

MINUTES, FLOOD CONTROL DISTRICT BOARD

AUGUST 4, 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, August 4, 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.    **Riparian Habitat Mitigation Plan**

Staff requests approval of the Riparian Habitat Mitigation Plan for property located at 11050 N. Gila Road, in the Tortolita alluvial fan and adjacent to the Canada Agua I Wash. (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 Riparian Habitat Mitigation Plan.

2.    **Contract**

Arizona Game and Fish Commission, Amendment No. 2, to provide for the Multi-Species Conservation Plan, extend contract term to 8/28/10 and amend contractual language, no cost (01-59-A-139957-1007)

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

3.    **Real Property - Condemnation**

RESOLUTION NO. 2009 – FC 7, authorizing the Pima County Attorney to condemn real property interests where necessary for the Pantano Wash Bank Protection Project: Tanque Verde Road to Speedway Boulevard bank improvements and linear park improvements in Sections 5, 6 and 8 of T14S, R15E, G&SRM. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5 to 0 vote, to approve the condemnation and adopt Resolution No. 2009-FC 7.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.

## MINUTES, STADIUM DISTRICT BOARD

AUGUST 4, 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, August 4, 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 proposed new spring training facility built for the Arizona Diamondbacks and Colorado Rockies by the Salt River Pima-Maricopa Indian Community and the effects of such on the current Facilities Use Agreements with the Arizona Diamondbacks and Chicago White Sox.

Chris Straub, Chief Civil Deputy County Attorney, stated that this session concerned legal advice and direction regarding the current Facilities Use Agreements the District has with the Arizona Diamondbacks and the Chicago White Sox and the impact on these agreements of the recent proposal by the Salt River Pima-Maricopa Indian Community to build a new spring training facility for the Diamondbacks and the Colorado Rockies and the stated intention of those clubs to relocate to that facility prior to the expiration date of the Stadium District Facilities Use Agreements. The County Attorney's Office requests authority to proceed in the manner as discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5 to 0 vote, to authorize the County Attorney's Office to proceed in the manner as discussed in Executive Session.

### 2. **Update on Stadium District, Tucson Electric Park and Kino Sports Complex Utilization and Related Baseball Activities**

Staff recommends:

- A. Take those actions necessary to enforce the existing use agreement between Pima County and the Arizona Diamondbacks.

- B. Continue to support the Pima County Sports and Tourism Authority in their efforts to recruit professional and amateur teams to utilize the stadium facility space vacated by the Chicago White Sox.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

AUGUST 4, 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, August 04, 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 Pastor Jerome Parker, Freedom Gate Ministries.

2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.    **PAUSE 4 PAWS**

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

4.    **PRESENTATIONS/PROCLAMATIONS**

A.    Presentation of a proclamation proclaiming August, 2009 to be:

          “DROWNING IMPACT AWARENESS MONTH IN PIMA COUNTY”

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

Supervisor Bronson read and presented the proclamation to Tracy L. Koslowski, Andy Reidy and Yomaira Diaz, all participants in Safe Kids Tucson. Ms. Koslowski, Drexel Heights Fire Department, gave a brief presentation on the ABC's of the Drowning Awareness Program.

B.    Presentation of a proclamation acknowledging August 20, 2009 to be:

          “THE 234th ANNIVERSARY OF THE CITY OF TUCSON”

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

Chairman Elías read and presented the proclamation to Kathleen Nabours and Sharon Chadwick of the Tucson-Pima County Historical Commission. Chairman Elías invited everyone to visit [www.TucsonBirthday.Org](http://www.TucsonBirthday.Org) for a list of activities and events scheduled for this month. Ms. Nabours extended an invitation to attend the flag ceremony on August 20, 2009, 8:00 a.m. at El Presidio. Ms. Chadwick offered that this historic date should celebrate all of the diversity and culture in Pima County and City of Tucson.

5. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:25 a.m.

6. **RECONVENE**

The meeting reconvened at 10:00 a.m. All members were present.

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

No one appeared.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) 3 and 4, for legal advice and direction to seek approval of a tax appeal settlement recommendation on Bours v. Pima County, Parcel No. 109-22-3050, Arizona Tax Court Case No. ST2009-000047.

Chris Straub, Chief Civil Deputy County Attorney, reported that this case involved a valuation appeal by a property taxpayer for tax year 2009 for the real property identified by tax parcel number 109-22-3050. The proposed settlement reflects the sale prices of similar properties in the area and would result in the decrease in the full cash value of the parcel from \$464,288.00 to \$425,000.00. The Pima County Assessor and Attorney's Office recommended approval of this settlement.

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

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) 3 and 4, for legal advice and direction regarding a settlement proposal in Pima County v. Carillion Realty, Pima County Superior Court Case No. C20074070.

Chris Straub, Chief Civil Deputy County Attorney, stated that this was an eminent domain case involving the acquisition of permanent drainage and sewer easements from the defendant's property and 3 temporary construction easements as part of the

Tanque Verde Sewer Interceptor Project. The proposed settlement for the acquisition is \$200,000.00. The defendant is also entitled to statutory interest with each side bearing their own attorney fees and costs. Real Property and the Project Manager are in agreement with the proposed settlement. The Pima County Attorney's Office recommends approval of the proposed settlement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) 3, for legal advice and direction regarding the approval of the Final Plat, P1208-070, The National, Lots 11-13, and the Subdivision Plat Waiver, PPW09-02, Gonzales, et. al. – Manville Road.

This item was for informational purposes only, no Board action was needed.

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. No one appeared.

B. **PULLED FOR SEPARATE ACTION**

The following items may present a potential conflict of interest for Supervisor Valadez:

1. **CONTRACTS**  
**Pima Health System**

Amendment No. 1, to provide non-emergency transportation services, extend contract term to 6/30/10 and amend contractual language, no cost, for the following:

<u>VENDOR</u>	<u>CONTRACT NO.</u>
Southwest Ambulance of Tucson, Inc., d.b.a. Kord's Southwest	07-15-S-139911-0907
Rural/Metro Corporation	07-15-R-139916-0907

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Valadez recused himself due to a potential Conflict of Interest, to approve these contracts.

C. REMOVED FROM THE AGENDA

**Community Development and Neighborhood Conservation**

State of Arizona, Dept. of Commerce - Energy Office, to provide for a Residential Weatherization Assistance Program, State Grant Fund, contract amount \$109,824.00 revenue (02-70-A-142212-0809)

Without objection this item was removed from the agenda.

D. **APPROVAL OF CONSENT CALENDAR**

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

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS - Pima Health System**

Pulled for separate action.

2. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2009 - 171, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Barrio San Antonio Neighborhood Reinvestment Improvement Project, 2004 Bond Fund, contract amount \$486,244.00 (01-70-T-142189-0809)
2. RESOLUTION NO. 2009 - 172, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Barrio Kroeger Lane Neighborhood Reinvestment Lighting Project, 1997 Bond Fund, contract amount \$150,000.00 (01-70-T-142190-0809)
3. RESOLUTION NO. 2009 - 173, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Elvira Neighborhood Reinvestment Improvement Project, 2004 Bond Fund, contract amount \$448,140.00 (01-70-T-142213-0809)
4. Community Food Bank, Amendment No. 1, to provide roof repair services, extend contract term to 3/31/10 and amend contractual language, CDBG Grant Fund, no cost (32-70-C-141557-1008)
5. City of South Tucson, Amendment No. 1, to provide a Cooperative Agreement for the management and implementation

of the Community Development Block Grant Program and amend scope of work, no cost (01-70-S-141921-0209)

6. City of South Tucson, Amendment No. 1, to provide a Cooperative Agreement for the management and implementation of the Community Development Block Grant Program and amend scope of work, no cost (01-70-S-141922-0209)
7. State of Arizona, Dept. of Commerce - Energy Office

Without objection, this item was removed from the agenda.

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

8. RESOLUTION NO. 2009 - 174, approving an Intergovernmental Agreement with the Pima Community College District, to provide workforce development services, WIA, Veteran's Rehabilitation Services, WIRED and HUD Grant Funds, contract amount \$959,605.00 (expenditure determined by client eligibility); General Fund, \$90,000.00 (01-69-P-142221-0709)
9. RESOLUTION NO. 2009 - 175, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide employment and training services to eligible participants, WIA Grant Fund, contract amount \$4,929,956.00 revenue (01-69-A-142223-0409)
10. City of Tucson, Amendment No. 3, to provide administration of an Emergency Assistance Program to assist low-income residents with their water bills, extend contract term to 6/30/10 and amend contractual language, contract amount \$450,000.00 revenue (01-69-T-138253-0706)
11. Arizona Department of Economic Security, Amendment No. 3, to provide employment and training services and extend contract term to 12/31/09, no cost (01-69-A-141029-0408)
12. Arizona Community Action Agency, to provide administration of Housing Stabilization Programs, HUD/SHP Grant Funds, contract amount \$5,857.00 revenue (02-69-A-142222-0709)

**C. County Attorney**

13. Arizona Department of Public Safety, to provide for the Victims of Crime Act - Victims Assistance Grant Program, Federal Grant Fund, contract amount \$125,116.00 revenue; in-kind services, contract amount \$31,279.00 (02-02-A-142206-0709)

14. RESOLUTION NO. 2009 - 176, of the Board of Supervisors, authorizing Pima County to enter into the Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant Agreement, ACJC Grant Fund, contract amount \$164,885.00 revenue (02-02-A-142218-0709)
15. RESOLUTION NO. 2009 - 177, of the Board of Supervisors, authorizing Pima County to enter into the Arizona Criminal Justice Commission Crime Victim Compensation Certified Assurances Agreement, ACJC Grant Fund, contract amount \$407,882.00 revenue (02-02-A-142219-0709)
16. RESOLUTION NO. 2009 - 78, of the Board of Supervisors, authorizing Pima County to enter into the Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant Agreement, ACJC Grant Fund, contract amount \$586,176.00 revenue (02-02-A-142220-0709)

**D. Environmental Quality**

17. Tucson Airport Authority, Amendment No. 2, to provide for the TAA-PDEQ South Side Private Well Monitoring Program and extend contract term to 6/30/10, Tucson Airport Authority Fund, contract amount \$16,898.00 revenue (11-51-T-140865-0707)

**E. Facilities Management**

18. Weston Plaza Associates, Amendment No. 3, to provide a Lease Agreement for the North Health Clinic located at 3550 N. First Ave. and extend contract term to 6/30/10, General Fund, contract amount \$107,987.50 (04-13-W-126554-0999)

**F. Finance**

19. Beach, Fleischman and Co., P.C., Amendment No. 4, to provide Self Insurance Trust Fund audit services, extend contract term to 6/9/10 and amend contractual language, Self Insurance Trust Fund, contract \$17,000 (07-09-B-136256-0605)
20. Heinfeld, Meech, and Co., P.C., Amendment No. 4, to provide Wastewater Management audit services, extend contract term to 6/9/10 and amend contractual language, Regional Wastewater Reclamation Enterprise Fund, contract amount \$30,000.00 (07-09-H-136257-0605)

**G. Health**

21. RESOLUTION NO. 2009 - 179, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to provide peer counseling services, Breastfeeding Peer Counseling Grant Fund, contract amount \$5,940.00 revenue (01-01-A-142170-0709)
22. RESOLUTION NO. 2009 - 180, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to provide tobacco education and prevention services, Tobacco Education and Prevention Grant Fund, contract amount \$1,100,000.00 revenue (01-01-A-142205-0709)
23. Arizona Department of Health Services, Amendment No. 3, to provide for the Proposition 201 Smoke Free Arizona Act, extend contract term to 6/30/10 and amend contractual language, Federal Grant Fund, contract amount \$315,563.00 revenue (01-01-A-139453-0507)
24. Arizona Department of Health Services, Amendment No. 3, to provide for the Well Woman Healthcheck Program, extend contract term to 6/30/10 and amend contractual language, Federal and Well Woman HealthCheck Grant Funds, contract amount \$865,708.00 revenue (01-01-A-139726-0707)
25. Amphitheater Unified School District, Amendment No. 2, to provide administration for childhood immunization services and extend contract term to 9/10/10, no cost (01-01-A-139924-0907)
26. Arizona Department of Health Services, Amendment No. 3, to provide supplemental foods, nutrition education and client referrals to other health and social service agencies and amend contractual language, WIC Grant Fund, contract amount \$81,841.00 revenue (01-01-A-140164-1007)
27. Pima Council on Aging, to provide direct health services and supportive counseling, Pima Council on Aging Fund, contract amount \$22,922.00 revenue (02-01-P-142192-0709)

**H. Office of Emergency Management**

28. RESOLUTION NO. 2009 - 181, of the Board of Supervisors, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide a Subgrantee Agreement for the Planning Project, the Tucson Urban Area Security Initiative Regional EOC Enhancement and the Tucson Area UASI Training and Exercise Projects, State Homeland

Security Grant Fund, contract amount \$1,278,000.00 revenue  
(01-79-A-142214-1008)

**I. Pima Health System**

- 29. John R. Klein, M.D., P.C., Amendment No. 4, to provide orthopaedic surgery services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-K-136026-0505)
- 30. Ajo Ambulance, Inc., Amendment No. 4, to provide transportation services, extend contract term to 5/1/10 and amend contractual language, no cost (11-15-A-136124-0605)
- 31. United Healthcare Insurance Company on behalf of Evercare, Amendment No. 3, to provide coordination of benefits for Medicare and Medicaid services, extend contract term to 12/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$97,236.00 revenue (07-15-U-137383-1205)
- 32. Hospitalists of Arizona, Inc., Amendment No. 2, to provide hospital rounding services, extend contract term to 5/1/10 and amend contractual language, no cost (18-15-H-137848-0606)
- 33. Tucson Long-Term Care Medical Group, Inc., d.b.a. TLC Pain and Palliative Medicine Practice, Inc., Amendment No. 1, to provide pain and palliative medicine services, extend contract term to 5/1/10 and amend contractual language, no cost (18-15-T-139561-0607)
- 34. Amendment No. 2, to provide assisted living home services and extend contract term to 8/31/10, PHCS Enterprise Fund, for the following:

<u>VENDOR</u>	<u>CONTRACT NO.</u>	<u>AMOUNT</u>
House of Psalms, L.L.C.	07-15-H-140138-0907	\$100,000.00
Spring Days Adult Care Home, L.L.C., d.b.a. Springs Days Adult Care Home	07-15-S-140145-0907	\$ 50,000.00
Cherie Hackman, d.b.a. Saguaro Horizons Adult Care	07-15-H-140150-0907	\$100,000.00
Sierra Adult Care, L.L.C.	07-15-S-140154-0907	\$ 50,000.00
Tommy T. Pallanes d.b.a. The Pallanes Assisted Living Home	07-15-P-140156-0907	\$ 50,000.00
Whispering Hills Care Homes, L.L.C.	07-15-W-140210-0907	\$ 50,000.00

Espinosa Care, L.L.C., d.b.a. Heatherwood	07-15-E-140213- 0907	\$ 50,000.00
Juanita and Paul Hernandez d.b.a. Ridgecrest I	07-15-H-140262- 0907	\$100,000.00
Paul and Juanita Hernandez d.b.a. Ridgecrest II	07-15-H-140263- 0907	\$ 50,000.00

35. La Paloma Home for the Aging, L.L.C., Amendment No. 3, to provide assisted living home services, extend contract term to 8/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (07-15-L-140212-0907)
36. Neurological Associates of Tucson, P.C., d.b.a. Center for Neurosciences, Amendment No. 1, to provide neurology, neurosurgery, magnetic resonance imaging and digital x-ray, extend contract term to 5/1/10 and amend contractual language, no cost (18-15-N-141104-0608)
37. Amendment No. 1, to provide case management services, extend contract term to 6/30/10 and amend contractual language, no cost, for the following:
- | <u>VENDOR</u>  | <u>CONTRACT NO.</u> |
|--|---------------------|
| Catholic Community Services of Southern Arizona, Inc., d.b.a. Catholic Social Services | 07-15-C-141131-0708 |
| Our Family Services, Inc.  | 07-15-O-141132-0708 |
| Jewish Family and Children's Service of Southern Arizona, Inc.                         | 07-15-J-141133-0708 |
38. Arizona Health Care Cost Containment System, Amendment No. 4, to provide acute care medical services and amend contractual language, no cost (02-15-A-141668-1008)
39. Kindred Hospitals West, L.L.C., d.b.a. Kindred Hospital Arizona - Tucson, to provide hospital services, PHCS Enterprise Fund, contract amount not to exceed \$500,000.00 (18-15-K-142146-0509)
40. Gentiva Health Services (USA), Inc. and Gentiva Certified Healthcare Corp., d.b.a. Gentiva Health Service, to provide homecare services, PHCS Enterprise Fund, contract amount not to exceed \$650,000.00 (07-15-G-142147-0709)

**J. Procurement**

41. Brown and White, Inc., Amendment No. 5, to provide annual guardrail installation, maintenance and repair, extend contract term to 6/30/10 and amend contractual language, Transportation Special Revenue Fund, contract amount \$33,500.00 (03-04-B-136675-0705) Transportation

42. A&K Transportation, Inc., d.b.a. Handicar, Amendment No. 1, to provide transportation services for special needs passengers and extend contract term to 1/31/10, no cost (11-04-A-141667-0209) Transportation

### **Awards**

43. Low Bid: Award of Contract, Requisition No. 0901933, in the amount of \$821,600.00 to the lowest responsive bidder, Concord General Contracting, Inc. (Headquarters: Mesa, AZ) for the base bid for Dunbar School Historic Rehabilitation Project located at 325 W. Second Street. The contract is for a one year period and may be extended for project completion. The apparent low bidder, Lloyd Construction Company, Inc., was deemed non-responsive for failure to meet the minimum qualifications for bidding established in the solicitation. Funding Source: 2004 Bond Fund. Administering Department: Cultural Resources and Historic Preservation Office.
44. Low Bid: Award of Contract, Requisition No. 0901875, in the amount of \$456,450.00 to the lowest responsive bidder, Sunwestern Contractors for Industry, Inc. (Headquarters: Tucson, AZ) for the base bid for Pima Site Improvements, Pima County Wastewater Management Field Office located at 3390 N. Richey Blvd. The contract is for a six month period and may be extended for project completion. The apparent low bidder, Vermillion Contracting, Inc., was deemed non-responsive for failure to meet the 4.0% MWBE goal established for this project. Funding Source: Regional Wastewater Reclamation Enterprise System Development Fund. Administering Department: Facilities Management.
45. Low Bid: Award of Contract, Requisition No. 0902169, in the amount of \$100,000.00 for repair/rewind of electric motors to Phoenix Pumps Inc. (Headquarters: Phoenix, AZ). 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 Departments.
46. Low Bid: Award of Contract, Requisition No. 0902090, in the amount of \$1,700,000.00 for vegetation management to Underwood Bros. Inc., d.b.a. AAA Landscaping (Headquarters: Tucson, AZ). Contract is for a one-year term and includes four one-year renewal periods. Funding Source: HURF Fund. Administering Department: Transportation .

**K. Real Property**

47. City of Tucson, Amendment No. 2, to provide rehabilitation, restoration and management of the Adkins Steel parcel at Historic Fort Lowell, accept the Deed of Preservation Easement and amend contractual language, 2004 Bond Fund, contract amount not to exceed \$10,500.00 including closing costs (01-73-T-139256-0307) Public Works, Cultural Resources Office
48. Fidelity National Title Agency, Inc., as Trustee under Trust No. 60,173, to provide license for right-of-way encroachment for the installation and maintenance of an underground drainage pipe on South Alvernon Way, contract amount \$3,000.00 revenue (12-04-F-142210-0809) Transportation

**L. Regional Wastewater Reclamation**

49. Town of Oro Valley, Amendment No. 2, to provide water consumption data and exchange proprietary water use information for the purpose of calculating billings to sewer users, extend contract term to 6/30/10 and amend contractual language, no cost (01-03-O-139707-0707)

**M. Sheriff**

50. RESOLUTION NO. 2009 - 182, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the purchase of 115 fire suppression kits for Ford Crown Victoria vehicles, ACJC Grant Fund, contract amount \$69,845.25 revenue (01-11-A-142156-0609)
51. RESOLUTION NO. 2009 - 183, approving an Intergovernmental Agreement with the Town of Oro Valley, to provide for the incarceration of municipal prisoners, General Fund, contract amount \$166,895.00 estimated revenue (01-11-O-142202-0709)
52. RESOLUTION NO. 2009 - 184, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for overtime, travel, operating expenses, and equipment to enhance drug, gang and related violent crime control efforts, Federal Grant Fund, contract amount \$37,500.00 revenue (01-11-A-142207-0709)
53. RESOLUTION NO. 2009 - 185, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide for the incarceration of municipal prisoners, General Fund, contract amount \$160,182.00 estimated revenue (01-11-S-142224-0709)

- 54. Mesa Police Department, Amendment No. 2, to provide for participation in the Arizona Southwest Border Alliance and extend contract term to 9/30/09, H.I.D.T.A. XV Grant Fund, no cost (01-11-M-136286-1004)
- 55. City of Tucson, Amendment No. 1, to provide architectural design review services associated with renovations of Thomas Price Service Center for the Pima County Wireless Integrated Network Project and amend effective date retroactively to 9/25/08, no cost (01-11-T-141803-0309)

3. **DIVISION OF ELECTIONS**

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
MacGowan, Terrence L.	010	REP
Whiting, Danna	016	REP
Winchester, Abigail A.	016	REP
Winchester, Grace E.	016	REP
Turner, Helen	023	REP
Harris, Ronnie	035	REP
Drewry, Jessica L.	039	REP
Burns, Candy	042	REP
Herr, Deborah E.	074	REP
Ellinwood, Inna V.	080	REP
Ellinwood, Thomas M.	080	REP
Fuller, Lynn M.	099	REP
Gaare, Robert L.	099	REP
Granacki, Clay	104	REP
Stodder, John M.	104	REP
Bliss, David A.	109	REP
Scofield, Neal G.	147	REP
Steiner, Marion D.	151	REP
Winchester, John J.	155	REP
Salcido, Jerry	157	REP
Dent, David Z.	163	REP
Gallagher, Ronald W.	164	REP
Flagello, Genevieve K.	165	DEM
Mach, Stefanie M.	165	DEM
McClung, Michael R.	165	REP
Thomas, Kathie	165	REP
Nightingale, Sharon A.	168	REP
VanBorssum, Lesley L.	170	REP
Hunter, Virginia	172	REP
Tenney, Lewis L.	178	REP
Anderson, Judith F.	185	REP
Limmer, Justin B.	187	REP
Baiocchetti, Vincent A.	188	REP
Joslin, Leslie R.	198	REP
Newman, Richard G.	205	REP
O'Hare, John E.	212	DEM
Almli, Jeff A.	215	REP
Aragon, Claire M.	259	REP

Williams, Stephanie G.	259	REP
Noel, Michael W.	260	REP
Ledvina, Martial H.	261	REP
Holt, Dave C.B.	265	REP
Stone, Samuel G.	268	REP
Anderson, John G.	269	REP
Anderson, William M.	269	REP
Spate, Wayne V.	275	REP
Sepp, Caroline V.	300	REP
Sepp, Todd E.	300	REP
Luter, Larry L.	306	REP
Greenawalt, Mary Ann	310	REP
MacKean-Foust, Karen M.	315	REP
Hellring, Sidney	318	DEM
Sokol, Ivo B.	326	REP
Sokol, Vera L.	326	REP
Patrick, Brandon C.	28	DEM
Patrick, Rhiannon M.	328	DEM
Cadamagnani, Emily J .	335	REP
Almeda, Raphael R.	349	REP
Austin, Cheryl L.	350	REP
McWard, Patricia A.	351	REP
McWard, Robert G.	351	REP
Wilke, William R.	352	REP
Flynn, James M.	359	REP
Brethower, Dale M.	363	REP
Van De Beuken, John F.	365	REP
O'Brien, Lisa A.	374	REP
O'Brien, Michael J.	374	REP
Miller, Alyson M.	382	REP
Miller, Brian A.	382	REP
Schenkel, Lori C.	387	REP
Moyes, Kenneth F.	390	REP
Bailey, Cameron L.	391	REP
Pulley, Ford V.	396	REP
Ziegler, Roxanne L.	396	REP
Linamon, Elizabeth M.	398	REP
Banker, Ashton J.	403	REP
Watson, James R.	409	REP
Kreiling, Janet	415	REP
Sailors, Donald C.	415	REP
Sailors, Georgia	415	REP

**4. BOARD, COMMISSION AND/OR COMMITTEE**

**Board of Adjustment, District 2**

Reappointments of Homer E. Hammack and Alex Garcia. Term expirations: 6/30/13. (District 2)

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

A. Kathleen M. Campbell, The Ponderosa Homeowners Association,

12901 N. Sabino Canyon Parkway, Mt. Lemmon, August 2, 9, 16, 23, 30 and September 6, 2009.

B. Neva J. Rasmussen, American Legion Madera Post 131, 249 W. Esperanza, Green Valley, October 22, 23 and 24, 2009.

6. **REAL PROPERTY**

**Condemnation**

RESOLUTION NO. 2009 - 186, 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 I-19 Frontage Road: Canoa Ranch Drive to Continental Road Improvements in Sections 22, 27, and 34 of T18S, R13E, and in Sections 3 and 4 of T19S, R13E, G&SRM. (District 4)

\*7. **CORRECTION FOR THE RECORD**

\*(**Clerk's Note**: Joint approval needed by the Stadium District Board.)

**Economic Development and Tourism**

Pima County Sports and Tourism Authority, Amendment No. 1, to provide support for PCSTA activities and amend contractual language, no cost (11-71-P-141887-0708)

8. **RATIFY AND/OR APPROVE**

Minutes: June 16, 2009

Warrants: July, 2009

**REGULAR AGENDA/ADDENDUM ITEMS**

12. **BOARD OF SUPERVISORS**

Discussion of the Tucson Mountain Park Buffelgrass Experimental Eradication Test scheduled for August 5 and 6, 2009. Discussion/Direction/Action. (Districts 3 and 5)

Chuck Huckelberry, County Administrator, stated that tests originally scheduled for August 5 and 6, 2009, had been postponed indefinitely pending Board direction and better weather conditions. Staff provided a briefing to promote a clearer understanding on the threat buffelgrass poses to the Sonoran Desert.

Kerry Baldwin, Pima County Natural Resources Division Manager, Parks & Recreation Department, presented an overview which covered the negative impacts of uncontrolled growth of this plant to the desert ecosystem, urban development and the local tourism industry. He also addressed the benefits that could come from the

recommended use of an aerial application of glyphosate, a commonly used herbicide, to control the growth of this invasive plant.

The following speakers addressed the Board:

- A. Carolyn Campbell
- B. Carolyn Trowbridge, Pima County Board of Health
- C. Dr. Richard Brusca, Senior Director for Science, Desert Museum
- D. Sarah Smallhouse, Chairman of the Southern Arizona Buffelgrass Coordination Center
- E. Lindy Brigham, Ph.D., Executive Director of Southern Arizona Buffelgrass Coordination Center
- F. Meg Weesner, Saguaro National Park
- G. Rhonda Swineford
- H. Eileen Green
- I. Richard Underwood, AAA Landscaping
- J. Donna Branch-Gilby
- K. Nancy Zierenberg, Arizona Native Plant Society and Conservation Committee
- L. Elizabeth Kelley, resident of Tucson Mountain foothills
- M. Dr. Richard Gerhart, Coronado National Forest

The following is a brief summary of the comments:

- A. The threat of buffelgrass transforming the Sonoran desert is real, great and immediate.
- B. Although local jurisdictions and special interest groups have increased their efforts substantially, they have not been able to keep up with the growth of this plant.
- C. There needs to be extensive education in affected neighborhoods prior to even a small test being conducted, with transparency on the results.
- D. There is a lack of knowledge and information about this aerial spraying and how it could affect the health of humans, animals and the ecosystem.
- E. There needs to be expanded discussion with local and international environmental and health experts on the affects of using glyphosate.
- F. Major areas of infestation already are too remote and too steep to treat with any method other than aerial application. Glyphosate, which has been studied for over 40 years, is the best herbicide to use.
- G. This is a cross jurisdictional effort. These tests need to be done so better management decisions about the future of the desert and parks can be made.
- H. Aerial spraying is not the answer and alternative solutions need to be found.
- I. Some studies indicate that glyphosate and its inert ingredients are not safe.
- J. Support this research project.

The Chairman reported that he had 10 other cards from individuals who did not wish to speak but indicated interest in receiving more information on the results of this test. He asked the County Administrator to address the costs of this project. Mr. Huckelberry reported that Pima County was not contributing any direct funding at this time. Mr. Baldwin reported there was no specific funding for the costs of this

research and testing, and specific project costs were never developed because of the multi-agency approach to the project. Most of the agency and jurisdictional participants are utilizing funds from current annual operating budgets for control of invasive species. Most of the funding for the proposed testing is coming from the U. S. Forest Service for the spraying and the travel expense for experts coming into the area.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that staff be directed to conduct two public hearings (one in District 3 and one in District 5) prior to August 17, 2009; and to bring this item back as Unfinished Business at the August 17, 2009 Meeting.

Supervisor Bronson and Chairman Elías agreed that Sarah Smallhouse should have the Buffelgrass Coalition work with the Parks and Recreation Department to coordinate the two meetings.

**13. BOARD OF SUPERVISORS**

RESOLUTION NO. 2009-187, of the Pima County Board of Supervisors relating to the environment; requesting that the U.S. Congress pass legislation to reverse global warming, and to create an informed, well-funded framework to help state, local and tribal governments protect natural resources and wildlife from the consequences of a warming world. (District 5)

The following speakers addressed the Board:

- A. Scott Johnson, Sr., Outreach Representative, Defenders of Wildlife
- B. Lasha Brown, Friends of Ironwood Forest

The following is a brief summary of their comments:

1. They appreciated the opportunity to appear at the meeting.
2. The Board was encouraged to pass this resolution and thanked for their support.
3. The Board was asked to take a leadership role in this effort and encourage members of the Senate and Congress do the same.

On consideration, it was moved by Chairman Elías, seconded by Sharon Bronson and carried with a 3-2 vote, Supervisors Carroll and Day voting “Nay,” to adopt Resolution No. 2009 - 187, and send a letter to all members of the congressional delegation and senators in support of these issues.

**14. BOARD OF SUPERVISORS**

RESOLUTION NO. 2009 - 188, of the Pima County Board of Supervisors relating to wireless communications facilities and calling upon the U.S. Congress to repeal federal pre-emption of local authority to control the locating, construction and

installation of these facilities. (District 5)

Chairman Elías and Supervisor Bronson thanked Elizabeth Kelly for serving as an internationally leader in this effort.

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 -188.

15. **ASSESSOR**

**Request For Redemption of Waivers of Tax Exemptions**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all of the applications for Redemption of the Waivers of Tax Exemptions for the year 2009 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the Waivers of Tax Exemptions.

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

16. **COUNTY ADMINISTRATOR**

**Classification and Compensation**

Staff requests approval to create a new Position Control Number (PCN) to be allocated as follows. This position will be funded by an Arizona Department of Homeland Security Grant.

<u>Class Code/Title</u>	<u>Grade/ Range</u>	<u>EEO, OT Code</u>
3530 Public Safety Support Specialist	25 (\$26,917-37,846)	PT*

\*Paid Overtime (Non-Exempt)

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

17. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009 -189, authorizing Pima County to support the application of the Pima County Adult Probation Department for a \$26,247.00 grant for the Sobriety Jump-Start Project from the 12% local revenue sharing contribution of the Gila River Indian Community.

On consideration, it was moved by Supervisor Bronson, second Chairman Elías, and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 -189.

## 18. REVISIONS TO MERIT SYSTEM RULES AND PERSONNEL POLICIES

Staff recommends approval of the following:

### A. PROPOSED CHANGES TO THE MERIT SYSTEM RULES (MSR)

#### 1. Merit System Rule 1 – Definitions

MSR 1.03 changes “to” to “for” in the text.

MSR 1.16 is updated to reflect Pima County Code, Chapter 2.24.

MSR 1.60 is noted with a grammatical change by making department a common noun.

MSR 1.66 makes a correction to the trainee program to correspond with the practice that has been in place for some time. The addition of the words “or selective criteria” allows applicants who may meet the minimum qualifications, but who do not meet the selective criteria for the position, to also be eligible for the trainee program. This policy change extends the trainee program from an eighteen month maximum to twenty-four months. As more experienced employees retire, and based on our minimum qualifications and selective criteria, more time will be needed to train those interested and qualified in advancing or changing careers. Successful applicants must be able to meet the requirements at the end of the time period and eighteen months for some positions may not be sufficient. This does not prohibit an individual who is able to complete the program in less than twenty-four months from doing so.

#### 2. Merit System Rule 10 – Probation

MSR 10.1.C. The term “probationary employees” has been removed since all probationary employees are not new hires and therefore not required to serve a second initial probation period. Included is a statement that regular employees who were serving initial appointment probation must complete this requirement after training is successful, and the employee is transitioned into the position. This is our current practice and satisfies the requirements contained in these rules and policies.

#### 3. Merit System Rule 11 – Terminations

MSR 11.4.E. a cross reference is added to the definition of seniority. This will assist departments in better understanding this requirement when determining which employees are to be laid off.

MSR 11.4.F. is updated to use the mail service that is recommended by the United States Postal Service for letters that do not contain items of monetary value. Registered mail has become a very expensive and unnecessary method of delivery for our non-monetary purposes. Certified mail with return receipt and first class mail are the most appropriate means for mailing notices of layoff, when necessary. The vast majority of notices are delivered in person.

#### 4. Merit System Rule 12 – Disciplinary Actions, Administrative Suspension and Special Observation

MSR 12.1.B. This item is recommended for deletion and is moved to the end of this rule to conform to the requirements adopted by the Board of Supervisors on June 16, 2009, in the MOU with SEIU regarding representation.

MSR 12.2.A.1 and 2, and B.1, MSR 12.3 and 4. “Permanent” has been added to ensure this policy is used properly by County departments.

MSR 12.2.B.2.a. is corrected to include “designee” to conform to MSR 12.2.B.2.b and c.

MSR 12.6 is added to conform to the Board of Supervisors directive in its MOU with SEIU that allows affected employees to have a representative during formal disciplinary action meetings who may participate in these discussions. Additionally, employees must be given advance notice of three (3) full

work days after notified that formal disciplinary is going to be issued to allow the employee time to obtain representation. After three (3) full work days with or without representation, management may proceed without further delay.

5. Merit System Rules 13 – Grievance System

MSR 13.1.C. In order to maintain the integrity of investigations, confidentiality is mandatory. Failure to do so may result in disciplinary action. This confidentiality has been breached in the recent past and compromises the investigatory process.

MSR13.2.C. Informal disciplinary action that is undocumented should remain undocumented even in the employee's response.

MSR 13.2.F.2 clarifies the fact that the department should file a copy of the grievance for retention pursuant to State law, but not in the official personnel file as a permanent document, except for grievances based on a letter of reprimand. Filing a copy of the grievance in the official personnel file when a letter of reprimand is grieved is in support of the letter of reprimand that has become a part of the official personnel file.

MSR 13.3.C.1. This item is recommended for deletion and is moved to the end of this rule to conform to the requirements adopted by the Board of Supervisors in the MOU with SEIU regarding representation. Subsequent items have been properly renumbered.

MSR 13.4 is added to conform to the directions of the Board of Supervisors in its MOU with SEIU that allows affected employees to have a representative during grievance meetings. Additionally, employees must be given advance notice of three (3) full work days after notified of a meeting in which the employee who is the subject must attend to allow the employee time to obtain representation. In three (3) full work days with or without representation, the meeting may proceed without further delay.

6. Merit System Rule 14 – Merit System Commission Appeals

MSR 14.1.C. Permanent employees laid off may not appeal the layoff as already established in current Merit System Rule 11 - Layoffs. This simply includes this requirement amongst other matters that may not be appealed in MSR 14.

MSR 14.4.A. At the request of the Merit System Commissioners and their Counsel, the word "disciplinary" has been deleted in two places. The actions heard by the Commission are clearly stated in the Rules under MSR 14.1 and by State law. Also removed at the request of the Commissioners and their Counsel is the statement "a penalty for the conduct proven."

B. PROPOSED CHANGES TO THE PERSONNEL POLICIES

1. Personnel Policy 8-101 – Employment of Relatives

PP 8-101.A. and B. Since Pima County recognizes domestic partners in these rules and policies, the domestic partner has been added with spouse and other applicable family relationships within this section.

2. Personnel Policy 8-102 – Premium Pay

PP 8-102.A.2. properly adds bereavement leave as time not counted as time worked for the purpose of overtime. Last year, bereavement leave was removed from the sick leave policy and a separate policy was established for this purpose. Nevertheless, excluding this from hours worked and therefore overtime pay was overlooked and is requested for correction.

3. Personnel Policy 8-103 – Civic Duty Leave and Uniformed Services Leave

PP 8-103.E.2. The Arizona State Statutes define time off for voting, and this policy correctly refers to the law.

PP 8-103.E.3. Deletes the original statement since the law designates the time off for voting. In the best interest of the County, requests for time off for voting shall be made prior to the day of election so that departments can plan for absences in a timely and efficient manner.

4. Personnel Policy 8-105 – Annual Leave

PP 8-105.A.6. This is not a change, but another point of clarity as to how these rules shall apply and have applied for many years. As more employees return to County employment after they voluntarily resigned or retired from Pima County, they question their ability to get credit for time previously worked with Pima County. Pima County does not give credit for time when an employee terminated from County employment, except for reemployment or reinstatement. The Commissioners unanimously agree with this clarification.

5. Personnel Policy 8-106 – Sick Leave

PP 8-106.A.5., 6., and 7. are added for clarity needed at this time as more employees return to County employment after retirement. Again, this is already in policy in other areas. To place it in a common spot under Eligibility is more efficient. In the case of those who retired with less than 241 hours, these accruals were converted, but resulted in no pay because of the low leave banks. Therefore, the employee who had not accrued sufficient hours also may not restore these hours upon new hire. Based on the conversion table, the employee had no further rights to these hours upon retirement.

PP 8-106.F.2. includes the addition of layoffs for consideration for reinstatement of sick leave hours when the employee who returns to County employment after layoff did not convert sick leave hours for payout purposes.

PP 8-106.H.1. changes availability for conversion of sick leave to annual leave upon retirement to “shall occur.”

PP 8-106.H.3. is no longer necessary in policy since conversion and payout will have to occur through a method established by Finance and Risk Management. Subsequent sections are re-numbered.

PP 8-106.I. has been added to allow conversion of sick leave hours upon layoff based on the Meet and Confer Agreement with SEIU approved by the Board of Supervisors on June 16, 2009.

6. Personnel Policy 8-107 – Special Leaves of Absence With Pay

PP 8-107.A.3. is clarified based on the economic condition and the need for employees to work the last thirty (30) days in most instances where layoffs occur. This allows flexibility, in the best interest of the County, in matters of layoff. This policy change continues to allow the Appointing Authority to give administrative leave in other cases.

PP 8-107.D.2., 3., and 4. these changes have been requested particularly by elected officials. As the workforce diminishes and hiring is at a minimal, departments have requested that they be allowed more flexibility in granting time off for the César Chavez Remembrance Day to ensure that the public is provided quality and timely service. Also, this proposed change clarifies who is eligible and for how many hours.

7. Personnel Policy 8-108 – Leaves of Absence Without Pay

PP 8-108.A. changes the definitions and requirements found in the federal law under the Family and Medical Leave Act as revised.

PP 8-108.C. properly allows for intermittent disability leave as an accommodation under the Americans with Disability Act (ADA) and establishes the administrative procedure for ADA as the document which defines how to apply this law in Pima County.

PP 8-108E. allows the Appointing Authority to be included in this process and does not change our current practice.

PP 8-108.G. Due to the extensive and constant changes to the Family and Medical Leave Act and based on the fact that the requirements are established in the law itself, it is no longer prudent to continue the law in our policies. Instead, Pima County has established the proper procedures for following the law to the letter and in detail. Therefore, administrative procedures are the proper venue for these instructions to our employees and must be in compliance with the law itself. In summary, Pima County must properly administer the law and advise its employees of their rights and responsibility in compliance with the law. Pima County has very few options under the law. One of the options that must be set out in policy is the fact that leave banks will concurrently be used with unpaid Family and Medical Act leave, and so for this addition.

8. Personnel Policy 8-113 – Workers’ Compensation

Workers’ Compensation is defined by law. The law does not need to be reiterated in policy. However, the County has an obligation to establish procedures to follow this law and to communicate this to its employees. As a result, this section has been properly reduced to the statement contained in this revision at the recommendation of the Finance and Risk Management Department.

9. Personnel Policy 8-114 – Medical Evaluation Program

Per the request of the Finance and Risk Management Department, this policy has been re-titled Drug Testing and Post-Offer Evaluations. Most of the policy has been deleted. The Finance and Risk Management Department is in the process of finalizing applicable procedures.

10. Personnel Policy 8-115 – Mediation Program

PP 8-115.C excludes charges of workplace violence from the requirement for employees to mediate since an employee who is making such allegation should not have to confront the alleged perpetrator.

PP 8-115.C.3. is changed to conform to the Board of Supervisors directive in its MOU with SEIU that allows affected employees to have a representative during mediation meetings. Additionally, employees must be given advance notice of three (3) full work days after notified of a meeting in which the employee who is the subject must attend to allow the employee time to obtain representation. Both parties must be given sufficient time to obtain representation if one of the affected employees decides to be represented. In the established three (3) full work days with or without representation, the meeting may proceed without further delay.

PP 8-115.D. State law requires Human Resources to maintain mediation notes for a certain period of time since these notes fall under the category of a document developed during the course of County business.

11. Personnel Policy 8-116 – Payroll Deductions

Pima County no longer has a Consult and Confer process and has several organizations which represent County employees. This policy is sufficient to incorporate all groups and any processes established by the Board of Supervisors in its code and ordinances.

12. Personnel Policy 8-118

PP 8-118.C.2.h. This has been corrected to include grievances that are based on a letter of reprimand since the letter of reprimand is contained in the official personnel file. Grievances for other than letter of reprimand are not documented in the files.

PP 8-118.C.2.k. Effective January 25, 2008, electronic mail procedure acknowledgments have been moved to the department personnel file. Those issued before January 25, 2008, must remain in the official personnel file.

PP 8-118.F.1.h. is revised to include the performance plan forms that are already a part of the department file.

PP 8-118.F.1.m. includes the computer use and electronic mail procedure acknowledgments.

PP 8-118.F.1.n. is added to include non-medical documents in support of termination arrangements found in Personnel Policy 8-123.A.6.

PP 8-118.F.2.f. adds the medical documentation that is required under renumbered 8-123.A.6 that is required if the employee does not work the last two weeks from date of resignation for audit purposes.

13. Personnel Policy 8-119 – Rules of Conduct

PP 8-119.R. follows the standard used throughout Pima County policies and procedures for protected groups defined in federal and state law. The only exception is the inclusion of sexual orientation that has already been adopted by the Board of Supervisors as a covered group. “The results of a genetic test” is added per directive from the State’s Civil Rights Division.

14. Personnel Policy 8-122 – Group Insurance

PP 8-122.B.3., C.1. and 2., E.4 is changed to comply with the provider contract adopted by the Board of Supervisors and proper applications of benefits coverage.

PP 8-122.H. places in policy what occurs in practice and in our contracts with the providers as adopted by the Board of Supervisors.

15. Personnel Policy 8-123 – Termination

PP 8-123.A.2. removes the fact that failure to comply with checkout procedures will result in a delay in the issuance of a final paycheck or in processing retirement. State law establishes the parameters for issuing a final paycheck.

PP 8-123.A.6. establishes the filing of documents containing termination arrangements when an employee does not work the last two weeks pursuant to this policy.

PP 8-123.A.6.a and b. exempt those employees on Family and Medical Leave Act (FMLA) leave from providing additional documentation when they are unable to work the required two (2) weeks. The statements of exception ensure compliance with the law.

PP 8-123.B.2.d. is added for conversion purposes upon layoff and establishes ineligibility upon return to County employment when payout was received based on the conversion of sick leave hours.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the revisions to the Merit System Rules and Personnel Policies.

19. **SUPERIOR COURT/JUVENILE COURT CENTER**

RESOLUTION NO. 2009 - 190, of the Pima County Board of Supervisors, electing participation by Pima County in the Family Counseling Programs for Fiscal Year 2009-2010.

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 -190.

20. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2009 - 191, of the Board of Supervisors of Pima County, Arizona,

approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$240,000,000.00 Metro Police Facility Lease Revenue Bonds (Clark County, Nevada Project), Series 2009 and declaring an emergency.

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 -191.

21. **FLEET SERVICES**

Pursuant to A.R.S. 11-251(58), staff requests approval to sell a 1998 Ford Crown Victoria, VIN No. 2FAFP71W0WX157593 to the Mt. Lemmon Fire District for the nominal fee of \$10.00.

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

22. **FINAL PLAT WITH ASSURANCES**

P1206-133, Lot 20 of Cerro de Falcon, Lots 1-3 and Common Area A. (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 final plat with assurances.

23. **FINAL PLAT WITHOUT ASSURANCES**

P1208-070, The National, Lots 11-13. (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 final plat without assurances.

24. **TRANSPORTATION**

RESOLUTION NO. 2009 - 192, of the Pima County Board of Supervisors, approving the award and authorizing the expenditure of Federal Safe Routes to School Fund to implement the Pima County Safe Routes to School Program.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-192.

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25. **BOARD OF SUPERVISORS**

**Pima County Code Text Amendment**

An Ordinance of the Board of Supervisors of Pima County, relating to personnel and employee matters, amending Chapter 2.20 of the Pima County Code, to provide for additional

procedures applicable to the meet and confer process and to provide for an authorized representative and a meet and confer process for County certified Law Enforcement Officers.

If approved, pass and adopt:

ORDINANCE NO. 2009 - 69

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 Ordinance No. 2009 - 69.

**FRANCHISES/LICENSES/PERMITS**

**Liquor Licenses**

26. 09-11-8981, Martha Louise Branson, 100 Estrella Restaurant, 100 W. Estrella, Ajo, Series 12, Restaurant License, New License.
27. 09-13-8983, George D. Georgelos, Vail Steakhouse Café & Diner, 13005 E. Benson Highway, Vail, Series 12, Restaurant License, New License.

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

It was thereupon moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and forward the recommendations to the State Liquor Control Board.

**DEVELOPMENT SERVICES**

**PIMA COUNTY ZONING CODE TEXT AMENDMENT**

28. Co8-09-03, HOME AUTO REPAIR  
An Ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code Title 18, Chapter 18.03 (General Definitions) to amend the definitions for Commercial Vehicle and Inoperable Vehicle; and to amend Chapter 18.09 (General Residential and Rural Zoning Provisions) by modifying Section 18.09.020 (General Requirements and Exceptions) as it relates to Home Auto Repair and Open Storage in conjunction with a residential use. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Membrila was absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2009 - 70

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009-70.

## **CONDITIONAL USE PERMIT**

### 29. P21-09-012, JOHNSON – S. SANTA RITA RD.

David Blair, representing the property owners, on properties located at 16341 & 16343 S. Santa Rita Rd., in the GR-1 zone, requests a Conditional Use Permit for a Contractor's Yard. Chapter 18.97, in accordance with Sections 18.14.030B12 of the Pima County Zoning Code, allows a Contractor's Yard as a Type II conditional use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 2)

#### Standard Conditions

1. Minimum setback: one hundred feet from any property line.
2. Yard to be completely enclosed by screening a minimum of six feet in height.
3. Access be onto a paved public road with "collector" classification or higher.
4. Receive an approved Development Plan.

Note: It appears that Standard Condition #3 is not currently being met. Special Condition #7 below is recommended so that this issue can be suitably addressed by the Department of Transportation (DOT) during formal Development Plan review.

#### Special Conditions

1. The contractor's yard is limited to the area as shown on the submitted Preliminary Development Plan. A 100' setback for the contractor's yard storage area shall be provided from all property lines and no reduction in this setback shall be permitted by variance or any other administrative relief.
2. Use of the contractor's yard is limited only to the parking/storage of commercial vehicles and related business equipment and materials. No other on-going industrial activities, work, or business activities shall occur or be permitted on the property. Manufacturing and mining are expressly forbidden.
3. Screening of the contractor's yard shall occur on all sides of the enclosure and shall be accomplished with a minimum 6' tall chain-link fence with screening slats.
4. Hours of operation shall be limited to 6:30 AM to 7:00 PM for the months of October through April. Hours of operation shall be 5:00 AM to 7:00 PM for the months of May through September so as to allow earlier morning access during the hot summer months.
5. On-going dust control shall occur in accordance with all applicable air-quality standards as administered by the Pima County Department of Environmental Quality.
6. Access shall be limited to the one (1) point of access as shown on the Preliminary Development Plan. Access to the site shall be further limited only to and from Santa Rita Road to the west; no access to/from the site from the east shall be allowed.
7. The Pima County Department of Transportation (DOT) shall make a formal determination, during the Development Plan review process, as to the appropriate roadway service for the private road serving the site from Santa Rita Road. A simple compacted dirt roadway shall not be allowed. The private roadway shall be improved with a dust palliative, gravel, or asphalt pavement surface as determined by DOT. All improvements of the roadway and associated on-going maintenance shall be the responsibility of the applicant in this conditional use permit case.

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

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the conditional use permit subject to standard and special conditions.

## **SUBDIVISION PLAT WAIVER**

### 30. PPW09-02, GONZALES, ET. AL. – MANVILLE ROAD

Request of Mario Gonzales, et. al., for a subdivision plat waiver for Tax Parcel Nos. 213-27-018C, 018D, 018G, 018J, 018K, 018L, 018M, 018N, 018P and 018Q, pursuant to Section 18.69.080 of the Pima County Zoning Code, which allows a waiver of any or all Code standards for a subdivision which has received or is not subject to an order of exemption from the public report requirements administered by the Arizona Department of Real Estate. The applicants have accepted a Consent Order (File No. 06F-SD-342) before the Arizona Department of Real Estate in the matter of subdivision violations pertaining to the tax parcels referenced herein. The subject property is approximately 49.3 acres zoned RH and is located at and near the northwest corner of Manville Road and Avra Road. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

#### Conditions

1. With exception of the existing overhead electric utility line within the easement aligned with River Rock Lane, all utility lines, including electric utility lines servicing individual parcels, shall be located underground.
2. There shall be no further lot splitting without the written approval of the Board of Supervisors.
3. The property owners shall be responsible for the maintenance, control, safety, and liability of all privately-owned roads, parking areas, drives, physical barriers, drainage improvements/drainageways, and drainage easements.
4. The conditions of approval shall be satisfied within 120 days of approval of the subdivision plat waiver by the Board of Supervisors.
5. Access to Manville Road shall be limited to one point, except for the previously approved permitted driveway for 13502 W. Manville Road (currently Tax Parcel 213-27-018N).
6. Adherence to the Major Streets and Scenic Routes building and structure setback of a minimum of 105 feet as measured from the center of future 150-foot right-of-way of Manville Road (75 feet from the property lines fronting Manville Road). There shall be no new improvements, including but not limited to walls or fences of any height, accessory building or structures, pools, or septic systems, within 45 feet of property lines adjacent to Manville Road and greater setbacks may otherwise be required by code.
7. Right-of-way use permits are required for all work within Manville Road and Avra Road rights-of-way.
8. Floodplain Use Permits are required for all future development including walls and fences and may include riparian mitigation requirements.
9. Payment of \$485 to the Development Services Department which reflects cost/staff time for the illegal subdivision case investigation.

Supervisor Bronson stated that she questioned the need for two conditions recommended by staff. First, the park fee of approximately \$8,000.00 because there were no plans for a recreational park in the area; and second, the chip sealing. She asked Priscilla Cornelio, Director of the Pima County Transportation Department (DOT), to explain the need for the chip sealing request as she understood that the Department of Environmental Quality had no problem with the dust in this area. Ms. Cornelio responded that DOT had recommended the chip seal on the local road primarily for dust control measures.

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

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías, and unanimously carried by a 5-0 vote, to close the public hearings and approve the plat waiver subject to special and standard conditions, deleting the two conditions pertaining to park fees and chip sealing.

**31. REZONING ORDINANCES**

- A. ORDINANCE NO. 2009 - 71, Co9-03-31, Backus-Old Spanish Trail Rezoning. Owners: Peter & Deborah Backus. (District 4)
- B. ORDINANCE NO. 2009 - 72, Co9-06-01, DC Investments III, L.L.C.- Soldier Trail Rezoning (Zoning Plan Plat). Owner: DC Investments III, L.L.C. (District 4)
- C. ORDINANCE NO. 2009 - 73, Co9-06-02, Eze/Ozioko – Edison Street Rezoning (Zoning Plan Plat). Owners: Bernard M. Eze & Josephine C. Ozioko. (District 4)
- D. ORDINANCE NO. 2009 - 74, Co9-06-15, Trubee - Bear Canyon Road Rezoning (Zoning Plan Plat). Owner: Quinn C. Trubee. (District 4)
- E. ORDINANCE NO. 2009 - 75, Co9-06-20, Konzal - Bear Canyon Road Rezoning (Zoning Plan Plat). Owner: Daniel W. Konzal. (District 4)
- F. ORDINANCE NO. 2009 - 76, Co9-06-29, Mead - King Street Easement Rezoning (Zoning Plan Plat). Owner: Neal Orvis Mead. (District 4)
- G. ORDINANCE NO. 2009 - 77, Co9-06-42, Saheb/Robertson – Bear Canyon Road Rezoning (Zoning Plan Plat). Owners: Shaik M. Saheb & Keitha J. Robertson. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll not present, to close the public hearings and adopt Ordinance Nos. 2009 - 71, 72, 73, 74, 75, 76 and 77.

**32. REZONING RESOLUTIONS**

- A. RESOLUTION NO. 2009 - 193, Co9-92-29, Title Security Agency Trust 163 – Shannon Road Rezoning. Owner: Fidelity National Title Trust 30209. (District 1)
- B. RESOLUTION NO. 2009 - 194, Co9-99-43, Railroad Associates, L.L.C.- River Road Rezoning. Owners: Gary Underdown and Tom & Peggy Foley. (District 1)
- C. RESOLUTION NO. 2009 - 195, Co9-01-20, Koirif - Valencia Road Rezoning. Owners: Isaac & Maria Koirif. (District 5)

- D. RESOLUTION NO. 2009 - 196, Co9-02-36, Johnson - Santa Rita Road Rezoning. Owner: Neil Johnson. (District 2)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-0 vote, Supervisor Carroll not present, to close the public hearings and adopt Resolution Nos. 2009 - 193, 194, 195 and 196.

33. **STREET NAME CHANGE**

Present  
Palo Verde Boulevard  
Co14-09-006  
(District 1)

Proposed  
Corte Casa Del Sol

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-0 vote, Supervisor Carroll not present, to close the public hearing and approve the street name change.

**TRANSPORTATION**

UNFINISHED BUSINESS (RM 5/12/09 and RM 6/2/09)

34. **Roadway Development Impact Fees**

A. Pursuant to A.R.S. §11-1102, conduct a public hearing regarding the establishment of the Southwest Benefit Area and amendments to existing development impact fees.

B. Direct staff to:

1. Prepare an ordinance to amend Title 19 of the Pima County Code to establish the Southwest Benefit Area, fee schedules and policies and to redefine San Xavier and Avra Valley Benefit Areas as recommended;
2. Amend Pima County Ordinance No. 2009-02, to provide a new project list for the Southwest Benefit Area and revised lists for the Avra Valley and San Xavier Benefit Areas;
3. Prepare an ordinance to modify the Major Street and Scenic Routes Plan to be consistent with the SWIP (Southwest Infrastructure Plan);
4. Prepare and release a public report documenting the need to increase impact fee county-wide and to prepare an ordinance amendment for adoption in no less than 120 days. Contained in the ordinance will be a delayed effective date of six months based on local economic conditions. This effective date will be reevaluated at the end of the six month period for possible extension.

5. Undertake infrastructure studies in the remaining benefit areas to better define future growth, needed projects, project costs, and required impact fees.

On consideration, it was moved by Supervisor Bronson, seconded by, Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the Roadway Development Impact Fee recommendations as presented.

### NEW BUSINESS

#### 35. **Traffic Ordinances**

- A. ORDINANCE NO. 2009 - 78, of the Board of Supervisors, regulating traffic on Edwin Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2009 - 79, of the Board of Supervisors, establishing prima facie speed limits on Kolb Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 4)
- C. ORDINANCE NO. 2009 - 80, of the Board of Supervisors, establishing prima facie speed limits on Kinney Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 3 and 5)
- D. ORDINANCE NO. 2009 - 81, of the Board of Supervisors, establishing prima facie speed limits on Ironwood Hill Drive in Pima County, Arizona. Staff recommends APPROVAL. (Districts 3 and 5)

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 approve Ordinance Nos. 2009 78, 79, 80 and 81.

#### **Establishment Resolution**

36. RESOLUTION NO. 2009 - 197, of the Board of Supervisors of Pima County, Arizona, providing for the establishment of Country Club Road, a County highway lying within a portion of Section 20, T13S, R14E, Pima County, Arizona. (District 1)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009 -197.

#### **Temporary Road Closure Resolution**

37. RESOLUTION NO. 2009 - 198, of the Board of Supervisors of Pima County, Arizona, authorizing the temporary, partial closure of La Cholla Boulevard from the north bank of the Rillito River to Curtis Road, lying within portions of Sections 15 and

16, T13S, R13E, G&SRM. Pima County, Arizona. (Districts 1 and 3)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009-198.

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38. **COUNTY ADMINISTRATOR**

**Fiscal Year 2009 Sustainability Report Card**

Staff recommends acceptance of the Year One Implementation Report Card for the Sustainable Action Plan for County operations.

Tedra Fox, Sustainability Manager/Federal Stimulus Program Manager, presented a progress report on how Pima County had performed in meeting the 31 key success indicators contained in the Sustainability Plan. She stated that, over the last year, there had been significant accomplishments as well as identification of areas for future achievement. Chairman Elías thanked Ms. Fox for assuming a leadership role in this program.

On consideration, motion was made by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the Year One Implementation Report Card for the Sustainable Action Plan for County operations.

39. **SUPERIOR COURT**

A. **Judges Pro Tempore**

Appointment of the following supplemental applicants as Judge Pro Tempore of Superior Court for the period of August 4, 2009 through June 30, 2010:

John Brady	Philip Grant
Suzanne Brei	K. Alexander Hobson
Lindsay Brew	Thomas Johnson
Douglas Clark	Daniel Jurkowitz
Gary Cohen	Harvey Jurkowitz
Melvin Cohen	Kathleen McCarthy
Amelia Craig Cramer	Deborah Pratte
James Farley	James Sakrison
Scott Gibson	James Stroud
Elliot Glicksman	

B. **Salary Adjustments**

Pursuant to the Court's Salary Administration Manual, salary adjustments to

\$26.9586 for the following Court Reporter positions:

<u>PCN</u>	<u>Effective Date</u>
003110	September 27, 2009
203194	January 3, 2010

On consideration, motion was made by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the above items.

#### 40. **CONTRACTS**

##### A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2009- 199, approving an Intergovernmental Agreement with the State of Arizona, Dept. of Commerce - Energy Office, to provide for a Residential Weatherization Assistance Program, State Grant Fund, contract amount \$109,824.00 revenue (02-70-A-142212-0809)

##### B. **County Attorney**

2. RESOLUTION NO. 2009- 200, approving an Intergovernmental Agreement with the City of Tucson to provide for the Pima County Attorney's Office 88-Crime Program. City of Tucson Fund, contract amount \$12,610.00 revenue (01-02-T-142241-0709)

##### C. **Facilities Management**

3. AECOM Services, Inc., Amendment No. 4, to provide architectural services for the Justice Court/Tucson City Court Complex and amend scope of work, 2004 Bond Fund, no cost (15-13-D-137105-0805)
4. The Durrant Group, Inc., Amendment No. 1, to provide architectural and engineering design services for the Wireless Integrated Network Communications Facilities, extend contract term to 5/31/2012 and amend contractual language, 2004 Bond Fund, contract amount \$1,998,312.00 (15-13-D-141540-1008)

##### D. **Forensic Science**

5. Humane Borders, Amendment No. 1, to provide for the International Open GIS Initiative for Missing and Deceased Migrants Project and extend contract term to 12/30/09, Howard G. Buffett Grant Fund, contract amount \$10,000.00 (02-30-H-140862-0108)

**E. Health**

6. Arizona Early Childhood Development and Health Board, to provide health consultation services to regulated child care providers enrolled in Quality First, Arizona Early Childhood Development and Health Board Fund, contract amount \$573,333.00 revenue (02-01-A-142244-0709)

**F. Real Property**

7. RESOLUTION NO. 2009- 201, approving an Intergovernmental Agreement with the Town of Springerville for the transfer of AIP Entitlement Funds, contract amount \$130,520.00 revenue (01-04-S-142259-0809)
8. RESOLUTION NO. 2009- 202, approving the execution of the following for the acquisition of the Clyne Ranch: (11-64-C-142253-0809)
  - A. Purchase and Option Agreement with Susan S. Clyne, Janet Anderson and Meade S. Clyne, for Tax Parcel Nos. 306-34-006A, 306-34-007A and 306-34-006C, 2004 Bond Fund, contract amount \$3,796,500.00 including closing costs.
  - B. Option Agreement with Susan S. Clyne and Janet Anderson, 1997 Bond Fund, contract amount \$1,113,500.00 including closing costs.
  - C. Ranch Management Agreement with Meade S. Clyne and Susan S. Clyne, no cost.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution Nos. 2009-199 , 200, 201 and 202.

**41. BOARDS, COMMISSIONS AND/OR COMMITTEES**

**A. Sports and Tourism Authority**

1. Appointment of Eddie Leon to fill the unexpired term of Mike Feder. Term expiration: 3/31/12.
2. Appointments of Michael Hawkins to fill the unexpired term of George Favela and Regan Jasper to fill the unexpired term of Sheila Baize. Term expirations: 3/31/10

On consideration, motion was made by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointments.

**B. Trial Court Appointments Nominating Committee,  
District 3**

Ratification of appointments, No term expiration:

Marsha Mendelsohn, Democrat;

Tim Escobedo, Democrat;

Cazlin Robbins, Democrat;

Mari Helen High, Democrat;

Russell Graham, Republican;

Scott Cavell, Republican; and

Hope Sullivan, Independent.

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

**42. CALL TO THE PUBLIC**

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

**43. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.