

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 16, 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

*Supervisor Heinz joined the meeting at 9:05 a.m.

1. CONTRACT

Pima County, Pima County Flood Control District and Borderland Construction Company, Inc., Amendment No. 1, to provide for Construction Manager at Risk Services: South Houghton Road Widening Project (4SHRWD), amend contractual language and scope of work, no cost (CT-TR-21-228) Transportation

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

2. CONTRACT

Town of Marana, to provide for construction and maintenance of the Santa Cruz River Path CalPortland Segment, Flood Control Tax Levy Fund, contract amount \$500,000.00/2 year term (CT-FC-21-327)

It was moved by Supervisor Christy, 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 12:04 p.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, March 16, 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

*Supervisor Heinz joined the meeting at 9:05 a.m.

1. **RENAMING THE EL PUEBLO LIBRARY**

Discussion/Action. The Library Advisory Board recommends approval of the renaming of the El Pueblo Library the Frank De la Cruz - El Pueblo Library. (District 5)

Supervisor Grijalva recognized Frank De la Cruz' years of service and his commitment to the community as an activist and an advocate for justice.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:04 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 16, 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

*Supervisor Heinz joined the meeting at 9:05 a.m.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. PUBLIC COMMENTS

The Clerk of the Board read a submitted public comment and the statement was added to the record.

3. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Scott, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:07 a.m.

4. RECONVENE

The meeting reconvened at 9:46 a.m. All members were present.

EXECUTIVE SESSION

5. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Briseyda Ida Rocio Acosta Lopez v. Grecia Nava de la Barrera, et al., Pima County Superior Court Case No. C20204288.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office was recommending acceptance of the proposed settlement. He indicated that the County would pay \$200,000.00 as settlement for all claims. The County Attorney's Office sought direction on whether to proceed with the proposed settlement.

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

6. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Next Level Arcade Tucson, L.L.C., v. Pima County, Arizona Court of Appeals Case No. 2 CA-CV 2021-0034.

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

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

COUNTY ADMINISTRATOR

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

(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.)

The Board of Supervisors on March 2, 2021, continued the following:

- **Suspension of COVID-19 Testing**

8. **COVID-19 Vaccination of Employees**

(Clerk's Note: See the attached verbatim for Minute Item No. 7 for discussion related to this item.)

Discussion/Direction/Action regarding the Board's position on policy relating to mandatory vaccination for certain employee classifications.

9. **Pima County Workforce Innovation and Opportunity Act (WIOA) Formula Allocations**

Staff recommends appointment of Dan Sullivan, Director, Community and Workforce Development, to serve as the Board's representative during WIOA allocation negotiations.

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

HUMAN RESOURCES

10. Revisions to Personnel Policy

Staff requests approval of the proposed revisions to Personnel Policy No. 8-107, Special Leaves of Absence With Pay.

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

TRANSPORTATION

11. Establishment of a Memorial Roadway Designation

RESOLUTION NO. 2021 - 7, of the Board of Supervisors, relating to the establishment of a memorial roadway designation to recognize Patricia A. Hubbard on South Nogales Highway from Los Reales Road to Aerospace Parkway. (Districts 3 and 5)

Chair Bronson commented that this was an appropriate tribute in honor of Patricia A. Hubbard's memory and her service to the animal community.

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

FRANCHISE/LICENSE/PERMIT

12. Hearing - Liquor License

Job No. 135845, Kevin Arnold Kramber, Tay's BBQ, 16461 S. Houghton Road, Vail, Series 12, Restaurant, New License.

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 license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

13. Hearing - Rezoning

P20RZ00012, ARIAS, ET AL. - W. DREXEL ROAD REZONING

Andres Arias and Yesenia Fimbres request a rezoning of approximately .83 acres from the GR-1 (Rural Residential) to the CMH-1 (County Manufactured and Mobile Home-1) zone, located at the southwest corner of W. Drexel Road and S. Cardinal Avenue and addressed as 2905 W. Drexel Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as 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)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A 1-foot no access easement shall be provided along the northern property boundary prior to the issuance of a building permit.
 - B. One access shall be allowed and shall be located between the southeast corner of the site and the beginning of the northbound left-turn storage lane on Cardinal Avenue.
 - C. An ingress/egress easement for legal access between the properties is required prior to the issuance of a building permit. The location and design of said ingress/egress easement shall be determined during the building permitting process. All lots shall be served by this common, private ingress/egress easement and shall be paved (chip sealed) within six (6) months of the issuance of a building permit.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owners(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

4. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. 41-865 and A.R.S. 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

The Chair inquired whether any comments or requests to speak on this item were submitted. Although there had been opposition expressed, no one spoke at this time. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00012, subject to standard and special conditions.

14. **Hearing - Rezoning**

P20RZ00013, BORK - N. TOMAHAWK TRAIL REZONING

Jeffrey and Jasmine Daneri Bork request a rezoning of approximately 3.3 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, located at the northeast corner of E. Glenn Street and N. Tomahawk Trail and addressed as 2840 N. Tomahawk Trail. The proposed rezoning conforms to the Pima County Comprehensive Plan, which designates the property as Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Flood Control Condition: Floodplain limits and erosion hazard setbacks shall be determined at the time of development, and a Floodplain Use Permit is required.
3. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. 41-865 and A.R.S. 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains

- will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
4. The owner(s) shall dedicate a Non-Motorized Trail easement to Pima County and construct the Tanque Verde Road single track trail in accordance with the Pima County Standards.
 5. Adherence to the sketch plan as approved at public hearing.
 6. The maximum number of lots is two.
 7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 8. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
 9. Maximum height is limited to 24 feet and one story.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received.

Supervisor Christy inquired whether rezoning allowed the owners to operate a business on the premises.

Carmine DeBonis, Jr., Deputy County Administrator, Public Works, responded that the request to rezone to CR-1 (Single Residence) zone does not allow for an auto repair business on the property.

It was moved by Supervisor Christy, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00013, subject to standard and special conditions.

15. **Hearing - Rezoning**

P20RZ00014, STEWART TITLE AND TRUST TR 3734 - W. CURTIS ROAD REZONING
Stewart Title and Trust TR 3734, represented by The WLB Group, requests a rezoning of approximately 1.28 acres from the CR-5 (Multiple Residence) to the CI-1 (Light Industrial-Warehousing) zone located at the southwest corner of W. Curtis Road and N. Davis Avenue and addressed as 2811 W. Curtis Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, which designates the property for Higher Intensity Urban. 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 3)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:

- A. The property owner/developer shall dedicate 25 feet of right-of-way for the corner spandrel at the northeast property boundary for Curtis Road and Davis Avenue.
 - B. The location and design of the bus stop shall be subject to approval by the Department of Transportation at the time of development plan submittal.
- 3. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
- 5. Cultural Resources conditions: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. 41-865 and A.R.S. 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 6. Adherence to the preliminary development plan as approved at public hearing.
- 7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

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

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 Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00014, subject to standard and special conditions.

16. **Hearing - Rezoning Closure/Time Extension**

A. **Hearing - Rezoning Closure**

Co9-99-22, MCGARRY/BAUM/EIDAL, ET AL. - VALENCIA ROAD REZONING
Proposal to close rezoning Co9-99-22 (parcel codes 14032006G and 14032007D), on an approximately 14.66 acre portion of the original 18.44 acre rezoning from the CR-3 (Single Residence) to the CB-2 (General Business) zone on approximately 14.12 acres, and from the CB-2 (General Business) to the CB-2® (General Business - Restricted) zone on approximately 4.32 acres, located on the northwest corner of E. Benson Highway and E. Valencia Road. The rezoning was conditionally approved on March 21, 2000 and expired on March 21, 2020. Staff recommends AGAINST CLOSURE. (District 2)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Heinz, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation against closure of Co9-99-22.

B. **Hearing - Rezoning Time Extension**

Co9-99-22, MCGARRY/BAUM/EIDAL, ET AL. - VALENCIA ROAD REZONING
Jacqueline Eidal Tr, et al., represented by The Planning Center, requests a five year time extension for the above referenced rezoning (parcel codes 14032006G and 14032007D) from the CR-3 (Single Residence) to the CB-2 (General Business) zone, and the CB-2 (General Business) to the CB-2® (General Business - Restricted) zone. The subject site was rezoned in March 2000 and approved for rezoning time extensions in December 2005, June 2010, and July 2015. The site is approximately 14.66 acres located on the northwest corner of E. Benson Highway and E. Valencia Road. Staff recommends APPROVAL OF FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
- ~~61.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~72.~~ Transportation conditions:
 - A. The property owner/developer shall provide improvements and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation. Prior to approval of a development plan or subdivision plat for any portion of the subject property, written proof of coordination with the Arizona Department of Transportation shall be provided to Pima County Development Services.
 - B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.
 - C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage to reduce access driveways to both Benson Highway and Valencia Road.
 - D. Prior to approval of a development plan or subdivision plat for any portion of the subject property, written proof of coordination with the City of Tucson Department of Transportation regarding traffic Impacts to their roadway system and any subsequent City of Tucson Department of Transportation requirements shall be provided to Pima County Development Services.
- ~~83.~~ Regional Flood Control District conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Pima County Regional Flood Control District.
 - B. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage.
 - C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance.
 - D. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - E. The property owner(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements.
 - G. A riparian mitigation plan shall be required for development in designated riparian areas.
- ~~94.~~ If during land modifying activities, cultural remains, including human remains, are discovered, work in the vicinity of the discovery shall cease and the Pima County Cultural Resources Manager shall be consulted. If Pima County determines that an

archaeological inventory is needed, such an inventory and any subsequent mitigation that may be required, will be conducted in accordance with the Standard and Special Requirements for Archaeological Sites.

405. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT A).

446. Environmental Planning conditions:

A. Upon the effective date of the Resolution, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

B. The project site shall be inspected by a trained resource specialist for the presence of the Western burrowing owl. A report containing inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the development plan. If evidence is found substantiating the presence of Western burrowing owls on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

427. Regional Wastewater Reclamation conditions:

A. The owner(s)/developer shall ~~not~~ construe ~~no~~ any action by Pima County as a commitment of capacity to serve ~~to provide sewer service to~~ any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer to that effect.

B. The owner(s)/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(s)/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

D. The owner(s)/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

E. The owner(s)/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

F. The owner(s)/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the

- Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
438. Tucson Airport Authority conditions:
- A. An Aviation Easement shall be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the project area, and in accordance with the requirement of the Tucson Airport Authority. The Aviation easement shall run with the property, and will served to educate future purchasers of potential aviation impacts.
 - B. "According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops, every project applicant shall file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns, which are identified by the FAA. Any cranes, which are used, must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>"
 - C. "Applicable to residential uses only
The property owner/developer/applicant shall provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit shall be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The property owner (for itself or its tenants) shall forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature. Mail to: Tucson Airport Authority, 7250 S. Tucson Boulevard Suite 300, Tucson AZ 85756."
449. In the event the subject property is annexed, the property owner(s) / developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
4510. The property owner(s) shall execute ~~and record~~ the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Heinz, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-99-22, subject to original and modified standard and special conditions.

TRANSPORTATION

17. Hearing - Design Concept Report and Environmental Assessment

Staff recommends approval of the Design Concept Report and Environmental Assessment for the Sunset Road: I-10 to River Road Project (4SRRIV), Regional Transportation Authority Project No. 8. (District 1)

Supervisor Scott 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 the item.

18. Hearing - Code Text Amendment

ORDINANCE NO. 2021 - 11, of the Board of Supervisors, relating to traffic and highways; amending the Pima County Code by amending Title 10, Traffic and Highways, Chapters 10.04 (General Provisions), 10.08 (Speed Limits), 10.12 (Traffic-Control Signals), 10.16 (Stop Intersections), 10.20 (Yield Controlled Intersections), 10.24 (Through Streets), 10.28 (One-Way Streets), 10.32 (Turning Restrictions), 10.36 (Oversize and Overweight Special Permits), 10.40 (Stopping, Standing and Parking Restrictions) and 10.46 (Primitive Roads) to delegate to the County Engineer approval authority.

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

19. Program for Emergency Eviction Defense

Discussion/Action. Direct the County Administrator and county staff to work with the County Attorney's Office to allocate \$2 million in federal coronavirus relief funds, to the extent permitted by federal law, to support the provision of eviction defense services for all eligible Pima County residents who: (a) attest that they have suffered loss of income or financial hardship due to the coronavirus pandemic; (b) are financially unable to afford counsel; and (c) are currently facing an eviction filing or judgment for either non-payment of rent or "material non-compliance" with lease, or who face an eviction filing in the coming weeks or months for either non-payment of rent or "material non-compliance" with lease. The County Administrator shall task a supervising attorney with administrative oversight of this program. The program should pursue two purposes:

- 1) Support a rapid expansion in the availability, marketing and reach of outside agency-provided Eviction Prevention Clinics such as those run by Step Up to

- Justice, Southern AZ Legal Aid, and others (building on the Pilot Project started between SU2J and Pima County in October, 2020); AND
- 2) Support the provision of outside private counsel for tenants in need of eviction defense services. Provide a fund whereby both nonprofit organizations and private law practices who are qualified and capable of providing legal eviction defense services and support can efficiently qualify as an approved provider for this program, take cases as assigned by the supervising attorney, and be reimbursed at the tiered flat-rate reimbursement rates established by the County ahead of time. Such services and support shall include but not be limited to: acting as defense attorney for the eviction proceeding, including efforts to remedy or negotiate out a case disposition before the court hearing; representing the tenant/defendant in all court proceedings or hearings prior to an eviction trial; and providing representation at the eviction trial itself. Approved providers will not be responsible for representation during any appeal or other post-trial proceeding. (District 2)

The following speakers addressed the Board in support of this item:

- Dr. Eric Schindler, President & CEO, Child and Family Resources
- Steven Valencia, Tucson Coalition of Jobs with Justice
- Billy Peard
- Brian Flagg
- Debbie Martinez
- Roxy Valenzuela
- Cecilia Gomez-Ortiz
- Zaira Emiliana Livier
- Christine Tolley
- Fred Yamashita
- Chris Groninger, Arizona Bar Foundation
- Corinne Cooper
- Kristen Randall
- Joe Audino
- Keri Lopez-Howell, Executive Director, Sunnyside Foundation

They offered the following comments:

- This low cost program would effectively and humanely save lives and prevent unnecessary suffering and harm to children.
- We must help families stay together to prevent pain/loss, homelessness, suicides and it will save money.
- Children without housing experienced short and long term repercussions regarding well-being, school success, substance abuse, juvenile delinquency and success as adults.
- Relief dollars should be used to pay landlords and keep families housed.
- When tenants were represented eviction filings decreased which resulted in significant cost savings for the County.
- Safe and secure housing was not a luxury, but a right.

- There was a lack of consistency in the way Justice Courts approached eviction.
- Representation for both parties was essential for justice.
- For many individuals, eviction was not just a civil matter, but a matter of life or death.
- Beyond being ethical and just, this program, would provide financial and economic benefits.

(Clerk's Note: See attached verbatim for Minute Item No. 19, for additional discussion and action related to this item.)

CLERK OF THE BOARD

20. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), Iglesia de Jesucristo Palabra Miel Tucson, has petitioned the Board of Supervisors for Relief of Real Property taxes and associated interest/penalty for tax years 2019 and 2020, for Parcel No. 225-39-0080.

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

SUPERIOR COURT

21. Court Commissioner Appointments

Appointments of Court Commissioners:

Superior Court Commissioners

Lisa Lewis; Randi Barnett

Juvenile Court Commissioner

Jennifer Espino

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

CONTRACT AND AWARD

COMMUNITY AND WORKFORCE DEVELOPMENT

22. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 5, to provide for workforce veterans and innovation services, amend contractual language and scope of work, USDOL - WIOA Funds, contract amount \$17,488.64 (CT-CR-20-423)

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

23. Community Investment Corporation, Inc., to provide for the Emergency Rental Assistance Program, U.S. Department of Treasury, Emergency Rental Assistance Fund, contract amount \$8,000,000.00 (CT-CR-21-340)

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

HEALTH

24. Drexel Heights Fire District, to provide for administration of COVID-19 immunizations and testing, Health Special Revenue Fund, contract amount \$25,000.00 (CT-HD-21-334)

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

INFORMATION TECHNOLOGY

25. Green Valley Amateur Radio Club, Amendment No. 1, to provide for a Tower License for wireless communications facilities at the Pima County Sheriff's Department in Green Valley, extend contract term to 11/30/25 and amend contractual language, no cost (CT-IT-16-130)

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

PROCUREMENT

26. CenturyLink Communications, L.L.C., to provide for carrier and broadband services, Telecom Internal Service Fund, contract amount \$400,000.00 (MA-PO-21-72) Information Technology

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

REAL PROPERTY

27. Sahuarita Acres Community Association, Inc., Amendment No. 1, to provide for a License Assignment for Encroachment on County Property for the purpose of drainage and amend contractual language, contract amount \$4,800.00 revenue (CTN-PW-21-81)

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

GRANT APPLICATION/ACCEPTANCE

28. Acceptance - Health

Council of State and Territorial Epidemiologists, to provide for the Data Science Team Training Program, \$10,000.00 (GTAW 21-123)

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

29. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for reallocation of the FY2018 Homeland Security Grant Program Award for upgraded bomb suits for the Explosive Ordnance Disposal Unit, \$35,500.00 (GTAW 21-125)

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

30. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for reallocation of the FY2018 Homeland Security Grant Program Award for a tactical surveillance system for SWAT, \$8,621.00 (GTAW 21-126)

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

BOARD, COMMISSION AND/OR COMMITTEE

31. Transportation Advisory Committee

- Appointment of John Winchester, to fill a vacancy created by Yolanda Weinberger. Term expiration: 3/15/25. (District 1)
- Appointment of Melissa Brown-Dominguez, to fill a vacancy created by Eric Ponce. Term expiration: 3/15/25. (District 2)

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

32. Regional Wastewater Reclamation Advisory Committee

Reappointment of Rob Kulakofsky. Term expiration: 3/1/25. (District 5)

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

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

Reappointment of Peter Backus. Term expiration: 2/5/25.

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

34. **Merit System Commission and Law Enforcement Merit System Council**

Appointment of Sami Hamed, Democrat, to replace Cheryl Horvath. Term expiration: 3/15/25. (District 2)

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

35. **Small Business Commission**

Appointment of Carlos Ruiz, to fill a vacancy created by Natasha Herzig. No term expiration. (District 4)

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

CONSENT CALENDAR

36. **Approval of the Consent Calendar**

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

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item No. 12 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR SCOTT

CONTRACT AND AWARD

Procurement

8. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-229, Amendment No. 7, Amazon.com, L.L.C., to provide for an on-line marketplace for the

purchase of products. This amendment increases the annual award amount by \$900,000.00 from \$800,000.00 to \$1,700,000.00 for a cumulative not-to-exceed contract amount of \$2,650,000.00. Funding Source: General Fund. Administering Department: Procurement.

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

Supervisor Scott requested detailed information on sanitation expenses as a result of COVID-19. He indicated that this would provide the Board and the public with an understanding of how the pandemic has impacted county operations.

Chuck Huckelberry, County Administrator, responded that the information would be provided to the Board.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Procurement

12. Paradigm Laboratories, L.L.C., Phamatech, Inc., Premier Medical, Inc., d.b.a. Premier Medical Laboratory Services, SJM Premier Medical Group, L.L.C. and Visit Healthcare, to provide for COVID-19 testing and reporting services, Health Department Operations Fund, shared contract amount \$33,000,000.00 (MA-PO-21-139) Health

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

Supervisor Christy questioned the funding and asked whether the full contract amount was necessary since testing had been decreased.

Chuck Huckelberry, County Administrator, responded that the contract amount was forecasted based on previous spending for this category. He added that spending was reimbursed through the Coronavirus Relief Act. He explained that the vendors would be reimbursed for only those services required and the \$33 million was a not-to-exceed amount. He noted that future expenses would likely be reimbursed by the American Recovery Act.

Supervisor Heinz asked whether the contract covered the entire amount expended by the County.

Mr. Huckelberry responded that this was to fund future testing and the amount was estimated using previous costs.

Supervisor Heinz asked for an update on State funding distributions for previous testing services.

Mr. Huckelberry indicated that the County had not received reimbursement, for testing, from the State in the amount of \$7.2 million. He added that the County had requested that the CDC review the issue.

Supervisor Grijalva commented that continued testing was critical due to the emerging variants. She also noted that this was a shared contract between several vendors.

Mr. Huckelberry indicated that each vendor specialized in specific tests, which allowed for greater flexibility when responding to future conditions with regard to COVID-19 outbreaks.

Supervisor Christy indicated that he could not support this item because of the uncertainty surrounding reimbursement.

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

* * *

CONTRACT AND AWARD

Behavioral Health

1. CODAC Health, Recovery & Wellness, Inc., d.b.a. CODAC, Amendment No. 2, to provide for medical forensic examination and evidence collection for victims of sexual assault, extend contract term to 6/30/22 and amend contractual language, General Fund, contract amount \$60,000.00 (CT-BH-20-268)

Facilities Management

2. YMCA of Southern Arizona, to provide for a license agreement granting non-exclusive use of space in the Public Works Parking Garage at 50 W. Alameda Street, contract amount \$172,500.00 revenue/5 year term (CTN-FM-21-72)
3. United Way Capital Corporation, Amendment No. 2, to provide for a lease agreement at 340 N. Commerce Park Loop, extend contract term to 3/31/26 and amend contractual language, General Fund, contract amount \$1,151,773.77 (CT-FM-CMS127837)

Health

4. Conduent Healthy Communities Corporation, Amendment No. 1, to provide for a Platform License Agreement and amend contractual language, Health Special Revenue Fund, contract amount \$14,400.00 (CT-HD-19-397)

Natural Resources, Parks and Recreation

5. Wildcat Golf Partners, L.L.C., to provide for operation of the Crooked Tree Golf Course, contract amount \$750,000.00 revenue/10 year term (CTN-PR-21-76)
6. Diamond Bell Ranch Management Company, L.L.C., Amendment No. 2, to provide for a Termination and Mutual Release Ranch Management Agreement, no cost (CTN-PW-18-100)

Pima County Wireless Integrated Network

7. State of Arizona, Department of Public Safety, to provide for Site Specific Agreements for Keyston, Oatman and Tucson sites, PCWIN Special Revenue Fund, contract amount \$84,000.00/5 year term (CT-WIN-21-311)

Procurement

8. **Award**
Amendment of Award: Master Agreement No. MA-PO-17-229, Amendment No. 7, Amazon.com, L.L.C., (PULLED FOR SEPARATE ACTION)
9. RBC Capital Markets, L.L.C., Amendment No. 3, to provide for investment banking services and extend contract term to 6/30/22, Debt Proceeds Fund, contract amount \$1,200,000.00 (MA-PO-19-117) Finance and Risk Management
10. Desert Archaeology, Inc., Amendment No. 4, to provide for cultural resource services for Segment II of the Silverbell Road Improvement Project, amend contractual language and scope of services, City Revenue Other Operating Fund, contract amount \$1,001,543.96 (CT-SUS-20-273) Office of Sustainability and Conservation
11. Iler Group, Inc., d.b.a. Fleetistics, to provide for GPS tracking solutions, Fleet Services Operations Fund, contract amount \$600,000.00 (MA-PO-21-137) Fleet Services
12. Paradigm Laboratories, L.L.C., Phamatech, Inc., Premier Medical, Inc., d.b.a. Premier Medical Laboratory Services, SJM Premier Medical Group, L.L.C. and Visit Healthcare, (PULLED FOR SEPARATE ACTION)

13. Pima County, Pima County Flood Control District and Borderland Construction Company, Inc., Amendment No. 1, to provide for Construction Manager at Risk Services: South Houghton Road Widening Project (4SHRWD), amend contractual language and scope of work, no cost (CT-TR-21-228) Transportation
14. Kimley-Horn and Associates, Inc., to provide for engineering design services for the Sunset Road: I-10 to River Project (4SRRIV), Regional Transportation Authority (11%), Development Impact Fees (42%) and County Highway User Revenue (47%) Funds, contract amount \$2,539,663.15/3 year term (CT-PW-21-331) Public Works

Transportation

15. Regional Transportation Authority, Amendment No. 4, to provide for design and construction of improvements to Sunset Road - Silverbell Road to I-10 to River Road (RTA-8), extend contract term to 6/30/24 and amend contractual language, contract amount \$5,714,000.00 revenue (CTN-TR-20-54)

GRANT APPLICATION/ACCEPTANCE

16. **Acceptance - Community and Workforce Development**
Arizona Department of Education/United States Department of Treasury, to provide for the Elementary and Secondary School Emergency Relief Grant, \$50,000.00 (GTAW 21-122)

BOARD, COMMISSION AND/OR COMMITTEE

17. **Metropolitan Education Commission**
Appointment of Marla A. Franco, Ph.D., representing Minority Group (AZ Hispanic Community Forum), to replace Javier Herrera. Term expiration: 3/19/22. (Commission recommendation)
18. **Pima County Healthcare Benefits Trust Board**
Appointment of Jared Perkins, to replace Henry K. Boice. Term expiration: 3/15/24. (County Administrator recommendation)
19. **Board of Adjustment, District 4**
Appointment of Tim Healy, to replace John D. Backer, Jr. Term expiration: 3/15/25. (District 4)
20. **Animal Care Advisory Committee**
 - Appointment of Laura O'Brien, Friends of Pima Animal Care Center, to replace Tamara Barrick. Term expiration: 6/30/22. (Organizational recommendation)
 - Correction to term expiration, approved 3/2/21: Tamara Barrick, term expiration: 6/30/22.

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

21. Temporary Extension

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, March 31, April 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, May 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, June 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30, July 1, 2, 3 and 4, 2021.

ELECTIONS

22. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Syndy L. Linn-021-DEM; Thomas W. Linn-021-DEM; Gail M. Kamaras-130-DEM; Ginger Whiting-084-REP; Beth McGwire-172-REP; Janice A. Farrington-205-REP; Charlotte "Annie" A. Ovitz-227-REP; Donald T. Woolley-227-REP; Patricia K. Woolley-227-REP; Steven A. Adger-068-GRN

APPOINTMENT-PRECINCT-PARTY

James P. Green-013-DEM; Regina Romero-016-DEM; Riley C. Merline-017-DEM; Amanda K. Bruno-018-DEM; Justin R. Frago-030-DEM; Dana D. Wilcox-030-DEM; Gail M. Kamaras-069-DEM; Katherine C. Alexander-091-DEM; Jonathan S. Quindry-144-DEM; Withrow G. Wier-172-DEM; Kyle M. McCarthy-175-DEM; Luz A. Lee-207-DEM; Brian W. Johnson-215-DEM; Elizabeth Gradillas-231-DEM; Tracie D. Bunker-Metz-024-REP; Robert P. Metz-024-REP; Lucinda W. Marcello-039-REP; Jordan L. Brown-068-REP; Mona A. Jenkins-082-REP; Lois A. Longobardi-082-REP; Sheryl J. Petermann-091-REP; Robert H. Abel-092-REP; Virginia Abel-092-REP; James P. Lombard-125-REP; Leslie B. Call-127-REP; Barbara A. Brookhart-130-REP; Rafael L. Polo-145-REP; Diane M. Russell-146-REP; Jamie Dasher-162-REP; Amanda S. Fischer-162-REP; Molly A. Dudley-Horrocks-169-REP; Maricarmen Salazar-169-REP; William K. Garay-172-REP; William H. Dunaway-179-REP; Lynn S. Gordon-179-REP; Shawn B. Pfund-181-REP; Jesse C. Ryan-183-REP; Paul R. McCreery-185-REP; Laura L. Harris-204-REP; Melanie L. Clark-210-REP; Bard A. Doster-224-REP; Martha L. Bloch-239-REP; Steven A. Adger-042-GRN

FINANCE AND RISK MANAGEMENT

23. Duplicate Warrants - For Ratification

Natalie Rodriguez \$37.75; Arizona Trucking & Materials, L.L.C. \$10,452.60; Emily E. Rebro \$110.86; Republic Services, Inc. \$25,397.88.

RATIFY AND/OR APPROVE

24. Minutes: February 2, 2021

* * *

37. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:04 p.m.

CHAIR

ATTEST:

CLERK

COUNTY ADMINISTRATOR

7. Updates and Action on COVID-19

The Board of Supervisors on March 2, 2021, continued the following:

- **Suspension of COVID-19 Testing**

8. COVID-19 Vaccination of Employees

Discussion/Direction/Action regarding the Board's position on policy relating to mandatory vaccination for certain employee classifications.

(Clerk's Note: Due to technical difficulties, not all comments were fully audible.)

Verbatim

SB: Chair Bronson
RS: Supervisor Scott
AG: Supervisor Grijalva
SC: Supervisor Christy
CH: Chuck Huckelberry, County Administrator
TC: Theresa Cullen, Director, Health Department
AF: Andrew Flagg, Chief Civil Deputy County Attorney

SB: Moving on then to County Administrator, Item 8. This is our COVID update and, well, Items, yeah, Items 8 and 9, we probably can take at the same time. I will turn it over to the County Administrator.

CH: Chair Bronson, Members of the Board, I transmitted the latest update to you on March the 12th. I will not repeat a great deal of it. It covers the issue that we have dealt with just recently and that is the gap in reimbursement for testing. That still remains unresolved, but we are hopeful that we will actually get that resolved and State funds will pay for the gap. If not, there is sufficient flow of other funds to do so. We have also given you some data with regard to our regional vaccination centers and they have now started to operate at a volume of about 7,000 inoculations a day. That is a pretty good rate. We have also given you a long list of the County mobile clinics that have gone on throughout the community, starting way back in January with some of our community health partners. Those continue today and they will continue throughout the process. We used to be able, we used to be doing on our own mobile clinics with our contractor, Premier, a couple or three a week and that is increasing to about six a week. We will start to get the advance, what we call locations of where we are planning these, probably a week ahead of time. As soon as I get them, I will share them with you, but please remember that there are a lot of logistics involved in some of these mobile clinics and

therefore, they could be delayed a day or two. We do appreciate several members of the Board attending those mobile clinics. It gives the staff an additional reason to enjoy doing them. So thank you for doing that. Testing volumes reduced. One of the things I did want to say is that we have seen a reduction in testing, but that will only last as long as we see a reduction in infections. If we do begin to see variants or, again, unvaccinated individuals, I am sure that testing will increase. Therefore, it is a reason to have the flexibility to do that and as I stated previously, we only pay for what we actually use. That is really about all the information we have. I know we have Terry standing by. Dr. Garcia is on vacation and so he is not with us. He is taking a well-deserved rest. We also have talked a little bit about a number of other issues and we can talk about those as you want. I would like to cover No. 9 very quickly. It is really to get some, just sense of the Board as to where we go. It is not an urgent decision at this point in time, because simply we have not enough vaccine to vaccinate everybody who wants a vaccine. At the end of the day, we will end up with a certain number of County employees who do not want to be vaccinated for one reason or another and at this point, there is no need to push that issue. We provided some background material to you with options. One of the things that I am thinking about doing, and one the things we have already done, is, as you recall, in our self-insurance health program or medical insurance, we have a series of healthy initiatives that, where you can get the cost of your out-of-pocket medical insurance reduced, in some cases almost to zero, if you regularly exercise, you get an annual checkup, you do not smoke, you do all of those other things. We have added another category now called "If You Are Vaccinated." You get credit as well. So that is an incentive to get our employees to be vaccinated. Another couple of points that we are thinking about is the issue of out-of-state travel. As the pandemic began, we canceled all out-of-state travel and training. My guess, as we come out of the pandemic, we will get a lot of requests for travel. Because we know that is inherently a more risky type of activity, I think what we could do, is talk about employees not being able to travel unless they are vaccinated. The same thing, we have second off-duty employment or second job employment. Again, those are more risky activities and we could require employees who want to receive approval from the County to do either off-duty work or second employment to be vaccinated. So there is nothing to do now other than simply have a discussion. When we get to having everyone who wants to be vaccinated, vaccinated, we will give a report to you that talks about the level of vaccination by department and then we can make decisions from there. So that is the end of my report.

RS: Madam Chair?

SB: Supervisor Scott.

RS: I had a comment, especially since Mr. Huckelberry is asking for a sense of the Board on the issue of potentially making vaccinations for County employees mandatory. I wanted to refer everybody to the memorandum that Mr. Huckelberry sent us on February 8th. He included a memorandum from Ms.

Bohland, the Director of Human Resources, and in the last paragraph of her memo, she says, "It could be problematic if we require only certain classifications/employees to get vaccinated. In reality, all employees in the workplace can be exposed to one another, so from the safety perspective, if we are requiring the vaccine to keep employees in the workplace safe, all employees should be required to be vaccinated." So with that quote, I am going to say that my preference is that we require that all employees be vaccinated and then do, and then deal with requests for accommodations as they, as they come up.

SB: Thank you.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I am actually opposed to mandating vaccines. I do think there are different reasons why people are opting not to, maybe medical professional recommendation. I would prefer everyone get vaccinated and I do think the incentive that Mr. Huckelberry talked about, incentivizing it, making it positive, that you get some sort of benefit if you are vaccinated, is a much better way to go. There really was only one classification of employee that I would entertain, and again I am not sure that I would do that, is for those that are in the Corrections Department, because they are exposed, our community is exposed to them and vice versa and these are people that are not voluntarily going in to different locations. But one of the other things that we talked about, on the TUSD side, was that there were the 14 days that were paid if you were exposed to COVID and had to isolate, and that those days would only be available if you were already vaccinated. I do think that the incentives, sort of like the carrot, as opposed to the hammer, I think are going to be much more well-received. I appreciate the options. I do think that the ideas that you have as far as incentivizing it, I think that people, our employees will respond to that, in a positive way.

SB: Thank you, Supervisor Grijalva. I am just curious, I want to make, so TUSD has implemented a policy that if employees are vaccinated and they get COVID, they get the 14-day leave?

AG: Or they are exposed. Like, if you are having to care for a family member. Remember, that that leave was sort of, if you are exposed or you have to care for somebody else. The idea is, hopefully the person would not be as ill. Then when you have the vaccine, and I do think that our policies maybe need to be updated, and our Health Department can help guide us, because we do have people in our community that are totally vaccinated, others that are not, and so a lot of the rules about isolating for 14 days, maybe modifying those to better help our community understand what the requirements should be. So if everyone is totally vaccinated, can we come together? I do think our policy will change regarding capacity in elevators and that kind of thing, as more people

are vaccinated. I have noticed those signs changing and I appreciate that. That was one, we have not voted on it, that was one of the proposals, just like Mr. Huckelberry's proposal. These are ideas to help incentivize and thus far people have been really receptive to the positive incentive.

SB: Good point. Mr. Huckelberry, do you, regarding Item 9, we are just giving you direction at this point? There is no action item?

CH: Chair Bronson, that is correct. It is mostly just to have a discussion. It is a decision that, obviously, I do not want to make alone. We do not need to make it right now, but we do probably need to make it by the time we have the community fully vaccinated, to the extent that we know either we have 80%, do we have 90%, do we have 70%? We can then weigh the risk, but, I think our preference is, mine is to go to the incentive route. Then if we have to go to the mandatory route, it might be appropriate to require it for all, but, again, that is going to be a Board decision. That is something I would prefer that you make and I will give you some recommendations.

SB: Thank you.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Just to clarify, I very much prefer the carrot to the stick, but when we get to the point that we are talking about mandatory, I think it is important that we listen to the direction that we are getting from, the guidance that we are getting from the Human Resources' Office as to the difficult situation we may be getting into if we make it mandatory for one classification and not for all. I also think that we would still, in that situation, have to deal with accommodation requests. Much like public schools have to deal with accommodation requests when parents try and get around vaccination requirements for their children. You still have to deal with accommodation requests for religious or health-based reasons.

SB: Any other comments?

SC: Madam Chair? This is Supervisor Christy.

SB: Supervisor Christy.

SC: I do not want to step on anybody's toes if they have other comments on this level, but I do have another COVID-related item that I would like to discuss. Would you deem it so appropriate? I believe you are mooted, muted, Madam Chair.

SB: Yes, I am mooted.

SC: Mooted.

SB: Proceed. I, we can go back and forth. But, yes, what is your question?

SC: I have got a couple of questions. Primarily, since COVID metrics dictated and pertained specifically to the lifting of the curfew, what are the data and metric requirements to lift Resolution 2020-49, Board Resolution 2020-49, that dealt with mandatory face coverings? What are the COVID related metrics that would lift the requirements for face masks?

CH: Chair Bronson and Supervisor Christy, let me give you my answer and then we will see if Terry is listening. My answer is that when the community reaches herd immunity, face masks can be rescinded.

SC: Okay.

CH: Terry?

TC: Hi. Sorry, I am trying to get there. Hopefully you guys can hear me and see me. I would agree with what Mr. Huckelberry just proposed, that it would be related to herd immunity and it will also be related, if we go back to our cases, ideally, when our cases are significantly lower than they are right now.

SC: Okay. I looked through the Governor's executive orders and our Board of Supervisors resolutions and I have seen no references to that. My second question is, since Resolution 2020-96, which was enacted on December 4th of 2020, that detail penalties for what was known then as the Mask Up or Pay Up Program, do we have any number or do we know how many citations have been issued under this program?

CH: Chair Bronson and Supervisor Christy, I believe none.

SC: Okay. The third question I have is, on June 17, 2020, Governor Ducey's Executive Order 2020-40, it allows that local governments can adopt policies regarding the wearing of the face coverings in public, which this Board enacted as a mandate. Since the Governor gave that authority to jurisdictions to enact those types of mandates, does this Board have the authority to rescind resolutions, particularly Resolutions 2020-49 and 96, that deal specifically with the requirements and mandates of requiring the public to wear face masks?

CH: Chair Bronson and Supervisor Christy, yes.

SC: Okay, thank you. Based on that response, Madam Chair, I would like to make a motion that on June 17, 2020, Governor Ducey issued Executive Order No. 2020-40, which allows local governments to adopt policies regarding the wearing of face coverings in public. On June 19, 2020, the Pima County Board of Supervisors issued Resolution 2020-49, requiring every person to wear a face covering designed for covering the person's nose and mouth. On

December 4, 2020, the Pima County Board of Supervisors issued Resolution 2020-96, that further defined face coverings and public places and established compliance and enforcement criteria such as fines and penalties. Current data reveals that there is and has been a dramatic and significant decline in Pima County COVID-19 transmissions, test positivity, hospitalizations and COVID-like illness. In fact, the benchmark used for lifting, as an example, the curfew, is the number of cases per 100,000 in population. When that has fallen, which has fallen well below that ratio. For Carnegie Mellon University, using Pima County's own data, as of March 11th, the newly reported COVID cases per 100,000 people was only at an astounding 11.7. Further, we have been under 100 cases since January 22nd. Accordingly, I so move that the Pima County Board of Supervisors hereby rescind and repeal Resolution 2020-49 and Resolution 2020-96 regarding the mandatory use of face masks, as well as the fines and the penalties associated therein.

SB: I believe you are out of order, Supervisor Christy. That is not an action item and would have to be advertised.

SC: According to the agenda, it says "be discussed", "all items would be discussed under this item."

SB: Yes, it is discussion, not action.

SC: Would Mr. Flagg agree with that?

AF: Madam Chair, Supervisor Christy, from a purely Open Meeting Law standpoint, certainly, arguably, within the scope of the Updates and Action on COVID-19, I would defer to the Chair on matters of parliamentary procedure.

SC: And has Madam Chair so ruled?

SB: I have so ruled. But I, you are welcome to put this item on, so that it is properly advertised in my view and people have an opportunity to respond, at a future Board meeting.

SC: Thank you, Madam Chair.

RS: Madam Chair?

SB: Supervisor Scott.

RS: I had a question for Mr. Huckelberry that goes back to Item No. 8. Mr. Huckelberry, you sent us a memorandum on February 18th, and the second attachment to that memorandum was an email from Dr. Eugene Livar, the Chief of the Bureau of Epidemiology and Disease Control at the Arizona Department of Health Services. In the last paragraph of his email, this is an email to Dr. Cullen, he says that the Arizona Department of Health Services will be "through drafting our budget and submit it for federal approval in mid-

March.” That would be the budget for the over \$400 million for testing that Arizona got from the Consolidated Appropriations Act passed in December, and the over \$60 million for vaccines. Is it possible for us to request to see that budget that is supposed to be submitted by the State to the federal government?

CH: Chair Bronson and Supervisor Scott, yes, we can request to see if the State will send us what they submitted to the CDC. In addition, we can probably ask the CDC to provide it as well. I think what is probably the better course of action, and we will take that as direction, is to ask the State to submit what they provided to the CDC. We submitted, actually, three things to the State with regard to testing. Our first request was, I think, submitted in January and it was for \$40 million. That was then, the State indicated that they would then allocate \$14.3 million. Again, asked for a plan. We submitted a plan. It was about \$31 million. They then, again, said submit a plan that is based on the \$14.3 million and that is when we made the decision to remove the December 21st to January 15th amount, which was now, I will look at my notes, \$7.6 million, not \$7.2 million I said previously. Again, that is the amount that has been appealed to the CDC in a letter as of today, by Dr. Cullen to the CDC.

RS: Well I appreciate the additional background information on our appeals. I am interested in the budget that was submitted by ADHS, to see how they are planning to expend those funds throughout the State. Dr. Livar listed several possible points for funding in his email to Dr. Cullen, but I think all counties, not just ours, are interested in finally learning how the State plans to disperse those funds, recognizing that they have already distributed \$100 million and we got a certain portion of that. Thank you, Mr. Huckelberry.

SC: Madam Chair? Madam Chair?

SB: Supervisor Christy.

SC: I would like to appeal your earlier ruling that I was out of order and to re-go back to No. 8. Under that agenda item, it says “Updates and Action on COVID-19” items. This is clearly action. It is clearly COVID-19. I feel my motion is in order.

SB: So you have your motion on the floor. Is there a second for the motion? No second. Motion fails for lack of a second.

SC: Thank you, Madam Chair.

SB: Any other comments on Items 8 and 9?

AG: Chair Bronson?

SB: Supervisor Grijalva.

- AG: I have had several people with medical backgrounds that, you know, I am posting pictures when I am going to some of those pop-ups, and they would love to be able to volunteer. I know that one of the items that we had, indicated the cost to the County and I know that, I know having coordinated volunteer projects, that it is sometimes difficult, and sometimes it is just easier to have paid staff, but is there a way specifically for medical professionals to get signed up to volunteer? Is that something that the County has the capacity to do right now?
- CH: Chair Bronson and Supervisor Grijalva, yes. There is a portal that we have that they sign up through the State to become a medical volunteer. It is typically what we call the Medical Reserve Corps. We will get the details to you so you can provide them to individuals and they can apply. That would be great.
- AG: Yeah, because I, you know, when I was looking through the cost to the County and I think, I have been approached by at least ten people. They were like, "I would totally do that, I would give up a whole weekend, two weekends." I found them very rewarding. When we go specifically to neighborhoods that are really underrepresented and getting the vaccine, it has really been very heart-warming to see people so relieved. I wanted to give other people the opportunity to volunteer if they could, so I appreciate that. Thank you.
- SB: Any other discussion on these items? Alright, so we have covered Items 8 and 9.

BOARD OF SUPERVISORS

19. Program for Emergency Eviction Defense

Discussion/Action. Direct the County Administrator and county staff to work with the County Attorney's Office to allocate \$2 million in federal coronavirus relief funds, to the extent permitted by federal law, to support the provision of eviction defense services for all eligible Pima County residents who: (a) attest that they have suffered loss of income or financial hardship due to the coronavirus pandemic; (b) are financially unable to afford counsel; and (c) are currently facing an eviction filing or judgment for either non-payment of rent or "material non-compliance" with lease, or who face an eviction filing in the coming weeks or months for either non-payment of rent or "material non-compliance" with lease. The County Administrator shall task a supervising attorney with administrative oversight of this program. The program should pursue two purposes:

- 1) Support a rapid expansion in the availability, marketing and reach of outside agency-provided Eviction Prevention Clinics such as those run by Step Up to Justice, Southern AZ Legal Aid, and others (building on the Pilot Project started between SU2J and Pima County in October, 2020); AND
- 2) Support the provision of outside private counsel for tenants in need of eviction defense services. Provide a fund whereby both nonprofit organizations and private law practices who are qualified and capable of providing legal eviction defense services and support can efficiently qualify as an approved provider for this program, take cases as assigned by the supervising attorney, and be reimbursed at the tiered flat-rate reimbursement rates established by the County ahead of time. Such services and support shall include but not be limited to: acting as defense attorney for the eviction proceeding, including efforts to remedy or negotiate out a case disposition before the court hearing; representing the tenant/defendant in all court proceedings or hearings prior to an eviction trial; and providing representation at the eviction trial itself. Approved providers will not be responsible for representation during any appeal or other post-trial proceeding. (District 2)

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
AG: Supervisor Grijalva
SC: Supervisor Christy
RS: Supervisor Scott
CH: Chuck Huckelberry, County Administrator
JC: Julie Castañeda, Clerk of the Board

SB: That concludes our speakers. Supervisor Heinz.

MH: Thank you, Chair Bronson. I, before I move the item, I actually have, at the recommendation of the County Administrator, I would like to make two very small amendments. Would you like me to propose those prior to moving?

SB: Yes, let us, yeah, give us the language, if you would.

MH: Sure. It is the motion as published, with the two following changes. One, add the words "up to" ahead of \$2 million. So it reads that the --

SB: "Up to." Okay. Got it.

MH: Exactly. Then the second thing would be simply to delete or remove the reference to the County Attorney's Office.

SB: I was going to ask you about that because I do not what role they play.

MH: So that was, so just, those are the only changes and then, if we have to vote on those separately and then the motion, I do not know how you want to do that.

SB: I think that is how you want to do that.

MH: Yes, okay. I would move to amend the motion in that fashion.

AG: I will second.

SB: Well, first we have, okay. We will amend the motion and now why don't you make the amended motion. You have to make the motion to begin with, so just...

MH: I will now.

SB: As presented in, on your, well. Yeah. As you presented in the addendum agenda. You are going to amend to "up to \$2 million" and you are going to eliminate work with the County Attorney's Office.

MH: That is correct.

SB: So your motion is to move that item, as amended?

MH: As amended.

SB: We had a second from Supervisor Grijalva. I would just add as a comment, that, while I think this is a step in the right direction, I think, my concern is that by the time this gets to the court system, it is almost already too late. Where we, Pima County, can work with the private sector and others and the public sector, NGOs, is making sure that the relief money gets to the tenants who need it, sooner rather than later. Because we are way, we are not doing that

as quickly as I think we should. If we can do that, then we eliminate a lot of the, much of the court proceedings and I think that would, that would also, we really need to work on the front end and getting that relief out that we got through the various acts. We have a motion on the floor. Discussion? Discussion?

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: We received in our office 47 emails in support of this item, four calls and one in opposition. I think what it really highlights is that we are facing a huge crisis, a housing crisis, in Arizona and specifically Pima County. I think that this is an opportunity for us to balance the scales for tenants that are facing eviction, but I agree that more has to be done on the front end so we can try to prevent the case from even going to court. I know that I have had an opportunity to speak to Mr. Huckelberry about some of the other initiatives and directions for staff, and organizations that are working with the County in order to get these funds, rental assistance funds, to the people who need them the most. I am, I continue to have concern about the, what kind of supports are needed in order to get those funds out faster. I know that is something that is a concern for everybody. I am happy to support this item.

SB: Thank you. Just to your point, I spoke with Steve Eddy at TEP yesterday. TEP will be sending, in their bills to customers, particularly those who are delinquent, and they are forgiving those at the moment, or not doing any disconnects. They will be sending out information on how these individuals, how everybody can get to that rental assistance sooner rather than later. I want to thank TEP for doing that and I am hopeful that we can get Southwest Gas and some of the others so that people have the information and can apply. That assists both the tenant and the landlord. Alright, any other comments from Board members?

SC: Madam Chair?

RS: Madam Chair?

SB: Okay, there were two people talking at, Supervisor...

RS: Go ahead, Supervisor Christy.

SB: Okay. Supervisor Christy.

SC: Thank you Supervisor Scott and thank you Madam Chair. I have a number of issues and problems with this item, which I am unable to support, basically for the focus of it. I am hoping my colleagues, as I refer to them some letters that they had the opportunity, I would assume, to review, one of them from the Arizona Multihousing Association, another from the Tucson Association of

Realtors. Both entities obviously represent property owners, but have been very proactive in this entire debate. Some of them, their members have served on the task force. Just to highlight what the Arizona Multihousing Association recommends, and again, they are involved in this. They are proactive. They want to be part of the whole solution, but they do feel that they have, and I agree with them, a seat at the table and a voice in this entire issue. Their suggestions range from, most importantly, removing all barriers for deploying the \$15.1 million in federal emergency rental assistance that the County has received as part of the Consolidated Appropriations Act of 2021. Establish or offer a landlord portal, or program, to allow rental owners and operators to apply for assistance on behalf of non-communicative residents. They go on to say that we need to have the provision of factual, rather than anecdotal, data regarding the existing resident legal assistance pilot. Another issue that is very important in this entire matter is to allow for equal representation on the Eviction Prevention Task Force. This was, this task force was created last fall, and the previous County task force was heavily weighted in favor of tenant advocates with only five individuals of the 23-member group representing owners and operators of rental housing. Further issues that concern me, is we do not really see or do not really have at our disposal, knowledge of the size of the problem. That problem is, how many renters are actually facing eviction and how truly big this problem is. The current status of not knowing the size of the balance of unpaid rent needs to be defined and identified. I am of the understanding that Pima County is withholding 20% administration fee to direct the monies that the Community Investment Corporation has been contracted to process by the County, the \$31 million in rental assistance. There has really been no effort or activity to bring all stakeholders together, regardless of what is being said to the contrary. The landlords and property owners are not being considered in this matter. Many are family-owned businesses, who rely on their rent as their sole income and they have been demonized and completely put aside on this when they are the significant drivers in this matter, as well. A major concern that I have is, this whole issue was brought forth as a result, and in response to, the COVID epidemic. Now, with all of the structure that is being proposed, of legal aid, special systems, eviction courts, etcetera, which is supposed to be in response to the COVID pandemic. Does that mean that at the end of the pandemic, will all of this legal superstructure and cost end too? There is no sunset on this program and it needs one. Finally, the most important issue that is not fully addressed, but in my opinion derails the item, is that this item stresses the need for more lawyers and more legal aid. That is what is not needed. What is needed is to dispense, immediately and effectively, rental assistance, not more lawyers. Rental assistance is the only thing that 100% stops evictions for nonpayment of rent. Let me repeat that. Rental assistance is the only thing that 100% stops evictions for nonpayment of rent. And with that, I thank you for allowing me to speak Madam Chair.

SB: Supervisor Scott, did you want to make some comments?

RS: Yes, please. First of all, Madam Chair, let me thank Supervisor Heinz for the amendments that he made, because I had some concerns with the item as it

was originally drafted and his two amendments have alleviated both of my concerns. I am going to be proud to support this measure. I also wanted to thank Supervisor Christy for the point that he just made about the need to get rental assistance from all of the federal COVID relief bills out into our community as quickly as possible. That was a point that you also made, Madam Chair, and that really has to be our highest priority. Having said that, one of the most compelling points that I have heard, in terms of the need for eviction defense, is that when a tenant in an eviction case has legal representation, and again most of those eviction cases are for nonpayment of rent and that will be the case during and after the pandemic, as well. What legal representation can often do is delay the eviction so that alternative housing can be found or to reduce the amount that the tenant has to pay. I think that those are important points that need to be made. Constable Randall already mentioned that it was a recommendation of the Eviction and Homelessness Prevention Task Force, last year, to provide legal representation to tenants. I do note, as I look at the membership of that task force, that there was a representative from the Tucson Association of Realtors. There was a representative from the Arizona Multihousing Association and there were also representatives from several property management companies on that task force. Then, the other thing I wanted to say is, I hope that there is no sunset, to use the term that Supervisor Christy did, to this, to this matter. Eviction defense is going to be a need even after the pandemic is over. We have had a housing crisis, a rent crisis, an eviction crisis, in this community, well before COVID-19. I think it is a responsible move by county government to address the need for legal representation. Then, I had a question for the County Administrator. He has made me aware of a proposal that he has from Southern Arizona Legal Aid to help with this issue and I wondered if Mr. Huckelberry could share the details of that proposal from Southern Arizona Legal Aid and also a similar proposal that he has from the Rogers School of Law at the University of Arizona.

SB: Mr. Huckelberry, are you still with us?

CH: Chair Bronson and Supervisor Scott, yes I am. Yes, I have received a proposal from the Southern Arizona Legal Aid group to add three full-time attorneys and two paralegals for approximate cost of, I believe, \$347,000.00 a year. I have also received a proposal from the University of Arizona for what we call navigators/monitors with law students who would be essentially employed as, in the range of, a legal clerk or in the area of law student, to provide just advice and monitoring. I have received 24 resumes from those students, all expressing an interest to provide some level of part-time service, as their studies allow. I think those are two positive steps in the right direction. I view this office as not only defense, but one for advocacy and one as navigation, as well as monitoring. So it is really a whole series of things wrapped up into one, one being defense. It really needs to work closely and be integrated with our other activities that are ongoing in Community and Workforce Development, such that they can actually be additive services that can improve the response to those facing eviction or foreclosure.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Thank you. First of all, I wanted to thank Mr. Huckelberry for sharing those details with us and then I also wanted to point out that many of us have had conversations with members of the real estate and property management community and what I have been impressed with is their willingness to work in partnership with all of us in dealing with all of the many facets of this issue. Nobody wants to see evictions and that includes people in that industry. The contacts that I have been able to have, and I know many other members of the Board have been able to have, with people in real estate and property management, whether they be large companies or mom-and-pop landlords, speaks to the fact that this is a community-wide concern. I just want to reiterate that, and we talked about this with the County Administrator at our last meeting, that expediting the rental relief money getting into the community, that has again got to be our largest task. As important as this proposal is, that has to be the number one priority.

SB: I agree Supervisor Scott. Any other comments from Board members? Alright, let us do a roll call vote.

SC: Madam Chair? I am sorry I was on mute.

SB: Supervisor Christy.

SC: I just wanted to point out, again, the need for the money to go directly for rental assistance and what this motion and item is doing is providing money for a legal defense and lawyer situation where that money that is going to lawyers could be going to rental assistance. We need the money immediately for rental assistance, and not to more lawyers. Thank you.

SB: Thank you, Supervisor Christy. There is no further comments. Roll call.

JC: Supervisor Christy? Supervisor Christy?

SC: No.

JC: Supervisor Grijalva?

AG: Yes.

JC: Supervisor Heinz? Supervisor Heinz?

MH: Yes.

JC: Supervisor Scott?

RS: Yes.

JC: Chair Bronson?

SB: Yes. Motion carries 4-1.

DRAFT