

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session through technological means at 9:00 a.m. on Tuesday, August 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
Lesley Lukach, Civil Deputy County Attorney
Melissa Manriquez, Deputy Clerk of the Board
Juan Carlos Navarro, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:15 a.m.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal in the amount of \$12,750.00 for placement of a single family residence at 12123 E. Speedway Boulevard, located within Regulated Riparian Habitat, classified as Important Riparian Area with Underlying Hydromesoriparian Class H Habitat and a small portion of Hydromesoriparian. (District 4)

It was moved by Chair Bronson, seconded by Supervisor Christy 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 1:10 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, August 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
Lesley Lukach, Civil Deputy County Attorney
Melissa Manriquez, Deputy Clerk of the Board
Juan Carlos Navarro, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:15 a.m.

1. INVOCATION

The invocation was given by Pastor Robert Allen, Grace Pointe Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Supervisor Christy expressed his appreciation to the Pima County Department of Transportation and Regional Flood Control District for swift and diligent actions in response to recent flooding and its aftermath.

PRESENTATION

5. Presentation of Certificates of Recognition to the 2006 and 2008 RSL-Southern Arizona girls' soccer teams. (District 3)

It was moved by Chair Bronson, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item. Chair Bronson read the certificate.

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to Naomi Vega, CEO/Co-Founder, Enlightening Hope Project, proclaiming the day of Tuesday, August 31, 2021 to be: "INTERNATIONAL OVERDOSE AWARENESS DAY"

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

7. Presentation of a proclamation to Rosie Garcia, President, Kino Heritage Society, proclaiming the month of August 2021 to be: "FATHER EUSEBIO FRANCISCO KINO MONTH"

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

8. CALL TO THE PUBLIC

The following speakers addressed the Board in opposition to COVID-19 mandates:

- JoAnn diFilippo
- Former Pima County Supervisor Ally Miller
- Stephanie K.
- Heidi Miller
- Chief Doug Chappell, Drexel Heights Fire District

They offered the following comments:

- Incentives and disincentives based on vaccination status could be considered blackmail or bribery.
- Employees had a right to make their own medical decisions.
- Penalizing or segregating for failure to take an injection or wear a mask was a violation of constitutional rights.
- Forcing children to wear masks was unethical and unhealthy.
- Masks could cause anxiety and lead to serious depression.
- Children needed to see facial expressions to learn nonverbal communication.
- Mandating vaccines for healthcare employees would result in the loss of valuable employees during a time when demand was increasing.

Anthony Bochene expressed concerns to the Board regarding Pima County Constables.

9. 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 9:56 a.m.

10. **RECONVENE**

The meeting reconvened at 10:37 a.m. All members were present.

EXECUTIVE SESSION

11. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice only concerning the following:
1. Pima County's authority to mandate COVID-19 vaccinations for all healthcare workers in Pima County and their staff.
 2. Waiving the attorney-client privilege and releasing to the public the Attorney-Client Privileged Memorandums dated July 28, 2021, July 30, 2021, and August 3, 2021 from the Pima County Attorney's Office concerning Pima County's COVID-19 response.
 3. Concerning other legal aspects of Pima County's COVID-19 response.

This item was informational only. No Board action was taken.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Walmart v. Pima County, Arizona Tax Court Case Nos. TX2017-000602, TX2018-000999 and TX2020-000985.

Lesley Lukach, Civil Deputy County Attorney, stated that there were two proposed offers under consideration. She explained that the Assessor's Office recommended the settlement which would set the values for the Tucson Marketplace at the Bridges at \$12 million for each year. The County Attorney's Office had no recommendation and sought direction on whether to proceed with one of the proposed settlements.

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to proceed with the proposed settlement recommended by the Assessor.

BOARD OF SUPERVISORS

13. **Interstate 11 Highway Proposal**

RESOLUTION NO. 2021 - 50, of the Board of Supervisors, in opposition to construction of the western option of an Interstate 11 Highway proposal that bypasses Tucson and traverses pristine and invaluable Sonoran Desert areas. (District 3)

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

Supervisor Grijalva stated that it was important to have a conversation regarding how the I-11 expansion would impact the Sonoran Conservation Plan.

Supervisor Christy indicated that the Board should not oppose any proposal that would bring additional interstates and roadways to the region. He explained that based on growth expectations, the highway system in the County would become overwhelmed. He expressed concern that opposing I-11 would leave Pima County out of future discussions and negatively affect the flow of goods from Mexico.

Supervisor Scott clarified that the Resolution did not oppose I-11, but opposed the Avra Valley option for I-11, which generated environmental concerns.

Supervisor Grijalva noted that the Coalition for Sonoran Desert Protection also expressed opposition and indicated that the proposed route would negatively affect tourism, pollution and water resources.

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

COUNTY ADMINISTRATOR

14. Updates and Action on COVID-19

(Clerk's Note: See the attached verbatim for Minute Item Nos. 14, 40, 41 and 42, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

ATTRACTIONS AND TOURISM

15. Series 5 Government Liquor License

RESOLUTION NO. 2021 - 51, of the Board of Supervisors, authorizing the Director of the Department of Attractions and Tourism to apply for a governmental liquor license in connection with the Historic Courthouse.

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

DEVELOPMENT SERVICES

16. Final Plat With Assurances

P18FP00028, Miller's Puesto, Lots 1-9 and Common Areas "A and B". (District 3)

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to approve P18FP00028.

17. Final Plat With Assurances

P21FP00003, Las Campanas, Lots 160-200 and Common Area "B". (District 4)

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to approve P21FP00003.

18. Final Plat With Assurances

P21FP00006, Pabst Ridge, Lots 1-126, Block "1" and Common Area "A". (District 4)

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to approve P21FP00006.

REAL PROPERTY

19. Dedication of Right-of-Way

Dedication of a Right-of-Way for ~~4-49~~ **I-19** Frontage Road. (District 4)

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

20. Sale of Real Property

RESOLUTION NO. 2021 - 52, of the Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed as Pima County Tax Sale No. TS-0037, Tax Parcel No. 118-11-0140. (District 5)

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

21. Surplus Property

Staff requests approval to sell surplus property consisting of 19,170 square feet of vacant land located at the northeast corner of Van Alstine Street and Davis Street, west of Main Avenue, Tax Parcel No. 116-16-296A, by auction to the highest bidder. (District 5)

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

22. Surplus Property

Staff requests approval to sell surplus property consisting of .95 acres of vacant land located on the south side of Edwin Road between Forecastle Avenue and Parker Place, Tax Parcel No. 222-10-0430, by auction to the highest bidder. (District 1)

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

23. Surplus Property

Staff requests approval to sell surplus property consisting of 1.05 acres of vacant land located on the south side of Edwin Road between Twin Lakes Drive and Parker Place, Tax Parcel No. 222-10-0440, by auction to the highest bidder. (District 1)

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

BOARD OF SUPERVISORS

24. Hearing - Tax Levy Resolution

RESOLUTION NO. 2021 - 53, of the Board of Supervisors, for the levy of taxes for Fiscal Year 2021/2022.

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 and seconded by Supervisor Scott to close the public hearing and adopt the Resolution. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

25. Hearing - Tax Collection Resolution

RESOLUTION NO. 2021 - 54, of the Board of Supervisors, authorizing the delivery of tax statements and the collection of the 2021 taxes.

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 and seconded by Supervisor Scott to close the public hearing and adopt the Resolution. Upon roll call vote, the motion unanimously carried 5-0.

FRANCHISE/LICENSE/PERMIT

26. Hearing - Liquor License

Job No. 151006, Andrea Dahlman Lewkowitz, Natural Grocers, 6320 N. Oracle Road, Tucson, Series 10, Beer and Wine Store, 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.

27. Hearing - Liquor License

Job No. 149255, Sarah Elizabeth Wolff, Charron Vineyards, 18585 S. Sonoita Highway, Vail, Series 13, Farm Winery, 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

28. Hearing - Comprehensive Plan Amendment

P21CA00001, PENA - W. BUCKING HORSE ROAD PLAN AMENDMENT

Richard Pena requests a Comprehensive Plan Amendment of approximately 5.0 acres from the Low Intensity Rural (LIR) to the Medium Intensity Rural (MIR) land use designation, located 800 feet southwest of the intersection of W. Bucking Horse Road and S. Avenida Little Dogie and addressed as 6451 W. Bucking Horse Road, in Section 3, T17S, R12E, in the Upper Santa Cruz Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrila were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 3)

- A. Notwithstanding the objectives and residential density allowed under the Low Intensity Rural (LIR) comprehensive plan land use designation, a rezoning to the GR-1 (Rural Residential) zone for one additional parcel and dwelling only, shall be deemed in conformance with the comprehensive plan.
- B. Development shall not impact the Flood Control Resource Area. The lot shall be split to provide buildable area outside the Flood Control Resource Area.

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 Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P21CA00001, subject to rezoning policies.

29. Hearing - Comprehensive Plan Amendment

P21CA00002, THALMA, L.L.C. - W. INA ROAD PLAN AMENDMENT

Thalma, L.L.C. requests a Comprehensive Plan Amendment of approximately .81 acres from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU), located approximately 250 feet east of the intersection of W. Ina Road and N. Leonardo da Vinci Way, addressed as 1102 W. Ina Road, in Section 35, T12S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrila were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICY. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICY. (District 1)

- A. Notwithstanding the objectives and residential density allowed under the Low Intensity Urban 1.2 (LIU-1.2) comprehensive plan land use designation, a rezoning to the TR (Transitional) zone for professional or semi-professional office or personal services only, shall be deemed in conformance with the comprehensive plan.

It was moved by Supervisor Scott and seconded by Supervisor Christy to close the public hearing and approve P21CA00002, subject to rezoning policy. No vote was taken at this time.

Tom Boyle, Thalma, L.L.C., addressed the Board in favor of P21CA00002.

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

30. **Hearing - Rezoning**

P20RZ00007, RAGE, ET AL. - N. JUNIPER ROAD REZONING

Gerald Rage, et al., represented by the Planning Center, requests a rezoning of approximately 5.37 acres from the CR-1 (Single Residence) and SR (Suburban Ranch) zones to the CR-4 (Mixed-Dwelling Type) zone, Parcel Codes 225-36-0250 and 225-36-0350, located at the southeast corner of N. Juniper Road and W. Gilbert Street, addressed as 7250 and 7320 N. Juniper Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Maese and Membrila were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A 1-foot no access easement shall be provided along the western and northern boundaries of the site.
 - B. Prior to approval of the Tentative Plat, written proof of coordination with the Town of Marana regarding traffic Impacts to their roadway system and any subsequent Town of Marana requirements shall be provided to Pima County Development Services.
 - C. A Traffic Memorandum shall be provided with the Tentative Plat submittal. The Traffic Memorandum should include the turn lane warrant analysis and trip distribution to determine impacts to the Pima County roadway network to the north. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) 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(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer

- layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
 6. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 7. Adherence to the preliminary development plan as approved at public hearing.
 8. Lots 17-23 are limited to one-story.
 9. Any mature trees removed along the Gilbert Road frontage will be replaced with mature trees.
 - ~~8-10.~~ In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 - ~~9-11.~~ 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)."

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 Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P20RZ00007, subject to standard and special conditions.

31. **Hearing - Rezoning**

P20RZ00008, SB VENTURES I, L.L.C. - E. BENSON HIGHWAY REZONING

SB Ventures I, L.L.C., requests a rezoning of approximately 8.13 acres from the CB-2 (General Business) and TR (Transitional) zones to the TH (Trailer Homesite) zone, located 200 feet west of the intersection of E. Benson Highway and S. Columbus Boulevard, on Parcel Codes 140-35-2030, 140-35-206B and a portion of 140-35-407A, addressed as 4180, 4200, and 4240 E. Benson Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor and Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Maese and Membrilla were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS. (District 2)

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. Prior to Development Plan approval, written proof of coordination with the City of Tucson is required.
 - B. A Traffic Memorandum shall be provided with the Development Plan submittal. The Traffic Memorandum should include the turn lane warrant analysis for the site subject to this rezoning and the adjacent site to the south. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.
3. Flood Control District condition: at the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. 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 owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

- D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 5. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
 - 6. 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/or A.R.S. §41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
 - 7. Adherence to the preliminary development plan as approved at public hearing.
 - 8. All RV lots shall provide full connections for water, power and wastewater; no 'dry' parking of RVs shall be permitted.
 - 9. To reduce impacts on surrounding residential neighborhoods, park activities and noise (e.g. running RV generators, outdoor social activities) shall be prohibited between the hours of 9:00 PM and 7:00 AM. All lighting in the vicinity of adjacent residential development shall be shielded and angled away from residences.
 - 10. The owner/applicant shall acquire an Approval of Construction (AOC) from the Pima County Department of Environmental Quality for Public Water System #AZ0410967; the owner/applicant shall also provide documentation of approval of the water system by Rural Metro Fire.
 - 11. 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(l)."
 - 12. 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.

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 P20RZ00008, subject to standard and special rezoning conditions.

32. Hearing - Rezoning

P21RZ00001, RAMIREZ - S. SHERIDAN AVENUE REZONING

Michelle Ramirez, represented by Robert Tapia, requests a rezoning of approximately .97 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, located on the east side of S. Sheridan Avenue approximately 1600 feet north of W. Drexel Road, addressed as 5401 S. Sheridan Avenue. 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 8-0 (Commissioners Hook and Membriola were absent) 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. The location, number and design of access point(s) shall be determined at the time of building permitting.
 - B. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
 - C. The property owner shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
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. Adherence to the sketch plan as approved at public hearing.
5. 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.
6. 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)."

Supervisor Grijalva inquired whether any comments or requests to speak on this item were submitted. A letter of support was received and placed in the record; however, there were no speakers. It was moved by Supervisor Grijalva, seconded by Chair

Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00001, subject to standard and special conditions.

33. Hearing - Rezoning

P21RZ00002, BIKLEN - N. SUNROCK LANE REZONING

John Biklen, represented by the Tucson Historic Preservation Foundation, requests a rezoning of approximately 4.0 acres from the SR (BZ) (Suburban Ranch - Buffer Overlay) to the SR (BZ) (HL) (Suburban Ranch - Buffer Overlay - Historic Landmark) zone for a historical designation on the property located on the east side of N. Sunrock Lane, approximately 1,500 feet north of the T-intersection of W. Crestview Road and N. Sunrock Lane, addressed as 2840 N. Sunrock Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 0.3. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Hook, Maese and Membrila were absent) to recommend APPROVAL SUBJECT TO A CONDITION. Staff recommends APPROVAL SUBJECT TO A CONDITION. (District 5)

At the request of the owner and without objection, this item was withdrawn from the agenda.

34. Hearing - Rezoning

P21RZ00006, HERNANDEZ/NORIEGA - W. MICHIGAN STREET REZONING

Jesus Hernandez and Ana Noriega, represented by Jhoana Hernandez, request a rezoning of approximately 4.35 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, located on the north side of W. Michigan Street, approximately 400 feet west of S. Camino Verde, addressed as 6710 W. Michigan Street. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Hook and Membrila were absent) 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. Department of Transportation conditions:
 - A. The location, number and design of access point(s) shall be determined at the time of building permitting.
 - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. 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. Adherence to the sketch plan as approved at public hearing.
5. The maximum number of lots is three.
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. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00006, subject to standard and special conditions.

35. **Hearing - Modification of a Rezoning Condition (Non-Substantial Change)**

Co9-62-84, VALLEY VIEW ACRES SUBDIVISION REZONING (LOT 63)

Donald and Dessie Adams, represented by Susan Adams, request a Modification of a Rezoning Condition (non-substantial change) to split Lot 63 into two equal-sized lots with one manufactured or mobile home on each lot. The subject property is approximately 4.77 acres, was rezoned from RH (Rural Homestead) to SH (Suburban Homestead) zone, located on the north side of W. Hilltop Road approximately 660 feet east of S. Fullerton Road, addressed as 12450 W. Hilltop Road. Staff recommends APPROVAL SUBJECT TO MODIFIED STANDARD CONDITIONS. (District 3)

- ~~1. The owner shall record restrictive covenants against the use of more than two trailers (or manufactured or mobile homes) on Lot 63.~~
- ~~2. Owner shall record restrictive covenants against disturbance of natural drainage without approval from 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. The owner shall adhere to the sketch plan as approved at public hearing with a maximum of one dwelling unit per parcel.
 3. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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)."
4. 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.

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 Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-62-84, subject to modified standard conditions.

36. **Hearing - Rezoning Closure**

Co9-09-09, ORANGE GROVE PROPERTY, L.L.C. - ORANGE GROVE ROAD REZONING

RAMI Investment Group, L.L.C., represented by JAS Engineering, requests closure of the TR (Transitional) rezoning and to revert to the original CR-1 (Single Residence) zone on 1.74 acres (Parcel Codes 102-16-069A and 102-16-0700) located on the southeast corner of W. Orange Grove Road and N. La Canada Drive. The rezoning was conditionally approved in 2013, received a five-year time extension in 2018 and expires on August 6, 2023. Staff recommends CLOSURE. (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 Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for closure of Co9-09-09.

BOARD OF SUPERVISORS

37. The Board of Supervisors on August 10, 2021, continued the following:

Mandating Vaccinations for Healthcare Workers

Discussion/Action directing the County Administrator and County staff, utilizing the County's broad public health authority under state statute (A.R.S. §11-251(17), A.R.S. §11-251(31), A.R.S. §36-183.02(A), and A.R.S. §36-624), to mandate that all healthcare workers in Pima County licensed by the State of Arizona, and their direct support staff, be vaccinated against COVID-19; and to further mandate that all healthcare workers in Pima County licensed by the State of Arizona, and their direct support staff, have begun the vaccination process by September 1, 2021; that documentation of compliance be filed by the employers of the healthcare workers and their support staff with the Pima County Health Department in a timely manner; and finally, that the Pima County Health Department lay out clear compliance and accountability metrics, as well as consequences for non-compliance, by no later than 5:00 pm on Friday, August 20, 2021. Allowable exemptions shall be included in the County's mandate. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item No. 37, for discussion and action on this item.)

38. **In-Person Board of Supervisors Meetings**

Discussion/Direction/Action regarding in-person Board of Supervisors Meetings. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Heinz to continue conducting Pima County Board of Supervisors Meetings virtually. No vote was taken at this time.

Supervisor Grijalva requested that a discussion item addressing this matter be included within future County Administrator COVID-19 Updates and Action.

Supervisor Scott stated that if masking and distancing protocols were maintained, and given the Board's earlier votes regarding schools continuing in-person instruction, the Board should reinstitute in-person Board of Supervisors meetings.

Chair Bronson noted that if in-person meetings were resumed, mask mandates needed to be enforced for County buildings, and the hearing room, for both attendees and Supervisors.

Supervisor Christy agreed that the Board should commence in-person meetings, however, since distancing could not be maintained on the dais and because of the mask requirement, he supported continuing virtual meetings.

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

39. **Allocation of Funding**

Discussion/Direction/Action regarding best ways to allocate \$38,155.56, available due to the Board's approval of the cancellation of funding for the Arizona Bowl. (District 3)

Chair Bronson and Supervisor Grijalva presented various options for reallocating funds, which included organizations associated with domestic violence, women's sports and road repairs.

It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of September 7, 2021 and direct staff to provide recommendations on how to proceed with the reallocation of these funds.

40. **K-12 Schools Within Pima County Face Coverings Mandate**

RESOLUTION NO. 2021 - 56, of the Board of Supervisors, mandating the use of face coverings in all K-12 schools within the County, as ~~an~~ **a safe and** effective mitigation strategy to keep our children safe from COVID-19. (District 2)

(Clerk's Note: See the attached verbatim for Minute Item Nos. 14, 40, 41 and 42, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

COUNTY ADMINISTRATOR

41. COVID-19 Vaccination Incentives and Disincentives

Discussion/Direction/Action regarding COVID-19 vaccination incentives and disincentives.

(Clerk's Note: See the attached verbatim for Minute Item Nos. 14, 40, 41 and 42, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

42. Assistance to Local School District Boards

Discussion/Direction/Action regarding County assistance to local School District Boards who require K-12 masks for students, teachers and staff.

(Clerk's Note: See the attached verbatim for Minute Item Nos. 14, 40, 41 and 42, for discussion and action on this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

COUNTY ATTORNEY

43. Attorney-Client Privilege Waiver

Discussion/Action on Waiver of Attorney-Client privilege for the memorandums from the County Attorney's Office concerning Pima County's response to the COVID-19 pandemic.

It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to not waive attorney-client privilege regarding these memorandums.

44. Attorney-Client Privilege Waiver

Discussion/Action on Waiver of Attorney-Client privilege for the July 28, 2021 memorandum from the County Attorney regarding legal options available to challenge the City of Tucson's adoption of differential water rates.

It was moved by Supervisor Christy, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to waive attorney-client privilege and release the memorandum.

CONTRACT AND AWARD

BEHAVIORAL HEALTH

45. Arizona Superior Court in Pima County, to provide for medical and behavioral health services for juveniles, no cost/10 year term (CTN-BH-21-115)

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

COMMUNITY AND WORKFORCE DEVELOPMENT

46. Southern Arizona AIDS Foundation, Amendment No. 1, to provide for the HUD Housing Opportunities for Persons with AIDS CARES Act Project, amend contractual language and scope of work, no cost (CT-CR-21-210)

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

47. To provide for workforce development services, amend contractual language and scope of work, no cost, for the following:

Vendor Name/Amendment No./Contract No.

Catholic Community Services of Southern Arizona, Inc./6/CT-CR-20-399

Dorothy Kret and Associates, Inc./9/CT-CR-20-417

Goodwill Industries of Southern Arizona, Inc./13/CT-CR-20-418

Portable Practical Educational Preparation, Inc./14/CT-CR-20-419

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

48. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 7, to provide for workforce veterans and innovation services, amend contractual language and scope of work, USDOL - WIOA and HPOG Funds, contract amount \$6,766.77 (CT-CR-20-423)

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

49. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 6, to provide for workforce development and educational services and amend contractual language, USDOL - WIOA Fund, contract amount \$12,857.68 (CT-CR-20-424)

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

50. Compass Affordable Housing, Inc., to provide for Arizona Department of Housing - Pima County Links Rapid Rehousing Program, State of Arizona Housing Program Fund, contract amount \$270,444.20 (CT-CR-22-45)

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

51. Tucson Youth Development, Inc., Amendment No. 8, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA and HPOG Funds, contract amount \$13,239.59 (CT-CR-20-421)

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

52. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 9, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA and HPOG Funds, contract amount \$20,300.05 (CT-CR-20-422)

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

HUMAN RESOURCES

53. YMCA of Southern Arizona, Amendment No. 2, to provide for YMCA Membership Fees, extend contract term to 12/31/21 and amend contractual language, Health Benefit Self Insurance Trust Fund, contract amount \$60,000.00 (CT-HR-19-279)

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

PROCUREMENT

54. **Award**

Amendment of Award: Multiple Master Agreements, Amendment No. 4, to provide for janitorial services. This amendment increases the award amount by \$583,000.00 for a cumulative not-to-exceed contract amount of \$14,858,000.00. Funding Source: General Fund. Administering Department: Facilities Management.

Master Agreement No./Contractor Name/Current Not-to-Exceed/Annual Award Amount/New Not-to-Exceed

MA-PO-18-92/ISS Facility Services, Inc./\$6,225,000.00/\$12,000.00/\$6,237,000.00

MA-PO-18-93/G&G Janco Enterprises, L.L.C., d.b.a. Janco Janitorial/\$2,725,000.00/\$31,000.00/\$2,756,000.00

MA-PO-18-94/ISS Facility Services, Inc./\$1,800,000.00/\$455,000.00/\$2,255,000.00

MA-PO-18-95/ISS Facility Services, Inc./\$1,800,000.00/\$75,000.00/\$1,875,000.00

MA-PO-18-96/ISS Facility Services, Inc./\$1,725,000.00/\$10,000.00/\$1,735,000.00

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

Supervisor Grijalva requested additional information regarding wages and benefits provided to contracted employees and directed staff to provide a comparison to performing these services internally.

Supervisors Grijalva and Heinz expressed concern over whether contracted custodial staff was being compensated appropriately.

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

55. Kitchell Contractors, Inc. of Arizona, to provide for Construction Manager at Risk Services: Office of the Medical Examiner and Kino Parking Garage (XFORSC), FM Capital Non-Bond Projects Fund, contract amount \$511,324.86/4 year term (CT-FM-21-518) Facilities Management

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

REAL PROPERTY

56. Alltel Communications Southwest Holdings, Inc., d.b.a. Verizon Wireless, Amendment No. 7, to provide for a tower license agreement at the Nanini Governmental Center located at 7300 N. Shannon Road and amend contractual language, contract amount \$172,093.72 revenue (CTN-RPS-22-12)

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

SHERIFF

57. Arizona Peace Officer Standards and Training Board - AZPOST, to provide for a Training Coordinator at AZPOST, contract amount \$110,000.00 revenue (CTN-SD-22-17)

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

GRANT APPLICATION/ACCEPTANCE

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

RESOLUTION NO. 2021 - 57, of the Board of Supervisors, authorizing the approval of Amendment No. Five (5) of the agreement between the Arizona Department of Economic Security and Pima County for Housing Support Services during Fiscal Year 2021-2022, \$380,621.00 (GTAM 22-13)

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

59. Acceptance - Community and Workforce Development

U.S. Department of Labor/Employment and Training Administration, Amendment No. 1, to provide for the H-1B One Workforce Grant and amend grant language, no cost (GTAM 22-5)

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

60. Acceptance - Clerk of Superior Court

Arizona Supreme Court Administrative Office of the Court, to provide for the Court Security Improvements Program - Legal Records Security Barrier, \$19,200.00 (GTAW 22-8)

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

BOARD, COMMISSION AND/OR COMMITTEE

61. Pima County Health Care Benefits Trust Board

Appointment of Monica Perez, to replace Dr. Francisco Garcia. Term expiration: 8/15/24. (County Administrator recommendation)

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

CONSENT CALENDAR

62. Approval of the Consent Calendar

Upon the request of Supervisor Heinz to divide the question, Consent Calendar Item Nos. 4, 13 and 14 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR HEINZ

CONTRACT AND AWARD

Procurement

4. Award

Award: Master Agreement No. MA-PO-22-5, Aarrowhead Security, Inc., d.b.a. Vet-Sec Protection Agency (Headquarters: Glendale, AZ), to provide for uniformed security services. This master agreement is for an initial term of one (1) year in the annual award amount of \$4,500,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Facilities Management.

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

Supervisor Heinz questioned the contract's dollar amount.

Chuck Huckelberry, County Administrator, responded that the yearly contract provided security to all County buildings, which included downtown, remote facilities, and libraries.

Supervisor Grijalva requested a cost analysis of security services being performed by Pima County employees versus an outside vendor.

Mr. Huckelberry responded that the information would be provided.

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

Sheriff

13. Town of Marana, to provide for incarceration of municipal prisoners, contract amount \$219,700.00 estimated revenue (CTN-SD-21-139)

It was moved by Chair Bronson and seconded by Supervisor Scott to approve Consent Calendar Item Nos. 13 and 14. No vote was taken at this time.

Supervisor Heinz directed staff to provide reports on inmate populations for the County.

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

14. Town of Sahuarita, to provide for incarceration of municipal prisoners, contract amount \$225,300.00 estimated revenue (CTN-SD-21-141)

(Clerk's Note: See Consent Calendar Item No. 13 for discussion and action on this item.)

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CONTRACT AND AWARD

Behavioral Health

1. State of Arizona, through Arizona Health Care Containment System, Amendment No. 8, to provide mental health services per A.R.S. §11-297(A)(2), extend contract term to 6/30/26 and amend contractual language, General Fund, contract amount \$15,324,680.00 (CT-BH-20-1)

Community and Workforce Development

2. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide for the Homeless Veterans' Reintegration Program, extend contract term to 6/30/22, amend contractual language and scope of work, USDOL - Veterans Employment and Training Services Fund, contract amount \$61,863.10 (CT-CR-21-112)

Procurement

3. **Award**
Award: Master Agreement No. MA-PO-21-215, Polydyne, Inc. (Headquarters: Riceboro, GA), to provide for Polymer. This master agreement is for an initial term of one (1) year in the annual award amount of \$1,698,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Wastewater Ops Fund. Administering Department: Regional Wastewater Reclamation.
4. **Award**
Award: Master Agreement No. MA-PO-22-5, Aarrowhead Security, Inc., d.b.a. Vet-Sec Protection Agency, (PULLED FOR SEPARATE ACTION)
5. **Award**
Amendment of Award: Master Agreement No. MA-PO-16-112, Amendment No. 7, Southland Medical, L.L.C., to provide for Forensic Science Center medical supplies. This amendment extends the termination date to 10/20/22 and updates commodity line pricing. No additional funding required at this time. Administering Department: Forensic Science Center.
6. **Award**
Amendment of Award: Master Agreement No. MA-PO-17-14, Amendment No. 5, Theracom, L.L.C., to provide for Nexplanon contraceptive implants. This amendment extends the termination date to 7/26/24 and adds an increase in the amount of \$350,000.00 for a cumulative not-to-exceed contract amount of

\$1,066,000.00. Funding Source: Health Operations Fund. Administering Department: Health.

Real Property

7. RESOLUTION NO. 2021 - 55, of the Board of Supervisors, authorizing a Public Utility License granted to Ajo Improvement Company, no cost/25 year term (CTN-RPS-22-14)
8. Alive Christian Fellowship, to provide for a License for Right-of-Way Encroachment for a monument sign at 9662 N. La Cholla Boulevard, contract amount \$750.00 revenue/25 year term (CTN-RPS-22-13)

Sheriff

9. Sheriff's Auxiliary Volunteers of Pima County, Inc., Amendment No. 6, to provide for property loss protection - Sheriff Auxiliary Volunteer vehicles, extend contract term to 6/30/22 and amend scope of services, \$3,462.00 revenue (CT-SD-18-40)
10. Sheriff's Auxiliary Volunteers of Green Valley District Area, Inc. (SAV), Amendment No. 10, to provide for property loss protection - Green Valley SAV vehicles and extend contract term to 6/30/22, contract amount \$3,462.00 revenue (CT-SD-18-41)
11. Town of Marana, to provide for video court hearings of municipal prisoners, contract amount \$5,000.00 estimated revenue (CTN-SD-21-120)
12. Town of Sahuarita, to provide for video court hearings of municipal prisoners, contract amount \$5,000.00 estimated revenue (CTN-SD-21-122)
13. Town of Marana, (PULLED FOR SEPARATE ACTION)
14. Town of Sahuarita, (PULLED FOR SEPARATE ACTION)

GRANT APPLICATION/ACCEPTANCE

15. **Acceptance - Office of Emergency Management**
Arizona Department of Emergency and Military Affairs, Amendment No. 2, to provide for the FFY2019 Emergency Management Performance Grant and amend grant language, \$103,875.04/\$103,875.04 General Fund match (GTAM 22-3)

BOARD, COMMISSION AND/OR COMMITTEE

16. **Pima Vocational High School Board**
Appointment of Dr. Steven Michael Olguin, to fill a vacancy created by Jay Slauter. Term expiration: 7/31/24. (Commission recommendation)

17. **Election Integrity Commission**

Appointment of Mike Cease, to fill a vacancy created by Richard Fridena. Term expiration: 8/15/23. (Green Party recommendation)

ELECTIONS

18. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Thomas Racey-145-GRN; John DiLorenzo-182-GRN

APPOINTMENT-PRECINCT-PARTY

Rachel S. Sampson-049-DEM; Maria S. Parsons-109-DEM

FINANCE AND RISK MANAGEMENT

19. **Duplicate Warrants - For Ratification**

Stephanie Slobodnik \$400.00; Fairmount Manor \$715.00; Stacey Natalie Monge \$35.16; Karen Jones \$153.97; The Sherwin-Williams Co. \$225.88; Friends of Robles Ranch \$994.37; Friends of Robles Ranch \$1,118.29; Friends of Robles Ranch \$619.49; Friends of Robles Ranch \$890.76; Friends of Robles Ranch \$2,747.13; Robert Koumal \$115.00; Debra Sauntman \$92.00; Banner Health, d.b.a. Entech \$2,400.50; Banner Health, d.b.a. Entech \$130.00; The Missions at Sentinel Peak, L.L.C. \$2,385.00; Maxwell and Morgan \$14,614.37; Safey-Kleen Systems, Inc. \$1,432.33; Spectrum Opportunity Partners, L.P. \$475.00; Fort Lowell Realty and Property Management, Inc. \$745.00; Fort Lowell Realty and Property Management, Inc. \$1,563.00; Wasatch Premier Properties, L.L.C. \$1,584.00; Andrea Guadalupe Curtis Perez \$15.00; Sahuarita Food Bank \$287,126.25; Tucson Electric Power Co. \$1,480.00; Imagine Realty Services, Ltd. \$4,250.00; Ali AlQattan \$6,820.00; Community Intervention Associates, Inc., d.b.a. Community Health Associates \$100.00; International Rescue Committee \$1,633.65; Imagine Realty Services, Ltd. \$1,450.00; Imagine Realty Services, Ltd. \$1,450.00; Jane Howard Jacobs \$10,992.00; Pima Community College \$105.00; Pima Community College \$260.48; The Missions at Sentinel Peak, L.L.C. \$2,385.00.

RATIFY AND/OR APPROVE

20. Minutes: June 22 and July 6, 2021

* * *

63. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:10 p.m.

CHAIR

ATTEST:

CLERK

COUNTY ADMINISTRATOR

14. Updates and Action on COVID-19

BOARD OF SUPERVISORS

40. K-12 Schools Within Pima County Face Coverings Mandate

RESOLUTION NO. 2021 - 56, of the Board of Supervisors, mandating the use of face coverings in all K-12 schools within the County, as an **a safe and** effective mitigation strategy to keep our children safe from COVID-19. (District 2)

COUNTY ADMINISTRATOR

41. COVID-19 Vaccination Incentives and Disincentives

Discussion/Direction/Action regarding COVID-19 vaccination incentives and disincentives.

42. Assistance to Local School District Boards

Discussion/Direction/Action regarding County assistance to local School District Boards who require K-12 masks for students, teachers and staff.

Verbatim

SB: Chair Bronson
MH: Supervisor Heinz
AG: Supervisor Grijalva
SC: Supervisor Christy
RS: Supervisor Scott
CH: Chuck Huckelberry, County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
JL: Jan Leshner, Chief Deputy County Administrator
MM: Melissa Manriquez, Deputy Clerk of the Board
LL: Lesley Lukach, Civil Deputy County Attorney
WH: Will Humble, former Director of the State Health Department
NG: Nico Grischkowsky, Information Technology Department

SB: We now move on to Item 10. This is Updates and Action on COVID. That would include as a part of this item, 7, 8 and 9. I think on the Addendum Agenda 1, Item 7, I am going to rule as parliamentarian. This is on the Addendum Agenda. That item is essentially similar to the one we voted on at our last Board meeting. In order to revisit this, we would have to have someone on the prevailing side bring this forward for reconsideration. Should reconsideration

pass, then we could have a discussion on next steps. Since the individual who brought this up was not on the prevailing side, as parliamentarian, I am asking the Clerk of the Board to remove this item from the agenda at this time.

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: I would like to point out that the entire Section 4 was added to this Resolution. It was very different than the previous one I brought forth.

SB: Supervisor, I have made my decision. Let us move on. Alright. Mr. Huckelberry.

CH: Chair Bronson, members of the Board, I provided you a written update on August 13, 2021. It is self-explanatory. I would ask that Dr. Garcia provide you an update. We provided some graphics to Nico to place before you with regard to these items in particular: school populations that are now being impacted, the pediatric component of this, as well as the general trend in infections regionally. That is our maps that we produce every week. We have gone back about eight or nine weeks and you can see that progression as well. Let me turn it over to Dr. Garcia.

FG: Chair Bronson, members of the Board, Mr. Huckelberry, I want to make sure that we give you an opportunity to ask questions about the information that the County Administrator shared with you earlier on Friday. Nico, I do not see the slides.

NG: One moment.

FG: The first thing I wanted to show you was where we were on the week of, before July 4th and where we are today, in terms of the sheer number of new cases. What the maps that are included in the attachments. Thank you. Slide one, please. Got it. The maps that are included are just illustrative of where we were. At that point, the week before you took your vote to lift the emergency declaration, there were only 222 cases. You can see that they were fairly distributed throughout the County. But fast forward to the week before last and we were at 1,309 cases with the projection to be at 1,400, in the mid-1,400s, this week. That is a very different state of affairs than we were previously. I am going to share with you, if I can, next slide please, Nico. Next slide. I am going to share with you specifically what has been going on with regards to schools and other educational settings. Understand that schools have been really tremendous partners to the County and that we have worked out a very, very good reporting relationship with them. This bar graph shows you the number of school related cases that have occurred since July 20th. What you will see is that there is a growing progression in terms of the sheer number of school reported cases. Next slide, Nico. In general, one of the things that part of this reporting relationship does, is it helps us have a really good insight as to what

kinds of cases they are and this graph shows you in grey what proportion of the cases have to do with staff or faculty that are on the premises. Next slide. Roughly, about 84% of the cases that are occurring currently are among children and 16% are among school and staff. Next slide. This slide is really important. I want to draw your attention to the fact that amongst school related cases, and this is at the end of last week, amongst school related cases, 219 of 489 occur in children who were not vaccine age eligible. That is zero to 11. That a very, very significant number and it should be noted as such. The next highest group is among individuals who are between 12 and 19 years of age. Clearly, the bulk of the age group that are impacted are those school-related age groups. Next slide. One thing that is really critical for you to understand is that this phenomenon is now impacting all our school districts. You saw an initial bump that occurred, initially with Vail, Marana, Sahuarita, as the first school districts that went back into session, really are overrepresented in terms of the number of cases. This does not mean that the rest of the school districts are out of harm's way, at this point. This means that, for instance, for TUSD, which had a start date of August 6th, we probably expect to see the real association of cases associated with that return to school to happen this week. The same is the case for all our other school districts. The other thing I will point out to you, is that we are seeing the same phenomenon play out among charter schools and among private schools. This is not particular to any school setting. This is a phenomenon of infections among unvaccinated individuals in those settings. Next slide please. This is a slide that tells you approximately how many cases in any one school. This is actually, there are actually two slides in here, in your handout, that show all the schools, at this point about 140, that are, that have reported cases. You will see the amount of cases reported in each of those schools can be as little as one and as much as 21. There is really a broad range. We had to do approximately 15 classrooms closures associated with these cases that are school-based. We try very hard, working with the superintendents, working with the principals, to mitigate against that because we know that this is a critical piece. I cannot emphasize enough that our schools and school districts are really bending over backwards to do the most that they can with regards to mitigation. There is enhanced sanitary, sanitation and disinfection protocols. There is a very real attempt to create as much separation among children. There are really good practices and messaging that are being promulgated by the school and the school districts in order to keep our children safe. But we also know that there are limitations that they have felt as a consequence of the Governor and the legislature's actions. Those are having a real impact in terms of schools' ability to mitigate. That is why you are seeing cases now, whereas previously we did not. We were not reporting these kinds of numbers. With that, I will conclude my remarks and I am happy to answer any questions. Nico, you can take the slides off.

AG: Chair Bronson?

SB: Supervisor Grijalva.

- AG: Can you speak to some of the data that was shared regarding how we are doing in Pima County, in our County facilities? From the numbers that I saw, we are about 27% of the departments are over 75% vaccinated. There were couple of combinations of, like all of the Board of Supervisors are on one item. Amongst all five offices, we are at 70%. There are only three departments that are fully vaccinated and that is Analytics and Data Governance, Office of Emergency Management and School Superintendent's Office. The rest of us are, the vast majority are under 70%.
- FG: Chair Bronson, Supervisor Grijalva, I think Chief Deputy Jan Leshar is probably in a better position to talk about what that HR stuff, that HR information that was shared on Friday. I do not, I have not looked at the particulars and I have not dug into them.
- AG: Okay, thank you.
- SC: Madam Chair?
- AG: I just wanted to wait to see if anyone could address it, the question I had.
- SB: Okay. Alright. Yes, Supervisor Christy.
- CH: Chair Bronson?
- SB: Mr. Huckelberry and then Supervisor.
- CH: Chair Bronson and Supervisor Grijalva, we can, I sent that material out. Generally, what it reflects is the lower vaccination in a department has resulted in higher infection rate. Those are directly correlating together. We know that there will probably be a significant additional number of employees who will get their "I'm Vaccinated" cards depending, specifically, on what the Board may do later today with regard to incentives and disincentives. I see that Chief Deputy Leshar is on the call and she may be able to provide some more detail.
- JL: Thank you. Chair Bronson, Supervisor Grijalva, what you did receive was just a department-by-department review. We know exactly how many people have been, we do not know how many have been vaccinated. We know how many people have requested the badge that indicates that they have been vaccinated. We, of course, have employees who are not on our insurance plan and things like that and we are working on ways that we can make sure we have identified them as well. Then we correlate that with the number of individuals that we have seen test positive. We receive that on a weekly basis.
- AG: Can I ask a follow-up question? The number of COVID positives, is that specific to a certain period of time, or you know? Because some of these, I am just wondering if some of these happened before we had the opportunity to vaccinate or. So the 915 County employees of our 6,957, I just want to know what period of time that is reflecting?

JL: Chair Bronson, Supervisor Grijalva, that is since the onset of the pandemic and we have been tracking the numbers, so over a year.

AG: Okay. I just want to make sure we highlight that because I know this is an attachment. For some of the departments that are 100% positive, their percentage of COVID positive employees may not correlate to the numbers, but I am glad that you mentioned that. This is since last February.

JL: Correct.

AG: Okay, thank you.

SG: Madam Chair?

SB: Yes, Supervisor Christy.

SC: Just to follow-up with Dr. Garcia. The last meeting, we talked about pediatric COVID related cases and you were, you told me you would get back to me with the figures. I saw some figures from Mr. Huckelberry. I am assuming that those figures are the communication that you were passing to Mr. Huckelberry to pass on to me. Is that correct or do you have a separate?

FG: Chair Bronson, Supervisor Christy, indeed, that is correct. The numbers are, those are the numbers that we have included in the County Administrator's memo. I just checked in with the, both, hospitals that have pediatric patients. I can tell you that there are two positives in, I am sorry, a total of four positives and two pending, currently. A total of six children potentially today, this morning.

SC: Is that in Pima County or is that in the State?

FG: That is in Pima County.

SC: According to healthdata.gov, as of this morning, there are two COVID related pediatric cases in the State. You are saying that your numbers are in Pima County?

FG: Correct.

SC: Those numbers again are what?

FG: There are four cases in our two hospitals and then two additional cases where the COVID status is pending. I believe that there is a significant delay in the reporting that is showing up on that website. I believe that that explains the disparity.

SC: Just to be sure, you do give healthdata.gov credibility?

FG: Absolutely.

SC: Another question. How is TUSD having so many cases when they have a mask mandate?

FG: Chair Bronson, Supervisor Christy, please understand that most of our cases, especially early on in the school year, most cases are not actually associated with in-school activity. Children are being infected in homes and in the community. That does not, transmission in the classroom is a real thing, whereas, for instance, during last school year, we were seeing it was relatively rare. We do believe that that is increasing, however, most of the infections that these children have, they showed up to school with. We use the school's reporting system as a way of being able to capture that information, but I want to be clear, it does not reflect the efficacy, or lack thereof, of a particular mitigation strategy, except, perhaps, for the issue of vaccination.

SC: Thank you, Madam Chair.

MH: Chair Bronson?

SB: Yes, Supervisor Heinz.

MH: Yes, thank you. I do not think the public really understands what actually happened with Agenda Item, Addendum Item 7. I would like to appeal your parliamentary decision and request a roll call.

SB: Appeal denied. Appeal denied. Let us move on.

MH: A roll call vote is required, Chair Bronson. You are trying to prevent us from discussing mask mandates again and that is completely inappropriate.

SB: Well we have mask mandates on this agenda. Not in the form you put them on.

MH: The procedure is for a roll call vote at this time.

SB: And what was your particular, you are appealing what, specifically?

MH: Your decision. I think your decision was incorrect and that my motion and Resolution was substantially, no substantially.

SB: Roll call. Roll call. It is to appeal the, if the appeal is, if your appeal is denied, we will move on. Roll call, quickly.

SC: Chair, wait. If we disagree with Supervisor Heinz and we agree with your decision, what should the vote be, yes or no?

SB: The vote, depending on how he framed his appeal, he wants to appeal and, repeat your information. You are appealing?

MH: I appeal the parliamentary decision of the Chair regarding the inclusion of Agenda Addendum Item No. 7. That it should be included and discussed by this Board.

SB: Okay. To your point, Supervisor Christy, if you vote no, then the, my, ruling stands.

SC: Thank you, Madam Chair.

AG: Chair Bronson?

SB: Supervisor Christy, I mean Grijalva.

AG: I do want the opportunity to have the conversation. I want to explain my vote.

SB: Okay. You can, at the time of the vote, you can explain your vote. Okay?

AG: Okay.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

SB: Do you need to explain your vote, Supervisor Grijalva?

AG: I wanted, I actually want to have a conversation about the mask requirement and the updates. That is why I am voting in favor of having this conversation.

SB: I think that is already on the agenda, but that is fine. Okay.

AG: Thanks.

MM: Supervisor Heinz?

MH: Yes.

MM: Supervisor Scott?

SB: Supervisor Scott is muted.

RS: I am sorry. I vote yes and the reason I vote yes is because I want to have a discussion of the additions of Sections 3 and 4 to Supervisor Heinz's Resolution, especially because I have significant concerns about Section 3.

SB: I have significant concerns about all of it, but.

MM: Chair Bronson?

SB: No. Motion is successful. Let us move on with the agenda. Mr. Huckelberry.

CH: Chair Bronson and members of the Board, I think that concludes our update to you with regard to all COVID-19 items.

SB: Do you not have on the addendum agenda, Item 8, COVID Vaccination Incentives and Disincentives and then Assistance to Local School Boards, which is also COVID related?

CH: Yes, Madam Chair, if you like to discuss those. Item 8, I believe, is the issue of vaccinations. I have provided the Board with a two-page memorandum discussing various incentives and disincentives that could be adopted to encourage employees to become vaccinated. The incentive is, fundamentally, a \$300.00 cash reward provided to an employee who is vaccinated with both vaccines of Moderna or Pfizer, or one vaccine of J&J, by October 1st. The second item is the issue of disincentives. The disincentives would be for employees who are unvaccinated. The health benefit discounts that we normally provide would not be provided. That is \$35.00 per pay period. The fact that we can surcharge 30% of the lowest tier, I believe that is about another 20 some dollars, so that brings the annual disincentive cost to an employee of over \$1,500.00 for not being vaccinated and \$300.00 for being vaccinated. I think there was some discussion with regard to whether or not we should provide additional leave days. I think that was discussion I had with Supervisor Grijalva. That is, again, my report on that item.

SB: Alright.

AG: Chair Bronson?

SB: Supervisor Grijalva. Yes. Go ahead.

AG: So it does, there is, the recommendation lists that the one time incentive for all employees fully vaccinated by October 1st. I am wondering if we can narrow the timeline a bit. What I am concerned about is in the memo that was shared on 13th of August, that in the last three weeks we had 16 reported cases of employees that have tested positive and 80% of those are fully vaccinated. Well, it does not say they are fully vaccinated, are vaccinated employees. I am concerned about the numbers and I am wondering if we can narrow the timeline of where they have, where employees can show that they have

received one vaccine by our next Board meeting so we can see how much has changed with the incentive. My hope is that we are able to increase the number of employees that are fully vaccinated. Right now, we have 27 departments, or 27% of our departments are 75% vaccinated or more. The ones that are the lowest really have a lot of contact with the public, including our Sheriff's Department, the Superior Court. I am concerned about those numbers and I am hoping that the incentives will be something that works, but, you know, it would be good to get an idea of that, of where we are.

SB: Okay. Thank you, Supervisor Grijalva. Just little point of clarification, when you said you wanted to narrow, what are you?

AG: I am hoping that we can have an update by September 7th, that the incentives continue through September 7th and then the Board can vote whether we want to extend that because right now the period of time is October 1st and we, as a county, we have not released the attorney-client information, so I cannot really discuss more than that.

SC: We have not approved the incentives.

AG: No, No, I know. We are discussing the incentives and one of my suggestions is that we, instead of having a deadline date of October 1st, to have a date of the 7th to see how many employees have taken advantage of the incentive. I did want to add an additional three days of COVID leave for those employees that are.

SC: That is all assuming that we pass the incentive program. We have not done that.

AG: No, I understand that. When we are discussing whether to pass it or not, these are the modifications that I am requesting.

SB: You, instead of October 1st, you want September?

AG: September 7th for at least the first vaccine, unless they are doing Johnson & Johnson, and to add three COVID leave days to the incentive.

SB: But the disincentives would be then in effect when?

AG: I would say that we would start those on, looking at the 7th, so they would not be immediate. We would give people some time. We can have this discussion again. I just, I really am trying to incentivize it, versus, but I understand that, you know, any other discussion other Board members have.

RS: Madam Chair?

AG: We have a very narrow period of time in which to look at the numbers. The number of people, young people, in our schools from July 20th to now, I mean,

if these numbers continue to multiply the way they do, where they are right now, we can be in a very serious situation. Our employees, considering the number that we have, are really, there are many of them that are unvaccinated. We can have a significant impact here in our County buildings because children are going to school, possibly getting COVID, coming home. I just think that we have to do what we can in the realm that we have some authority to protect our community.

SB: Alright. Somebody wanted to speak.

RS: Madam Chair?

SB: Supervisor Scott.

RS: I would be very willing to consider Supervisor Grijalva's motion to add three days of COVID leave as an incentive, but I would like to amend that motion to have us not consider the disincentives at this time. What I would prefer, at this time, is as a Board, that we only consider the incentives and then after we see their effects, perhaps at a future meeting, look at implementing the disincentives. I would like to see first, what are the effects of the positives that we can put in place before we consider the whole package which includes the negatives.

AG: Supervisor Scott? I am sorry. Chair Bronson?

SB: Supervisor Grijalva.

AG: Would you be willing to revisit the disincentives on our, during our meeting the September 7th?

RS: Yes, I would. I do not know that I would necessarily be willing to approve them at that point, but I would be willing to approve the incentives including your additional incentive today.

AG: Okay. I would be willing, as long as we can bring up an update and the disincentives on September 7th, I would be willing to support that.

SC: Madam Chair, point of order. We are dealing with item 8, is that correct?

SB: That is correct.

SC: We have not passed anything or approved anything. We have not agreed to incentives or disincentives. We are just at this agenda item and it sounds like my colleagues are already assuming that certain elements of them are passed, which is not the case. We need to be discussing about the sense and the efficacy of the subject of incentives and disincentives, period. Then we, and then you can all discuss all these little minute things, but there is a bigger issue

here and that is having vaccination incentives and disincentives in the first place, Madam Chair.

SB: Thank you Supervisor Christy. I think this is still on the discussion stage, but I understand your concern. There is no motion on the floor that we can vote on. This is discussion on what the, I think what we are discussing is, if there is a motion, what it should look like.

SC: I would like to make a motion.

SB: Okay.

SC: Item No. 8, that Pima County cease and desist any discussion or direction or action regarding COVID-19 vaccination incentives and disincentives.

SB: Is there a second to that motion? Motion dies for lack of second. Supervisor Christy, I do not know if you were listening to the City Council's meeting, Emergency meeting, regarding these items earlier. We had the Councilmember Nikki Lee voted against the actions that they took regarding incentives and disincentives and she did so because she felt that it was going to negatively impact the workforce and we were going to lose people. The City was already losing a number of core service individuals, the core services of cities and towns and counties, which is public health, public safety. She was not able to support it for those reasons. You seem to be saying many of the same things she did. I suppose I would, information I would like to see, would be the number, and I know we have a number of vacancies that we have not filled at this point, county-wide. I would like to see some information before I can vote on any of this. I would like to see information that lists the number of openings we have, that we are unable to fill at this point, by department. Then, you know I, and then, if we could, if a motion passes for the incentives and disincentives, then I would like to see how that actually impacts our workforce. Because, as we know, the private sector is, most of the people that are leaving, are leaving to the private sector and again, we pay minimum wage of \$15.00. So, this is going to have an impact our workforce. If any motion passes, regarding incentives and disincentives, I would hope that we could, as we, we could review this and see how many employees we have lost and whether it was because, due to our, due to the policy regarding vaccination incentives and disincentives. That is just by way of discussion.

SC: Madam Chair?

SB: Supervisor Christy.

SC: You asked for a motion. I gave a motion, but if you want to have a discussion on the overall picture.

SB: Your motion failed, but I am just now discussing my feelings on it.

SC: Now may I do the same, Madam Chair?

SB: Yes.

SC: Thank you. There is one area that we are totally overlooking and not discussing that I think that has grave and dire consequences and unintended consequences for Pima County. That is, that if we force or use financial incentives to inflict upon mandating or causing employees to have vaccinations as a result of the incentives, and something goes wrong with that employee after he or she receives that vaccine. I believe we are opening ourselves up to a huge liability and lawsuits because they took advantage of what was either take the incentives or be either terminated or tested. Now, if we are going to be incentivizing employees, that is a bad form of and use of taxpayer funds. That is one reason I am against it. We need to discuss and analyze, by putting employees into a position where they are being incentivized to take a vaccine, what happens if something goes wrong and somebody gets terribly sick or even dies? Whose legal responsibility is that and who is liable? I believe it is Pima County. We are self-insured. If you have multimillion dollar lawsuits on this issue, which I am sure any good liability lawyer worth his or her salt, is just chomping at the bit to wait for this, we could be in a whole store of hurt. Plus, as you point out, Madam Chair, we are going to be losing employees because they are being forced, in one way or the other, either by incentives or disincentivization, to take these vaccines and they are going to say to hell with it, I will go out and get a job somewhere else. I think you are going to see that in the City of Tucson. I know you are going to see it in Pima County employees and when we get to the agenda item on Pima County healthcare workers, I know you are going to see it there, too. Thank you, Madam Chair.

SB: Thank you.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Thank you. I would like to make a motion. The motion would be that we put in place the, put in place immediately, the incentive that Mr. Huckelberry mentioned in his memorandum, that we add the incentive that Supervisor Grijalva suggested, which is the three days of COVID leave for anybody who takes a vaccine, and that we revisit on our September 7th agenda the disincentives recommended by County Administration.

AG: I will second. Chair Bronson, I just wanted to confirm that the incentive of the \$300.00 is for all Pima County employees, not within a certain period of time. If you have already been vaccinated, you still, this incentive applies to you as well?

SB: Mr. Huckelberry.

CH: Yes, Chair Bronson and Supervisor Grijalva, yes, that is correct. It is for all employees who have been vaccinated by a certain date or in your case, the first vaccine for those who presently are unvaccinated. I would suggest that, you are mentioning COVID leave. Sometimes that could be interpreted as a person has to have COVID in order to take that leave. You may wish to strike the word COVID before leave and just make it three days of leave.

AG: Okay.

RS: I will make that amendment, if that is acceptable to the seconder.

AG: Absolutely. Thank you for the suggestion.

RS: Mr. Huckelberry, could you please confirm. I think you stated this in your memorandum, but I think it is important that we confirm it for the public, that any incentive funds that are paid to employees who choose to get vaccinated, the County will be reimbursed by American Rescue Plan funds.

CH: Chair Bronson and Supervisor Scott, yes, that is correct.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Do we not have a county-wide policy with employees for pandemic leave already in place?

SB: Mr. Huckelberry.

CH: Chair Bronson and Supervisor Christy, we have county pandemic leave, we have federal pandemic leave and those are restrictive to certain time frames and certain eligibility. The leave that I believe that is being offered now is unrestricted leave.

SC: Thank you.

SB: Alright, thank you. Does that clarify?

SC: Yes, Madam Chair. Thank you.

SB: Okay. We have a motion on the floor. Is there any further discussion?

SC: Madam Chair, what is the motion? If you do not mind.

SB: Supervisor Christy, I mean Supervisor Scott, you want to repeat the motion?

RS: Certainly. Thank you, Madam Chair. Supervisor Christy, the motion is to adopt today the incentives that Mr. Huckelberry mentioned in his memorandum, the \$300.00 to any vaccinated employee and to add to that incentive, that the three days of leave that Supervisor Grijalva suggested and to revisit the disincentives at our next meeting.

SC: Thank you, Supervisor Scott.

RS: Thank you.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I just want to clarify that this is for employees of Pima County, you receive your paycheck from Pima County, because there are a lot of people confused saying okay, that applies, like the votes that we are making about vaccines are applying to everybody. It is for the roughly 7,000 employees of Pima County. Thanks.

CH: Chair Bronson and Supervisor Grijalva, it would only apply to County employees who are eligible to receive County leave.

SB: Does that clarify it, Supervisor Grijalva?

AG: It does. Thank you.

SB: Alright. Do any, let us do a roll call vote.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

MH: No.

MM: Supervisor Scott?

RS: Yes.

MM: Chair Bronson?

SB: Yes, but I have real concerns and we will discuss them at our September 7th meeting.

AG: Thank you.

SB: Alright. Let us then, let us see where we are on time. 11:28. Let us move to Item 7 and Resolution 2021-56.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Thank you. Just to clarify something and it is my error for not noticing this. Supervisor Heinz originally add a Section 3 in his reintroduced Resolution that would have put the onus for enforcement of a K-12 mask mandate solely on Pima County. He has revised that and removed that section. I know that was noted at the beginning of the meeting by the Clerk of the Board. My error for not recognizing that. I just wanted to point that out and then defer to him for any discussion and then I will weigh in with some other comments after that. I did want to recognize that he removed that section.

SB: Can we get a motion on the floor then before we have the discussion?

RS: Sure.

SB: We need a motion.

MH: Yes. Chair Bronson, it is Supervisor Heinz. I will move the item.

AG: Second.

SB: There is a motion and a second. Discussion?

MH: Chair Bronson, before I continue discussion, I have a former Director of the State Health Department, actually, Will Humble, who wants to make some comments. I would like him, but he is pressed for time. I would like him to speak now before we continue our discussion, if that is okay?

SB: I do not see him as joining us. There he is.

SC: Madam Chair, this is not a hearing. I think this is out of order. I object to any kind of discussion from outside individuals. Quite frankly, this whole item is out of order. You pointed that out and we should not be reconsidering it. I object to anybody coming in to try to support it when it is clearly an item that should not be even considered. Thank you.

SB: Thank you Supervisor Christy. I am going to allow it, but he will be limited to three minutes.

WH: Will Humble, Executive Director of Arizona Public Health Association. I just wanted to provide a little bit of technical information as you consider the policy decisions later on today that are on the agenda around masking. I think one fundamental thing that has been misunderstood by a lot of the public, in large part because of discussions from both the State Health Director and from the Governor, is that when students are in classes and they are wearing either cloth or the paper masks that you see, that that somehow provides a great deal of protection, for, both for that student and prevents transport, or at least is protective of spreading the virus, in those environments. What really matters with those types of masks is universal masking, because the mask, the paper or the cloth mask that you see, protects the other students more than it protects the individual wearing the mask. The value of those type of masks is really when you have the entire classroom mask. That is when it becomes an effective intervention. The exception to that is if students were wearing an N95 fitted mask, like Dr. Heinz and others in, you know, the medical profession are used to wearing for high levels of infections. Those, actually, would work for students but it is totally impractical to expect a young student, or even high school student to wear a fitted N95 mask. If you are really interested in a policy decision that helps improve the chances for in-person instruction, I urge you to think about the universal masking as, actually, a really important measure. The other thing I just, since I have another second here on the clock, another important intervention that all districts have the option to implement is either pool testing or rapid testing in the classroom. Arizona received \$129 million from the federal government to do specific, specifically for classroom testing. The pool testing is free and available from the State Health Department. I know you guys are not, you are not superintendents and stuff, but when you are talking about messaging and when you communicate with districts and superintendents, make sure you emphasize the importance of using that free screening and testing component, because that can also be used to prevent cascades of cases coming out of schools. With that, I will yield the rest of my time if there is any. Thanks.

SB: No, thank you very much for those comments. Alright.

SC: Madam Chair?

SB: Supervisor Christy.

SC: This just sounds horrible. Little kids being forced to wear some kind of form of a mask in their classroom. They cannot breathe. They hate it. They cannot have any interaction with their fellow students. Then on top of that, yanking them out of class, hauling them out into another room, having them sit down and be tested. These are children. I am just absolutely horrified and disgusted that we are actually imposing these kinds of mandates on little kids. Again, we should not be discussing this item. It was voted down at the last meeting. It is out of order. I am, I am just appalled that the level of complete disregard for

our children and their health and their safety with doing all of these mandates, with all these proclamations against children. It is repugnant. Thank you.

RS: Madam Chair?

SB: Thank you, Supervisor Christy. Supervisor Scott.

RS: Yes, Madam Chair. With all due respect to my colleagues and others in the community who supported the countywide K-12 mask mandate that we voted down last week and that we are reconsidering today in revised form, I sincerely believe that it is a mandate in name only. It provides no tools or leverage to school districts that choose to enact mask mandates than the ones they already have. All of us who support the CDC guidelines are appalled by the fact that Arizona is one of only nine states that has prohibited local districts from taking steps to implement those guidelines regarding masking in schools. But, Madam Chair, we owe local districts more than words if they want to take steps to defy state law. I believe we have another measure on our addendum agenda that will do just that. I am going to be opposing this again, even though I respected the request to have it discussed.

SB: Thank you Supervisor Scott. As always you are a consummate professional. I concur with your remarks, as well. Is there any further discussion?

AG: Chair Bronson?

MH: Chair?

AG: Go ahead. I am sorry, Supervisor Heinz.

MH: Thank you. I just was curious to hear from my colleagues, particularly Supervisor Scott, if we remove Section 1 and 2, leaving only Section 4, would that be something, you know, that my colleagues would be amenable to supporting?

RS: Supervisor Heinz, thank you for that question. I certainly would be receptive to the Pima County Attorney's Office being directed to look at the possibility of either filing suit on behalf of the County or joining the existing suit. I would be willing to consider that as a separate motion, but I just want to ask as a point of clarification, are you referring to the lawsuit that was filed by the, I believe it is called the Center for Law and the Public Interest and one of the parties that joined that suit is the Arizona School Boards Association? Is that the one you are referring to?

MH: Yes, that is correct.

RS: I would be supportive of that.

SB: I think that is potentially what Item 9 is about.

- RS: No. I do not, with respect, Madam Chair, no. I do not think so. It is referring to a lawsuit that has already been filed and it is challenging the, both the single subject provision of state legislation and also equal protection in that private and parochial schools are able to enact mask mandates. Whereas, public schools cannot.
- SC: Madam Chair?
- SB: Supervisor Christy.
- SC: I do not understand how we are being amenable to have a motion completely reiterated, reconstructed, reconfigured, just to take advantage of certain nuances that have nothing to do with the original motion, that should not even be on the Board. Supervisor Heinz is constructing and deconstructing it to try to massage some way to get the Board to follow his agenda item and to vote for it. This is wrong. It is out of order. It should not be even on the agenda. He is, Dr. Heinz is not on the prevailing side. I think it flies in the face of all procedure, all Robert's Rules of Order. It is out of order and to keep on going and building and taking away and then building again, just to get consensus while we are talking about it is totally out of order.
- RS: Madam Chair?
- SB: Supervisor Christy. Mister, Supervisor Scott.
- RS: Could I ask Ms. Lukach, please, to weigh in, because I thought that we voted on the parliamentarian's ruling. Now we are having a discussion on Item 7 and we are going to be moving to a vote on Item 7. I appreciate Supervisor Christy's points but I do not think we are out of order, with all due respect. I just wondered if we could have Ms. Lukach weigh in on the procedure that we are following?
- SB: Ms. Lukach. There, she is unmuted.
- LL: Chair Bronson, Supervisor Scott, in terms of rulings on parliamentary procedure, the Chair's decision is binding, but for when the appeal process under the rules is implemented. That did take place. Resolution 2021-56 is under discussion. I am not aware of the Chair having ruled on the new parliamentary procedure issues that I believe I hear Supervisor Christy raising.
- SB: Supervisor Christy, you are raising what specific parliamentary question?
- SC: That this item should not even have been put on to the agenda. It was voted down and Supervisor Heinz was on the losing side. My understanding of parliamentary procedure, and I know this because I have been the recipient of such actions, is that in order for this Resolution to be brought back before the Board, which is essentially the same that it was the first time, it has to be

presented by someone on the prevailing side. Now, in addition to that element, it is being massaged and kind of a let us work out this thing together here, all these Board members, so we can get this thing passed. You do not like this piece, well, let us put something else here. That is not the proper way for these types of things to be brought before this Board. This is what I am objecting to. We should not even be considering this.

SB: I think, what you are asking, the majority voted to put this back on the agenda for discussion. The question I think before us and Supervisor Scott, correct me if I am wrong, is if we only have this one narrow piece that Supervisor Heinz put on, can we move forward? I think that, I have problems with that but I do not think they are not parliamentary problems, I think if we are going to do this, I think this would be a discussion at our September 7th meeting.

RS: Madam Chair?

SB: Supervisor Scott.

RS: Let me agree with Supervisor Christy on one point. Which is that the issue before us is the Resolution that Supervisor Heinz put on the agenda. My response to Supervisor Heinz was as an aside, but I said I would consider it as a separate motion. I agree with Supervisor Christy and Ms. Lukach has already ruled that this is the case, that what we are discussing right now is the motion that Supervisor Heinz made, that Supervisor Grijalva seconded, to consider the reconsidered one. I just mentioned, as an aside, I would consider it a separate motion. If you rule that that has to happen on September 7th, that is fine with me.

SB: Okay, but the motion we are considering is the one that was presented in the Resolution.

RS: Yes, ma'am.

SB: Yes.

SC: Madam Chair?

MH: Chair Bronson?

SB: Supervisor Christy, then Supervisor Heinz.

SC: My question is, how can we be talking about another element that belongs in to a Resolution that should not even be on the agenda? That is my question.

SB: I think that what Supervisor Scott was suggesting was that he would be amenable to a motion that included that very narrow piece that he just discussed. The motion on the floor is the entire motion. There has not been

any amendment. There has not been, so, the motion we are voting on is the entire motion, at this point.

AG: Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you. I would like to then amend my original motion to include only Section 4 and to remove Sections 1, 2 and 3, as we discussed. If my seconder is amendable to that.

SB: Supervisor Grijalva.

AG: I am sorry, I might be looking at an older version.

MH: For clarification, I will just read, very quickly. Section 4 is: The Pima County Board of Supervisors instructs the Pima County Attorney's Office to investigate the possibility of filing suit on behalf of the County against the State of Arizona, or of joining the existing lawsuit filed on 8/12/21 by the Arizona School Boards Association, et al., to seek Declaratory and Injunctive Relief and to challenge the constitutionality of the prohibition on mask mandates in public schools that was included in HB2898; and to report back to the Board of Supervisors on or before September 7, 2021.

AG: Okay. Yes. I will agree to that.

MH: Thank you.

SB: Again, I think this is really troublesome. I think this is best discussed, although this is only direction to the County Attorney, this is best discussed as a separate item. We can do that certainly if someone puts that on the agenda for September 7th, but at this point, I cannot support that motion.

RS: Madam Chair, I agree with you. I think it is important that we first discuss the original Resolution, which speaks to a countywide K-12 mask mandate and then revisit at a later date, which is what I said to Supervisor Heinz, the issue of whether or not the County would be part of existing litigation against that. So no, I agree with the point that you just made.

SB: Thank you.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: When a Supervisor puts items on an agenda, because I read this and initially thought that, you know, we would not be able to have this on the agenda. Then I read the Resolution and it was, it had updated information and the request

was different. I am assuming that the County Attorney, working with the Clerk's Office, looks over these items, so we do not have the issue that we are, the situation that we have now. Is that true or not true? As far as the legality of putting items on the agenda?

SB: I will let you weigh in Ms. Lukach. You are muted.

LL: The issue of putting items on the agenda is controlled by the Board Rules and Policy. Our office does review resolutions or ordinances for approval as to form, but that is a separate issue from policing the agenda policy.

AG: Okay, so then that would mean that Chair Bronson did what she did in coming to the conclusion that this was not a conversation that we could have because it was brought forward by Mr. Heinz who was not in the voting majority.

SB: Correct.

AG: I just want to make a comment because it has come up a couple of times and I do not know where I am going to be able to bring it up again. I do think that mask requirements, as direction from the Pima County Board of Supervisors, is something that we, is well within our realm of authority and something that we should do to support our schools and community that I think that the newest and most updated court action will clarify this as well. That it is up, every school board has the authority to do what is in the best interest of their school community. I think that that falls as well with Pima County. It is unfortunate that some in our community cannot share the concern and, quite frankly, the fear that I have that many of us are about the increase spread of COVID and the alarming number of our children that are testing positive. This pandemic should be an opportunity for our community to come together and unite to fight for us to get back to whatever our new normal is going to look like but unfortunately, some of us are fighting against the bare minimum that we can do to protect our neighbor, which is to wear a mask. This debate is just so seriously ridiculous, old. We have clear direction from the Pima County Health Department on what we should be doing as far as masking. They have given this direction before and, you know, I do think that it is important for us to do everything we can, as a Board, to support our school districts in keeping our community safe because these children are not, it is not just about schools and what is happening on the school ground. Those children are coming home and coming home, in many cases, to families that are unvaccinated. It will be the direct responsibility of the Pima County Health Department to deal with the result of this alarming increase in cases. I just wanted to make that statement as well as clarify that the last time we voted on this issue, I emphasized my vote as a member of the Tucson Unified School District Governing Board just to show how, to emphasize that I am in favor of a mask requirement in K-12 schools. I have no conflict legally or morally with voting in favor of masks. Thanks.

SB: Thank you. If there is any, if there is no further discussion, I will call to question. Roll call.

MM: This is to approve Resolution 2021-56, as amended.

SB: No. Yes.

SC: Resolution restated please?

SB: It is just Section 4.

SC: Which is?

MH: Chair Bronson, should I reread Section 4.

SB: Yes. Yes it is the one with the County Attorney.

MH: Yes, it is the Resolution as you can see, plus Section 4 only, without Sections 1, 2 or 3, which states: The Pima County Board of Supervisors instructs the Pima County Attorney's Office to investigate the possibility of filing a suit on behalf of the County against the State of Arizona, or of joining existing lawsuit filed on 8/12/21 by the Arizona School Boards Association, et al., to seek Declaratory and Injunctive Relief and challenge the constitutionality of the prohibition on mask mandates in public schools that was included in HB2898; and to report back to the Board of Supervisors on or before September 7, 2021.

SB: Alright, that motion has been restated. Roll call.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

MH: Yes.

MM: Supervisor Scott?

RS: No and I would like to explain that I will consider it at a separate meeting.

MM: Chair Bronson?

SB: No. Motion fails by your vote of 3 to 2. Moving on to the last COVID item, which Assistance to Local School Boards, Item 9. Mr. Huckelberry, are you still with us?

CH: Yes. Chair Bronson, members of the Board, this is asking the Board to consider taking a policy position to support school districts that make a decision to apply specific mitigation measures given those local conditions that would include masking and to take those necessary actions to support districts who would make those decisions. To provide all the technical assistance, public health expertise, that is necessary and to join as a party in any litigation initiated by the State that would try and reverse such a local decision by local school district.

AG: I would like to move the item.

SB: Is there a second?

RS: Second.

SB: Was that you Supervisor Scott?

RS: Yes ma'am.

SB: Okay. There is a motion and a second to approve. Discussion?

RS: Madam Chair?

SB: Supervisor Scott.

RS: If anybody looked at the Arizona Republic last week, Dr. Sheila Harrison-Williams, the Executive Director of the Arizona School Boards Association, was quoted as saying the following: ASBA stands for local control. We do not want to mandate masks for all Arizona school districts. We simply want those districts and their locally elected school board to be able to decide what is best for their students and staff. If the Board of Supervisors enacts a policy as described in the memorandum from the County Administrator, as attached to this item, we will be empowering Pima County school districts that want to take this step. We will also be stating our intent that we stand shoulder to shoulder with these districts against a State Law that is an affront to both public health and local control. The three most critical groups with regard to following masking policies on school district property are employees, students and visitors. School district employees must follow the policies enacted by their governing boards or they face discipline. Students enrolled in any district school must comply with rules based on board policy or they can face discipline. Visitors to any district property, including parents, must comply with district policies or the district can call law enforcement to deal with their noncompliance. I was a school district teacher and administrator for almost 30 years, so I know that a governing board taking this step has more power and

more of an effect on enforcement than a county mandate that puts the district between the County and the State. It still puts the onus of enforcement on the schools. I just want to add one other thing, which is that virtually, all of the superintendents of the major public school districts in Pima County have told county staff that they support adoption of this policy. None have said they are opposed. Their support does not mean that they will be recommending that their governing boards enact mask mandates, but they will appreciate the support of Pima County if their board members decide to take that step. This measure, Madam Chair, is a way of giving districts real backup and real support and I certainly hope we approve it. I certainly hope that everybody supports it because my understanding is that everybody on this Board has, at one time or another supported local control. I think this is a measure not just in support of public health but a measure in support of local control, which used to be a guiding principle of one of our two major political parties. Thank you, Madam Chair.

SB: Thank you. Alright, any further?

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: Thank you. I will vote for this, but without masks being required, either countywide or in school, I have to just warn people that it is not safe to send your children to school. Step one is masking. It is particularly unsafe for unvaccinated parents or any adult in the household. I would just keep that in mind, even though I will be voting yes.

SB: Thank you, Supervisor Heinz. Any further comments?

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I would like to encourage all of the, all of my colleagues to vote in favor of this because it, what it really does, is it encourages local school boards to make a decision for their own communities and make the best choice for the health of their school. It just provides that support so they want to move forward in that direction and I am supportive of this item.

SB: Thank you. Any further...

SC: Madam Chair?

SB: Supervisor Christy.

SC: Yes, I love this argument about local control, but what we are seeing is that the residents and the students and the teachers, excuse me, the students and

parents, are not getting the response or the representation by local control that they are demanding, and rightfully so. When they are not getting the response or the help or the support locally, they have no other recourse than to seek help and aid from the State. The legislatures are represented by the populous. They are represented by districts and these districts have schools and school boards but those school boards are not responding to the parents. They are not responding to the issues at hand, so they have no other choice or recourse than to go to the legislature and the Governor. The legislature and the Governor mandated certain items about compliance and my colleague, Supervisor Scott made a long litany of who must comply, who must comply and who must comply on the school Board level. But the law cannot be taken away and that must be complied with regardless of if it is a law that is not what my colleagues want to hear. That is the law. We must comply with the law and when school boards do not respond to the needs of the parents, they have no other choice then to seek recourse with the legislature.

SB: Thank you, Supervisor Christy.

AG: Chair Bronson?

RS: Madam Chair?

SB: It is approaching noon. Let us, I am going to call the question, if you do not mind. Okay, let us vote.

MM: Madam Chair, would you like roll call?

SB: Yes. Yes, please.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

MH: Chair Bronson, could I explain my vote?

SB: Quickly.

MH: Yes. I just want to show everyone the material we received, like these numbers of cases climbing, for specifically in school districts ever since, you know, school is back in session. With that I vote yes.

MM: Supervisor Scott?

RS: Yes.

MM: Chair Bronson?

SB: Yes. Motion carries 4 to 1. That brings us to the end of our COVID discussion. It is noon or close to it. Let us take a 15 minute break.

MM: Excuse me, Chair Bronson?

SB: Supervisor...?

MM: Sorry to interrupt. There was an additional resolution that was submitted by District 2 for Agenda Item No. 10. Did you want to take action on that?

SB: Agenda Item No. 10. No. We will do that when we return.

MM: Okay, thank you.

SC: Madam Chair, just as an aside, as we adjourn. Perhaps our County Attorneys and administrators, administration can take a look. It appears that Governor Ducey, according to...

SB: Yes, I just was going to mention that. Thank you.

SC: He came out with an executive order and regarding mandates and things of this nature. We will probably have, these will probably have significant effect on our [Indiscernible] I would just hope that the County Attorney would familiarize themselves with these mandates, with these executive orders.

SB: Alright. Thank you, Supervisor Christy. Alright, we are going to take a recess. It is 12:00 now. 12:15, we will resume.

[Recess upon return Agenda Item Nos. 11 to 14 were discussed prior to the discussion below.]

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: Yes, I think we were still going to be talking about another resolution for, within Item 10, I believe. According to the Clerk.

SB: Same with the emergency declaration. Again, I am going to rule as a parliamentarian. This was submitted last time. It was voted down. It is the same Resolution, so we will not be considering this item at this time.

MH: I will appeal the ruling of the Chair and ask for roll call vote because it is different in terms of the data supporting the Resolution.

SB: The data does not matter. The Resolution is the same, but sure. You are appealing. Let us do a.

AG: Chair Bronson? Is that on the attachment, because the other updated Resolution from the previous item we discussed was one of these late submissions.

SB: Ms. Lukach, I think we are, I think the, Ms. Lukach?

LL: Chair Bronson, did you have a specific question or were you asking about a notice issue?

SB: The notice issue, as well as, yes, the notice issue.

LL: Chair Bronson, under the Open Meeting Law, specifically, A.R.S. §38-431.09, which states the public policy for agendas and it says that agendas are to contain such information as reasonably necessary to inform the public of the matters to be discussed or decided. I would suggest that notice is an arguable point and it is questionable as to whether adding the Resolution, the way it was added, would have provided adequate notice to the public, that the Board was going to discuss an emergency resolution during this meeting.

SB: I will again rule as parliamentarian. I concur and I am going to ask that this item be removed from the agenda. Dr., Supervisor Heinz was appealing that. As I recall, is that correct, Supervisor?

MH: Yes.

AG: Chair Bronson, is that, I am sorry. Is that attached to any items on the, I am looking at the meeting agenda?

SB: No, it is attached to Item 10.

AG: I know, but is it? It is not here, right? The current agenda does not have it.

SB: No it does not.

AG: Okay. I do have an issue with the posting concern because I do think that is a problem.

MH: Chair Bronson, to be clear, this was e-mailed to all Board members, it looks like, 5:17 p.m., so it should have been.

SB: I think it is problematic. You have appealed the ruling, so, let us have a vote. The vote, if you vote "No" on the appeal, then the appeal is denied.

MM: Supervisor Christy?

SC: No.

MM: Supervisor Grijalva?

AG: I want to discuss the issue, but I think we have an issue with posting. I will go ahead and vote yes.

MM: Supervisor Heinz?

MH: Yes.

MM: Supervisor Scott?

RS: I agree with Supervisor Grijalva's position and will vote yes.

MM: Chair Bronson?

SB: No. Alright, we will consider it.

AG: Who, Chair Bronson, who sent that Resolution and where, it is not on the attachment for the item? It would be like you are introducing it again. You can speak to that, Supervisor Heinz.

MH: Certainly. Katrina Martinez. An email from her on Friday at 5:17 p.m. to all Board members and staff, I believe.

AG: Yes, but...

SB: There is...

AG: But that is past the posting cutoff, right, for the addendum?

SB: Yes, the addendum was 5:00.

AG: Right. Okay.

SC: Madam Chair?

SB: Supervisor Christy, I think.

SC: Yes. This is clearly another example of the improper parliamentary procedure, Robert's Rules of Order, whatever you want to use and it was not posted properly. That adds to it. This is clearly out of order. We should not be discussing this and it should not be on the agenda. Just like the preceding several other items that Supervisor Heinz put forth. This is clearly something

that should not even be on the agenda. It is, and we are going to get into some trouble, I think, because of the posting issue, that we really do not deserve.

SB: I concur. Supervisor Scott?

RS: I have the same issues with the posting. I was willing to have the discussion because last week, when we talked about an emergency proclamation, I really only heard one practical effect, which is that the Chair of the Board can rule by proclamation and we can quickly call meetings. But I think in terms of declaring a community emergency, there needs to be more to it than that. What I was hoping to hear this week, is more from both the sponsor of the motion and perhaps, also, from the County Administrator, or his designee as to: What is the effect? How can we make practical use of this measure, if we were to approve it? I think if it is just something where the Board Chair has certain powers and we are also focusing on messaging, that is not substantial enough for me. I wanted to have the discussion, but I need to hear, I need to hear more substance.

MH: Chair Bronson?

SB: Mr. Huckelberry, did you want to respond?

CH: Chair Bronson, members of the Board, I think, and I will let the County Attorney concur, or, correct me, the primary benefit is the ability of the Board to have a meeting with 24 hours' notice, as opposed to five days. That is the primary benefit.

SB: No, but I think what Supervisor Scott is saying, if we declare an emergency, what is the, were we to declare an emergency, what is the practical effect? As opposed.

CH: Chair Bronson?

SB: Yes.

CH: Yes. The practical effect is that it provides a psychological benefit that, I think, has been referenced previously. The, again, when you look at what we have been precluded from doing, based on actions of the legislature or executive orders by the Governor, there is not much more we can do.

SB: So it has no practical effect, with the exception of perception?

CH: Chair Bronson, it has no practical effect and it is, well, you know, it is like the issue of doing it, probably causes no harm, but not doing it has no, you know, no effect. Either way.

SB: Okay. Thank you.

SC: Madam Chair?

SB: Supervisor Christy.

SC: Clearly, we are in violation of open meeting laws and that is problematic, in addition to the original item being brought back, again, after it was voted down. It is being brought back by someone who is not on the prevailing side. These are both infractions of all procedures, particularly the posting with the open meeting laws. I feel it is the responsibility of our Board to vote this down, with the understanding that it cannot be brought back up again, in this manner, unless it is brought back up again in the proper form by someone on the prevailing side.

MH: Chair Bronson?

SB: Yes, Supervisor.

MH: I have a question for the County Attorney's Office, if Ms. Lukach can comment. If there is a problem with notice or to make sure that there is not, I am certainly happy, as a part of Item 10 on COVID, to restate the entire Resolution, if that would remove any doubt as to the ability for us to discuss this. I am happy to do that, if that would take care of any Open Meeting Law requirements.

SB: Ms. Lukach, did you want to respond or?

LL: Chair Bronson, Supervisor Heinz, the issue that I addressed has to do with notice concerning a resolution adopting an emergency, which is that if someone had been reviewing the agenda and the addendum, it is questionable as to whether that person, in the public, would know that the Board was intending to discuss adopting an emergency resolution during this meeting. Arizona law states the public policy concerning notice and agendas at meeting, that the notice should be reasonably sufficient to inform the public of the matters to be discussed or decided. That is the issue that I am identifying as questionably adequate in terms of whether the notice is adequate. It is questionable to me.

AG: Chair Bronson?

SB: Supervisor Grijalva.

AG: I am assuming we received the additional information at five, wait, I am sorry. It was sent out at 5:17 p.m. I am assuming that the Clerk's Office received the information before then.

SB: But it was not available to the public.

AG: I understand, but what I am trying to say is perhaps we can have the Clerk's Office look at the timeline because once it was sent out to us, I am assuming

that the turnaround was before 5:00 p.m., so, it should have been posted. It was not posted and I think that is the legal concern. It is not a, you know, I do not, I think I would like to get some more information from the Clerk's Office. I am hearing from legal counsel that we should not be having this conversation because it was not properly posted.

SB: Correct. I would ask Ms. Lukach, I would like you to refer this to the Attorney General for review. Is that possible, Ms. Lukach?

LL: Chair Bronson, I would suggest that if the Board would like our office to refer an open meeting law question to the Attorney General, that that direction be made, more clearly than we have at this point. In terms of, what I am saying is questionable, is that, if you look at the purpose of the Open Meeting Law, if a member of the public is looking at the agenda or the addendum that is available to them, it does not appear that the Board adopting an emergency resolution would necessarily be something that the member of the public could tell would be decided or discussed during this meeting.

MH: Chair Bronson, I am happy to pull the item and continue it. That is fine. Or just pull the item for now.

SB: I think you need to pull it and then if it is brought back, it has to be, as you know, I will probably rule and I am sure you will appeal. This is an item that has already been discussed and as such it can only be brought back by somebody who voted on the prevailing side.

SC: Is there a timeframe too, Madam Chair, if it is, if, from when it was originally presented? Is there a timeframe that expires any attempt to re-bring it?

SB: I am not, in this instance, usually you have, well I will refer to, let Ms. Lukach.

LL: The Board of Supervisors Rules of Procedure do address reconsiderations. With regard to a, declaring an emergency resolution, I would suggest that depending on the content of the resolution, a future resolution might not be a reconsideration of voting down a previous resolution. That would be a decision.

SB: Normally the reconsideration has to take place before the next Board meeting, at or before the next Board meeting, is that correct?

LL: Chair Bronson, Rule H of the Board's rules says that it is at the next regularly scheduled meeting or it can be during the same meeting. So, a reconsideration would have, from last meeting, would have been under the Board's rules needed during this meeting.

SB: Thank you.

- AG: Chair Bronson, I just want to follow-up one other thing because I am anticipating this might come up again. If we can get information from the Clerk's Office, like, once an item gets there too late, it is, our Board, our offices should be notified that it will be on the next available meeting, that kind of thing, as opposed to being sent out to everyone from the Clerk's Office. Then, I can understand how Supervisor Heinz would assume this is something we can discuss, if it is been sent out from the Clerk's Office. A timeline of specifically this item, when it was received, would be helpful, as far as posting.
- SC: Madam Chair, was the deadline for the addendum on Thursday because of the meeting coming up?
- SB: I think it was Wednesday, was it not?
- SC: When did we, when was it sent out to, it was not until Friday that it was sent out. I think that is the clearly decisive point in this whole issue.
- MH: Chair Bronson, the deadline was, for the addendum, was actually Friday at 5:00 p.m., is my understanding, for the addendum.
- SC: When was the addendum due? Deadline?
- SB: Madam Clerk, I will defer to you. I thought that it was Wednesday.
- MM: Madam Chair, the deadline for the addendum was Wednesday. This item was sent out as additional material for Agenda Item No. 10. We did receive it in our office at 5:03 p.m. on Friday.
- SB: So, it was past working hours. Thank you. I believe that the maker, you have withdrawn the item, is that correct, Supervisor Heinz? You are muted. Is that correct, Supervisor Heinz?
- MH: Yes, that is correct.
- SB: Okay, thank you.

BOARD OF SUPERVISORS

37. The Board of Supervisors on August 10, 2021, continued the following:

Mandating Vaccinations for Healthcare Workers

Discussion/Action directing the County Administrator and County staff, utilizing the County's broad public health authority under state statute (A.R.S. §11-251(17), A.R.S. §11-251(31), A.R.S. §36-183.02(A), and A.R.S. §36-624), to mandate that all healthcare workers in Pima County licensed by the State of Arizona, and their direct support staff, be vaccinated against COVID-19; and to further mandate that all healthcare workers in Pima County licensed by the State of Arizona, and their direct support staff, have begun the vaccination process by September 1, 2021; that documentation of compliance be filed by the employers of the healthcare workers and their support staff with the Pima County Health Department in a timely manner; and finally, that the Pima County Health Department lay out clear compliance and accountability metrics, as well as consequences for non-compliance, by no later than 5:00 pm on Friday, August 20, 2021. Allowable exemptions shall be included in the County's mandate. (District 2)

Verbatim

SB: Chair Bronson
AG: Supervisor Grijalva
MH: Supervisor Heinz
SC: Supervisor Christy
RS: Supervisor Scott
LL: Lesley Lukach, Civil Deputy County Attorney
MM: Melissa Manriquez, Deputy Clerk of the Board

SB: Item No. 4 on the first addendum agenda, Mandating Vaccines for Health Care Workers. What is the pleasure of the Board on this item?

AG: Chair Bronson?

SB: Melissa, or no, Supervisor Grijalva.

AG: Thank you. I just wanted, I am wondering if we could get legal opinion regarding the recent Executive Order 2021-18 and how it applies to this item?

SB: I am not sure we had time to review it. Maybe.

LL: Chair Bronson, I have just looked at this. We have not had a chance to review it in depth. It is certainly the Governor's position that, regardless of the newly-adopted legislation, there are statutes that the Governor believes prohibit local governments, including counties, from mandating vaccines. They seem to be

relying on the limitation for the Department of Health Services and our office would need to make an in depth analysis of that statutory citation in order to give a thorough opinion.

SB: So, what is the pleasure of the Board? Do you want to continue this item? Or do you want to?

MH: Chair Bronson?

SB: I am sorry. Supervisor Heinz.

MH: Yes, thank you. Ms. Lukach, I believe previous decisions from the courts have basically said that the powers of the local authorities, school boards, counties, cities and towns, are not, in any way, like, negated by a statement from the Governor or an executive order, even in the context of this emergency declaration, which remains enforced statewide. I think that there actually is court case and case law now that says that. Am I correct?

LL: Certainly, with regard to some of the previous actions of Pima County, the Attorney General had agreed that Pima County, using its authority to regulate public health was not limited by the executive order. My point is that this new executive order from the Governor is pointing to some statutes and making the argument that those pre-existing statutes limit the County's authority. Our office really does need some additional time to review that analysis to give a considered opinion on whether the argument that the statutes might already limit counties, is something we agree or disagree with.

SB: Thank you. I think we should proceed cautiously here. My point of view, in that, if we want to take this up at a future Board meeting, that would be fine, but we need to, I would be very uncomfortable moving on this at all, at this point, without a thorough review by the County Attorney.

MH: Chair Bronson?

SB: Supervisor Heinz.

MH: In light of the concern from the County Attorney's Office, I would be interested in making this motion, but amending it to apply only to employees of Pima County, that are health care workers, instead of all health care workers in Pima County.

SB: Is there a second to that motion?

AG: I will second for sake of discussion.

SB: Okay.

AG: I do believe that the executive order may impact our County employees as well.

SB: Yes.

AG: I do think that the concern for me, in voting for it, I am not opposed to this at all, but I am concerned that the executive order prohibits a county from being able to do it. It changes the game a little bit, considering that we have an executive order, versus the law that I do not, I think that our, that we have heard, at least in one case, is not enforceable until September 29th. This is different and I would like to get some legal advice on it. If we could decide and come back on even the 7th of September, it would give our, the County Attorney's Office an opportunity to look at it, before we vote on something.

SB: So, your motion then if you are, if there is, your motion would be to continue until September 7th?

AG: I was just, I was asking. I was hoping that Supervisor Heinz would make an addendum to his motion, to change the, well, to modify it in order to change the date of this discussion to the 7th. Just because I literally, these are, things are happening, hot off the press, just, I mean, as we are in meetings. There are court cases and executive orders that are being filed, since our meeting started.

SC: You would like a friendly amendment to continue it until the 7th?

AG: Yes.

MH: I will accept that.

SC: Madam Chair?

SB: Supervisor Christy.

SC: While the County Attorney is looking into the legality of this motion from Supervisor Heinz, I would also request that the County Attorney look into the amendment or the refabricating that Supervisor Heinz spoke to, making it Pima County health care workers. I believe there is an issue that a Pima County employee is a Pima County employee is a Pima County employee. What is the difference between a Pima County employee who is working in the Department of Transportation? We have already established that they are not going to be mandated for vaccines. So, consequently, are not Pima County health care workers, employees of Pima County? Do they not get a check from Pima County, so they would be exempt from any mandates of vaccines?

SB: Ms. Lukach.

SC: I would like the County Attorney's.

LL: Chair Bronson, Supervisor Christy, I think that Supervisor Christy is raising a point of order related to the vote at the Board's last meeting that the County not mandate vaccines for health care workers. If I am understanding correctly.

SC: I am saying that, we have already determined that County employees do not, are not going to be mandated for vaccines and that a health care worker and a DOT employee are both County employees so therefore, they fall under the same regulations of not having to get the vaccine.

LL: Chair Bronson, Supervisor Christy, I believe I understand your question in that it is indeed a point or order about whether the Board already decided the question of vaccinating health care workers when it decided the question at the last meeting that the Board would not mandate vaccines for County employees.

SC: You put it perfectly and perhaps since this whole issue is going to be continued to the 7th, we could ask the County Attorney to look deeper into that preposition I just posed, for clarification, as well as interpretation.

SB: By way of direction, I am going to ask the County Attorney to do that.

SC: At this point, do we need to vote on continuing it until the 7th?

SB: I think we need to vote on continuing, because that is a motion. All right, let us do a roll call vote quickly.

SC: Do we have a motion and second to do so?

SB: Yes, I think Supervisor Heinz made the motion, Supervisor Grijalva seconded it.

MM: Supervisor Christy?

SC: Yes.

MM: Supervisor Grijalva?

AG: Yes.

MM: Supervisor Heinz?

MH: Yes.

MM: Supervisor Scott.

RS: Yes.

MM: Chair Bronson?

SB: Yes. By your unanimous vote, motion carries. We will continue the item.

DRAFT