public commenter was Mr. Huffman, I appreciated hearing from the realtors and in keeping with, we talked about education, in terms of judicial education, but one of the first things he brings up. Well the first thing he brought up was actually was the issue with getting rental assistance as rapidly as possible through the tenants to the appropriate landlords and I think that is one of the recommendations that Mr. Huckelberry brings forward and then to just have the full weight of the Board behind that. I move that we direct Mr. Huckelberry and the County staff to ensure that we obtain contact information for the plaintiff and the defendants at the time of filing in all eviction proceedings in Pima County Justice Courts and that the County follow-up with all tenants and landlords to initiate rental assistance, potentially averting the hearing and a judgment being placed on the tenant record, as well as additional attorney court and related fees.

AG: Question Supervisor Bronson?

SB: Adelita.

AG: Do we not collect that information right now, Mr. Huckelberry?

CH: Chair Bronson and Supervisor Grijalva, it is spotty. (inaudible)

SB: Go ahead, Supervisor.

AG: I will second the motion, because that should minimally be part of an application. Maybe it would be just adding it to the application. I do not know how to deal with the backlog. And there is something going on in the Board room with the background noise.

SB: (inaudible). Do we have it corrected? I will not be able to support this motion. I think it goes beyond our authority. Although, I think that information is something that should be collected by the courts, I do not think it is appropriate for, well, I cannot support the motion as it is currently stated.

SC: Madam Chair? Supervisor Christy here.

SB: Supervisor Christy.

SC: I would agree with your summation and, again, this could very well be a recommendation from the task force that I think they should have the right to discern and not be moved through by the Board of Supervisors. So I will not be able to support it either.

SB: Thank you, Supervisor Christy. Any other..

MH: Supervisor Heinz.

SB: Supervisor Heinz.

MH: I would like to reiterate this is from the recommendations of our County Administrator and this can be found on page 7. In keeping with his, well if the Board approves it, it does give the full force of the Board to do this. And also in his clarification that with this information, Community and Workforce Development staff can actually proactively reach out to tenants going through this to see about initiating more expeditiously getting that rental assistance to the property owners, landlords through the tenants. Again, this is currently on page 7 of the February 26th memo that I am trying to have the Board just reinforce so that he has the backing of the Board.

SB: I think we have already done that, Supervisor Heinz. So your motion is redundant. Okay, there is a motion on the floor. I am sorry, who just? There is a motion on the floor. Roll call, please.

RS: Wait, Supervisor, Madam Chair, before we vote, could I ask Mr. Huckelberry what would be the practical effect of this motion were it to be passed? I am a little unclear on that.

CH: Chair Bronson and Supervisor Scott, it would be us pointing out to the court that we need accurate information in order to have our staff begin a process to contact individuals who may be subject to eviction and try and work with them before an eviction actually occurs.

RS: Mr. Huckelberry, just to follow up. Is our staff currently able to do that or unable to do that based on what they hear from the court?

SH: Chair Bronson and Supervisor Scott, it is on occasion we are not able to because we do not have complete information. We note also in this particular

item that the Consolidated Justice Court is just now in the process of sending out notices to law offices to encourage them to include the defendant's phone number so we can actually contact them as well.

RS: So this is in a sense for both the court and for County staff another one of those works in progress?

CH: Chair Bronson and Supervisor Scott, it is a work in process, trying to streamline the notification and communication processes between landlords, tenants, the court, and County staff who are processing the eviction relief funding.

MH: Madam Chair? Supervisor Heinz.

SB: Supervisor Heinz, I think.

MH: Yes. Mr. Huckelberry, could you further elaborate on if the Board approves this motion, would this help to facilitate through County staff in getting this information and potentially expediting the delivery of (inaudible) to the property owners and the like?

CH: Chair Bronson and Supervisor Heinz, as we talked before, time in some of these cases moves very quickly and the more correct and complete information we can have early on in the process the better potentially the outcome. It may not change, but it is something that we can at least get in front of, rather than typically always trying to catch up.

SB: But this is the form of the recommendation. This is basically in the hands of the courts, correct?

CH: Chair Bronson, it is my recommendation and it would be, if the Board approved it, we would ask the courts to say that this is a priority and we would like to try to consider and to figure out how to make this happen.

AG: Supervisor Bronson?

SB: Yes.

AG: I seconded this motion. Supervisor Heinz, and I am wondering if the other motions that you have (inaudible). Are related to any other of Mr. Huckelberry's recommendations. If they are, perhaps we can consolidate them into one item.

SB: Supervisor Heinz.

MH: Supervisor Grijalva, I am happy too. The other two recommendations, I am sorry, the other two motions are based on two additional recommendations

from the same memo on the same topic. I am willing to combine them if (inaudible).

SG: Can you just say what the other two items are? Please?

MH: Certainly. So, my next motion will be to, that we move that the County Administrator speak with the Presiding Judge at the Superior Court to ensure (inaudible) that in all cases the justice explains the CDC moratorium to the plaintiffs and defendants at the time of filing, provide them with the necessary information they need to take advantage of rental assist, mortgage assistance and other forms of support to alleviate their hardship. And then the last one would be, I would move that we direct the County Administrator to speak with the Presiding Constable, Kristen Randall, to implement consistent practices in the Constables Office across all justice precincts.

SB: Supervisor Heinz, I do not think Ms. Randall is currently the Chief Constable.

MH: Then you can remove the name and simply refer to the Presiding Constable.

SB: Presiding Constable, Chief Constable. So your motion, you are amending your motion to include those three items? We have got three items now?

AG: Yes. The reason why I suggested it is because if they are all related to recommendations from this memo, I am willing to second all three of those into one, just combine them into one item.

SB: Alright, so the motion is amended, Madam Clerk, are you clear on the motion?

JC: Yes.

SB: There is a dog in the background that is barking. Madam Clerk, you said you are?

JC: I do, I have three recommendations, three motions directing staff regarding contact for the plaintiffs, the Presiding Judge explaining the CDC moratorium and the assistance available, and the Presiding Constable to practice across, same practices across for all Constables.

SB: Alright. Supervisor Scott, I think you have some questions.

RS: I just had one question. And I do not know who I should direct it to, but perhaps Mr. Huckelberry. Can the Presiding Constable direct the other Constables to follow similar practices given that they are each independent elected officials?

CH: Chair Bronson and Supervisor Scott, the simple answer is probably not. But we can always hope. I think this entire process is all about everybody

cooperating with each other, having a common vision in how to try and get out of a problem we have. And that is the eviction problem.

SB: Yeah.

RS: Thank you.

SB: Thank you, Mr. Huckelberry. Thank you, Supervisor Scott. Essentially what we are doing and what the December 2020 memo and the one that Supervisor Heinz is referring to, we are simply saying, it is the Board's preference that you telling the courts or the appropriate agency we would like to see these reforms implemented, but we are asking, we are not telling. Is that correct?

CH: Chair Bronson, that is essentially correct. Yes.

SB: Okay. In your estimation, are we doing any harm by adopting this motion?

CH: Chair Bronson, I do not believe you are doing any harm at all. It is always best practice to get as much information as possible.

SB: Got it. Thank you. Any other comments by Board Members? I going to make a final comment, given that this is just a recommendation. I think we are being, it is fine if we want to just certainly indicate we would prefer these policies be enacted by the appropriate agency, and reaffirm Mr. Huckelberry's recommendation. I can reluctantly support it, but I would hope that we can, or we are doing this in good faith and not just posturing.

SC: Madam Chair? (inaudible)

SB: Supervisor Christy, quickly.

SC: I cannot support it, because I, again, want to wait for the report from the task force. They may have in the past, way back in August, included some of these items in their recommendations or they may change it because a lot has happened since August of 2020 to present. Before we start making these statements of how we want them to proceed or how we want procedures to develop, I still say this is why we have the task force. Let them do their job and then we can discern what comes out of their efforts. Thank you.

SB: Thank you, Supervisor Christy. If there is no further discussion, roll call.

JC: Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: Yes.

JC: Chair Bronson?

SB: Yes. The motion carries by your vote of 4-1.

DRAFT

COUNTY ADMINISTRATOR

7. Updates and Action on COVID-19

- **Revisions to Board of Supervisors Policy**
Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. C 2.9, Temporary Policy - Novel Coronavirus (COVID-19).
- **Suspension of COVID-19 Testing**

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
MH: Supervisor Heinz
RS: Supervisor Scott
JC: Julie Castañeda, Clerk of the Board
CH: Chuck Huckelberry, County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
TC: Theresa Cullen, Director, Health Department
AF: Andrew Flagg, Chief Civil Deputy County Attorney

SB: We move on to item 9 COVID, this is COVID update. Mr. Huckelberry.

CH: Yes, Chair Bronson...

SB: I do not believe we have any COVID related items on the addendum agenda that I can see. Am I correct Madam Clerk?

JC: That is correct, Ma'am.

SB: Okay, proceed Mr. Huckelberry.

CH: Chair Bronson, Members of the Board, I have sent you two memorandums on the subject, our typical Friday update before the Tuesday meeting and then we followed it up with some more details on Monday regarding some of our, what we call mobile clinics, that occurred over the weekend and defining the processes that we used to identify communities that are disadvantaged or at-risk. Those are the same processes we will continue to use and continue to use week after week as we move into these communities to ensure that there is equal access to vaccination and vaccines. Our vaccine supply increased a little, it is not as reported in the paper of the record. The record vaccine supply came about four weeks ago, but it is higher than it has been in the last three weeks. We have achieved a milestone. I think that we

were targeting and that is, I think last Friday, we applied 7,000 vaccines through our five regional centers. In addition we held three mobile clinics Friday and two on Saturday, that applied nearly 1,700 vaccines. I provided the distribution of those vaccines in the memorandum in a table, as well as the preliminary demographics associated with those who received the vaccine. Our staff and I believe, Dr. Garcia and probably Dr. Cullen I think, are available on this particular meeting call to provide any additional information. Dr. Garcia did tell me this morning that he anticipates approximately 3,000 vaccines of Johnson & Johnson and they are being targeted to homebound individuals so that we can use the one-vaccine process to get those individuals protected. And with that, I think we are happy to answer any questions. We do believe that the State is now starting to move toward trying to vaccinate disadvantaged communities. We know that they called down on Monday, after an article in the Arizona Republic, and asked the University of Arizona if they had information on that and they were referred to us. So I think that if you look at how we have used composite information and the composite information is really two-fold. It is the old census tract data and unfortunately that is about 10 years old at this point in time, but then our Health Department has developed a social vulnerability index which combines a lot of other factors that generally track along some of the sensor track data associated with income, age and ethnicity. We then combined that into our G.I.S. system to where we have been giving vaccines because we have an address for everyone who has received them so they can be plotted and placed in census tracks, and that is the latter two maps that you see in the material and that then gives us the best information we have available to target disadvantaged communities. Finally, I think Dr. Garcia has been working with and now we have identified it looks like 60 to 80 points of distribution throughout the community, a lot of pharmacies and the like. And all of that will depend on vaccine supply, but we are prepared to rapidly deploy vaccines when received and have been doing so already. I mentioned in our report on Friday that sometime this week, my guess is probably today or tomorrow, we will have administered 300,000 vaccines. We are doing this again Friday. We did almost 9,000 total. And so that means the regional centers, the other points of distribution that we operate and if you put in the mobile clinics, we are over 10,000 and so that if we vaccinate 10,000 people a day, if I looked at the data today, we are at about 275,000 vaccines given. So in our accelerated vaccination plan that we provided to the State on January 12th, we had a target of getting 300 vaccines, 300,000 vaccines excuse me, in arms by the end of March. And so if we do it this week, we are a little ahead of schedule and staying ahead of schedule means that we need vaccine supply because we do have the capacity to provide significant more vaccines if the supply supports it. With that, I think Dr. Garcia can answer questions and I can answer questions and I think if we, I do not know where we have Dr. Cullen at this point in time, we can also get her on the meeting.

SC: Madam Chair? This is Supervisor Christy.

SB: Supervisor Christy.

SC: I have a number of questions that I would like to ask both of the County Administrator and to the Pima County Department of Health officials.

AG: Supervisor Bronson, can I interrupt really quickly? I think we all have questions so if we could sort of do a little round robin and take turns? You know you ask a question, get an answer, I think that would be really helpful.

SB: And I am not sure what you mean.

SC: I am not either.

AG: What ends up happening is that we have one Supervisor that will ask nine questions in a row when the staff has not had an opportunity to finish explaining and I know that I have questions and comments, and I am sure Dr. Heinz and Supervisor Scott do as well.

SB: Thank you for that clarification. Supervisor Christy.

SC: I can get through these questions quite expeditiously and I think these are very pertinent ones that I can ask and have responses to relatively quick and it should not interfere with anybody else's ability to ask questions.

SB: Supervisor Christy proceed and then let us see how this goes.

SC: Thank you. Mr. Huckelberry, there has been a lot of issues we have seen in the press lately regarding the Arizona Department of Health and Pima County regarding funding. Dr. Christ was quoted with saying that there was some confusion as to how we were going to be repaid for funding. My first question to you Mr. Huckelberry is, because of this lack of clarity between the State and the County do you have now or have you ever had a written funding agreement between Pima County and the State of Arizona for reimbursement of expenses for COVID testing and/or other COVID-related expenses incurred by Pima County?

CH: Chair Bronson and Supervisor Christy, the answer is no, and neither has any county in Arizona.

SC: Okay and why would we not want to have an explicit contract of how we will get reimbursed before incurring the expenses and by your own estimates, we have what, probably \$50 million we are looking at of not being repaid? Why did we not have this agreement beforehand, before incurring the expenses?

CH: Chair Bronson and Supervisor Christy, it is called a pandemic. And if you look at the data, we were having the largest number of infections in December and January, it has tapered off in February, but if you look at even February, it did not taper off that much. We had over 8,000 infections and if

you compare back to the worst month in the summer, it was July with about 7,800. And so I think, the County has done the responsible thing which is to respond to the public health agency and provide necessary testing and including now accelerated vaccination and we do believe that we are entitled to be reimbursed for those continuing ongoing expenses. And that the supplemental CARES Act funding that was enacted on December 21st, clearly indicates that all of the things that we have been doing to minimize the spread of COVID-19 are all eligible for reimbursement and our view is that the State is probably the ones misunderstanding what the law is.

SC: I am sure there are those that would disagree that before we would go into this incurring any expenses we would be certain that we would get repaid on that. On page 7 of your...

SB: Okay, I am going to now turn it over to Supervisor Grijalva for her question and then we will get back to you. Supervisor Grijalva.

AG: Thank you. I just wanted to hear from Dr. Garcia regarding the pop-up testing sites. I had an opportunity to volunteer on Friday and on Saturday and I think the turnout was amazing and being able to see neighbors from the surrounding area walk from their homes and come get a vaccine. They have not had an opportunity to get one. Many of Supervisor Heinz's staff was there, I know Shaq McCoy was on both dates that I was there, giving vaccines all day and it was a really wonderful turnout. I just wanted to know how the outreach is going? How are we reaching neighbors for those pop-up sites? And then if we, if there is anything that we can do as individual supervisors to help connect with neighborhood groups in that area, I think that that would be really beneficial. You are muted Dr. Garcia and it was nice to see you in person, by the way! It was really nice to see you in real life.

FG: Can you hear me?

AG: I can.

FG: Chair Bronson, Supervisor Grijalva, so a couple of things that I can speak to on the issue that you brought up. We were very gratified with the excellent turnover as Mr. Huckelberry has said, over 1,700 individuals were vaccinated through our outreach efforts this weekend. That is pretty darn terrific by any extent of the imagination, but even more notable when we look at the racial and ethnic diversity and the fact that we focused on low income communities. And as long as we are making that progress, I think that that continues to be a good story to tell. I will tell you that our focus has been mostly on in-reach, that is very much in the same way that our efforts in other communities, the first of parts have to be in-reach, that is, talking to who the major stakeholders are in that community. In part because we need to manage demand. We need to manage the amount of people who want to come to these sites. We are walking a very, very fine line, we want just enough demand to finish all our vaccines, but not so much that we are turning away

people. Additionally, I think when we do these types of geographically targeted, census track targeted kinds of efforts, we really do have a responsibility to try to serve that community as tightly as we can. By the same token, we want to make sure that folks who are vaccine eligible get included. On Figure 7 of the memo, I am sorry Figure 8 of the memo that Mr. Huckelberry sent you yesterday, we have a detailed map that really provides all the different locations of the existing retail pharmacies, the regional vaccination centers, the proposed vaccination centers, as well as the pop ups. What I want you to look at with regards to the proposed, with regards to pop up mobile sites, is that they are really geographically distributed throughout the community, as are actually the pharmacies. So I think we are getting better and better penetration. We walk a very fine line in terms of demand generation and our efforts are predominantly with regards to in-reach rather than outreach.

SB: Thank you Doctor. Back to Supervisor Christy.

SC: Thank you. On page 7 of Mr. Huckelberry's memorandum, he speaks about the Centers for Disease Control selected Pima County for a study that is determining the efficacy between two different testing techniques, who paid for that?

FG: I am happy to...Chair Bronson, Supervisor Christy, I am happy to address that and actually Dr. Cullen is with us, and she was one of the main people who sort of helped organize that. This was actually paid for by the Feds. But I will have Dr. Cullen talk about this really important, important work that has really advanced the field tremendously across this country. Go ahead, Terri.

TC: Hi, Chairwoman, Supervisor Christy, that...we actually worked closely with the CDC and they brought a team in. There was no expense incurred by the County or State and actually, they helped us because they worked closely with our Paradigm Lab, which is where we conducted that testing. Interestingly enough, we just finished up another visit from the CDC that was for two to three weeks to help us with something related to one of our long-term care centers. So when we reach out to the CDC and they accept an invitation to come in, they incur all the costs that are associated with that.

SC: And that would include the 90% of the tests that Pima County did that other counties in the State of Arizona did not participate in?

FG: Chair Bronson, Supervisor Christy, those are not tests that are conducted as part of a study, the tests that are referenced in the Administrator's memo. So no, it would not have included the costs of those tests that were performed for the purposes of managing the pandemic in this county.

SC: So those were picked up by the County then, the costs?

FG: Chair Bronson, Supervisor Christy, correct.

- SC: Okay. I would like to get an idea of what that amount of cost was incurred by the County for that kind of testing, if I could? The second issue I have is, my office has asked, probably three times now or at least three meetings ago, to get a flow chart very simply defining three things; who is supplying the vaccine? What entity is the vaccine coming from? Who is dispensing it and how do people make an appointment to receive it? It would be so simple for people to be able to have some ability to know those items and I have asked for them three times. Is that a difficult issue of generating that kind of information?
- FG: Chair Bronson, Supervisor Christy, that chart exists, that flowsheet exists on our website since the meeting after you made that request. So it actually exists on the website and walks through the flow from one thing to...from the Feds, to the State, to the County, to the individual vaccinators. You can, it is easily accessed by googling COVID vaccination Pima County and it will be toward the bottom of that landing page.
- SC: Okay, COVID vaccination?
- FG: COVID vaccination Pima County and it will be toward the bottom of the landing page.
- SC: And that was found where?
- SB: Dr. Christy, I mean Dr. Garcia, could you send that information to Supervisor Christy's office?
- FG: Chair Bronson, absolutely.
- SB: Thank you.
- SC: Madam Chair, if I may, I have some data issues too because we are getting...
- SB: Just quickly, does any other Supervisor have a question at this point?
- RS: Madam Chair?
- SB: And that is?
- RS: Supervisor Scott.
- SB: Supervisor Scott, thank you.
- RS: Thank you. Mr. Huckelberry, on your memorandum of March 2nd, page 8, you state that you are fairly certain that we will win any appeal to the State's decision not to reimburse us for testing between January 1 and January 15,

but you are uncertain as to our success in receiving funding for testing from December 21 to December 31. Who hears and grants those appeals that are referred to in the memorandum?

CH: Chair Bronson and Supervisor Scott, it is more than likely the federal agency that distributes the funds and makes the rules associated with their distribution. And the reason for the uncertainty is that the December 21 date was the date that the supplemental appropriation for coronavirus relief was passed by Congress. It was not signed into law by the President until December 27th. So the question is, you know, is what is the effective date of when those funds should be made available? And can those funds be retroactive to the date of the enactment of the legislation?

RS: So do we have to submit a formal written appeal to said agency for both of those two testing periods and if so, have we already done that?

CH: Chair Bronson and Supervisor Scott, what we will need to do is I think, ask for reconsideration or additional consideration by the State and get the answer from the State and I think we apply for all periods, December 21st to the 31st and January 1 through 15 and then for any dates from the 15th actually until...the data in the memorandum is up to date until February 19th and we have been incurring tests since then obviously because it is March the 1st or 2nd. So I would suggest that what we do is, the Board can direct me to make an inquiry of the State through Dr. Christ, the Director, and since they tend to be the ones, either through the Governor's Office or through their agency, distributing or making decisions about distributing these funds, I think that would be the first effort. Once we obtain an answer from them on that, then I think we would then take the appeal process up to the federal agencies that are responsible for the particular program.

SB: Thank you, Mr. Huckelberry.

RS: Madam Chair, if Mr. Huckelberry needs that direction, I would so move.

SB: So direct. I think all you have to do is so direct.

RS: Okay, thank you. And I only have one other question. I am assuming, I am hoping I guess, that even if we have to scale back our testing program as indicated in your memo, that our efforts at contact tracing and case investigation will not be affected?

SB: Mr. Huckelberry.

CH: Yes, Chair Bronson and Supervisor Scott, yes and we are hopeful that we will not have to scale back testing. It is absolutely the wrong time to scale back testing, but we also face fiscal reality. And I have indicated that at this point, if you look at the State saying, well we have made \$14.3 million available, and the only notice we have gotten on that is in the press release,

and if we assume that then the next decision time period, where we really have to make a decision, it pushes it back around May 16th, not May 16th March 16th. And so I think it is important that we get this reconsideration request out soon and give a reasonable time period to respond and then if necessary, take the appeal to the federal agencies and our congressional delegation and I think the absolute worst thing that could happen, is that we scale back testing. It is so important to have testing when you are on the downswing of a pandemic, because you need to quickly identify those individuals who are symptomatic and determine if they are, in fact carriers and more importantly, we need to continue the asymptomatic testing for those who are infectious but have no idea they are infectious, so that we can control and isolate those individuals and again, reduce the infection rate.

SB: Thank you, Mr. Huckelberry.

SC: Madam Chair?

SB: Supervisor Christy.

SC: This has to do with data and the confusion of data gathering that is quite troubling. Because we have been receiving data from the Carnegie Mellon Institute and the Washington Post, that have consistently shown that Pima County is below the 100 infection cases per 100,000 in population since January 22nd. The threshold, as an example for lifting the countywide curfew, dictates that this 100 infections or less per 100,000 in population has to sustain itself for a period of over two weeks, which it has. As of February 24th, Pima County was at only 12.8 per 100,000 population, yet it still shows on the Pima County Health Department progress report as still being in the red zone. And by Pima County Health Department's own progress report, it is showing that Pima County's positivity rate is still in the red, while at the same time Carnegie Mellon and the Washington Post data show that we have been below the 10% threshold since February 3rd. Further COVID-like illnesses by Carnegie Mellon and Washington Post, again state that Pima County is in the less than 5% range since February 1st, yet the Pima County Health Department's progress report explains or states that we are just making process. Where are we? And why are we not taking any look or any kind of conscious effort to put this data from Carnegie Mellon and the Washington Post into the mix of our decision making process?

CH: Chair Bronson, let me let Dr. Garcia or Dr. Cullen both respond to that.

SB: Dr. Garcia, Dr. Cullen.

FG: Can you hear me? Chair Bronson, Supervisor Christy, indeed there is a full cottage industry in the formulation of these different dashboards and the dashboard that we continue to follow and what we try to reconcile up is with the Arizona State Department of Health Services, because that is ultimately the entity to which we report. By those standards, we have not yet reached

the threshold of 100 cases per 100,000. Yes we are very much, very close to reaching that threshold but we are not yet there. You are indeed correct for some positivity has been improving and you can see that on the schools and on the business dashboard published by ADHS, with our COVID like illnesses being 4.3% since about February 7th. I am going to let Terri sort of continue to comment on how we are updating our own process internally.

SC: Dr. Garcia, while we turn it to Dr. Cullen, I just want to point out that in the Arizona Department of Health Services own dashboard, it is showing a percent positivity for Pima County of 7.5%.

FG: Sir respectively, Chair Bronson, Supervisor Christy, I think you are looking at the wrong element on that. That percent positivity is a cumulative percent positivity, not the week-long percent positivity. You get to that figure by clicking on the, either the school or the business dashboard, and if you look at the positivity range there, it is not, it is not quite the same. So I think that and I concur that the dashboard is difficult, it is kind of confusing to navigate, so it is not obvious that that is not the positivity that the State is using for the purposes of their opening plan.

SC: Well it is very confusing. I would like to hear Dr. Cullen's thoughts on Carnegie Mellon and the Washington Post, both no (inaudible) organizations and why they are not taken into the mix. So, thank you.

TC: Chairwoman Bronson, Supervisor Christy, I actually will need to get back to you. I have not recently looked at either of those two dashboards. As you are aware, there are multiple dashboards out there and multiple people including John Hopkins and Columbia, and to echo what Dr. Garcia said, there is known discrepancies between the different data sets. We have, at the County, elected to follow the State. Prior to my coming into this position, there was a lot of differences between what the County was reporting and what the State was reporting. We made a decision to be consistent with what the State has and I was just actually on the State dashboard and not on the school or the business dashboard and this is why it is very confusing. The positivity rate there that they are reporting for our county is 12.1%. Just so you know, we do anticipate that we, we are hopeful that we will see changes in our dashboard this Thursday, which is when we update it and you will recall that it is for the 12 or 13 days prior to that and the two weeks before that. So it is really the 27, starting approximately 27 days before we change where we start paying attention to that two-week period.

SC: Well...

TC: I will get back to you with my analysis of those two dashboards.

SC: That would be helpful, because I think we should consider taking it into the mix when we are making policy. And do we have any information on infections positivity and COVID-like illnesses in the private and charter

schools that have remained open and how many of those charter and private schools have remained open? We do not have any information on that.

FG: Chair Bronson, Supervisor Christy, I am going to turn this over to Dr. Cullen. One thing, we have been tracking that, we have been tracking that across all of our different schools. We have been loathe to really shine the spotlight on any one actor for a lot of reasons, but yes, we have actually been following this fairly closely. Dr. Cullen.

SC: I was just going to say that I have not seen any data. So I am interested to hear what Dr. Cullen has to say on this issue.

TC: Chairwoman Bronson, Supervisor Christy, we actually do have this data, I do not have it at my fingertips. Once again, we can get you aggregated data related to infection rates that have been reported to us in the private and charter schools.

SC: I would very much appreciate it if you could provide me with that. I am trying to move along Madam Chair. Thank you Dr. Cullen, but you know, we do make a point of when the University of Arizona had a hotspot, we were able to track that and it was out there in the open and very easily defined. The same could be said, I would think in charter and private schools, if there is a hotspot, I am sure we would hear about it. So it is important that we take that into the mix too. And just as an overall question to Dr. Cullen and Dr. Garcia, why can't the Pima County Health Department come out and make a public statement declaring that schools in Pima County can now reopen?

FG: Chair Bronson, Supervisor Christy, from our perspective, the decision about opening and not opening schools is a decision for educators. We have fiercely partnered with all our school districts, we have fiercely partnered with our charter and private school community to support whatever decision they have made. By the way, 578 cases total at the beginning of the pandemic, charter plus private. So not an insubstantial number, but we have partnered fiercely with all our school district partners, with all our charter and private school partners. We believe that our role is to help them be successful and help maintain the health and wellbeing of the children and the staff and the teachers in those locations. So you have seen that the State and the Arizona Department of Health Services, as well as the Arizona Department of Education also issued guidance. We believe that that guidance is an appropriate guidance but you have seen them also sort of back off from making any definitive statements about closure or non-closure, precisely because the situation on the ground is what is important. Terri, would you like to elaborate?

AG: Supervisor Bronson?

SB: Yes.

AG: Can I interrupt, or can I ask a question? Make a statement? Mr. Eller, Brian Eller, we had a Board meeting, a TUSD Board meeting yesterday where we talked about reopening of schools and Mr. Eller, of our Pima County data dashboard, all of the information is there by district. So if you want to go in and look at the specific districts, it will tell you exactly how many cases we have had. So when Tucson Unified showed us that we had 59 cases and that where those cases happen more often are in special education classes and like amongst staff, how many and how it is transmitted. He talked about all of that information with us. So if you have a specific question about a school or district in your district, Supervisor Christy, I would recommend reaching out to Brian Eller and he can kind of walk you through the dashboard. Because it is really impressive all of the information that they have come up with. The other I think that is important, is that every school community is very different and what their capacity is, is very different. So for example, if you are dealing with a newer district that has new HVAC units, their circulation is, it was just built five years ago, you are looking at a very different situation than a school like Tucson High that is one of the oldest schools in Arizona. Their ventilation systems are really archaic and it does not matter how we try to retrofit it. Some of the windows do not open, others do. Some schools have the capacity to buy very fancy equipment to purify air and others do not. So I think that the County, what they have tried to do and my impression as a Board member on Tucson Unified, is that they tried to help districts mitigate what the issues are. So for example, if there is an outbreak at a certain school, then Pima County Health Department comes in and says hey, let us see what are we doing here? Are we having staff lunches? Yeah, let us, maybe we do not do those and they are really giving advice in that regard. But while we are on the subject of schools, I did want to advocate for a pop up site, no appointment necessary, for anybody working on a school site. Because we do have many of our schools, yesterday Sunnyside reopened for in-person learning, I believe Amphi, and Flowing Wells, TUSD is reopening on the 24th and 25th. And so we can get more of our school staff, the ones that do not have one dose yet, if we can get them in, that would be really helpful and give them a little bit of a window to be able to build up some antibodies, I think that would be helpful. But I do understand that the spread has been in sports, with specifically basketball, anything indoor has really been a really big issue and so I did hear very clearly that the Pima County Health Department is not encouraging those kinds of games, but you have not said no to them. The other thing that would be helpful in general I think for Pima County, is for some guidance on summer programs because families are going to be faced with the situation that employers are going to be asking more and more of us to go in-person into buildings and less online and we have some children that are going to need some places to go and you know, we also have summer school happening, so any guidance that you can provide in general for those programs as soon as possible would be very helpful because they are starting to plan what those summer programs will look like, if we have any. Thank you very much.

SB: Thank you, Supervisor. Supervisor Christy.

- SC: Yes, thank you Supervisor Grijalva for that information. But going back to Dr. Garcia, you said that those agencies were backing off on taking a position on whether or not to open up the schools. Was it not in the not too distant past, the position of the Pima County Health Department to keep our schools closed? So are you saying that now the Health Department of Pima County is backing off on its position as well?
- FG: Chair Bronson, Supervisor Christy, I guess I would not characterize that...I would not characterize our position like that at all. Like I said, what our goal has been is to make sure that schools, school districts, charters, privates, have the information that they need to make the best decisions for their learners because these environments are very different. Terri, I do not know if you want to elaborate?
- TC: Chairwoman Bronson, Supervisor Christy, I would agree with what Dr. Garcia has said. We have always believed our role is one of advice and interpretation of the data. As we go forward here, that is what we have done at the current time. We have indicated that layered mitigation is still critical. We continue to look at the data and actually what Supervisor Grijalva talked about, we come to any school board where we are invited so we can make sure that we can answer questions. I do not interpret our current response as backing off from making a decision.
- SC: It would be, I think, incumbent upon the Health Department, what is the experts in public health, that they could make the determination one way or the other, to open or close schools. And I think the position that we are not going to make any kind of statement one way or the other is harmful and does not give direction to those who need it most and that is the schools. So I guess I am very frustrated in the sense that here is the Health Department not making or taking any position on opening or closing the schools, the schools are looking to the Health Department for direction and the Health Department does not care to give it. It does not sound right.
- RS: Madam Chair?
- SB: Supervisor Scott.
- RS: Just to follow up on Supervisor Christy's points and Dr. Garcia, Dr. Cullen can correct me if I am mistaken, but I do not think I am. My understanding of the situation in Arizona, is that Governor Ducey in his executive order said that school districts could determine what sort of instruction they were going to be offering, working in partnership with local health departments. So if a school district like Catalina Foothills decides to stay in hybrid instruction, in-person instruction, our health department works in partnership with them to support that decision. If another district like Tucson Unified stays in remote instruction until the end of March, our health department works in partnership with them in doing that. Furthermore, the Arizona Department of Health

Services has had its own dashboard that has cited local conditions of the virus and has offered advice as to whether districts should be on in-person, remote or virtual instruction. So my understanding is that our local health department is supposed to be working with each school district within Pima County, to support the decisions that school district makes per the Governor's executive order. Is that not correct?

SB: Mr. Huckelberry, Dr. Garcia, Dr. Cullen.

FG:: Chair Bronson, Supervisor Scott, that is exactly correct.

SB: Thank you.

SC: May I continue with a couple of more questions, Madam Chair?

SB: Let me go to Supervisor Scott or Supervisor Heinz, to see if they have any questions first.

RS: Thank you very much, I have no further questions.

MH: But I do.

SB: Supervisor Heinz.

MH: Thank you so much. So Mr. Huckelberry or Dr. Cullen or Dr. Garcia, you are welcome to explain on any of these things. My understanding is the State still owes us \$14.3 million that the State has actually said it would reimburse to us but has not done so to this point. Is that correct?

CH: Chair Bronson and Supervisor Heinz, I checked with our finance and grants people this morning, and we have not seen any money from either the \$7.1 million per vaccination or the \$14.3 million in testing.

MH: And so this is, well, that is a little frustrating. So and we have spent...

SB: Supervisor, let me just interrupt you quickly. To Mr. Huckelberry, is there something that the Board could be doing to assist in determining where those funds are? Or as Dr. Heinz so eloquently pointed out, we need the money reimbursed.

CH: Chair Bronson and Supervisor Heinz, I think the previous direction the Board gave me with regard to a letter to the State Health Director is all I need for the testing issue and the issue with vaccination is one that we can follow up on because again, in that particular case, we did receive a notice from the State, rather than simply a press release with regard to the \$7.1 million. So I think we can follow up and we will do so at the Board's direction which I believe has already been given on both of those items.

SB: Thank you. Dr. Heinz, Supervisor Heinz, you had something else?

MH: Sure, Mr. Huckelberry, do we have, have we asked formally if we are going to be getting those funds? I know that we have received notification for the \$7.1 million, but with regard to the \$14.3 million which would offset well all of the \$12 million we have expended so far this year but have not been reimbursed. Have we reached out and has there been any response from the State?

CH: Yes, Chair Bronson and Supervisor Heinz, what we know is what we received in the press release and then what was noted in, I believe, the news article that was written by Howard Fisher of Capital Media and we intend to follow that up directly. I had indicated that I would probably not do that until the Board authorized that letter which was a letter to the director saying we know that you have at least done a press release and made a decision that we are going to receive \$14.3. There are a whole lot of reasons why more is needed and there should not be any constraints imposed on the distribution of those funds related to the date of when we incurred the expenses. So that is the type of letter that will be sent to the director hopefully by later today.

MH: Excellent. And I certainly agree with what we have been discussing in terms of the importance of free and widespread testing. I think that is very clearly stated in multiple memos you have provided to the Board. We heard from Dr. Garcia on where to send our mobile clinics to deal with hotspots and of course that will be one of the ways how we detect when the U.K. and other variants end up getting to Southern Arizona. That said, as we have stated, the majority of testing, the vast majority of testing is being, the bill is being borne by Pima County and without any assistance forthcoming and with I guess we have, I guess we cannot really sue the State since we are a subdivision of the State, that would be a little awkward and on my own, I contacted the Department of Health and Human Services and the CDC to confirm that the funds we are discussing have been deposited in the State's account. They have had them since the middle of January or earlier. We are not receiving them. I just for the sake of, I mean to provide some additional force to the letter you are going to send later today and also for the sake that we have to be stewards of the County's finances, I would move that unless the State immediately releases the \$14.3 million to the County, that we discontinue COVID-19 testing as of March 16th of 2021.

SC: Madam Chair?

SB: And that is? Is there a second to the motion? Is there a second to that motion? I do not think we, thank you, Supervisor Heinz, there is no second. Motion dies for a lack of a second. But who, I think it was Supervisor Christy, did you have a question?

SC: I would like to continue with a couple of other questions. These are directed to Mr. Huckelberry. Mr. Huckelberry, what is the current status use of the

Toole Avenue property that the County paid, I think it was \$3.4 million for recently? What are we using that property for currently?

CH: It is the Health Department's we will say PP&E, inventory and storage facility, as well as staffing.

SC: So it is directly underneath the use of the Health Department?

CH: Yes, it is.

SC: Is it in a capacity? Is it fully utilized? Or just piecemeal?

CH: It is fully utilized at this point.

SC: Okay...

SB: And I do not think I am going...I do not think Dr. Heinz had finished his questions. So Supervisor Heinz, do you want to continue? If you are there?

MH: Sorry, I was on mute. No, I do not have any further questions.

SB: Okay.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Yes, and another issue that has come up is with the cessation or the ending of testing, due to lack of funds and reimbursement potentially, depending on what this Board votes, what will the County's approach be with the appeal process to reinstate the curfew if COVID testing is discontinued?

SB: Mr. Huckelberry.

CH: Chair Bronson and Supervisor Christy, I do not understand the question.

SC: My question is if we are utilizing a testing, testing to reach a threshold of infections per 100,000 and we are not able to utilize that information anymore because we are not testing anymore, what is the purpose of going through the appeal process when we have no record keeping or data to back up the necessity of a curfew. Why not drop the appeal when there is no testing to back up the data?

CH: Chair Bronson and Supervisor Christy, there is additional testing being done. It is being done in a growing amount by the saliva tests by A.S.U. It is being paid for by the State. If you looked at the, my communication, I talked about the distribution of testing in Pima County versus others for the last three months and as we have now had a lot of the BinaxNow testing come online,

there is significant additional testing occurring within Pima County. The problem with the BinaxNow is it is not as accurate as the P.C.R. testing. So there is testing occurring. Saliva testing by A.S.U. and a lot of the BinaxNow testing, and we are the ones who do predominantly mostly the P.C.R. testing.

SC: Okay.

SB: Thank you, Mr. Huckelberry.

SC: Moving on to another COVID related item Madam Chair.

AG: Supervisor Bronson, excuse me, I did have a question about testing, so before we move on, can I ask that?

SB: Sure.

AG: So we do, there is a bill going through the Senate that has a significant allocation for testing. Now, I guess the problem with that...

SB: You are talking about the U.S. Senate correct?

AG: Excuse me?

SB: You are talking about the U.S. Senate?

AG: Yes, I am sorry, not our State, our Federal Government that the administration is really supporting and there is a significant amount there for testing and some of that, I know the CARES allocation came directly. Do you have any indication as to whether those funds would be funneled through the State like our last support bill or might those come directly to the County?

CH: Chair Bronson and Supervisor Grijalva, it is a combination of both. We know that in one of the versions, this is the third CARES Act and not the supplemental CARES Act that was approved on December 21st, the one that is being debated now. It has a direct appropriation to the County and to cities and communities, particularly those that are providing public health services. So that will be helpful. The question is, do they in fact, provide additional money earmarked specifically for testing and how that will be distributed. My guess is that and we have made our case to our congressional delegation that said we want direct allocation of testing as well as vaccinations so that we can avoid the current problem that we are in. Where that will ultimately land, we do not know.

AG: Thank you, I just wanted to highlight that we are having our fingers crossed and hoping that more funding will come directly to Pima County for testing. I agree that testing is a really big issue. I do think we need to continue to do it. I know that the City has reduced the number of hours that their testing sites are available and I would, I was wondering if the County had thought about

doing that instead of wholesale closure when we get there? If we can look at where the peaks are, when people are coming in to get testing and maybe, you know, less hours and sharing the load amongst the other sites, but I appreciate that it is a difficult proposition when we do not have funding coming.

SB: Thank you, Supervisor. Part of Item 9 which is under discussion now, was suspension of COVID-19 testing. I am going to ask Mr. Huckelberry if you wanted the Board to take any action or if that was a point of information only?

CH: Chair Bronson, again it all depends on what type of answer we get from the State. If we ask the question today with regard to the release of the money and the allocation of more testing money in concordance with who is actually doing the testing in Pima County. I would hope that we would have an answer by March 16th, which is the next Board meeting and so what I would suggest is that we have this item, obviously the issue of whether we suspend testing or not on the Board's agenda of the 16th. To that point, hopefully have received some answer from the State and we can make a decision one way or the other based on the actual answer of the State to our letter.

SB: On March 16th, so no action today, is that correct?

CH: Correct.

SB: And then quickly, just quickly the other piece under Item No. 9, is Updates and Actions on COVID and part of that is revisions to Board of Supervisors Policy and you are recommending approval of revisions to C 2.9 Temporary Policy. That is an action item is it not?

CH: Chair Bronson, yes, it is and it adds the flexibility on leave and the different types of things that occur with regard to leave applications and so we think we would like to have that additional flexibility.

SB: And so you would like these policies and revisions to be approved by the Board today?

CH: Yes.

SB: Thank you.

AG: I would like to move that item, Supervisor Bronson.

SB: Second. Motion and a second to approve the revisions to the Board of Supervisors Policy, No. C 2.9, Temporary Policy - Novel Coronavirus for COVID-19. A motion and a second. Any discussion? Any objections? Hearing none, motion carries unanimously.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Thank you for your indulgence in allowing me to ask these questions. I have only got about 30 or 40 more.

AG: It feels that way.

SC: Trying to zip through them. On Friday, a meeting of the Arizona Border Counties Coalition was held that you are Chair, of Chair Bronson and the County Administrator Huckelberry attended. I would like to have an update on the impact of COVID on the operations of Casa Alitas and where is the COVID testing taking place for the asylum seekers? Is it at the border or Casa Alitas? Who is paying for the testing? What happens to the asylum seekers as a result of a negative or positive test return? What occurs after the testing? What happens to their status? Finally, on an agenda item for that meeting on Friday, it included a, quote, "cooperative agreement" between the border counties. What is this cooperative agreement and what does it mean? So if I could have kind of an update on Casa Alitas, the effects of COVID, who is paying for what and what the cooperative agreement between the counties means as a result of that meeting?

AF: Madam Chair?

SB: Supervisor...Mr. Flagg.

AF: Thank you, Madam Chair. Obviously, we are linked to COVID items and most of those questions are related to COVID. I do not know whether that cooperative agreement relates to COVID, but if it does not, that would be outside the scope of this agenda item.

SB: Mr. Huckelberry.

CH: Chair Bronson and Supervisor Christy, if you could provide those questions in writing, we would be happy to answer each one of them in the sake of time and the quick answer is that we know that asylum seekers are tested in Mexico. They are also tested when they come to Casas Alitas. Casas Alitas is reduced in capacity because of COVID-19 spacing requirements, not infected individuals, to about 65. And I think that is probably most of who is paying for it, it is the BinaxNow test, it is relatively inexpensive. Obviously the U.S. Government is paying for it in Mexico when they deliver them to our door. They are paid through those funds of what we use for the BinaxNow. There is another grant proposal in process for the same grant that we received probably a year ago, to offset all of our costs associated with transitional housing of asylum seekers. We will apply for that grant as well. All of those grants are basically, you do not get reimbursed until you have made the expenses, so that is the same issue. Cooperative agreement, it could involve COVID-19. During the early days of the pandemic we were

providing information assistance and direction to our surrounding counties because our public health agency had the expertise and we did so and this would tend to formalize that agreement for any type of public health emergency or public health issue that would arise in any county.

SC: Is that, Madam Chair, is that cooperative agreement, has it been created yet or was it just agendized?

SB: Again, I think that is out of order, Supervisor Christy. I think Mr. Huckelberry will provide you with some answers if you put those requests in writing.

SC: Thank you, Madam Chair.

SB: We have been at this for over an hour. Are there any further questions from Board members on this item?

SC: Yes, Madam Chair. One more I overlooked. I believe this might be directed to Mr. Huckelberry. What is Embry Health? E m b r y (spelled out), Embry health?

CH: Embry Health, I believe it is a testing facility or testing activity up in Phoenix.

SC: And it is not in Southern Arizona or Pima County?

CH: I do not know. It might be.

SC: I think we have, we found out there are three centers in Pima County with Embry Health.

SB: I think Mr. Huckelberry can get back to you with that information at your request. If you make a formal request to Mr. Huckelberry.

SC: I will do so.

SB: Put it in writing, it would be best in writing.

SC: Thank you.

SB: If there are no further questions on this item we will move on to Item 10.