

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met remotely in regular session through technological means at 9:00 a.m. on Tuesday, September 7, 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
Julie Castañeda, Clerk of the Board
Juan Carlos Navarro, Sergeant at Arms

*Supervisor Heinz joined the meeting at 9:28 a.m.

1. REVISIONS TO BOARD OF SUPERVISORS POLICY

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 32.6, Customer Code of Conduct Policy.

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:38 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, September 7, 2021. Upon roll call, those present and absent were as follows:

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Adelita S. Grijalva, Vice Chair
Rex Scott, Member
*Dr. Matt Heinz, Member
Steve Christy, Member

Also Present: Chuck Huckelberry, County Administrator
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1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. POINT OF PERSONAL PRIVILEGE

Chair Bronson wished the Jewish community a sweet and Happy Rosh Hashanah.

3. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Matt McGlone, Community Outreach Coordinator, Pima County Office of Emergency Management; Adam Lawson, Sergeant, Town of Marana Police Department; Rita Lebsack, Safety & Emergency Management Coordinator, Town of Marana; Manuel "Manny" Amado, Police Chief/Public Safety Director, City of South Tucson; and Courtney Slanaker, Executive Director, Southern Arizona Chapter American Red Cross, proclaiming the month of September 2021 to be: "PREPAREDNESS MONTH"

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

5. Presentation of a proclamation to Shelly Jernigan, Communications and Event Director, National Association of Mental Illness (NAMI), proclaiming the month of September 2021 to be: "NATIONAL SUICIDE AWARENESS MONTH"

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

6. Presentation of a proclamation to Shelby Young, One Arizona Coalition: Arizona Coalition for Change, and Sandy Ochoa, Mi Familia Vota, proclaiming the day of Tuesday, September 28, 2021 to be: "VOTER REGISTRATION DAY"

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

7. **CALL TO THE PUBLIC**

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

- Stephanie K.
- Ken Richings
- Anne Lottfield
- Beth McGwire
- Dr. Sal Balakrishnan
- Dr. Michael Stone
- Geraldene Larrington
- Dr. Richard Ornelas
- Dr. John Keifer

They offered the following comments:

- Individuals had constitutional rights whether to get the vaccine.
- Individuals were unaware of the Vaccine Adverse Event Reporting System and the ability to file claims under the National Vaccine Injury Compensation Program.
- Deaths were associated with the vaccine and vaccines did not prevent transmission or reduce the risk.
- There was misinformation about the vaccine, vaccine research would not be complete until 2022 and there were liability concerns if the vaccine was found harmful.
- There were Arizona laws regarding emergency measures for imminent threats of illness or health conditions caused by an epidemic that posed substantial risk of human fatalities.
- The County did not have authority to enact cruel and unusual healthcare mandates against its citizens.
- The vaccine was gene therapy and did not prevent infection or transmission.
- There were laws regarding experimental vaccines approved under the Emergency Use Authorization, the Board should uphold federal law and the constitution of the United States.
- Vote no on the mandates.

- Vaccines were not the only way to protect against the virus.
- There was fear, anxiety, mental and financial stress associated with the vaccine.
- The vaccine was dangerous with uninformed consent.

The following speakers addressed the Board in support of a \$15 an hour minimum wage in unincorporated Pima County:

- Trish Muir, Chair, Pima Area Labor Federation, AFL-CIO
- Ryan Kelly, Field Director, Pima Area Labor Federation, AFL-CIO

They offered the following comments:

- The poverty rate in Pima County was 16.2%, a number of families were on waitlists for housing assistance and the business community needed to do their part and pay living wages.
- Raised wages would bring dignity and opportunity for workers to address social issues across the county.

Bryce Zeagler, Owner, The Parish Restaurant, addressed the Board in opposition of the minimum wage increase. He stated that 85% of his staff made more than minimum wage. He indicated that the \$3 tip credit for those paid gratuities needed to change.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Grijalva, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:03 a.m.

9. **RECONVENE**

The meeting reconvened at 10:26 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice only concerning Governor Ducey's Executive Order 2021-18 and other legal aspects of Pima County's COVID-19 response.

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

11. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice only concerning whether or not to pursue further action regarding the TUSD Tax Appeal and potential next steps.

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 Pima County filing an Amicus Brief in support of the Arizona School Board Association's (ASBA) Complaint in Arizona School Boards Association, Inc. v. State of Arizona, in Maricopa County Superior Court Case No. CV2021-012741 related to prohibitions on mask and vaccine mandates.

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

BOARD OF SUPERVISORS

13. The Board of Supervisors on August 10 and August 16, 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)

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

14. The Board of Supervisors on August 16, 2021 continued the following:

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 recommended reallocating the funding from the Arizona Bowl to Women's or Girls' sports.

Supervisor Grijalva commented about Chicanos Por La Causa (CLPC), Nahui Ollin Wellness Program which focused on domestic violence prevention. She indicated that CLPC provided youth education for healthy and respectful relationships. She stated that CLPC currently had existing contracts with the County. She added that

this would allow for the County to receive data on the youths served, and provide accountability for expenditures.

Jan Leshner, Chief Deputy County Administrator, stated that there were a variety of County contracts with CLPC that could be utilized and some included sports programs. She added that the allocation could be divided between organizations.

Chair Bronson asked that youth sports for girls be considered.

Supervisor Grijalva stated that splitting the allocation would not allow CLPC to adequately serve youths.

It was moved by Supervisor Grijalva and seconded by Chair Bronson to allocate \$38,155.56 to the Chicanos Por La Causa Nahui Ollin Wellness Program. No vote was taken at this time.

A substitute motion was made by Supervisor Christy to allocate the funding to the Pima County Department of Transportation to analyze Homeowner's Associations neglected by the County for road repair and maintenance and to determine which Homeowner's Association would benefit from the allocation; or that the entire allocation be returned to the General Fund. The motion died for a lack of a second.

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

COUNTY ADMINISTRATOR

15. The Board of Supervisors on August 16, 2021 continued the following:

COVID-19 Vaccination Disincentives

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

Chuck Huckelberry, County Administrator, indicated that the disincentives would be incorporated into the health insurance program. He stated that if the disincentives were adopted they would be effective in October.

Supervisor Christy indicated that he would not support disincentives for employees. He stated that the County could be held liable and penalizing employees was wrong. He questioned whether other employees would be examined if their sicknesses impacted the County's healthcare system. He indicated it was a discriminatory desegregation for those exercising their right to choose and coercing them with monetary penalties was wrong and unconstitutional.

It was moved by Supervisor Grijalva and seconded by Supervisor Scott to approve the disincentives presented in the County Administrator's Memorandum dated August 12, 2021. No vote was taken at this time.

Supervisor Grijalva questioned when the disincentives would become effective.

Mr. Huckelberry responded that October 1st was the earliest it could be implemented. He stated that they would also take into account employees with healthy lifestyle discounts and removing those discounts along with surcharges. He stated the impact would be \$60 per pay period/\$130 per month.

Supervisor Grijalva asked whether there were results from the incentives previously implemented.

Mr. Huckelberry responded that prior to adopting the incentives 43% of the workforce had been vaccinated. He stated that percentage had risen to 66%.

Supervisor Grijalva expressed concern with departments that had a decreased number of employees that were vaccinated.

Mr. Huckelberry expressed concern as well. He indicated that he would be talking with those department directors to ensure employee's awareness of the benefits through the incentive program. He added that departments below 80% would be contacted to reinforce the importance of vaccination and the incentives.

Supervisor Grijalva congratulated the departments with high vaccination rates and requested continued updates.

Mr. Huckelberry indicated that weekly updates would be provided and discussion would continue with lagging departments.

Supervisor Scott requested additional data with regards to employees that were vaccine hesitant, vaccine resistant and their reasoning.

Mr. Huckelberry stated that weekly updates would be provided on employees infected with COVID. He added that recently there were 10 employee infections, 9 of which were in unvaccinated employees.

Supervisor Christy reiterated his concern regarding liability issues that could arise from imposing disincentives on employees. He stated that the County and the County Administration were instituting a hostile work environment by financially penalizing unvaccinated employees. He added that lawsuits could be more-costly than the alleged increases to the health care program.

Supervisor Grijalva commented on the importance of creating a safer work environment.

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

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

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

BEHAVIORAL HEALTH

17. **Renovation of Emerge Emergency Shelter**

Staff recommends approval of \$1,000,000.00 ARPA/CLFRF funds for renovation and expansion of the existing Emerge emergency shelter and direct staff to develop an appropriate contract to effect this transfer of funds, provided the City of Tucson also provides this amount.

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

Supervisor Christy asked whether the City of Tucson was providing equal funding, and if not, would that negate the County's funding

Chuck Huckelberry, County Administrator, responded that the expansion would double shelter space. He stated that throughout the renovation they received \$1 million from the City of Tucson and the County's match was based on that contribution. He added that a private foundation had also contributed \$1 million and the remaining balance would be achieved through fundraising.

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

DEVELOPMENT SERVICES

18. **Final Plat With Assurances**

P20FP00012, New Tucson Unit 8, Lots 262 and 364. (District 4)

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

PROCUREMENT

19. **Contract - Ratification**

Jot Properties, L.L.C., to provide for hotel shelter services for COVID positive asylum seekers, Shelter National Board Program Fund, contract amount \$2,008,000.00 (MA-PO-22-30) Health

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

Supervisor Christy commented about being chastised for voicing that asylum seekers entering Pima County could be a mechanism for the spread of COVID. He indicated that he had concerns with asylum seekers not being mandated to be vaccinated and County employees being responsible for transporting these individuals to appointments. He noted the motel, shelter, food and medication being given to COVID infected asylum seekers, under the auspices that there were no concerns with becoming infected. He also expressed concern on how the item was presented for approval and indicated that the item should be denied.

Supervisor Scott stated that the additional information provided addressed the concerns outlined by Supervisor Christy. He indicated that there had been a great deal of deceitful, fear mongering and rhetoric propagated in the community by those seeking to further their own crass political ends. He stated that local governments that sought to protect the public it served, and those who were here illegally, had not gone off the rails, rather they acted to fulfill the most fundamental duty.

Supervisor Christy commented that federal funding came from taxpayers.

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

REAL PROPERTY

20. Conveyance of Dedicated Drainageway

Staff recommends approval of conveyance of dedicated drainageway to the Town of Oro Valley, for Rancho Catalina (Lots 107-221) located within Section 25, T12S, R13E, G&SRM, Pima County, Arizona, no cost. (District 1)

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

21. Abandonment by Vacation

RESOLUTION NO. 2021 - 59, of the Board of Supervisors, for the vacation of a portion of River Road, a public roadway as Pima County Road Abandonment No. A-0055, and Release of Easement within Section 30, T13S, R15E, G&SRM, Pima County, Arizona. (District 1)

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

22. Consent to Sale of Communications Easement

Staff requests approval to sell cellular tower Leases for wireless communications facilities located at 7300 N. Shannon Road (Nanini Site), 4400 W. Massingale Road (Denny Dunn Park), 11300 S. Houghton Road (Fairgrounds-Verizon), 11300 S. Houghton Road (Fairgrounds-New Cingular), 18900 S. Old Nogales Highway, 5596

E. Littletown Road (Thomas Jay Park) and 201 N. Kinney Road (Old Tucson), by auction to the highest bidder. (Districts 1, 2, 4 and 5)

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

Supervisor Grijalva requested to change her vote to "Nay."

Chair Bronson asked that the record reflect that change.

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

23. Surplus Property

Staff requests approval to sell surplus property consisting of a portion of Tax Parcel No. 304-26-9670, which is vacant land located on the west side of the I-19 Frontage Road, south of Continental Road, by auction to the highest bidder. (District 4)

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

FRANCHISE/LICENSE/PERMIT

24. Hearing - Liquor License

Job No. 152388, Andrea Dahlman Lewkowitz, Mt. Lemmon Lodge and Forest Garden, 12833 N. Sabino Canyon Park, Mt. Lemmon, Series 11, Hotel/Motel, 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 Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Zoning Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

25. Hearing - Liquor License

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

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

26. **Hearing - Agent Change/Acquisition of Control/Restructure**

Job No. 156630, Jeffrey Craig Miller, Arizona National Golf Club, 9777 E. Sabino Greens Drive, Tucson, Acquisition of Control.

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

27. **Hearing - Fireworks Permit**

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, September 28 and 30, 2021 at 8:00 p.m.

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 the permit.

DEVELOPMENT SERVICES

28. **Hearing - Concurrent Plan Amendment and Rezoning**

P21CR00001, AMERICAN DREAM EPSILON, L.L.C. - W. INA ROAD PLAN AMENDMENT AND REZONING

American Dream Epsilon, L.L.C., represented by The Planning Center, requests a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 1.2 (LIU-1.2) with a rezoning policy and to rezone from CR-1 (Single Residence) to TR (Transitional) zone on approximately .87 acres. The property is located at the northwest corner of W. Ina Road and N. San Blas Drive addressed as 1230 W. Ina Road, in Section 35, T12S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Maese was absent) to recommend APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO A REZONING POLICY AND STANDARD AND SPECIAL CONDITIONS. (District 1)

Rezoning Policy:

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.

Standard and Special Conditions:

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Environmental Planning conditions: 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.
3. 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 ARS 41-865 and/or ARS 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.
4. Adherence to the sketch plan as approved at public hearing.
5. The use of the property is limited to a cosmetic clinic and office.
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 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)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21CR00001, subject to a rezoning policy and standard and special conditions.

29. **Hearing - Rezoning**

P21RZ00007, DE SANTIAGO - W. YEDRA ROAD REZONING

Tony and Carmen De Santiago, represented by Judith De Santiago, requests a rezoning of approximately 4.77 acres from the RH (Rural Homestead) to the GR-1 (Rural Residential) zone, located approximately 1,200 feet east of the intersection of W. Yedra Road and S. Vahalla Road, addressed as 7600 W. Yedra Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Rural. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Maese was 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. Transportation conditions:
 - A. The property owner(s) shall dedicate 15 feet of right-of-way for W. Yedra Road prior to the issuance of a building permit.
 - B. The property shall be limited to one access point and a shared access easement for legal access between the properties is required prior to the issuance of a building permit. The location and design of said access easement shall be determined during the building permitting process.
 - C. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety, and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. Regional Flood Control District conditions:
 - A. At the time of permitting Regulated Riparian Habitat shall be avoided.
 - B. A revised site plan shall be submitted prior to Certificate of Compliance, that includes a note on the plan indicating the property is located within a FEMA Flood Hazard Zone A and impacted by Regulated Riparian Habitat.
4. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing – the site must be split into north and south parcels along with the existing manufactured home removed prior to permitting.
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 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)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve P21RZ00007, subject to standard and special conditions.

30. **Hearing - Rezoning Time Extension**

P15RZ00009, MAGEE COMO DEVELOPMENT ASSOC., L.L.C. - N. LA CHOLLA BOULEVARD REZONING

Magee Como Development Assoc., L.L.C., represented by Craig Courtney, requests a five-year time extension for an approximately .88-acre rezoning (Magee Center II, Lot 4, Seq #20193260717) from the TR (Transitional) to the CB-2 (General Business) zone, located approximately 150 feet north of W. Magee Road and 600 feet west of N. La Cholla Boulevard, addressed as 7791 N. La Cholla Boulevard. The subject site was rezoned in 2015 and the rezoning expired on February 2, 2021. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

4. The owner shall:
 - ~~A. Submit a development plan if determined necessary by the appropriate County agencies.~~
 - ~~B. Record the necessary development related covenants as determined appropriate by the various County agencies.~~
 - ~~C. Provide development related assurances as required by the appropriate agencies.~~
 - ~~D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~
- ~~21.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~32.~~ Transportation condition: The property shall be limited to the existing access points on Magee Road.
- ~~43.~~ Regional Flood Control District conditions: First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - ~~A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.~~
 - ~~B. On-site retention/detention shall be provided.~~
54. 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 rezoning, 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 owners(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.
- EF. 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.
65. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~
76. Cultural Resources condition: 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 ARS 41-865 and ARS 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.
87. Adherence to the preliminary development plan as approved at public hearing. (Exhibit B)
98. The uses of the property are limited to restaurants with/without a bar and CB-1 zone uses except for automotive related uses, drive-thru restaurants, and stand-alone bars.
109. 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.
110. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act: ~~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)."

Craig Courtney, Representative, Magee Como Development Association, L.L.C., explained that these were the last four lots needed to accommodate the parcel's uses. He stated that the time extension would allow for planning, addressing questions, traffic concerns, flood control and other items needed to achieve a cohesive development. He indicated that staff had agreed to the removal of a retention detention for flood control that would then be incorporated into the entire project.

It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P15RZ00009, subject to original and modified standard and special conditions.

31. A. **Hearing - Rezoning Closure**

Co9-06-37, RAVITZ TRUSTEES - ALVERNON WAY REZONING

Proposal to close Co9-06-37, an approximate 4.54-acre rezoning from CR-3 (AE) (Single Residence - Airport Environs) to CB-2 (AE) (General Business - Airport Environs) zone. The subject site is located on the southwest corner of S. Alvernon Way and Eastbound Interstate 10 off-ramp, on Parcel Code 140-06-2800. The rezoning was conditionally approved in 2007, received a time extension in 2012 and expired on September 11, 2017. Staff recommends AGAINST CLOSURE. (District 2)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Heinz, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation against closure of Co9-06-37.

B. **Hearing - Rezoning Time Extension**

Co9-06-37, RAVITZ TRUSTEES - ALVERNON WAY REZONING

Alvernon and I-10 Partners, L.L.C., represented by Miller Associates, L.L.C., request a five-year time extension for the above-referenced rezoning from CR-3 (AE) (Single Residence - Airport Environs) to CB-2 (AE) (General Business - Airport Environs) zone. The subject site was rezoned in 2007. The approximate 4.54-acre rezoning is located on the southwest corner of S. Alvernon Way and Eastbound Interstate 10 off-ramp, on Parcel Code 140-06-2800. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

- ~~1. Submittal of a development plan or subdivision plat if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
 - A. No access shall be allowed onto I-10 frontage (north property boundary).
 - B. Only one access shall be allowed onto Alvernon Way and access shall be located at the south boundary of the rezoning site.
 - C. Written ~~certification from~~ proof of coordination with the Arizona Department of Transportation, stating satisfactory compliance with all its requirements

shall be submitted to Development Services Department prior to approval of a Development Plan and/or Subdivision Plat.

~~D. The property owner(s) shall provide off-site improvements determined necessary by Arizona Department of Transportation.~~

83. Regional Flood Control District conditions:

~~A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~

~~B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements.~~

~~C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.~~

A. A Facility Impact Permit is required for any infrastructure to be constructed within the drainageway for the Julian Wash.

B. First Flush retention will be distributed throughout the site instead of being directed and located within a detention basin to supplement landscaping irrigation and to reduce stormwater runoff volumes.

94. Regional Wastewater Reclamation conditions:

~~A. The owner(s)/developer(s) shall not construe as 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)/developer(s) to that effect.~~

~~B. The owner(s)/developer(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 rezoning, tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have 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 Pima County Regional Wastewater Reclamation Department PCRWRD.~~

~~C. The owner(s)/developer(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)/developer(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 Regional Wastewater Reclamation Department PCRWRD in its capacity response letter and as specified by the Development Services Department PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.~~

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

~~F. The owner(s)/developer(s) shall design and construct the off-site and on-site sewers to accommodate flow through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request~~

for building permit, complete the construction of all necessary public and 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.

10. ~~Environmental Quality conditions:~~

~~The owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed for the proposed development.~~

145. ~~Cultural Resources conditions:~~

- A. ~~Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.~~
- B. ~~A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.~~
- C. ~~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.~~

126. ~~Natural Resources, Parks and Recreation condition:~~

~~An in lieu fee of \$90,000 is required for the Julian Wash Trail, which shall be payable prior to the issuance of the Certificate of Compliance.~~

137. ~~Environmental Planning conditions:~~

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.

~~A. The rezoning site shall be inspected for the presence of the Western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~B. Under no circumstances shall the following exotic plant species be planted anywhere within Common Areas on the site:~~

Fountain grass (<i>Pennisetum setaceum</i>)	Buffelgrass (<i>Pennisetum ciliare</i>)
Johnson grass (<i>Sorghum halapense</i>)	Giant reed (<i>Arundo donax</i>)
Common crabgrass (<i>Digitaria sanguinalis</i>)	Pampas grass (<i>Cortaderia selloana</i>)
Red brome (<i>Bromus rubens</i>)	African rue (<i>Peganum harmala</i>)
Tree of heaven (<i>Ailanthus altissima</i>)	African sumac (<i>Rhus lancea</i>)
Mediterranean grass (<i>Schismus spp.</i>)	
Salt cedar/Tamarisk (<i>Tamarix pertandra</i> & <i>T. ramosissima</i>)	
Bermuda grass (<i>Cynodon dactylon</i>) excluding sod hybrid Bermuda	

~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~
~~Russian olive (Eleagnus angustifolia)~~
~~Iceplant (Mesembryanthemum crystallinum)~~
~~Arabian Grass (Schismus arabicus)~~
~~Natal Grass (Melinis repens) (=Rhynchelythrum repens)~~

448. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
459. The property owner(s) shall execute ~~and record~~ the following disclaimer regarding ~~Prop 207 rights~~ 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)."
4610. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
4711. A. Prior to the approval of any construction permit for a permanent structure, the property owner(s) shall record the Avigation Easement form that discloses the existence, and operational characteristics of the Tucson International Airport and further conveys the right to the public to lawfully use the airspace above the property. The content of such documents shall be according to the form and instructions provided.
- B. That prior to the County's approval of any construction permit for a permanent structure, the property owner(s) shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. The form and electronic submittal process are available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Heinz, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-06-37, subject to original and modified standard and special conditions.

32. **Hearing - Plat Note Modification**

Co12-71-41, BEL AIR RANCH ESTATES (LOTS 308, 309 & 310)

Sarah and Blake Ourso, et al., represented by Sarah and Blake Ourso, request a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of the Bel Air Ranch Estates (284-375) Subdivision (Bk. 22, Pg. 57). The subject properties are zoned CR-1 (Single Residence) zone, located on the north side of E. Quick Draw Place, approximately 150 feet east of N. Melpomene Way, addressed as 11121, 11141 and 11161 E. Quick Draw Place. Staff recommends APPROVAL WITH A CONDITION. (District 4)

At the request of the applicant and without objection, the item was continued for 30 days.

33. Hearing - Rezoning Ordinance

ORDINANCE NO. 2021 - 22, P20RZ00011, Mortgage Equities XVI, L.L.C. - S. Sorrel Lane Rezoning. Owner: Mortgage Equities XVI, L.L.C. (District 5)

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

TRANSPORTATION

34. 22nd Street: Kino Parkway to Tucson Boulevard Project

A. Hearing - Establishment of 22nd Street IGA Improvement Project

RESOLUTION NO. 2021 - 60, of the Board of Supervisors, providing for the establishment of a County Highway within the incorporated limits of the City of Tucson for the 22nd Street IGA Improvement Project between Kino Parkway and Tucson Boulevard, situated within Sections 17, 18, 19 and 20, T14S, R14E, G&SRM, Pima County, Arizona. (District 2)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson and seconded by Supervisor Scott to close the public hearing and adopt the Resolution. No vote was taken at this time.

Supervisor Christy questioned whether this was a controversial project in which funds were allocated from one area to another.

Chuck Huckelberry, County Administrator, explained that the establishment process allowed for the County to expend Highway User Revenue (HURF) bond money inside the City of Tucson. He stated that the project had been allocated \$10 million of County HURF bonds. He added that the remaining funding came from a Regional Transportation Authority project.

Supervisor Christy questioned whether this was a new project or an existing project.

Mr. Huckelberry confirmed that this project was an existing project from 1997.

Supervisor Christy asked whether the County would take over the establishment as part of the County's inventory.

Mr. Huckelberry stated that the establishment process required that the County establish the road as a County road. He indicated that in 1997 the Court of Appeals ruled that the County could legitimately spend County HURF bonds inside a city or

town only if the County established the roadway pursuant to the statute. He indicated that the City of Tucson remained the lead agency.

Supervisor Christy questioned why the courts were involved.

Mr. Huckelberry responded that there were inquiries that needed to be resolved prior to the election. He stated that this included whether the County could spend HURF funds, dedicated exclusively to unincorporated areas, allocated to the City through voter approval. He indicated that the Court of Appeals agreed, provided that the County undertook the affirmative step establishing the road pursuant to the statute.

Supervisor Christy questioned what parties were involved in the litigation.

Mr. Huckelberry responded that it was a declaratory judgment between the City and County with a final Court of Appeals decision.

Supervisor Christy questioned the City's position on the issue.

Mr. Huckelberry stated that the City was willing to accept any bond money they could receive.

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

Contract

- B. City of Tucson, to provide for the 22nd Street: Kino Parkway to Tucson Boulevard Project, HURF Bond Fund, contract amount \$9,211,750.00/5 year term (CT-TR-21-453)

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

BOARD OF SUPERVISORS

35. Minimum Wage Rate in Unincorporated Pima County

Discussion only. For the Pima County Board of Supervisors to consider setting a \$15 an hour minimum wage for everyone working in unincorporated Pima County. (District 5)

Supervisor Grijalva indicated that the County should begin considering a regional plan with regards to the \$15 an hour minimum wage. She stated that this discussion should include working with the City on a regional plan. She indicated that data was available on the impacts of there being no livable wage in the community. She stated that the County needed to look at improving the quality of life in Pima County. She indicated that there was a voter initiative moving forward in the City and this conversation needed to take place in the County.

Chair Bronson commented about potential legal issues surrounding this matter.

Supervisor Christy indicated that this issue had been debated, and as a member of the business community he strongly opposed a \$15 an hour minimum wage. He read the following letter from the Chairman of the Pima County Small Business Commission, Mr. Kent Blumenthal, who reported on the Small Business Commission's discussion and vote:

"An agenda item entitled Pima County minimum wage was addressed at the Pima County Small Business Commission in July. After extensive discussion, the commission voted 7-1 to recommend that the Board of Supervisors not adopt a county-wide minimum wage ordinance that would exceed the current Arizona minimum wage statute. Arguments in support of not increasing Pima County's minimum wage beyond current state statute focused on many issues, including, but not limited to: making Pima County less competitive to do business nationally and statewide, wage compression, potentially decreasing staff hours, staff hours worked resulting in reduced employee earnings, possibly reduction of employee benefits, increased cost to consumers, diminished incentives for employee participation in skills development and training opportunities and geographical differences in cost of living variables that negate, a quote, one size fits all approach to minimum wages."

He reiterated that the Small Business Commission had voted in opposition to the County imposing a higher minimum wage than the State. He indicated that commissioners voting against a higher minimum wage were appointed by democratic supervisors expressing support for this issue. He read a letter received from the Tucson Metro Chamber:

"The Tucson Metro Chamber have significant concerns regarding Pima County adopting a minimum wage higher than what is currently state set. This comes at a difficult time with the COVID crisis and businesses in Pima County are dealing with shortages and supply chains. They are dealing with labor shortages, groups that are negatively affected by wage ordinances, our youth employees, employees that need second chances, the disabled community and folks on fixed incomes due to inflation and higher costs of goods and services."

He indicated that Flagstaff had implemented a \$15 an hour minimum wage and it had damaged that community. He stated that Flagstaff owed \$1.3 million to the State for the cost differential in wages. He indicated that the cost was paid from the General Fund and had contributed to the inability to find employment and funding. He added that Pima County would be at a disadvantage competitively when businesses decided to move to Southern Arizona. He reiterated his opposition and the damage that could result.

Supervisor Scott indicated that the passage of Proposition 206 gave local governments the ability to raise the minimum wage. He stated that the current minimum wage had been in place since 1930 and had not increased in 12 years. He indicated that was a shameful failure of leadership from our representatives in the United States Congress. He stated that as a result of their inaction local and state measures have been passed across the country. He indicated that he had supported Proposition 206, and statewide measure to raise the minimum wage for Arizona workers. He stated that he had endorsed the 15 Initiative on the Tucson ballot, because the public had a right to act when national leaders failed to do so. He indicated that being only one of 15 counties in Arizona to have a \$15 minimum wage would be significant, and there needed to be substantial public discussion and debate before taking action. He stated that a decision of that magnitude should not be determined by a Board majority. He added that if Pima County were to become the only Arizona County to enact a \$15 minimum wage, that decision should be made by all members of the Board. He added that should that measure come before the Board only requiring a majority vote, he would not vote in favor of measure for the reasons cited.

Supervisor Grijalva highlighted that a \$15 an hour wage resulted in an annual income of \$31,200, not a luxurious life style. She indicated that it was on the backs of those employees that businesses profited. She stated that wage increases were happening in surrounding jurisdictions and it was important for the County to work on a regional approach. She added that the County should push the agenda for other employers. She added that this was placed on the agenda to begin the discussion and that she was not opposed to having further dialogue and input from various groups. She indicated that businesses and union members had expressed pros and cons and she requested input from the County Administrator on how to start the conversation and how to solicit input from the community. She stated that as elected officials, the Board should have this discussion with the community versus passing a minimum wage initiative.

This item was for discussion only. No Board action was taken.

36. **Attorney-Client Privilege Waiver**

Discussion/action. Release to the public Attorney/Client Privileged Memorandum dated August 30, 2021, from Samuel E. Brown, Chief Civil Deputy County Attorney, to Chuck Huckelberry, County Administrator, subject "Gun Shows at the Pima County Fairgrounds Proposed Proclamation Limiting Gun Vendors." (District 5)

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

37. **Face Coverings Requirement**

RESOLUTION NO. 2021 - 61, of the Board of Supervisors, adopting regulations necessary for the public health and safety of Pima County's inhabitants, requiring persons to wear face coverings when they are in public indoor settings and cannot

easily maintain a continuous physical distance of at least 6 feet from all other persons. (District 2)

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

38. Eviction Prevention Landlord Incentive Program

Discussion/Action. Directing the County Administrator and County staff to design and roll out, by the first week of October, 2021, an incentive program for landlords who have the legal right under state statute to evict their tenant(s) for non-payment of rent, to voluntarily hold off from proceeding with the eviction process in return for an "Eviction Prevention Landlord Incentive Program" payment from the County, for back-rent owed up to \$5,000 per unit in total. Further directing the County Administrator and County staff to immediately fund the initial phase of this "Eviction Prevention Landlord Incentive Program" with up to \$3.0 Million from the County's American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Contingency Funds, under the Treasury's expenditure category of "Responding to the Negative Economic Impacts of COVID-19." (District 2)

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

Chair Bronson indicated that this item was premature and she would be voting against the item. She stated that Pima County was currently running a very successful program and this proposal may cause more harm than good.

Supervisor Grijalva expressed concern with adding to County staff's workload by creating another process. She inquired whether Supervisor Heinz had specific data showing that needs were not being met by the existing program.

Supervisor Heinz indicated that the process was taking up to 60 days to assign a case worker. He was concerned that during that time, individuals could potentially face eviction without a program that provided additional funding. He stated that this program would provide payments to landlords or property owner so that they would not pursue eviction while the process was moving forward.

Supervisor Grijalva inquired whether Dan Sullivan, Community Service Director, had been consulted on the implementation of this program.

Supervisor Heinz indicated that he had not spoken with Mr. Sullivan.

Supervisor Grijalva recommended postponing this item to allow for that discussion and to allow for review by the County Administrator. She asked whether there was a specific designation for landlords already established that this process could work through.

Chair Bronson indicated that the County Administrator and the Community Services Director should be allowed an opportunity to provide input and when appropriate this item could be brought back before the Board.

Chuck Huckelberry, County Administrator, indicated that he had discussed this issue with Supervisor Heinz and was intrigued by the concept. He indicated that this was a work in progress and continuing this item to September 21st would allow for more details to be provided. He suggested an avenue to explore would be to ask landlords to review the process. He suggested that the concept be worked into the existing system.

Supervisor Grijalva concurred with continuing the item.

A substitute motion was made by Supervisor Heinz and seconded by Supervisor Grijalva to continue the item to the Board of Supervisors' Meeting of September 21, 2021. No vote was taken at this time.

Supervisor Scott requested that input from the landlord community be a prerequisite to ensure that their opinions and voices were heard.

Mr. Huckelberry indicated that District 2 staff had obtained information from the landlord community and from associations that dealt with rental properties. He stated that staff would follow up on that information.

Supervisor Grijalva commented on her conversations with landlords who expressed concerns over the lack of processes which allowed landlords to obtain funds directly.

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

COUNTY ADMINISTRATOR

39. **Deed of Easements between Pima County and the United States Air Force (USAF) on County Properties within the Davis-Monthan Air Force Base Approach/Departure Corridor**

Staff recommends continued support of the Readiness Environmental Protection Integration (REPI) partnership, pursuant to the Encroachment Management Agreement, as amended, and approve the 2018 and 2019 Deed of Easements to convey restrictive development easements on County-owned properties to the USAF, as the County's FY18 and FY19 REPI grant match, no cost/78 year term (CTN-CA-22-25)

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

COUNTY ATTORNEY

40. Request Review by the Arizona Supreme Court

Discussion/Action on Pima County joining the TUSD Board in requesting review by the Arizona Supreme Court of the Court of Appeals Tax Decision that reversed the original decision from the Arizona Tax Court Case No. TX2018-000737.

Lesley Lukach, Civil Deputy County Attorney, stated that the case concerned a lawsuit related to whether a certain portion of the tax should have been treated as a primary tax or secondary tax. She stated the County Attorney's Office sought direction on whether to join the lawsuit.

It was moved by Chair Bronson, seconded by Supervisor Grijalva and carried by a 4-1 vote, Supervisor Christy voted "Nay," to join the lawsuit.

41. Amicus Brief

Discussion/Action of filing an Amicus Brief in support of Arizona School Board Association's (ASBA) Complaint CV2021-012741 seeking declaratory and injunctive relief related to prohibitions on mask and vaccine mandates.

Lesley Lukach, Civil Deputy County Attorney, stated the County Attorney's Office sought direction on whether to file an amicus brief in a lawsuit filed by the Arizona School Board Association against the State of Arizona related to HB-2898 and SB-1824.

It was moved by Supervisor Grijalva and seconded by Chair Bronson to file an amicus brief. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

CONTRACT AND AWARD

ATTRACTIONS AND TOURISM

42. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Amendment No. 3, to promote and enhance tourism, business travel, film production and youth, amateur, semi-professional and professional sports development and marketing and amend contractual language, General Fund, contract amount \$500,000.00 (CT-ED-20-388)

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

COMMUNITY AND WORKFORCE DEVELOPMENT

43. Community Bridges, Inc., Amendment No. 1, to provide for USHUD - ESG-CV CARES Act Rapid Rehousing Individuals, extend contract term to 8/31/22, amend

contractual language and scope of work, USHUD - ESG-CV CARES Act Fund, contract amount \$350,000.00 (CT-CR-20-455)

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

44. Our Family Services, Inc., Amendment No. 1, to provide for USHUD - ESG-CV CARES Act Rapid Rehousing Individuals, extend contract term to 8/31/22, amend contractual language and scope of work, USHUD - ESG-CV CARES Act Fund, contract amount \$411,365.00 (CT-CR-20-459)

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

HEALTH

45. Elham Ali, to provide for the Planning for Health Literacy Project, Advancing Health Literacy Grant from HHS Fund, contract amount \$100,000.00/2 year term (CT-HD-20 22-63)

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

PROCUREMENT

46. Barker Contracting, Inc., Chasse Building Team, Inc., Core Construction, Inc., Durazo Construction Corporation, Kapp-Con Incorporated, Kittle Design and Construction, L.L.C., Lloyd Construction Company, Inc. and SD Crane Builders, Inc., Amendment No. 3, to provide a Job Order Master Agreement for remodel and construction services and amend contractual language, Various Funds, contract amount \$2,500,000.00 (MA-PO-20-154) Facilities Management

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

Supervisor Christy requested a list of projects and funding expenditure

Chuck Huckelberry, County Administrator, stated that estimates would be provided.

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

GRANT APPLICATION/ACCEPTANCE

47. **Acceptance - County Attorney**

State of Arizona, Office of the Attorney General, to provide for the FY22 Arizona Victims' Rights Program, \$132,322.00 (GTAW 22-12)

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

48. Acceptance - Elections

U.S. Election Assistance Commission, to provide for the 2020 Help America Vote Act Election Security Sub-grant, \$694,438.40/5 year term (GTAW 22-15)

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

Supervisor Christy requested that this item be continued in order to allow the Election Integrity Commission an opportunity to review funding.

Chair Bronson inquired whether continuing the item would impact funding.

Chuck Huckelberry, County Administrator, responded that this was a standard grant and there were no concerns with continuing the item.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Scott to continue the item to the Board of Supervisors' Meeting of September 21, 2021. No vote was taken at this time.

Supervisor Grijalva questioned whether funding was for voter hubs.

Mr. Huckelberry replied that funding did not apply to voter hubs. He stated that it was for increased information security, upgrades to polling centers and other items for the Recorder and Elections Departments

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

49. Acceptance - Clerk of Superior Court

Arizona Supreme Court, Administrative Office of the Court, to provide for the Court Security Improvement Program - Security Camera System, \$2,275.00 (GTAW 22-13)

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

CONSENT CALENDAR

50. Approval of the Consent Calendar

Upon the request of Supervisor Grijalva to divide the question, Consent Calendar Item Nos. 4, 6 and 7 were set aside for separate discussion and vote.

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 7, 8, 12 and 15 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, as amended.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR GRIJALVA

CONTRACT AND AWARD

County Attorney

4. Humphrey and Petersen. P.C., Amendment No. 1, to provide for representation of Pima County and Mark Napier in Murillo v. Pima County, et al., C20201462, extend contract term to 8/27/22 and amend contractual language, no cost (CT-FN-21-150)

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

Supervisor Grijalva requested a briefing on the case at the next meeting.

Chair Bronson questioned whether the County Attorney's opinion could be provided instead.

Supervisor Grijalva accepted either option as long as she received information previously provided to the Board with respect to Executive Session privileges. She questioned whether the item would extend the term at no cost.

Chair Bronson responded in the affirmative.

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

Economic Development

6. DM50, Amendment No. 2, to provide for Davis Monthan Air Force Base Advocate; economic development activities, extend contract term to 6/30/22 and amend contractual language, General Fund, contract amount \$60,000.00 (CT-CA-20-189)

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

Supervisor Grijalva inquired about the \$60,000.00 donation to DM50.

Chuck Huckelberry, County Administrator, responded that this was for DM50 activities associated with supporting Davis Monthan Air Force Base. He indicated that a report would be provided detailing the activities supporting Davis Monthan and the airmen at the facility.

Supervisor Grijalva commented about DM50 promoting the expansion of F-35 and the discontent of District 5 constituents. She asked what other initiatives were moving forward.

Supervisor Christy highlighted the exemplary work DM50 did for the community, the airbase and their families. He indicated that DM50 was an advocate for the second largest employer in the County and their economic and cultural contributions were an unparalleled benefit. He stated their purpose was to maintain relations and keep the airbase solid. He added that the contract ensured that our voices were heard in Washington.

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

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PULLED FOR SEPARATE ACTION BY SUPERVISORS CHRISTY AND GRIJALVA

CONTRACT AND AWARD

Economic Development

7. Sun Corridor, Inc., to provide for Economic Development for Pima County and Southern Arizona, General Fund, contract amount \$650,000.00 (CT-CA-22-25)

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

Supervisor Grijalva inquired about the allocation and the criteria for pursuing companies. She indicated that she was not opposed to economic development, but the County needed to partner with companies that valued clean air and water. She indicated that additional information suggested that Sun Corridor was promoting the expansion of mining, which she opposed. She asked how the County ensured Sun Corridor was moving forward with the desires of the Board and whether there were policies opposing certain developments. She asked whether Sun Corridor's view was opposite of the County's view.

Chuck Huckelberry, County Administrator, responded that this was a yearly allocation. He indicated that the County was the largest governmental contributor and the County's economic development activities included

projects located within cities and towns. He indicated that referrals were received from the Arizona Commerce Authority and that these referrals were reviewed through a competitive process for selection. He indicated that the County's activities had been consistent with the County's adopted Economic Development Plan. He stated that if a development was inconsistent, it would have been brought to the Board's attention. He indicated that one issue was that a significant report had not been provided to the Board regarding Sun Corridor's activities. He suggested that a monthly report be requested which would give the Board an opportunity to voice their objections. He added there were capital investments that could be received by the community based on relocations or expansions.

Supervisor Grijalva inquired whether profits were realized by the County or whether they profited business's headquarters location. She expressed concern over initiatives not being prioritized, such as clean energy. She indicated that information from Sun Corridor would be helpful.

Supervisor Christy indicated that he would like to see the item continued to the next Board meeting. He indicated that transparency was needed for the community and Sun Corridor's benefit. He expressed concern with the void of regular reporting and encouraged frequent reporting from Sun Corridor that detailed activities, achievements, and defeats. He also requested continued reporting on Sun Corridor funding. He commented that the County was the largest governmental contributor; however, numerous non-participating jurisdictions received the benefits of Sun Corridor. He asked that a historical flow chart be provided detailing participating jurisdictions and what funding had been received by Sun Corridor over the previous ten years. He added that it should reflect how the County had been transformed.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Grijalva to continue the item to the Board of Supervisors' Meeting of September 21, 2021, and that all the information requested be gathered. No vote was taken at this time.

Supervisor Scott indicated that he was willing to support the motion and asked that staff's report include the work conducted by Sun Corridor with regards to sight selectors and industries being considered by Sun Corridor. He also asked for information on how Sun Corridor had worked in conjunction with the County's Economic Development Department.

Supervisor Christy accepted the additions to the substitute motion and requested that staff's report be provided by the next Board meeting and he requested that the report include Sun Corridor's involvement with regional small businesses.

Supervisor Grijalva accepted the amendments to the substitute motion.

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

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PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Health

8. Paradigm Laboratories, L.L.C., Amendment No. 1, to provide for COVID-19 vaccination services and amend contractual language, COVID-19 Vaccination Equity Grant Fund, contract amount \$2,000,000.00 (CT-HD-21-362)

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

Supervisor Christy questioned Paradigm's involvement and questioned the continued amendments for additional funding and amended terms. He asked how Premier Laboratories' mission compared to Paradigm Laboratories and how the funding was utilized. He asked why Premier Laboratories was removed from the contract.

Chuck Huckelberry, County Administrator, responded that Paradigm was contracted to perform vaccination services, testing and PCR testing. He indicated that this contract was for Pima County directed vaccination sites. He added that Premier remained a contractor for vaccination and testing, and there were additional contracts for vaccination services.

Supervisor Christy asked what Paradigm's allocation was for vaccination and testing services.

Mr. Huckelberry indicated that information would be provided from the Health Department. He indicated that since February 2020 the County had committed over \$49 million in testing through a series of contractors. He added that Premier was the major contractor for vaccination, however Paradigm would also be providing vaccination.

Supervisor Christy questioned how many entities were considered for contracting services.

Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services, responded that there was a substantial list of contractors for both vaccination and testing.

Supervisor Christy requested a list of all contractors and the amounts paid for vaccination and testing services since the start of the pandemic.

Mr. Huckelberry indicated that a report would be provided to the Board.

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

Procurement

12. Durazo Construction Corporation and MW Morrissey Construction, L.L.C., to provide for a Job Order Master Agreement for historic preservation services, Various Funds, contract amount \$2,000,000.00 (MA-PO-22-24) Capital Program Office

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

Supervisor Christy requested information on the project regarding historical preservation services and funding allocations.

Chuck Huckelberry, County Administrator, responded that job order contracts were executed prior to awarding a specific contract. He indicated that there were a number of County properties that had historic character and designations and were in need of repairs and maintenance. He stated that contractors would be selected based on location activities needed. He indicated that the contractors would provide pricing and the county would select the lowest price and award a contract. He added that a list of projects would be provided.

Supervisor Christy questioned whether funding would be allocated to the Historic Pima County Courthouse.

Mr. Huckelberry responded that the repair and restoration of the courthouse property had been completed.

Supervisor Christy, again, requested a list of the projects.

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

15. Karpel Computer Systems, Inc., d.b.a. Karpel Solutions, to provide for legal case management system, General (75%) and ~~GOSH~~ **GOHS** Grant Funds, contract amount \$2,500,000.00/5 year term (MA-PO-21-214) County Attorney

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

Supervisor Christy inquired whether this was for the implementation of the paperless system. He also questioned the 75% general fund allocation.

Chuck Huckelberry, County Administrator, responded that the County Attorney's Office was mostly funded through the general fund. He indicated that this was for a case management system, and was an appropriate expenditure of the general fund.

Supervisor Christy asked how the remaining 25% would be funded.

Mr. Huckelberry responded that funding would be allocated from the Governor's Office of Highway Safety.

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

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CONTRACT AND AWARD

Behavioral Health

1. NaphCare, Inc., to provide for Correctional Health Services, General Fund, contract amount \$17,808,680.76 (CT-BH-22-64)
2. CODAC Health, Recovery & Wellness, Inc., d.b.a. CODAC, Amendment No. 3, to provide for medical forensic examination and evidence collection for victims of sexual assault and amend contractual language, General Fund, contract amount \$240,000.00 (CT-BH-20-268)

County Attorney

3. Southern AZ Children's Advocacy Center, Inc., Amendment No. 1, to provide for evidence collection services for children - evidentiary consultations, extend contract term to 6/30/22 and amend contractual language, Anti-Racketeering Fund, contract amount \$15,570.30 (CT-PCA-20-415)
4. Humphrey and Petersen. P.C., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
5. Bosse Rollman, P.C., Amendment No. 4, to provide for Pima County Sheriff's Department employee disciplinary matters, extend contract term to 9/19/22 and amend contractual language, no cost (CT-FNC-21-197)

Economic Development

6. DM50, Amendment No. 2, (PULLED FOR SEPARATE ACTION)
7. Sun Corridor, Inc., (PULLED FOR SEPARATE ACTION)

Health

8. Paradigm Laboratories, L.L.C., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Information Technology

9. Sprocket Communications, L.L.C., to provide for a Tower and Rooftop License Agreement for wireless communications facilities located at 33 N. Stone Avenue, contract amount \$83,204.76 revenue/5 year term (CTN-IT-22-10)

Procurement

10. Award

Amendment of Award: Multiple Master Agreements to provide for electrical parts and supplies. These amendments extend the termination date to 11/4/22 and increases the shared annual award amount by \$130,000.00 from \$835,000.00 to \$965,000.00 for a cumulative not-to-exceed contract amount of \$2,435,000.00. Two (2) renewal options remain. This amendment also changes the vendor legal name on MA-PO-20-47, from DS & J Enterprises, Inc. to Merks Enterprises, Inc. Funding Source: General Fund. Administering Department: Facilities Management.

MA No./Amendment No./Contractor Name/Current Not-to-Exceed/Shared Award Amount/New Not-to-Exceed

MA-PO-20-47/5/Merks Enterprises, Inc.; Consolidated Electrical Distributors, Inc./
\$641,000.00/\$265,000.00/\$906,000.00

MA-PO-20-48/2/Electric Supply, Inc.; Consolidated Electrical Distributors, Inc./
\$34,000.00/\$30,000.00/\$64,000.00

MA-PO-20-49/4/Consolidated Electrical Distributors, Inc.; Consolidated Electrical Distributors, Inc./\$355,000.00/\$305,000.00/\$660,000.00

MA-PO-20-50/3/Graybar Electric Company, Inc.; Electric Supply, Inc./
\$62,000.00/\$100,000.00/\$162,000.00

MA-PO-20-51/3/Elliott Electric Supply, Inc.; Border States Industries, Inc./
\$100,000.00/\$50,000.00/\$150,000.00

MA-PO-20-52/2/Electric Supply, Inc.; Consolidated Electrical Distributors, Inc./
\$91,000.00/\$80,000.00/\$171,000.00

MA-PO-20-53/2/Consolidated Electrical Distributors, Inc.; Graybar Electric Company, Inc./\$67,000.00/\$100,000.00/\$167,000.00

MA-PO-20-54/2/Elliott Electric Supply, Inc.; Border States Industries, Inc./
\$120,000.00/\$35,000.00/\$155,000.00

Totals: \$1,470,000.00/\$965,000.00/\$2,435,000.00

11. Award

Amendment of Award: Master Agreement No. MA-PO-17-71, CDW Government, L.L.C., Amendment No. 3, to provide for software value added reseller services. This amendment extends the termination date to 1/7/22. No additional funds required at this time. Administering Department: Information Technology.

12. Durazo Construction Corporation and MW Morrissey Construction, L.L.C., (PULLED FOR SEPARATE ACTION)
13. NaphCare, Inc., Amendment No. 1, to provide for Correctional Health Services Electronic Health Record, amend contractual language and scope of services, no cost (MA-PO-21-157) Behavioral Health
14. HDR Engineering, Inc., to provide for design engineering services for west Silverbell Road, Blanco Wash Bridge (4SRBWB), Federal Off-System Bridge (7.7%) and Silverbell-Tortolita Impact Fees (92.3%) Funds, contract amount \$891,834.73/3 year term (CT-TR-22-43) Transportation
15. Karpel Computer Systems, Inc., d.b.a. Karpel Solutions, (PULLED FOR SEPARATE ACTION)

Real Property

16. David Moore, to provide for Sales Agreement No. Sale-0085 and Special Warranty Deed for a portion of Tax Parcel No. 304-05-030C, located at 27500 N. Cochie Canyon Trail, Section 26, T10S, R12E, G&SRM, Pinal County, Arizona, contract amount \$310,000.00 revenue (CT-RPS-22-20)

GRANT APPLICATION/ACCEPTANCE

17. **Acceptance - Community and Workforce Development**
Arizona Department of Education/United States Department of Treasury, to provide for the Elementary and Secondary School Emergency Relief Grant, \$150,000.00/2 year term (GTAW 22-7)
18. **Acceptance - Community and Workforce Development**
Arizona Department of Housing, Amendment No. 5, to provide for the Pima County Links Rapid Re-Housing Program and amend grant language, no cost (GTAM 22-8)
19. **Acceptance - Health**
National Association of County and City Health Officials, Amendment No. 1, to provide for addressing needs of people with disabilities in COVID-19 local preparedness planning, mitigation and recovery efforts, extend grant term to 6/30/22, amend grant language and scope of work, \$33,203.79 (GTAM 22-12)
20. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 5, to provide for the Women, Infants and Children and Breastfeeding Peer Counseling Programs, amend grant language and scope of work, \$2,163,498.00 (GTAM 22-14)

21. **Acceptance - Natural Resources, Parks and Recreation**

Arizona Game and Fish Shooting Commission, to provide for the Southeast Regional Park Shooting Range Expansion Project, \$44,524.00/\$44,524.00 General Fund match (GTAW 22-10)

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

22. **Special Event**

- Brenda J. Goldsmith, El Rio Health Center Foundation, The Westin La Paloma Resort & Spa, 3800 E. Sunrise Drive, Tucson, October 22, 2021.
- Ryan Grimm, Tucson Sector MRT MWR, Harbottle Brewing Company, 3820 S. Palo Verde Road, No. 102, Tucson, September 4, 2021.

23. **Temporary Extension**

12104529, Kevin Arnold Kramber, Wild Garlic Grill, 2870 E. Skyline Drive, Tucson, October 16, 2021 through April 15, 2022.

ELECTIONS

24. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Louise Pate-134-DEM; James Reeves-171-DEM; Ann M. Holden-034-REP; John R. Holden-034-REP; Alex D. Dischinger-042-LBT

APPOINTMENT-PRECINCT-PARTY

William R. Wilke-010-REP; Bruce W. Nogar-039-REP; Sherrie L. Freeland-040-REP; Isabel A. Kandell-057-REP; Risa L. Kandell-057-REP; Beverly A. Bennett-061-REP; Charles C. Chancellor-061-REP; Edward Wood-063-REP; Vivianne Marien-085-REP; Blake G. Masters-096-REP; Ruben C. Navarro-104-REP; Peggy S. Aguirre Esparza-112-REP; Kathy A. Jones-116-REP; Barbara L. Parks-116-REP; Eva H. Bogart-126-REP; Gary L. Johnson-127-REP; Katie P. Johnson-127-REP; Holly Glenn Claghorn-127-REP; Susan L. Saenz-141-REP; Lauren E. Schreyer-Merdinger-145-REP; Robert G. Kahl-164-REP; Carole S. Lindly-180-REP; Andria C. Holp-202-REP; Maria D. Lopez-228-REP; Eric B. Carlson-239-REP; Krissie A. Crowe-239-REP; Alex D. Dischinger-041-LBT

FINANCE AND RISK MANAGEMENT

25. **Duplicate Warrants - For Ratification**

The University of Arizona \$2,840.00; Lia Sierra \$155.00; Liana Joy Condello \$1,201.82; ASAVET Veterinary Services, L.L.C. \$1,935.00; Lazaro Montoya,

d.b.a. Lazco Lath, L.L.C. \$9,480.00; Yaquelin Bojorquez Barreras \$176.00; C & S Sweeping Services, Inc. \$671.70; PMH Office Partners, L.P. \$1,591.44; Donald J. Conder \$3,750.00.

SUPERIOR COURT

26. **Fill the Gap Application**

Staff requests approval to submit a Fill-the-Gap Application to the Arizona Supreme Court Administrative Office of Courts for Fiscal Year 2022.

TREASURER

27. **Certificate of Removal and Abatement - Certificate of Clearance**

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$15,406.39.

28. **Duplicate Warrants - For Ratification**

Bakshi Raj \$1,682.95

RATIFY AND/OR APPROVE

29. Warrants: August, 2021

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51. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:38 p.m.

CHAIR

ATTEST:

CLERK

COUNTY ADMINISTRATOR

16. Updates and Action on COVID-19

Verbatim

SB: Chair Bronson
SC: Supervisor Christy
AG: Supervisor Grijalva
CH: Chuck Huckelberry, County Administrator
FG: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services

SB: Item 12 is COVID update, Mr. Huckelberry.

CH: Yes, Chair Bronson, members of the Board, we provided you with a written update and if you would like, I can have Dr. Garcia expound on it, or if you have questions, we would be happy to answer any of them related to the update.

SB: What is the pleasure of the Board?

SC: I have some questions.

AG: Chair Bronson, a quick update would be helpful, sorry.

SC: And then questions.

SB: Is DR. Garcia with us?

FG: I sure am, can you see me?

SB: Yes

FG: Good morning Chair Bronson, members of the Board. I am pleased to be able to provide this periodic update to you. Mr. Huckelberry transmitted a memo at the end of last week, giving you the overall status of the pandemic response and where we are to date. I want to touch on a couple of things that I think have been issues that have been hitting the media as well as issues of concern and turning to the site just to look at the latest numbers. As of this morning, there were 669,575 first dose injections administered to 63.9% of the total population of Pima County. That is a very impressive first dose vaccination count. What is perhaps even more impressive is that the percentage of the population that has received the two doses of either Moderna or Pfizer or the single dose of J & J is now up to 55.9% and today will likely hit 60%. An amazing feat, using the federal government's own standards and benchmarks, we have well exceeded, in terms of the percentage of the population, that is 18 or older being vaccinated, we have hit this weekend 75.3% of that

population. Lots of progress, specifically with regards to vaccine eligible children between 12 and 19 has occurred during the last three weeks and I think it continues to be an area that we continue to make a lot of progress. Nico, may I share my screen? Well, it is not necessary. It is in the attachments that are part of the memo that was transmitted to you. We make a couple of additional points that I think are important and worth reiterating. As of last Friday, we had hit a total of about 1,413 cases reported out of schools. Really important to reiterate that these are not the only cases occurring in children, but these are the cases being reported through our relationship with the different schools and school districts and that we may be starting to see a little bit of improvement in that area. In total, 1,225 children were impacted and 188 staff are impacted by that. The other point that the attachment makes in slide three, of attachment 1, is that we are now seeing this phenomenon occur across all of our public school districts, as well as impacting our charter and private school partners. In fact, the point that Mr. Huckelberry makes in the memo is that if private and charters were summed up together, they would be the third highest district in terms of the count of cases. The final point that I will make to you, is that by and large, and which is what we anticipated very much by and large, the impact of these cases that are school related, that is being identified in the school, it does not necessarily mean that the transmission happened in school. It means that the cases were identified and reported by the school, but by and large, the folks who have been impacted by this are children less than 11. There were 671 cases of children less than 12 years of age who are part of that group. So, our schools are doing a tremendous job of attempting to mitigate against COVID infection and the six districts so far have instituted some degree of masking requirements as have several private and parochial, as well as charter schools. So some good progress there and I think I will stop there and take questions.

SC: Madam Chair?

SB: Questions? Supervisor Christy.

SC: These infections that you were referring to of grade school age, Dr. Garcia, are they being infected at school? Is that where the infections are being caught, within the school or is it outside of the school?

FG: By and large, Chair Bronson, Supervisor Christy, by and large we are seeing more in classroom kid transmission than we have previously and, in fact, that has been the reason for the number of classroom closures that have occurred. Most of these infections are actually occurring outside of the classroom setting. So that means, if you recall, early on, towards the end of July, we had this whole rash of infections occurring associated with the Vail School District and it was not necessarily because infections were occurring in the classroom, but infections were occurring and were coming out of their athletic teams and out of those social and athletic and extracurricular activities, as well as quite honestly from community settings. People, kids get infected from the people who are around them and if their families are unvaccinated, and if their families are exposed, those children, especially those children less than 12 years of age will become infected. This is a highly, highly transmissible variant of the virus and we are seeing that play out in spades.

- SC: Madam Chair, Dr. Garcia, if the children are not being infected inside the classroom, what do you attribute that to?
- FG: Again, the reason we are not seeing more instances of classroom transmission, I believe has to do with the fact that most schools are doing their darnedest to keep children as separated as possible. Many schools have implemented masking. Most schools have implemented some degree of symptom checks. Some schools and school districts have implemented testing. So, there are all of these different layers that are mitigating against in-classroom transmission and I think that that is a big positive.
- SC: Madam Chair, Dr. Garcia, does the County Health Department operate and has the County Health Department set up vaccination PODS on school campuses particularly the Vail district?
- FG: Chair Bronson, Supervisor Christy. The County Health Department at the direction of the County Administrator has engaged a variety of school district partners and individual school partners in order to deploy mobile vaccination types of activities. Yes, we have deployed mobile vaccinations in Vail Unified School District schools.
- SC: Madam Chair, Dr. Garcia, and to whom are these vaccinations to be implemented or who is being attracted to come in and take these vaccinations?
- FG: Chair Bronson, Supervisor Christy, by and large, every single one of these events have been made available for the entire community that is served by those schools. As you well know, schools are centrally located and particularly well placed and particularly trusted by our community. We try to vaccinate anybody who wants to come there. Of course, our main concern has been to vaccinate age eligible children, as well as teachers, staff and parents. The only way that we can keep children less than 12 years safe is by making sure that those around them are vaccinated completely. And that has been our strategy in Vail, as well as all of our school districts and partner schools.
- SC: Madam Chair and Dr. Garcia, is it true that in the process of disseminating these vaccines that have been directed to students, that they can receive the vaccination without parental consent or knowledge?
- FG: Chair Bronson, Supervisor Christy, that is qualitatively untrue.
- SC: So there is no truth to the fact that Pima County health officials have been soliciting students to receive the vaccination without notifying or gaining the permission of parents?
- FG: Chair Bronson, Supervisor Christy, we have been very, very clear that parental or guardian consent is a critical component. We have tried to be as flexible as we are allowed to be by the State, however, we have not waived the requirement for consent. We have accepted different modes of consent from parents and from

guardians, but it is qualitatively untrue that children are being vaccinated without their parent's permission.

SC: Madam Chair, and Dr. Garcia, just for clarity, these vaccination centers or PODS that the Health Department is operating on school campuses, you say the authority of the Health Department to do that is derived from the County Administrator's Office and directive. Is that where you have the authority to do this?

FG: Chair Bronson, Supervisor Christy, the authority of the County to intervene is based on statute, not on the direction of the County Administrator.

SC: And Madam Chair, Dr. Garcia, does the school district have any say in allowing this vaccination center to be installed there or is this simply something that is unilateral by the Pima County Health Department?

FG: Chair Bronson, Supervisor Christy, in every single case, the school and/or the school district are a part of that decision making process. We would not be on their premises, absent their consent and collaboration.

SC: Thank you, Dr. Garcia and thank you Madam Chair.

SB: Any other questions from Board members? Okay, so that was no action there, then let us go on to item 13.