

MINUTES, LIBRARY DISTRICT BOARD

APRIL 21, 2009

The Pima County Library District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 21, 2009. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member
	Ann Day, Member
	Lori Godoshian, Clerk

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:15 a.m.

1. RECONVENE

The meeting reconvened at 9:55 a.m. All members were present.

2. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Snell & Wilmer to represent K-GAM in negotiations with the Pima County Library District for a lease on K-GAM's property located on Wilmot Road.

Chris Straub, Chief Civil Deputy County Attorney, stated a waiver was at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the waiver.

3. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

MINUTES, STADIUM DISTRICT BOARD

APRIL 21, 2009

The Pima County Stadium District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 21, 2009. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Lori Godoshian, Clerk

1. **Contract**

Pima County, Pima County Stadium District and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708

Without objection, this item was continued to the Board of Supervisors' Meeting of 5/5/09.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

APRIL 21, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 21, 2009. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Reverend John Gentry of New Hope Ministries-EMC.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSIONS**

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Sessions at 9:15 a.m.

4. **RECONVENE**

The meeting reconvened at 9:55 a.m. All members were present.

5. **POINT OF PERSONAL PRIVILEGE**

Supervisor Day commended Chris Straub, Chief Civil Deputy County Attorney, on receiving the Arizona State Bar's 2009 Distinguished Public Lawyer Award.

6. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Sessions. No one appeared.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County v. Concord Equities, Tax Parcel No. 137-11-428V, Arizona Tax Court Case No. TX2005-050275/1 CA-TX 08-003.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded appealing the Court of Appeal's decision, which involved interpretation of the rollover statute. The Pima County Assessor and Attorney's Office recommended not appealing.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding participation in a settlement conference with a private mediator in Valles, et. al. v. Pima County, et. al., U.S. District Court Case No. 08-CV-00009TUC.

Chris Straub, Chief Civil Deputy County Attorney, stated this item involved inadequate subdivision improvements that were constructed by a private party. The County Attorney's Office requested permission to proceed in the manner as discussed in executive session.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to grant permission to proceed as discussed in executive session.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Dos Picos et. al. v. Pima County, Pinal County Superior Court Case No. CV2005-00478.

Chris Straub, Chief Civil Deputy County Attorney, stated this item involved inverse condemnation. The County Attorney's Office sought direction on satisfying a portion of the judgment by purchasing approximately 60 acres of land and continue to litigate the remaining issues. Approval of purchase with bond money may require a bond ordinance amendment.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation and approve the purchase with bond money.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding legal defense options related to the Broadway-Pantano Landfill.

Chris Straub, Chief Civil Deputy County Attorney, stated that this case related to potential litigation concerning several landfills formerly located in the Broadway-Pantano area. Other identified parties to the potential litigation have proposed three cooperative efforts in response to issues raised in this matter. The County Attorney's Office recommended participation in two of the three proposed cooperative efforts as discussed in executive session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation.

11. **CONSENT CALENDAR**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the Consent Calendar, subject to the following:

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS AND AWARDS**

C. **Economic Development and Tourism**

- 4. Pima County, Pima County Stadium District and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708)

Without objection, this item was continued to May 5, 2009.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Services, Employment and Training**

- 1. Arizona Community Action Association, Amendment No. 1, to provide an independent contractor agreement with Southwest Gas, contract amount \$15,555.00 revenue (02-69-A-141191-0708)

B. County Attorney

2. Snell & Wilmer, L.L.P., Amendment No. 2, to provide legal advice and representation regarding Superior Court Case C20074840, Seaboard Surety Company, et. al. and amend contractual language, RWRD Enterprise Fund, contract amount \$100,000.00 (17-02-S-140916-0208)

C. Economic Development and Tourism

3. Southern Arizona Kart Club, Inc., Amendment No. 3, to provide development, operation and lease agreement and amend contractual language, no cost (04-71-S-127657-0600)
4. Pima County, Pima County Stadium District and the Pima County Sports and Tourism Authority (PULLED FOR SEPARATE ACTION)

D. Health

5. Arizona Department of Health Services, Amendment No. 2, to provide for the Tuberculosis Control Program and amend contractual language, Arizona Department of Health Services Fund, contract amount \$30,854.00 decrease (01-01-A-141124-0708)

E. Pima Health System

6. AKDHC L.L.C., d.b.a. Arizona Kidney Disease and Hypertension Center, Amendment No. 4, to provide nephrology services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-137424-0406)
7. Tucson Heart Hospital-Carondelet, L.L.C., d.b.a. Tucson Heart Hospital, Amendment No. 4, to provide hospital services, extend contract term to 11/30/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-M-138814-1106)
8. Tucson Pulmonology, P.C., Amendment No. 1, to provide pulmonology services extend contract term to 4/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-139375-0507)
9. Valley ENT., P.C., Amendment No. 2, to provide ear, nose and throat services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-139385-0107)

10. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 7, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$850,000.00 (07-15-A-139487-0407)
11. Arizona Health Care Cost Containment System, Amendment No. 2, to provide acute care medical services and amend contractual language, PHCS Enterprise Fund, no cost (02-15-A-141668-1008)
12. Arizona Health Care Cost Containment System, to provide acute care medical services and medically necessary pregnancy termination services, PHCS Enterprise Fund, revenue based on services (18-15-A-141871-1008)
13. Arizona Health Care Cost Containment System, to provide long term care and medically necessary pregnancy termination services, PHCS Enterprise Fund, revenue based on services (18-15-A-141872-1008)
14. Carondelet Medical Group, Inc., to provide primary care physician services, PHCS Enterprise Fund, contract amount \$1,500,000.00/2 year term (18-15-C-141874-0409)

F. Regional Wastewater Reclamation Department

15. Diablo Village Estates, L.L.C., to provide a connection fee credit agreement for development agreement for upgrades to the Avra Valley Wastewater Treatment Plant as referenced in contract no. 14-03-S-137012-0905, RWRD Enterprise Fund, contract amount \$330,197.47; and \$330,197.47 revenue (14-03-D-141885-0409)
16. Rocking K Development Company, to provide master sewer service agreement for construction of improvements to the public sanitary sewerage system and provision of sanitary sewerage service for Rocking K South, Blocks 1-14, P1207-006, RWRD Enterprise Fund, no cost (14-03-R-141886-0409)

G. Sheriff

17. RESOLUTION NO. 2009-67, approving an Intergovernmental Agreement with the Department of Justice: Community Oriented Policing Services, to provide for the 2006 C.O.P.S. Technology, Federal Grant Fund, contract amount \$246,807.00 revenue (01-11-J-141868-1105)

18. Mesa Police Department, Amendment No. 1, to provide for participation in the Arizona Southwest Border Alliance and extend contract term to 6/30/09, H.I.D.T.A. XV Grant Fund, contract amount \$12,868.30 (01-11-M-136286-1004)
19. Tucson Police Department, Amendment No. 3, to provide for participation in the Arizona Southwest Border Alliance and extend contract term to 6/30/09, H.I.D.T.A. XV Grant Fund, contract amount \$100,000.00 (01-11-T-136289-1004)

2. **PROCUREMENT**

Quarterly Contracts Report – 1st Quarter, 2009

Pursuant to Pima County Code, Section 11.08.010, staff submits the quarterly report on contracts awarded from January 1, 2009 through March 31, 2009.

3. **SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

- A. Richard Thomas Poirier, Knights of Columbus, 300 N. Tanque Loop Road, Tucson, April 18, 2009.
- B. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo del Nored, Tucson, April 16, 2009.
- C. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo del Nored, Tucson, April 19, 2009.
- D. Lia K. Sansom, Tucson Audubon Society, 3835 W. Hardy Road, Tucson, April 25, 2009.

4. **REAL PROPERTY**

Condemnation

RESOLUTION NO. 2009-68 of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for improvements to Tanque Verde Road: Catalina Highway to Houghton Road in Sections 34, 35 and 36 in T13S, R15E and Sections 1 and 2, T14S, R15E, G&SRM. (District 4)

5. **RATIFY AND/OR APPROVE**

Minutes: March 3, 2009
April 7, 2009, Zoning Enforcement Board of Appeals Minutes

REGULAR AGENDA/ADDENDUM ITEMS

12. FINANCE AND RISK MANAGEMENT

RESOLUTION NO. 2009-69, providing for the issuance and sale of \$18,940,000.00 principal amount of Pima County, Arizona Sewer Revenue Bonds, Series 2009; providing for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a bid for the purchase of the bonds; authorizing and directing the execution and delivery of documents and further actions relating to the issuance of the bonds; appointing an initial bond registrar and paying agent for the bonds; and declaring an emergency.

The bidders were as follows:

<u>Bidder</u>	<u>Net Interest</u>
UBS Financial Services Inc. – New York, NY	3.699820%
Robert W. Baird & Co., Inc. – Red Bank, NJ	3.723572%
Morgan Stanley – San Francisco, CA	3.819509%
Hutchinson, Shockey, Erley & Co. - Chicago, IL	4.197096%

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-69, and approve the low bid of UBS Financial Services Inc., at a net interest cost of 3.699820%.

13. PROCUREMENT: APPEAL OF PROCUREMENT DIRECTOR’S DECISION

Pursuant to Pima County Code Section 11.20.010(J), Keith R. Eismann, Value Added Communications, appeals the decision of the Procurement Director regarding Solicitation No. 0901141, ADC Inmate Telephone System.

Without objection, this item was withdrawn by appellant.

14. PROCUREMENT: AWARD

Award of Revenue Contract, Solicitation No. 0901141: to the Highest Scoring Proposal submitted by FSH Communications, L.L.C., (Headquarters: Chicago, Il) for an inmate telephone system for the Sheriff’s Adult Detention Center. Funding Source: none required - revenue contract. Administering Department: Sheriff’s Department.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the award.

15. ECONOMIC DEVELOPMENT AND TOURISM

Staff recommends approval of the proposed alteration plan for Old Tucson Studio Building 800 (Stage II).

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the alteration plan.

16. FIRE DISTRICT: GOLDER RANCH FIRE DISTRICT

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Golder Ranch Fire District for the proposed La Reserve Annexation. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the validation of the petitions.

17. NATURAL RESOURCES, PARKS AND RECREATION

RESOLUTION NO. 2009-70, of the Pima County Board of Supervisors, approving applications for various wildlife projects under the U.S. Fish and Wildlife Service Partners for Wildlife Grant Program.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-70.

18. REGIONAL WASTEWATER RECLAMATION DEPARTMENT

RESOLUTION NO. 2009-71, of the Board of Supervisors, providing notice to withdraw from membership in the University of Arizona's Water Conservation Alliance of Southern Arizona, and approving and authorizing the termination of the Intergovernmental Agreement (01-59-A-136290-0705) between Pima County, Pima County Flood Control District and the Arizona Board of Regents for membership in said alliance.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-71.

19. FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS

12. Alice Jeanne Mazon, Papagayo Sunrise Inc., 4717 E. Sunrise Dr., Tucson, Temporary Extension of Premises for May 2, 2009.

13. Albert Hall, Acacia at St. Phillips, 4340 N. Campbell Ave., No. 103, Tucson, Temporary Extension of Premises for May 8, 2009.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and forward the recommendations to the State Liquor Control Board.

20. **ENVIRONMENTAL QUALITY: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2009-36, of the Board of Supervisors of Pima County, Arizona, relating to environmental quality; amending the Pima County Code by amending Title 7, Chapters 7.03 and 7.09 to amend the fees for the Drinking Water Systems Program and Hazardous Waste Management Program.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009-36.

21. **FORENSIC SCIENCE CENTER**

ORDINANCE NO. 2009-37, of the Pima County Board of Supervisors, Pima County, Arizona, relating to forensic science, repealing the current fee schedule and establishing new fees for the provision of certain services.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009-37.

22. **NATURAL RESOURCES, PARKS AND RECREATION**

ORDINANCE NO. 2009-38, of the Pima County Board of Supervisors, Pima County, Arizona; amending Ordinance No. 2004-89 and establishing fees for the use of various County parks and recreational facilities and for services provided therein.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Penelope Jacks
2. Earl Causbie
3. Cheryl Williams
4. Samantha Beal
5. Ellie Towne

They provided the following comments:

- A. They felt not enough notification on this issue was given to the public.
- B. The proposed fee increases, if approved, would create a tremendous burden on a lot of families that are struggling and are more likely to need and use these programs.

- C. Families would start leaving their children at home, unsupervised, more children would be on the streets getting involved with the wrong people and creating more problems for our Sheriff's department and court system.
- D. Concern was expressed that the County may be leaving itself open to liability for the risks the children may face, without the current structure, supervision and safety that the current programs provide.
- E. Enacting the fees would make it onerous on some of the most vulnerable assets in the community.
- F. The Board was urged to consider other options for the fee structure.
- G. The Board was asked to reconsider the fee structure, and to continue the programs as they are without the proposed changes.
- H. They would like the fees being discussed for the usage of the fields to coincide with the timeframe of when leagues are putting their budgets together.

Chuck Huckelberry, County Administrator, stated that the Natural Resources, Parks and Recreation recommended fee increases were related to the energy cost recovery associated with the lighting of additional fields. Further discussion led to the additional proposed fee increases. A citation from the Arizona Department of Health Services caused the proposed fees regarding the after school and summer programs. He stated the citation was an appealable decision.

Supervisor Valadez expressed criticism regarding how the proposed fee structure was handled and the lack of information that allow the Board to make an informed decision.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to direct staff to create safe, responsible methods of providing services, especially looking at the child care programs and after school programs. For all ages to be included in the design of the programs and create a fee structure that included options for lower income families as well as the general public that would not put an end to these programs. Direction was provided to staff to include an executive session regarding the Arizona Department of Health Services citation so the appeal process could be examined.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, for denial of the fee structure as presented in regard to children and youth sports and adult league fees, with Sportspark fees not included in the denial. Direction was provided to staff to look at the availability of advertisement at the County's various fields and arenas and review the term non-profit and the effect it had on the fee structures.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve fee increases for adult leagues and explore alternative models for the management of Sportspark.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the adult fees for aquatics but to separate the children and youth fees from this portion of the fee structure proposal. The Board directed staff to look at a fee structure that does not discourage children and youth participation in aquatic activities.

A motion was made by Supervisor Valadez, to approve the remainder of the fee structure schedule with the caveat that all fees that affected children had to be reviewed and approved by the County Administrator. The motion died for lack of a second.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day, to approve the environmental education fee increases, the special events fee increases, eliminate the roping fees and approve an increase in the shooting range fee per-day only. The motion was withdrawn.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to bring back the remainder of the fee structure proposal, with proper information, to the next Board meeting of May 5, 2009.

Supervisor Bronson stated that the aquatic fees would be brought back before the Board for reconsideration.

23. DEVELOPMENT SERVICES: PLAT NOTE WAIVER/MODIFICATION

The Board of Supervisors, on 11/18/08 and 2/17/09, continued the following to 4/21/09:

Co12-77-29, Green Valley Desert Hills No. 2 Subdivision Plat-Plat Note Modification for Lot 476 and Common Area C Cluster Development Option
Request of Green Valley Desert Hills No. 2, Inc., represented by Gilbert and Norlane Moss, for a plat note modification to allow approximately 540 square feet of Common Area C adjacent to Lot 476 to be incorporated into Lot 476. The lot is approximately 4,750 square feet, zoned CR-3, located on the northeast corner of Circulo De Las Lomas and Calle Alhambra, approximately 2,000 feet north of Camino Del Sol. Staff recommends APPROVAL WITH CONDITIONS. (District 4)

Without objection, this item was withdrawn by applicant.

24. DEVELOPMENT SERVICES: PLAT NOTE WAIVER

Co12-71-60A, OSHRIN PARK SUBDIVISION, LOT 78
Request of David Scheeler and Kelli Koski for a waiver of plat note No. 8 of Oshrin Park (Bk. 27, Pg. 26) which states, "The owner hereby files a covenant running with the land that all lots will be limited to one dwelling unit per gross acre until sewers are available." The applicant requests to allow a second dwelling on Lot 78, which is 1.00 acre zoned SH and is located on the north side of Calle Appaloosa,

approximately 330 feet east of Cerius Stravenue, north of Pima Farms Road. Reference Case: Co9-70-39. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

“STAFF RECOMMENDATION

Staff recommends APPROVAL of the plat note waiver to allow a second residence on Lot 78, subject to the following conditions:

1. The property owner(s) shall obtain a Floodplain Use Permit for any development on the subject property.
2. No building permits shall be issued for any structure utilizing an on-site disposal system prior to the issuance of a certificate of approval. A Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.
3. The existing residence and the proposed residence shall be served by separate water meters.”

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the waiver with conditions.

25. STREET NAME CHANGE

Present

Unnamed easement/road
Co14-09-004
(District 3)

Proposed

Spica Drive

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the street name change.

26. BOARD OF SUPERVISORS

Renaming of the Hidden Canyon Trail in Tucson Mountain Park to the Lorraine Lee Hidden Canyon Trail. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the renaming of the trail.

27. COUNTY ADMINISTRATOR: PROPOSED REVISIONS TO BOARD OF SUPERVISORS’ POLICIES

Staff requests approval of the following amendments:

1. Policy No. D 21.1, Equal Employment Opportunity and Affirmative Action Policy;
2. Policy No. D 21.2, Prevention of Sexual Harassment;

3. Policy No. D 21.3, Prevention of Workplace Harassment;
4. Policy No. D 21.4, Native American Employment Policy; and
5. Policy No. D 23.11, Preventing Workplace Violence.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the amendments.

28. COUNTY ADMINISTRATOR: NOTICE OF ACTION REQUIRING BOND ORDINANCE AMENDMENT

- A. Pursuant to Pima County Code Section 3.06.07(C), Board direction on Executive Session Item No. A may cause the need for a Bond Ordinance Amendment during the next amendment cycle to reallocate funding remaining from the Tumamoc Hill acquisition (1997 Bond Project SD-10) and funds remaining from the Los Morteros acquisition (1997 Bond Project SD-4) to the Tucson Mountain Park acquisition project that includes Dos Picos (1997 Bond Project SD-1).
- B. This notice is to be provided in conjunction with the Executive Session item for legal advice and direction regarding Dos Picos et. al. v. Pima County, Pinal County Superior Court Case No. CV2005-0047.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the notice.

29. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

The Pima County Neighborhood Reinvestment Oversight Committee recommends denial of the additional request as follows:

<u>Neighborhood</u>	<u>Project</u>	<u>Estimated Budget</u>
North Dodge	Neighborhood Sidewalks	\$136,665.50

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the project.

30. CONTRACTS:

A. Community Services Employment and Training

RESOLUTION NO. 2009-72, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to enhance education and workforce services, Arizona Department of Economic Security Grant Fund, contract amount \$5,648,277.00 revenue (01-69-A-141894-0209)

B. Procurement

Arizona Department of Transportation, to provide for the implementation of the Disadvantaged Business Enterprise Race Neutral Program, no cost (11-26-A-141899-0409)

C. Real Property

RESOLUTION NO. 2009-73, of the Board of Supervisors of Pima County, Arizona, approving and authorizing the execution of the following with SCCREI Ranch, L.L.C.; BCCREI, L.L.C.; RCCREI, L.L.C.; CFCREI Ranch, L.L.C.; SMCMCC HOLDINGS, L.L.C.; BDMCMCC Holdings, L.L.C.; RKMCC Holdings, L.L.C.; CCFMCC Holdings, L.L.C.; KEMF-MCC, L.L.C.; and Marley Cattle Company, L.L.P., (22-64-S-141898-0409):

- 1 Purchase and Option Agreement, 2004 Bond Fund, contract amount \$20,020,000.00 including closing costs.
2. Phase II Option Agreement, no cost.
3. Phase III Option Agreement, no cost.
4. Ranch Management Agreement, no cost.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution Nos. 2009-72 and 73.

31. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Metropolitan Education Commission

Reappointment of Laura Shaw, Business/TREO. Term expiration: 3/21/12. (Commission recommendation)

B. Pima County/Tucson Commission on Addiction, Prevention and Treatment

Appointment of Tanya Valladares to fill the vacancy created by Joseph Bass. Term expiration: 11/30/10. (Commission recommendation)

C. Pima County/Tucson Women's Commission

Appointment of Desiree Gonzales to fill the vacancy created by Isabella Soto. Term expiration: 10/22/10. (Commission recommendation)

D. Small Business Commission

Appointment of Joy Soler to replace Edmund Marquez. Term expiration: 4/30/13. (District 5)

E. Workforce Investment Board

Appointments of Tere LeBarron, Business, to fill the unexpired term of Alicia Moises; Jason Ott, Business, to fill the unexpired term of Roy Sasiadek; and Dr. Nicholas Clement, Other, to fill the unexpired term of Manuel Isquierdo. Term expirations: 9/30/09. (Staff recommendations)

On consideration, it was moved by Chairman Elias, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointments/reappointments.

32. COUNTY ADMINISTRATOR: BOND ORDINANCE AMENDMENTS

A. ORDINANCE NO. 2009-39, of the Board of Supervisors of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects, amending Ordinance No. 1997-80 (as amended September 22, 1998 by Ordinance No. 1998-59 and August 20, 2001 by Ordinance No. 2001-112 and December 14, 2004 by Ordinance No. 2004-118 and October 11, 2005 by Ordinance No. 2005-90 and April 4, 2006 by Ordinance No. 2006-20 and October 17, 2006 by Ordinance No. 2006-83 and November 6, 2007 by Ordinance No. 2007-93) Bond Implementation Plan, November 4, 1997 Special Election, to amend project scopes and implementation period schedules for selected projects; amending bond sales schedules.

B. ORDINANCE NO. 2009-40, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects, amending Ordinance No. 2004-18 Bond Implementation Plan, May 18, 2004 Special Election (as amended October 11, 2005 by Ordinance No. 2005-92 and April 4, 2006 by Ordinance No. 2006-21 and October 17, 2006 by Ordinance No. 2006-84 and April 10, 2007 by Ordinance No. 2007-33 and November 6, 2007 by Ordinance No. 2007-95 and April 1, 2008 by Ordinance No. 2008-25 and November 18, 2008 by Ordinance No. 2008-106) for the purpose of amending the scope of certain projects, amending implementation periods for certain bond projects, and authorizing the use of additional other funds to finance certain projects.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to close the public hearings and adopt Ordinance Nos. 2009-39 and 40.

33. **PROCLAMATIONS**

A. Proclaiming April 26, 2009, to be:

“CARONDELET NEUROLOGICAL INSTITUTE DAY”

B. Proclaiming the week of May 1 to May 7, 2009, to be:

“YOUTH WEEK IN PIMA COUNTY”

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the proclamations.

34. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Joe Sweeney addressed the board regarding illegal immigrants and their usage of County facilities.

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.