

MINUTES, FLOOD CONTROL DISTRICT BOARD

MAY 19, 2009

The Pima County Flood Control District Board met in its regular session in 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, May 19, 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. **TENTATIVE BUDGET**

Review and adoption of Flood Control District Tentative Budget for Fiscal Year 2009/2010.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, to keep the budget hearing open and continue the proposed budget adoption to a time when Pima County learns what impacts the State budget would have on the County budget.

A roll call vote was requested and upon the vote being taken, the motion carried unanimously by a 5-0 vote.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

MINUTES, IMPROVEMENT DISTRICT BOARD

MAY 19, 2009

The Pima County Improvement District Board 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, May 19, 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. **TENTATIVE BUDGETS FOR FISCAL YEAR 2009/2010**

Review and adoption of the following County Improvement District Tentative Budgets for Fiscal Year 2009/2010:

<u>IMPROVEMENT DISTRICT</u>	<u>FY 2009/2010</u> <u>LEVY INCOME</u>
OTHER IMPROVEMENT DISTRICT	
HAYHOOK RANCH	\$ 57,817.00
STREET LIGHTING IMPROVEMENT DISTRICTS	
DESERT STEPPES	\$ 2,982.00
HERMOSA HILLS ESTATES	\$ 2,559.00
LONGVIEW ESTATES NO. 1	\$ 5,287.00
LONGVIEW ESTATES NO. 2	\$ 6,185.00
ROLLING HILLS	\$ 10,090.00
MAÑANA GRANDE B	\$ 4,332.00
MAÑANA GRANDE C	\$ 7,113.00
CARRIAGE HILLS NO. 1	\$ 5,118.00
LAKESIDE NO. 1	\$ 4,060.00
CARRIAGE HILLS NO. 3	\$ 1,961.00
CARDINAL ESTATES	\$ 7,850.00
ORANGE GROVE VALLEY	\$ 4,380.00
PEPPERTREE	\$ 5,439.00
LITTLETOWN	\$ 16,255.00
MIDVALE PARK	\$ 7,291.00
PEACH VALLEY	\$ 2,554.00
OAKTREE NO. 1	\$ 13,103.00
OAKTREE NO. 2	\$ 10,286.00
OAKTREE NO. 3	\$ 13,749.00
SALIDA DEL SOL	\$ 8,384.00
MORTIMORE ADDITION	\$ 20,627.00

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, to keep the budget hearing open and continue the proposed budget adoption to a time when Pima County learns what impacts the State budget would have on the County budget.

A roll call vote was requested and upon the vote being taken, the motion carried unanimously by a 5-0 vote.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

MINUTES, LIBRARY DISTRICT BOARD

MAY 19, 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, May 19, 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. **TENTATIVE BUDGET FOR FISCAL YEAR 2009/2010**

Review and adoption of Library District Tentative Budget for Fiscal Year 2009/2010.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, to keep the budget hearing open and continue the proposed budget adoption to a time when Pima County learns what impacts the State budget would have on the County budget.

A roll call vote was requested and upon the vote being taken, the motion carried unanimously by a 5-0 vote.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

MINUTES, STADIUM DISTRICT BOARD

MAY 19, 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, May 19, 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. **TENTATIVE BUDGET FOR FISCAL YEAR 2009/2010**

Review and adoption of Stadium District Tentative Budget for Fiscal Year 2009/2010.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, to keep the budget hearing open and continue the proposed budget adoption to a time when Pima County learns what impacts the State budget would have on the County budget.

A roll call vote was requested and upon the vote being taken, the motion carried unanimously by a 5-0 vote.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

MAY 19, 2009

The Pima County Zoning Enforcement Board of Appeals 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, May 19, 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. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P04ZV00151, 1 and 2, Debra Morrow. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only, the Board of Supervisors' took no action.

2. **APPEAL OF HEARING OFFICER'S DECISION**

P04ZV00151-1 and 2, Debra Morrow

In accordance with the Pima County Zoning Code Section 18.95.30.D, Debra Morrow appeals the decision of the Hearing Officer in Case Nos. P04ZV00151-1 and 2, regarding violations of Sections 18.19.010 and 18.18.020, business without a permit and Section 18.01.030.E, structures without permits, on property located at 2150 N. Rosser Road, Ajo, AZ. (District 3)

Chris Poirier, Administrative Project Manager, stated the appellant was in compliance with the Pima County Zoning Code and staff recommended dismissal of the violations.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the hearing and accept staff's recommendation to dismiss the appeal, violations and fines.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MAY 19, 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, May 19, 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. **PERSONAL POINT OF PRIVILEGE**

Chairman Elías requested a moment of silence in honor of those individuals who were reinterred at the military cemetery in Sierra Vista, Arizona, and the recent Tucson Police Department Officer who died in a motorcycle accident.

2. **INVOCATION**

The invocation was given by Pastor John Miller of Northwest Bible Church.

3. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

4. **PERSONAL POINT OF PRIVILEGE**

Chairman Elías congratulated Andres Cano, a Gates Millennium scholar who interned in his office.

5. **PAUSE 4 PAWS**

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

6. **PRESENTATION/PROCLAMATION**

Proclaiming May 22, 2009, to be:

“THE TENTH ANNIVERSARY OF JOBPATH’S SUCCESS”

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

Andrea Robson, Chair of the JobPath Board of Directors, and Hermi Cubillos accepted the proclamation on behalf of JobPath participants and staff. They expressed their gratitude to Pima County for their support.

... **EXECUTIVE SESSIONS**

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

7. **RECONVENE**

The meeting reconvened at 9:30 a.m. All members were present.

8. **CALL TO THE PUBLIC (for Executive session items only)**

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

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding T-Mobile v. Pima County, District Court Case No. 04:08-CV-00292-RCC in conjunction with Development Services Conditional Use Permit P21-07-027.

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only, the Board took no action.

10. **BOARD OF SUPERVISORS**

Review and adoption of Tentative County Budget for Fiscal Year 2009/2010.

Supervisor Bronson commented that Pima County does not have a budget from the State Legislature, and the County was in a tenuous position in terms of even adopting a tentative budget. She asked what options does the Board have in adopting a budget since more costs could be shifted to the County.

Chris Straub, Chief Civil Deputy County Attorney, stated he researched the issue and found no definitive law but, any action taken by the Board would be published and once that was done, it was the Auditor General's position that the Board had then effectively set the upper limits on a tentative budget. The latest date, per State Statute, for adoption of a tentative budget would be July 20, 2009, with final budget adoption and a Truth in Taxation hearing, if necessary, to occur by August 3, 2009, because the Tax Levy was scheduled for adoption on August 17, 2009.

The following speakers addressed the Board:

1. Jesus Duran, Pima County employee;
2. Dave Mitchell, social worker in the Public Defender's Office and President of SEIU, Arizona Pima Chapter;
3. Rosalinda Gallardo;
4. Nauline Vitorieux; and,
5. Terry Sawma, Vice President of Instruction for Adult Education at Pima Community College.

They provided the following comments:

- A. Concerns were expressed regarding the higher cost of healthcare with more out-of-pocket expense that could cripple some families;
- B. SEIU expressed their gratitude regarding the effort to prevent layoffs but concerns were expressed that they did not want to make a choice between layoffs and unaffordable health insurance;
- C. SEIU was working to create comprehensive healthcare reform through legislation;
- D. In these difficult economic times if the County was looking at numbers first and employees second, there may be a point where critical services to County residents may face curtailment;
- E. Gratitude was expressed for Pima County's support of the Adult Education Program by former and current students whose lives were changed for the better because of this program; and,
- F. Pima County was asked to continue full funding for Adult Education due to ever increasing costs, needs and demands for this program.

Chuck Huckelberry, County Administrator, provided a report on the proposed budget. The budget process began in October 2008, when all departments were asked to cut 2.5% of their operating expenses and expenses. There are 103 memorandums related to the budget on the Pima County webpage and an interactive webpage was created to allow comments. This budget is constrained by revenues, primarily those related to State shared revenues and cost shifts from the State as they work to balance the budget for fiscal year 2008/2009, but they have reopened and balanced that budget several times as they come to grips with continued shortfalls. The budget presented to the Board recognized the fiscal constraints faced by the County and, the budget as presented, has no major program cuts, reductions in public service, major layoffs, reduction in work hours or furloughs, and for the second year in a row, there would be no employee compensation package. The budget hearings afford elected officials and various department heads to provide their input regarding whether the recommended appropriations are sufficient to continue the operation of their office or agency. He expressed his gratitude to the elected officials for their understanding the need for the reductions they have made. The proposed budget has the anticipated reductions in State shared revenues and cost shifts. Cost have been shifted to Pima County several times and an unknown factor was how much more in costs would be shifted to the County. The Senate has yet to act on a budget but, when you add up the reduction in revenue and cost shifts thus far, the impact could be 48 million dollars. The total impacts are an unknown factor and, if the Board were to

adopt the proposed budget without knowing what the State Legislature was going to do, he was uncertain whether the Board could reopen the adopted budget to absorb additional budget cuts or additional cost shifts.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, to keep the budget hearing open and continue the proposed budget adoption to a time when Pima County learns what impacts the State budget would have on the County budget. No vote was taken at this time.

Supervisor Bronson asked what was the impact to cities and towns over the last couple of years in terms of State Legislature cost shifts.

Mr. Huckelberry responded the State Legislature reduced a number of State shared revenues to cities and towns, and the League of Cities and Towns filed suit against the legislature. They ultimately prevailed so those cost shifts did not take place.

A roll call vote was requested and upon the vote being taken, the motion carried unanimously by a 5-0 vote.

11. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar.

PULLED FOR DISCUSSION:

1. **CONTRACT AND AWARD**

A. **Community Development and Neighborhood Conservation**

6. Arizona Masonic Foundation for Children, to provide training and support to educators and staff to identify at-risk youth, Pascua Yaqui Tribe Fund, contract amount \$12,677.07 (02-70-A-141944-0509)

Joe Sweeney addressed the Board regarding undocumented immigrants and he was advised that his comments were not germane to the item he requested to address.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Consent Calendar be approved.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

1. RESOLUTION NO. 2009-89, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Menlo Park Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$498,975.00 (01-70-T-141950-0509)
2. Chicanos Por La Causa, Inc., Amendment No. 3, to provide off-site improvements and infrastructure in the public right-of-way for the Copper Vista II Project, extend contract term to 6/30/10 and amend contractual language, 1997 Bond Fund, no cost (11-70-C-137480-1005)
3. Chicanos Por La Causa, Inc., Amendment No. 2, to provide for off-site improvements and infrastructure in the public right-of-way for the Iowa Project, extend contract term to 6/30/10 and amend contractual language, 2004 Bond Fund, no cost (03-70-C-139275-0207)
4. Chicanos Por La Causa, Inc., Amendment No. 1, to provide for infrastructure improvements in the public right-of-way for the Westmoreland Project, extend contract term to 5/19/10 and amend contractual language, 2004 Bond Fund, no cost (03-70-C-140847-0508)
5. American Red Cross Southern Arizona Chapter, to provide safety training and emergency equipment, Pascua Yaqui Tribe Fund, contract amount \$100,000.00 (02-70-A-141943-0509)
6. Arizona Masonic Foundation for Children (PULLED FOR DISCUSSION)

B. Community Services, Employment and Training

7. SER - Jobs for Progress of Southern AZ, Inc., to provide workforce development services to youth and adults, WIA Grant Fund, \$64,882.00; General Fund, \$3,400.00; contract amount \$68,282.00 (07-69-S-141934-0509)
8. Tucson Urban League, Inc., to provide workforce development services to youth and adults, WIA Grant Fund, \$65,510.00; General Fund, \$3,400.00; contract amount \$68,910.00 (07-69-T-141935-0509)
9. Tucson Youth Development, to provide workforce development services to youth and adults, WIA Grant Fund, \$129,764.00; General Fund, \$6,800.00; contract amount \$136,564.00 (07-69-T-141936-0509)

C. County Attorney

10. Howard Baldwin, Esq., Amendment No. 2, to provide legal representation relating to the Boards of Adjustment and amend contractual language, General Fund, contract amount \$25,000.00 (17-02-B-139388-0207)

D. Environmental Quality

11. Arizona Department of Environmental Quality, Amendment No. 1, to provide for the Voluntary Vehicle Repair and Retrofit Program, contract amount \$16,000.00 decrease (02-51-A-135268-1104)

E. Health Department

12. SharMoore Children's Productions, to provide for after school health and education activities for youth under the Stories that Soar Program, Health Fund (1% for Youth), contract amount \$4,800.00 (02-01-S-141929-0509)

F. Natural Resources, Parks and Recreation

13. American Bicycle Association Foundation, Amendment No. 1, to provide a lease-management agreement for the BMX Track at Winston Reynolds-Manzanita Park and extend contract term to 6/30/14, contract amount \$1,000.00 revenue (04-05-A-134995-0904)

G. Pima Health System

14. McLain Enterprises, Inc., d.b.a. Comfort Keepers, Amendment No. 9, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$300,000.00 (11-15-M-134842-0804)
15. Park Waverly Healthcare, L.L.C., d.b.a. Park Avenue Health and Rehabilitation, Amendment No. 5, to provide long term care and skilled nursing services and reflect name change, PHCS Enterprise Fund, no cost (18-15-P-137077-1005)
16. LifeCare Solutions, Inc., Amendment No. 1, to provide durable medical equipment/supplies and amend contractual language, PHCS Enterprise Fund, contract amount \$200,000.00 (07-15-L-140580-0108)
17. Dependable Medical Equipment, Inc., Amendment No. 2, to provide durable medical equipment/supplies and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (07-15-D-140581-0108)

18. Pima Council on Aging, Inc., Amendment No. 1, to provide home and community based services, extend contract term to 6/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (07-15-P-141041-0708)
19. Reliable Nurses, L.L.C., Amendment No. 1, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$200,000.00 (07-15-R-141111-0708)

H. Procurement

Award

20. Amendment of Award: Oracle USA, Blanket Contract No. B504228, Revision 2, to provide software maintenance for SPL Synergen Series products, extend contract term to 6/30/10 and increase award in the amount of \$107,120.00. Funding Source: Various Departments. Administering Department: Information Technology.

I. Regional Wastewater Reclamation

21. RESOLUTION NO. 2009- 90 , approving an Intergovernmental Agreement with the Town of Marana, to exchange water use information to calculate billings to sewer users, RWRD Enterprise Fund, contract amount \$45,000.00 (01-03-M-141932-0509)

J. Transportation

22. RESOLUTION NO. 2009- 91 , approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide planning, design and construction of improvements to Sunset Rd: Silverbell to I-10 to River Road, RTA Fund, contract amount \$350,000.00 revenue (01-04-R-141937-0509)
23. Regional Transportation Authority, Amendment No. 1, to provide design and construction to Tanque Verde Road: Catalina Highway to Houghton Road, RTA Fund, contract amount \$11,099,000.00 revenue (01-04-R-139737-0707)
24. Regional Transportation Authority, Amendment No. 1, to provide design and construction to La Cholla Blvd: Ruthrauff Road to River Road, RTA Fund, contract amount. \$11,963,376.00 revenue (01-04-R-139778-0906)
25. Regional Transportation Authority, Amendment No. 1, to provide for wireless communications systems at 98 existing signalized intersections, RTA Fund, contract amount \$30,000.00 revenue (01-04-R-140464-1207)

- 26. Regional Transportation Authority, Amendment No. 2, to provide miscellaneous intersection safety and capacity improvement and amend contractual language, RTA Fund, no cost (01-04-R-140922-0608)
- 27. Qwest, to provide replacement of conduit and manholes for the La Canada Drive Project, RTA Fund, contract amount \$401,153.33 (07-04-Q-141945-0509)

2. DIVISION OF ELECTIONS

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
DeConcini, Suzanne S.	155	DEM
Musgrove, Ellar B.	155	DEM
Hay, Marcia C.	219	REP
Henderson, Jill	219	REP
Walker, Candice M.	219	REP

3. REAL PROPERTY

RESOLUTION NO. 2009- 92 , of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Sunrise Drive: Craycroft to Kolb Road Project in Sections 11, 12, 13 and 14 of T13S, R14E and Sections 7 and 18 of T13S, R15E, G&SRM. (District 1)

REGULAR AGENDA/ADDENDUM ITEMS

12. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION DEPARTMENT: ANNUAL ACTION PLAN FUNDING RECOMMENDATIONS

RESOLUTION NO. 2009- 93 , of the Board of Supervisors, of Pima County, Arizona, approving submission to the U.S. Department of Housing and Urban Development of the Annual Action Plan for FY 2009/2010, identifying funding for the following purposes and to the following agencies:

Community Development Block Grant Program:	\$2,639,548.00
Home Program:	\$ 810,819.00
Emergencies Shelter Grant Program:	\$ 114,004.00

CDBG Funds

<u>Agency</u>	<u>Requested</u>	<u>Recommended</u>	<u>District</u>
Ajo-Health Clinic Pharmacy Addition	\$62,000		3
Ajo-WPCCC Operating Funds	\$5,000		3
Ajo-Ambulance CPR/EMT Training	\$3,000	\$ 3,000	3

Ajo-Life Enrichment Poverty Intervention	\$183,386			3
Ajo-Roping Arena Restoration	\$85,222			3
Ajo-Fire Department Equipment	\$14,804	\$	12,000	3
Ajo-Food Bank New Site Study	\$28,000			3
Ajo-Curley School Manual Arts Bldg Renovation	\$137,000	\$	137,000	3
Amado-Food Bank/Community Center Improvements	\$300,000			3
Arivaca-Water Coop Improvements	\$44,000	\$	44,000	3
Catalina-CCS Senior Meals	\$20,000	\$	20,000	1
Catalina-CCS Refrigerator/Freezer	\$20,000	\$	20,000	1
Catalina-Fire Hydrants	\$60,000	\$	30,000	1
Continental-Clinic Furnishings and Equipment	\$128,500			4
Flowing Wells-Community Center Sound System	\$18,924			3
Flowing Wells-FWNACC Operating Funds	\$5,000	\$	5,000	3
Flowing Wells-FWNACC Revitalization Coordinator	\$10,000	\$	10,000	3
Picture Rocks-Avra Water Security System	\$18,290			3
Picture Rocks-Avra Water Water Meters	\$40,800	\$	30,000	3
Picture Rocks-PRFD Community Message Board	\$38,400	\$	38,000	3
Rillito-Water System Improvements	\$248,196	\$	75,000	3
Robles Junction-3-Pts F.D. Fire Protection Equipment	\$52,000	\$	30,000	3
Robles Junction-Youth Program Computer Equipment	\$6,425	\$	7,000	3
Robles Junction-Park Shade Structure	\$24,000	\$	24,000	3
Robles Junction-Soccer Field Fencing	\$41,085			3
Valencia West-DHFD Family Safety Program	\$22,000	\$	15,000	3
Valencia West-DHFD Fire Hydrants	\$36,000	\$	30,000	3
Why-Fire Protection Equipment	\$20,000	\$	10,000	3
Town of Marana – Administration	\$40,000	\$	30,000	1 & 3
Town of Marana – Housing Rehabilitation	\$100,000	\$	100,000	1 & 3
City of South Tucson – Administration	\$70,000	\$	70,000	2
City of South Tucson – Community Clean-Up	\$10,000	\$	10,000	2
City of South Tucson – Community Policing and Crime Prevention	\$96,000	\$	75,000	2
City of South Tucson - Demolition	\$60,000			2
City of South Tucson - Fire Safety Equipment	\$55,000	\$	55,000	2
City of South Tucson - Graffiti Abatement	\$12,000			2
City of South Tucson - Home Repair	\$100,000	\$	70,000	2
City of South Tucson –Youth & Family Assistance	\$ 133,725	\$	115,000	2
Pima County CDNC - Administration	\$ 400,000	\$	400,000	
Pima County CDNC – Home Repair	\$ 600,000	\$	600,000	All
Pima County CDNC – Septic Program	\$ 75,000	\$	75,000	All
Pima County CDNC - Contingency	\$ 100,000	\$	100,548	
Acorn	\$ 10,000			3
Administration of Resources and Choices	\$ 38,314	\$	15,000	All
American Red Cross	\$ 51,307			All

Arizona Children's Association	\$ 50,000	\$ 50,000	All
Caridad-de Porres, Inc.	\$ 10,000		All
CPLC – Housing Counseling	\$ 40,000	\$ 20,000	All
CPLC – Corazón De Aztlan	\$ 25,000	\$ 15,000	All
Child Language Center, Inc.	\$ 25,000		All
CHRNA	\$ 105,000	\$ 90,000	All
DIRECT	\$ 53,000	\$ 50,000	All
EMERGE!	\$ 28,900	\$ 29,000	All
Empowering Local Communities, Inc.	\$ 25,000	\$ 10,000	All
Family Housing Resources	\$ 60,000		All
Hands of a Friend	\$ 45,372		4
Jewish Family and Children's Services – Facility Renovations	\$ 48,008		All
Jewish Family and Children's Services - Seniors Financial Literacy	\$ 39,898		All
LUZ Social	\$ 7,500		All
Pima Council on Aging	\$ 22,466		All
Pima Prevention Partnership – Community Health Ctr. Improvements	\$ 57,750		All
Pima Prevention Partnership – Teen Court	\$ 25,000	\$ 10,000	All
PPEP	\$ 30,343		2, 3 & 5
Primavera	\$ 35,000		All
RISE	\$ 25,000	\$ 10,000	All
So. Arizona Legal Aid, Inc.	\$ 23,291	\$ 20,000	All
Southwest Fair Housing Council	\$ 25,000	\$ 25,000	All
Tucson Urban League – Emergency Home Repair	\$ 45,000	\$ 45,000	All
Tucson Urban League - Microenterprise Program	\$ 45,003		All
University of Arizona	\$ 10,000	\$ 10,000	All
TOTAL	\$4,529,909	\$ 2,639,548	

HOME Program Funds

<u>Purpose</u>	<u>Recommended</u>
Administration	\$ 81,797
Affordable Housing projects	\$ 729,022
TOTAL	\$ 810,819

Emergency Shelter Grant

<u>Agency</u>	<u>Recommended</u>
Caridad de Porras	\$ 5,000
New Beginnings for Women & Children	\$ 6,500
Open Inn, Inc	\$ 4,000
Our Family Services	\$ 6,500
Primavera Foundation, Inc – Casa Paloma	\$ 15,000
Primavera Foundation, Inc –Greyhound Family Emergency Shelter	\$ 12,000

Tucson Centers for Women and Children dba: Emerge! Center	\$ 20,000
Jackson Employment Center	\$ 14,004
Pima Co Community Action Agency	<u>\$ 31,000</u>
TOTAL	\$ 114,004

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009- 93.

13. **PROCUREMENT**

A. **APPEAL OF PROCUREMENT DIRECTOR’S DECISION**

Pursuant to Pima County Code, Section 11.20.010(J), Bestway Electric Motor Service Co., Inc., appeals the decision of the Procurement Director regarding IFB No. 0901647, Rewind/Repair of Electric Pump Motors.

B. **AWARD**

Low Bid: Award of Contract, Requisition No. 0901647, in the amount of \$120,608.30 for repair/rewind of electric motors to Phoenix Pumps, Inc. (Headquarters: Phoenix, AZ). The contract is for a one-year term and includes four one-year renewal periods. Funding Source: General Fund. Administering Departments: Facilities Management and Regional Wastewater Reclamation Department.

George Widugiris, Procurement Director, stated Bestway did not submit the required documentation with their bid submission per established guidelines making it necessary to find their bid non-responsive. After the bid opening, Bestway requested that staff reconsider the rejection of their bid and find their bid responsive since the omission of the required materials was simply a mistake on their part. The requirements of the bid solicitation does not provide the Procurement Department the authority to do that. The appeal was substantially expanded to address the issue of inadequacies of the bid, but staff strictly enforced the requirements of all solicitations to maintain the integrity of Pima County’s bid process. They felt to do otherwise would compromise the process and would be unfair to other respondents who did comply with all the bid requirements.

Pamela Kothe, representative for Bestway Electric Motor Service Co., Inc., stated the bid solicitation was opened to companies that were not specifically in the motor repair/rewind business. An objection to this action was raised at the bid opening meeting but the objection was denied. Phoenix Pumps is a pump distributing company that has next to no equipment for the repair/rewind service so they would have to utilize subcontractors at additional costs. She said a mistake was made in not submitting the required documentation bid, but the same qualification documents were submitted when the first bid process occurred. She felt to allow an unqualified contractor to bid and awarded the RFP, was discrimination and an unfair practice to qualified companies.

Brandon Vise, representative for Phoenix Pumps, Inc., stated they felt the RFP was clear, they met the qualifications and it was unfair to have a company constantly protest the bid award when that company did not take the time to properly qualify themselves.

Chairman Elías inquired whether Phoenix Pumps was qualified to conduct the repair/rewind work and would there be additional costs for the use of subcontractors?

Mr. Widugiris responded Phoenix Pumps met the qualifications so they are able to perform the repair/rewind services. This was a flat rate solicitation so all costs are inclusive in the price of the bid including the use of subcontractors.

Supervisor Valadez stated when this solicitation was previously continued, direction was provided regarding how to bid this RFP, and he felt that direction was not for an hourly rate. Additionally, the Board requested a breakdown of the work performed and how it was done. He asked why was there no backup material provided to the Board regarding the solicitation.

Mr. Widugiris stated staff met with the City of Tucson to understand how they conducted their solicitation for the same kind of work, then staff went ahead with a flat rate bid of the various motor sizes for repair/rewind costs to make the costs more quantifiable. Regarding the absence of the RFP for the background material, he said he would provide that information to the Board.

Chuck Huckelberry, County Administrator, stated an error was made by Bestway in their failure to submit qualification documentation, but it was not the Procurement Department's place to make a judgment as to whether or not Bestway could be excused from that error. The purpose of the appeal process was for the Board to judge the merits of the process and determine whether that would disqualify them as the low bidder or not.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and carried by a 3-2 vote, Supervisors Bronson and Carroll voting "Nay," to deny the appeal.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day to approve the award of contract, Requisition No. 0901647, to Phoenix Pumps, Inc. No vote was taken at this time.

Supervisor Bronson stated Bestway was the low bidder and staff had the information they submitted on hand that illustrated Bestway's qualifications that were submitted at the first request for an RFP. She felt Bestway made an egregious error but that error should not force the Board to accept the high bid. Supervisor Carroll concurred.

Supervisor Day expressed her support of the Procurement Director and said the Board should uphold the integrity of the bid process and uphold the Procurement Director's decision.

Chairman Elías withdrew his motion at this time.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to reconsider the denial of the appeal.

It was thereupon moved by Chairman Elías, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Day voting "Nay," to approve the appeal of Bestway and to rebid the RFP.

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

RESOLUTION NO. 2009- 94, of the Pima County Board of Supervisors, approving the George Mehl Family Foothills Park Master Plan. (District 1)

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- 94.

15. **TRANSPORTATION: ACCEPTANCE OF PROJECTS/ROADWAYS FOR MAINTENANCE**

The Board of Supervisors' on May 5, 2009, continued the following:

P1203-048, Public Offsite Improvements to serve Tierra Linda Nueva, Lots 1-190, Emigh Road, Station 22+00 to Station 52+21.50 and Via Socorro, Station 20+47.45 to Station 30+00.00. Developer: Robert P. Zammit. (District 3)

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:

Nancy Freeman

She provided the following comments:

- A. Concerns were expressed regarding the lack of sheet flood control in some areas;
- B. A drainage report of the area was requested but none was received; and,
- C. Support was expressed for the County accepting this roadway for maintenance.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the acceptance of projects/roadways for maintenance.

16. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

09-04-8974, Tommy Dale Hinsen, Cow Palace Restaurant, 28802 S. Nogales Hwy., Amado, Series 6, Bar License, New License.

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 hearing, approve the request and forward the recommendation to the State Liquor Control Board.

17. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Scott A. Busse, Territorial, 3727 S. Palo Verde Rd., Tucson, Temporary Extension of Premises for June 6, June 20, July 25, August 29, September 26 and October 31, 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 hearing and approve the request.

18. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-01-20, KOIRIF – VALENCIA ROAD REZONING

Request of Isaac & Maria Koirif, for a three-year time extension of a rezoning from GR-1 (Rural Residential) of approximately 0.59 acres to CB-2 (General Business) located on the south side of Valencia Road, approximately 1/4 mile east of Camino de Oeste. The subject site was rezoned in 2001 and expired in 2008. Staff recommends APPROVAL OF A THREE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

"STAFF RECOMMENDATION

Staff recommends APPROVAL of a three-year time extension for approximately 0.59 acres to CB-2 (General Business) with additional and modified standard and special conditions.

IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements by **October 16, 2011**:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing of residential lots without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s)/developer(s) shall dedicate to Pima County 25 feet right-of-way for Valencia Road adjacent to the property.
 - B. Only one access point (driveway) shall be allowed ~~onto Valencia Road and it shall be paved within the right-of-way of Valencia Road.~~

- C. The property owner(s)/developer(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
 - D. The property owner(s)/developer(s) shall provide offsite improvements determined necessary by the Department of Transportation.
 - E. Shared access with the properties to the west and east shall be provided and shall be located in the front portion of the site.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 9. Department of Environmental Quality conditions:

~~Subsurface sewage disposal shall not exceed 1200 gallons per acre per day~~

 - A. The owner(s)/developer(s) shall demonstrate that the lot, as proposed, can accommodate the proposed development, along with an on-site wastewater disposal system, while meeting all required setbacks and design standards. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. The owner(s)/developer(s) shall demonstrate that the existing on-site disposal system is adequately sized, in good repair and functioning properly. This demonstration shall be made prior to approval of the Development Plan.
 10. Wastewater condition:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
 11. Adherence to the sketch plan as approved at public hearing, with the exception that the caretaker unit may be omitted. Billboards or general advertising signs are prohibited.
 12. Building heights are limited to one-story and 24 feet.
 13. In the event the subject property is annexed, the property owner(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.
 14. The property owner(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give the Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Maria Koirif, applicant, concurred with all the conditions but had concerns related to Condition No. 7E which was a new condition regarding shared access. The County expanded Valencia Road and each of the properties to the west had their own entrances so she asked why she had to share her access.

Chris Poirier, Administrative Project Manager, stated shared access was a standard condition whenever strip commercial development occurred to promote greater interconnectivity to reduce trips on and off major streets. The idea was promote cross access to allow customers to reach other parking lots in the same development.

Ms. Koirif responded there were two mobile taco stands that make access into the parking lots harder because they block the entrance.

Mr. Poirier stated a site investigation would be conducted, but ultimately the system would work much better once the infrastructure was placed.

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 Co9-01-20 for a two-year time extension with additional and modified standard and special conditions.

19. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-02-36, JOHNSON – SANTA RITA ROAD REZONING

Request of Neil Johnson, represented by David Blair, for a five-year time extension for a rezoning of approximately 2.50 acres from GR-1 (Rural Residential) to approximately 2.0 acres of CI-2 (General Industrial) and approximately 0.50 acres to CB-2 (General Business) on property located on the east side of Santa Rita Road, approximately 650 feet south of Sahuarita Road. The subject property was rezoned in March 2004 and expired in March 2009. Staff recommends APPROVAL OF A 2-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

“STAFF RECOMMENDATION

Staff recommends APPROVAL WITH CONDITIONS of a 2-year time extension (the applicant is requesting a five-year time extension). While some progress has been made in cleaning up the site, staff believes that given the history of the property and the many years staff has been working with the property owner, the shorter time extension is warranted. If the time extension is granted and the applicant does not finalize the rezoning within that time period, the violation case will be reopened. The rezoning expired March 16, 2009.

IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential lots without the written approval of the Board of Supervisors.
7. Transportation condition:
Written certification from the Town of Sahuarita stating satisfactory compliance with all its requirements regarding the subject property shall be submitted to the Pima County Development Review Section prior to the final approval of any development plan. The location of the access point(s) and all necessary improvements on Santa Rita Road shall require approval by the Town of Sahuarita.
8. Flood Control condition:
The property owner shall submit a drainage report/study for review and approval by the Flood Control District upon the submittal of the development plan. The drainage report/study shall address water quality impacts to both groundwater and to surface water drainage.
9. Wastewater Management condition:
The property owner or the property owner's agent must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the proposed rezoning area.
10. Environmental Quality conditions:
 - A. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
 - B. Increase in wastewater flow or facility expansion shall require the submittal, review, and department approval of a new Notice of Intent to Discharge.
 - C. The applicant shall apply for coverage under the Arizona Pollutant Discharge Elimination System (AZPDES) Multi-Sector General Permit by submitting a Notice of Intent to the Arizona Department of Environmental Quality, and demonstrate to the Pima County Department of Environmental Quality that this occurred by submitting a copy of the Notice of Intent and a copy of the Storm Water Pollution Prevention Plan to the Department.

11. Adherence to the preliminary development plan as approved at public hearing. The CB-2 rezoning area is limited to a maximum of 0.5 acres restricted to automotive repair use. The CI-2 rezoning area is limited to a maximum of 2.0 acres for an impoundment storage yard, excluding storage of car and other vehicle hulks and scrap materials.
- 12. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.**
- 13. The property owner shall execute and record the following disclaimer regarding Prop 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 to 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)."**

Time limits, extensions and amendments of conditions.

1. Conditions 1 through 13 shall be completed by March 16, ~~2009~~ **2011**.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning until all conditions 1 through 13 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code."

Tom Hudson, Zoning Administrator, provided a report and said that the owner requested a five-year time extension for additional time in order to complete the final stages of Code compliance requirements resulting from zoning violations on the property in January of 2000. However, staff believed a shorter time extension was warranted and recommended a two-year time extension. Progress has been made in the clean-up of the site but given the history of the property and the number of years staff worked with the property owner to resolve zoning violations, it was felt that a shorter time extension was warranted. Major actions still needed to be in compliance included the approval of the Development Plan, a Drainage Study, a Water Quality Impact Study and staff felt two years was sufficient time to accomplish these requirements. In the event the applicant does not finalize the rezoning within the time extension period, the violation case on the property would be reopened. Staff met with the owner and his consultant and received their assurances that the necessary actions to complete the rezoning requirements would be diligently pursued and accomplished within the allotted time frame of March 2011.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve a 2-year time extension subject to additional and modified standard and special conditions.

20. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-03-31, BACKUS – OLD SPANISH TRAIL REZONING

Request of Peter G. Backus, for a five-year time extension of a rezoning from SR (Suburban Ranch) of approximately 3.10 acres to CB-1 (Local Business) for approximately 0.97 acres and SR® (Suburban Ranch Restricted) for approximately 2.07 acres located on the southwest corner of Old Spanish Trail and Camino del

Garanon. The subject site was rezoned in 2004 and expired in 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

"STAFF RECOMMENDATION

Staff recommends APPROVAL of a five-year time extension for approximately 3.10 acres to CB-1 (Local Business) for approximately 0.97 acres and SR® (Suburban Ranch) (Restricted) for approximately 2.07 acres with additional and modified standard and special conditions.

IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements by **January 20, 2014**:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the ~~Public Works Department, Real Property Services~~ Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. ~~A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements to the area roadway system. The property owner(s) shall be responsible for construction of required improvements on area roads. The property owner(s)/developer(s) shall construct offsite improvements to Camino Del Garanon and Old Spanish Trail as determined necessary by the Department of Transportation.~~
 - B. The property owner(s)/developer(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
 - C. No access shall be allowed on Old Spanish Trail.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - D. The property owner(s)/developer(s) 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 basin.
 - E. The property owner(s)/developer(s) shall contact the Flood control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
 - F. All-weather access shall be provided to the development to meet concurrency requirements.
 - G. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management condition:

The property owner(s)/developer(s) ~~must~~ shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
10. Cultural Resources and Historic Preservation condition:

Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

11. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to offices, commercial retail, and non-drive-thru restaurants. Within 30-days of the Board of Supervisor's approval of a 5-year time extension the owner(s)/developer(s) shall submit a registered survey with attached exhibit map to Development Services delineating the zoning district boundaries of CB-1 and SR(Restricted). The subject property shall remain as one parcel.
42. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~

~~43-12.~~ Environmental Planning conditions:

~~Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

- ~~Fountain grass (Pennisetum setaceum)~~
- ~~Buffelgrass (Pennisetum ciliare)~~
- ~~Johnson grass (Sorghum halapense)~~
- ~~Giant reed (Arundo donax)~~
- ~~Common crabgrass (Digitaria sanguinalis)~~
- ~~Pampas grass (Cortaderia selloana)~~
- ~~Red brome (Bromus rubens)~~
- ~~Mediterranean grass (Schismus spp.)~~
- ~~Tree of heaven (Ailanthus altissima)~~
- ~~African sumac (Rhus lancea)~~
- ~~Russian olive (Elaeagnus angustifolia)~~
- ~~Salt cedar/Tamarisk (Tamarix perandra & T. ramosissima)~~
- ~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~
- ~~Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda~~

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

B. Invasive Non-Native Plant Species Subject to Removal:

- | | |
|-------------------------------|--|
| <u>Ailanthus altissima</u> | <u>Tree of Heaven</u> |
| <u>Alhagi pseudalhagi</u> | <u>Camelthorn</u> |
| <u>Arundo donax</u> | <u>Giant reed</u> |
| <u>Brassica tournefortii</u> | <u>Sahara mustard</u> |
| <u>Bromus rubens</u> | <u>Red brome</u> |
| <u>Bromus tectorum</u> | <u>Cheatgrass</u> |
| <u>Centaurea melitensis</u> | <u>Malta starthistle</u> |
| <u>Centaurea solstitialis</u> | <u>Yellow starthistle</u> |
| <u>Cortaderia spp.</u> | <u>Pampas grass</u> |
| <u>Cynodon dactylon</u> | <u>Bermuda grass (excluding sod hybrid)</u> |
| <u>Digitaria spp.</u> | <u>Crabgrass</u> |
| <u>Elaeagnus angustifolia</u> | <u>Russian olive</u> |
| <u>Eragrostis spp.</u> | <u>Lovegrass (excluding E. intermedia, plains lovegrass)</u> |
| <u>Melinis repens</u> | <u>Natal grass</u> |
| <u>Mesembryanthemum spp.</u> | <u>Iceplant</u> |
| <u>Peganum harmala</u> | <u>African rue</u> |
| <u>Pennisetum ciliare</u> | <u>Buffelgrass</u> |
| <u>Pennisetum setaceum</u> | <u>Fountain grass</u> |
| <u>Rhus lancea</u> | <u>African sumac</u> |
| <u>Salsola spp.</u> | <u>Russian thistle</u> |
| <u>Schismus arabicus</u> | <u>Arabian grass</u> |

<u>Schismus barbatus</u>	<u>Mediterranean grass</u>
<u>Sorghum halepense</u>	<u>Johnson grass</u>
<u>Tamarix spp.</u>	<u>Tamarisk</u>

C. The 2.07 acres of SR@ (Suburban Ranch)(Restricted) shall, in perpetuity, remain as "natural open space" as defined in the zoning code. Natural open space shall be protected from intentional disturbances including, but not limited to, grading, brush clearing, pruning, and deposition of debris.

- 45-13. Structures are limited to a maximum of 24 feet and one story.
- 14. In the event the subject property is annexed, the 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.
- 15. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Tom Hudson, Zoning Administrator, provided a report and the owner cited poor market conditions as the reason for the time extension request. Staff received no comments from the public.

Supervisor Carroll inquired whether Transportation staff had seen a petition regarding the repaving of Old Spanish Trail, east of Camino Loma Alta, which he believed was passed around by the Coyote Creek Homeowners Association. He requested a continuance of this time extension because the applicant signed the petition, and the petition indicated that Camino Loma Alta was in a constant state of disrepair. He asked whether there were any plans to repave Camino Loma Alta.

Priscilla Cornelio, Transportation Director, stated there were no plans at this time, but the department would investigate whether there were potholes they have not corrected or repaired.

Supervisor Carroll suggested this item be continued to the Board of Supervisors' Meeting of June 2, 2009, in order to allow time for an assessment of the roadway conditions and to obtain an improvement plan to overlay the roadway including a firm date regarding when that plan would come to fruition.

Chairman Elías stated this was a request for a five-year time extension, and he felt the issue of the roadway conditions could be addressed in that time frame so there was no need to continue this item.

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve Co9-03-31 for a five-year time extension with additional and modified standard and special conditions.

21. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

P21-07-027, REAY – N. SANDARIO ROAD

T-Mobile, applicant, on property at 6860 N. Sandario Road, in a GR-1 zone, requests a conditional use permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030(H)2.d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the GR-1 zone. A conditional use permit for a communication tower at a different location on the same site was previously denied by the Board. This hearing is scheduled pursuant to a proposed settlement of a Federal District Court Case Number CV 08-292-TUC-RCC (04:08-CV-00292-RCC). The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

"As the Board is aware, a similar site was considered by the Board under Conditional Use Permit Case No. P21-07-027. The Planning & Zoning Commission's recommendation to the Board was that the conditional use permit should be approved, subject to the Hearing Administrator's recommended standard and special conditions, which were as follows:

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The monopole and antennae shall be painted a suitable earthtone color, such as a desert tan, as opposed to the "flat gray" proposed in the application materials.

The conditional use permit application was denied by the Board on April 8, 2008."

Tom Hudson, Zoning Administrator, stated the location of the proposed cell tower was moved from the eastern boundary farther west toward the commercial development on the corner. The Hearing Administrator reviewed the current Development Plan and had no objection to the change in location.

The following speaker addressed the Board:

Brian Johnson

He provided the following comments:

- A. A petition was submitted over a year ago containing the signatures of local property owners opposed to the placement of a 65-foot cell tower;
- B. Reasons for opposition included that the cell tower would be detrimental to property values, obtrusive to the viewshed and would destroy the residential character and scenic beauty of the neighborhood;
- C. The 11th Circuit Court in Florida recognized, in its ruling for the Village of Wellington, that aesthetics and home values could constitute substantial evidence for a local zoning authority to deny permits for cell towers under the constraints of the Telecommunications Act of 1996;
- D. The 9th Circuit Court upheld the authority of local zoning bodies to regulate the placement and design of cell towers in San Diego County as long as it did not constitute an outright prohibition or discrimination;
- E. In the Pima County Code under General Provisions, a permit would not be issued that might reasonably tend to destroy the established economic or social uses and values of adjacent properties;

- F. Residents had concerns that questions posed to T-Mobile were not adequately answered nor were they convinced the applicant fully explored alternative or co-location sites;
- G. T-Mobile currently has a temporary site with a 30-35 foot pole to address a gap coverage and the question was asked, why not use a shorter, less obtrusive pole to preserve the aesthetics of the neighborhood; and,
- H. The Board was urged to deny this request.

Declan Murphy, T-Mobile representative, stated T-Mobile has worked in this particular area for five years to address gap coverage and, if there had been a co-location opportunity available, T-Mobile would have jumped at that chance because it would have meant they had a site on air for at least three years. The Planning and Zoning Commission continued the request to allow T-Mobile time to pursue co-location opportunities. A written report was provided to the Planning and Zoning Commission that such an opportunity was not present in this area. As a real estate broker he understood property values, but he had never seen any proof that a telecommunications tower impacted adjacent property values. He felt the placement of the proposed cell tower would have a positive impact on the community by allowing more individuals in this area to have emergency phone access.

Supervisor Bronson asked why T-Mobile could not use a shorter pole since they are using a shorter pole at the temporary site.

Mr. Murphy responded the shorter pole does not provide the required gap coverage, and the shorter pole was only a temporary solution with a height restriction. The temporary shorter pole was placed in the belief T-Mobile would be able to obtain a permit to construct a permanent site.

Supervisor Bronson asked whether there was reasonable evidence from other court opinions that the Board could use to deny this request.

Lesley Lukach, Civil Deputy County Attorney, responded the General Provisions of the County Code does not have a regulation to cover the aesthetic affect of cell tower placement and, if further litigation were pursued, the County would face an argument in court that the County did not intend to regulate for affects on property values. In addition, the Pima County Code does not allow denial based on property values. A district court judge would probably determine a denial was not supported by substantial evidence but it would be a decision on a case-by-case basis. What the County has relative to this case were coverage maps provided by T-Mobile prepared by their radio frequency engineers indicating the location and size of coverage gaps. If T-Mobile was attempting to fill a significant gap in coverage in the least intrusive means per legal standard, a district court would order the County to allow them their permit. The County does not have its own radio frequency engineer to evaluate the coverage gap and that would be something that would need to occur if litigation were to proceed further.

Supervisor Bronson asked what proof does the County have that T-Mobile made an attempt to co-locate their tower.

Ms. Lukach responded she was not aware of any additional information nor any reason to think those statements were inaccurate based on the history of the case.

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve P21-07-027 subject to standard and special conditions and direct staff to speed up the process of amending the Code that would allow the Board the ability to deny these requests for the placement of cell towers in residential areas that affects the community and neighborhood character.

22. POINT OF PERSONAL PRIVILEGE

Chairman Elías expressed gratitude and congratulations on behalf of the Board of Supervisors' to Luci Wilson who will retire from County employment effective June 26, 2009.

23. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2009- 48 , Co9-71-178, Empire Acres Subdivision (Portion of Lot 5) Rezoning. Owner: Ronnie and Samone Breaux. (District 4)
- B. ORDINANCE NO. 2009- 49 , Co9-07-18, Vail UPRR North II, L.L.C. – Rocket Road Alignment Rezoning. Owner: Vail UPRR North II, L.L.C. (District 4)
- C. ORDINANCE NO. 2009- 50 , Co9-07-29, Vanderkolk TR – Montebella Road Rezoning. Owner: Jack & Josephine Vanderkolk TR. (District 1)

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 unanimously carried by a 5-0 vote, to close the public hearings and to adopt Ordinance No. 2009- 48 , 49 and 50 .

24. DEVELOPMENT SERVICES: REZONING RESOLUTION

RESOLUTION NO. 2009- 95 , Co9-97-53, Ali, et. al. – Oracle Road Rezoning. Owners: Assunta Ali, et. al. (District 1)

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 unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009- 95 .

25. **BOARD OF SUPERVISORS**

Appointment of Sgt. James Ogden as Sergeant-at-Arms effective May 24, 2009.

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

Supervisor Valadez expressed their gratitude to outgoing Sergeant-at-Arms, Officer Randy Ledy, for a job well done.

26. **COUNTY ADMINISTRATOR: RILLITO REGIONAL PARK**

Staff requests approval of a fee modification for a public 4th of July concert event at the Rillito Regional Park, authorizing the collection of a \$1,500.00 donation in lieu of the \$2.00 per ticket surcharge.

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

Mike Harralson, Citadel Broadcasting representative, expressed his gratitude to the Board of Supervisors' for their approval of the fee modification.

Chuck Huckelberry, County Administrator, asked the Board to direct staff to modify the ordinance regarding fees to include a provision for the modification of fees for this type of event.

27. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009-96, of the Board of Supervisors of Pima County, Arizona, amending the U.S. Department of Housing and Urban Development Annual Action Plan, 2008-2009, to receive an additional \$695,454.00 for the Community Development Block Grant Program under the American Recovery and Reinvestment Act of 2009.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-96.

28. **DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES**

P1205-076, Estates at San Joaquin, Lots 1-10 and Common Areas A and B. (District 1)

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

29. **ECONOMIC DEVELOPMENT AND TOURISM: FEE INCREASE AT COLOSSAL CAVE MOUNTAIN PARK**

Staff and the Parks and Recreation Commission request approval of the fee increase for Colossal Cave Mountain Park as follows:

<u>PARK ENTRANCE FEE</u>	<u>Park Hours</u>	<u>Camping Fee</u>
<u>Current Entrance Fee</u> \$5.00 per vehicle up to 6 people includes Overnight camping	September 16 – March 15 9:00 a.m. to 5:00 p.m. March 16 – September 15 8:00 a.m. to 6:00 p.m.	No Charge for Park Use
<u>Proposed Entrance Fee</u> \$5.00 per vehicle up to 6 people day use	September 16 – March 15 9:00 a.m. to 5:00 p.m. March 16 – September 15 8:00 a.m. to 6:00 p.m.	<u>Memorial Day – Labor Day</u> No hook-ups \$5.00 <u>Labor Day – Memorial Day</u> No hook ups \$3.00 <u>Horse Trailer Camping</u> No hook ups \$12.00 (including park use fee)
<u>COLOSSAL CAVE ENTRANCE FEE</u>	<u>ADULTS</u>	<u>CHILD</u>
<u>Current</u>	<u>\$8.50</u>	<u>\$5.00 (6-12) Under (no charge)</u>
<u>Proposed</u>	<u>\$11.00</u>	<u>\$6.00 (5-12) Under (no charge)</u>

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the proposed fee increases.

30. **CONTRACTS AND AWARDS**

A. **County Administrator**

1. RESOLUTION NO. 2009-97, of the Pima County Board of Supervisors, approving an Intergovernmental Agreement with the City of Tucson for the conveyance of ownership of the Tumamoc landfill site to the City of Tucson, no cost (01-30-T-141988-0509)

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

2. RESOLUTION NO. 2009-98, approving an Intergovernmental Agreement with the Altar Valley School District, to provide work experience and academic instruction, General Fund, contract amount \$73, 530.00 (01-69-A-141980-0509)
3. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide work experience and summer opportunity services to youth, U.S. Department of Labor, Arizona Department of Economic Security and WIA Grant Funds, contract amount \$36,609.00 (07-69-C-141981-0509)

4. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide work experience and summer opportunity services to youth, U.S. Department of Labor, Arizona Department of Economic Security and American Recovery and Reinvestment Act Grant Funds, contract amount \$36,609.00 (07-69-C-141982-0509)
5. Portable Practical Education Preparation, Inc., to provide basic education to youth, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, \$58,480.00; General Fund, to be determined by client eligibility (07-69-P-141991-0509)
6. SER – Jobs for Progress of Southern Arizona, Inc., to provide work experience and summer employment opportunities for youth, U.S. Department of Labor, Arizona Department of Economic Security and American Recovery and Reinvestment Act Grant Funds, contract amount \$387,332.00 (07-69-S-141983-0509)
7. SER – Jobs for Progress of Southern Arizona, Inc., to provide basic education to youth, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, \$107,716.00; General Fund, to be determined by client eligibility (07-69-S-141989-0509)
8. Tucson Youth Development, Inc., to provide work experience and summer employment opportunity to youth, U.S. Department of Labor, Arizona Department of Economic Security and American Recovery and Reinvestment Act Grant Funds, contract amount \$563,864.00 (07-69-T-141984-0509)
9. Tucson Urban League, Inc., to provide work experience in environmental green activities to youth, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, contract amount \$64,479.00 (07-69-T-141985-0509)
10. Tucson Urban League, Inc., to provide basic education to youth, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, \$82,716.00; General Fund, to be determined by client eligibility (07-69-T-141990-0509)
11. Tucson Youth Development, Inc., to provide work experience in the medical field to youth, U.S. Department of Labor, Arizona Department of Economic Security and WIA Grant Funds, contract amount \$29,960.00 (07-69-T-141986-0509)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2009-97 and 98 and the contracts.

31. **CONTRACT: REAL PROPERTY**

Roy H. Long Realty Company, Inc., d.b.a. Long Realty Company, Amendment No. 2, to provide realty services for sale of County property located at 7100 W. El Camino Del Cero and extend contract term to 10/14/09, contract amount \$50,000.00 revenue decrease (07-05-L-141361-1008)

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

32. **AWARDS**

A. **Regional Wastewater Reclamation Department**

1. Award of Contract, Requisition No. 0902053, in the not to exceed amount of \$2,000,000.00 to Sierra Southwest Cooperative Services, Inc., (Headquarters: Benson, AZ) to purchase approximately 260,000 MMBtu of natural gas and a contract in the not-to-exceed amount of \$600,000.00 to Southwest Gas (Headquarters: Las Vegas, NV) to transport the gas to County Wastewater Reclamation Facilities. The agreements will be for a period of one (1) year from the contract effective date expected to be July 1, 2009. This request includes the authority to negotiate and execute the required contracts with Sierra Southwest and Southwest Gas. Funding Source: RWRD Operations and Maintenance Fund. Administering Department: Regional Wastewater Reclamation Department.

B. **Transportation**

2. Low Bid: Award of Contract, Requisition No. 0901770, in the amount of \$15,584,908.18 to the lowest responsive bidder, Borderland Construction Company, Inc., (Headquarters: Tucson, AZ) for the construction of I-19 East Frontage Road: Canoa Road to Continental Road Project (4INFRC). The contract term is forty-two months with the ability to extend the term for contract completion. Construction is to be complete within 375 working days from Notice to Proceed. The Department of Transportation request that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.5 million for the project. Funding Sources: 1997 Bond Fund, DOT-37 \$2,672,848.34; Impact Fees – Santa Cruz Valley, \$2,507,487.34; Urban HURF (2.6%) \$4,609,620.73; Urban HURF (12.6%) \$2,926,743.32; RTA Sales Tax Revenue, Roadway Improvement Element No. 35: \$2,868,208.45. Administering Department: Transportation Department.

C. Institutional Health

Ratification of Emergency Contract

3. Muhammad Saeed, M.D., to provide psychiatric consultation and oversight services to the Restoration to Competency Program at the Pima County Adult Detention Complex, General Fund, contract amount \$100,000.00 (07-65-S-141962-0509)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the awards and/or contracts.

33. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. State Board of Equalization

Reappointment of Richard W. Lyons. Term expiration: 12/31/12. (District 5)

B. Tucson-Pima County Bicycle Advisory Committee

Reappointment of Karen Berchtold. Term expiration: 6/30/11. (Committee recommendation)

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

34. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Nancy Freeman addressed the Board regarding the lack of flood control in various areas of Pima County and the lack of response to her request for drainage reports.

The following individuals addressed the Board regarding comments made by Sheriff Clarence Dupnik:

1. Jennifer Allen, Executive Director of the Border Action Network based in Pima, Santa Cruz and Cochise Counties;
2. Susan Thorpe;
3. Elena Satten-Lopez;
4. Debra Livingston; and,
5. Pat Birnie.

They provided the following comments:

- A. A petition was presented to the Board of Supervisors' that contained 2,600 signatures expressing concerns regarding negative public statements made by Sheriff Dupnik, an elected official;
- B. The petition asked for a statement from the Board of Supervisors' explaining the type of law enforcement and priorities needed by Pima County residents;

- C. The petition asked for assurances from the Pima County Board of Supervisors' that the County and its schools would comply with the Supreme Court's interpretation of the 14th Amendment in that the right to education was a fundamental right to be applied equally to everyone;
- D. Concerns were expressed that Sheriff Dupnik would not fairly protect people based on the side of town people live in and the conduct of racial profiling;
- E. Arizona has allowed public officials to tarnish the States national reputation for too long by tolerating racist legislation and actions and it was time to send a clear message that divisive measures would no longer be tolerated; and,
- F. A public statement from the Board of Supervisors' should be sent to each elected official regarding the need to maintain their job descriptions without overlapping into areas that are not within their purview.

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:50 p.m.