

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

April 6, 2010

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, April 6, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, 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. P09CV00033, Daniel V. Zabaleta. 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

P009CV00033, Daniel V. Zabaleta

In accordance with the Pima County Zoning Code Section 18.95.030C, Daniel V. Zabaleta, the defendant, appeals the decision of the Hearing Officer in Case No. P009CV00033, for a violation of the Zoning Code, Sections 18.09.020.P.1-8, visible storage of vehicle without current registration over 60 days on property located at 3624 W. Horizon Hills Dr. (District 1)

Rick Bruster, Code Enforcement Supervisor, provided a report and explained the citation had inaccurately stated current registration would satisfy the Zoning Code requirements. But, the Zoning Code actually requires that an inoperable vehicle stored on the property for more than 60 days must also be screened from view. He stated although there had been some unusual circumstances and inaccurate information involved with this case, the issues had been addressed by the hearing officer and had been taken into account in the subsequent judgment. Staff recommended the hearing officer's decision be upheld.

Daniel Zabaleta stated he had the vehicle registered and had faxed the information to the inspector who had indicated that all of the charges would be dropped. However, a month and a half later, he had received a letter informing

him he was still in violation. He said that it was not until the hearing that he was informed the inspector had been mistaken and the Code required he do both.

Supervisor Bronson inquired why he was still considered to be in violation.

Mr. Bruster stated it had not been demonstrated that the vehicle was operable and it had been parked at the side of the house with flat tires during the entire investigation.

Supervisor Elias asked for clarification on what evidence needed to be provided to the hearing officer to prove the vehicle was operable.

Chris Straub, Chief Civil Deputy County Attorney, stated if the evidence presented to the hearing officer indicated the tires were flat and it was unregistered at the time, it could reasonably be concluded it was inoperable.

Supervisor Day asked Mr. Zabaleta how long the vehicle had been parked there and what his intentions were for it.

Mr. Zabaleta replied the vehicle was a 1956 Chevrolet truck which was operable and registered and that it had been parked there since June of the previous year. He stated his intentions were to totally restore the truck.

Chairman Valadez suggested if there were a demonstration of operability, the Board could act accordingly.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to uphold the appeal and waive the fine pending demonstration of the vehicle's operability within 30 days.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:45 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

April 6, 2010

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 6, 2010. Upon roll call, those present and absent were as follows:

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

1. **INVOCATION**

The invocation was given by Pastor Jerry Trewern, Mountain View Assembly of God.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Supervisor Valadez offered the Board's sympathy to the family of Mary Alice Eckstrom who passed away on March 29, 2010. He and other Board members shared their memories of Mrs. Eckstrom and their mutual admiration for her as a woman, who through her lifetime of dedication and hard work made a positive difference in the lives of young people and our community.

4. **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

5. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

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

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

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendation Bjerke v. Pima County, Tax Parcel No. 212-01-0070, Arizona Tax Court Case No. ST2009-001718.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax years 2009 and 2010. The proposed settlement would result in a decrease of the full cash value from \$665,182.00 to \$567,000.00 for 2009 and from \$660,655.00 to \$500,000.00 for 2010, which would not roll over to 2011. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the settlement as recommended.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendation Helm v. Pima County, Tax Parcel No. 214-54-0120, Arizona Tax Court Case No. ST2009-001801.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$457,466.00 to \$330,000.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the settlement as recommended.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendation Strand v. Pima County, Tax Parcel No. 108-15-102E, Arizona Tax Court Case No. ST2009-001742

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$712,059.00 to \$420,000.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

10. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Desert American Builders Corp. v. Pima County, U.S. District Court Case No. CIV-07-347-TUC-FRZ.

Chris Straub, Chief Civil Deputy County Attorney, stated the County Administrator and the County Attorney's Office recommended proceeding with a settlement conference under the parameters discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

11. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Gabroy, Rollman & Bosse to represent Susanna Laundry with respect to a property line dispute involving her neighbor that also involves a zoning dispute.

Chris Straub, Chief Civil Deputy County Attorney, advised that the approval of a request for a waiver of a conflict of interest was at the discretion of the Board of Supervisors.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to waive the conflict of interest.

12. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendation Baumgartner v. Pima County, Tax Parcel No. 117-09-098D, Arizona Tax Court Case No. ST2009-001697.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$253,911.00 to \$95,000.00. The classification of the parcel would also be changed from Class 4 (Residential Rental) to Class 3 (Owner Occupied). The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

13. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendation Gallery Lot 12 L.L.C., et al. v. Pima County, Tax Parcel Nos. 218-40-5130 and 218-40-5140, Arizona Tax Court Case No. ST2009-000722.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$400,000.00 to \$360,000.00 and the stipulated full cash value for 2011 would be \$285,000.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

14. **CONSENT CALENDAR:** For consideration and approval

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

B. APPROVAL OF CONSENT CALENDAR

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2010 - 65, approving an Intergovernmental Agreement with the Town of Marana, to provide management and implementation of the Honea Heights Neighborhood design and engineering plans for the term 1/1/10 to 12/31/10, HUD-CDBG Fund, contract amount \$170,000.00 (01-70-M-142832-0110)
2. Southern Arizona AIDS Foundation, Amendment No. 1, to provide housing and supportive services for people with HIV/AIDS and their families and amend contractual language, HOPWA Grant Fund, contract amount \$35,310.00 decrease (11-70-S-140665-0108)
3. State of Arizona - Department of Commerce Energy Office, Amendment No. 1, to provide for a Weatherization Assistance Program for the term 3/31/10 to 3/31/12 and amend contractual language, State Grant Fund, no cost (01-70-A-141978-0509)
4. State of Arizona - Department of Commerce Energy Office, Amendment No. 1, to provide for a Residential Weatherization Assistance Program and amend contractual language, State Grant Fund, contract amount \$44,899.00 revenue (02-70-A-142180-0709)
5. State of Arizona - Department of Commerce Energy Office, Amendment No. 1, to provide for a Residential Weatherization Assistance Program and amend contractual language, State Grant Fund, contract amount \$480.30 revenue (02-70-A-142212-0809)
6. International Sonoran Desert Alliance, Inc., to provide for the Historic Ajo Plaza Redevelopment Project for the term 3/1/10 to 2/28/13, HUD-NSPI Fund, contract amount \$800,000.00 (02-70-I-142820-0310)

7. To provide for the redevelopment of vacant land for the term 4/1/10 to 2/28/13, ARRA, HUD-NSP2 Funds:

<u>Vendor</u>	<u>Contract Amount</u>	<u>Contract No.</u>
Habitat for Humanity Tucson, Inc.	\$1,225,000.00	02-70-H-142828-0410
Old Pueblo Community Services	\$ 600,000.00	02-70-O-142835-0410

8. City of Tucson, to provide for the acquisition and rehabilitation of 30 foreclosed units and revitalize neighborhoods impacted by foreclosure crisis for the term 4/1/10 to 2/28/13, ARRA, HUD-NSP2 Funds, contract amount \$4,200,000.00 (02-70-T-142836-0410)
9. Primavera Foundation, Inc., to provide for the acquisition and rehabilitation of units and redevelopment of vacant land to improve the revitalize neighborhoods impacted by the foreclosure crisis for the term 4/1/10 to 2/28/13, ARRA, HUD-NSP2 Funds, contract amount \$1,798,500.00 (02-70-P-142837-0410)

B. County Administrator

10. The Nordensson Group, L.L.C., Amendment No. 1, to provide consulting services to assist in the creation of consistent Pima County Media Communications and Public Awareness, H1N1 Public Awareness Campaign and Interactive Voice Response System for the Pima County Consolidated Justice Courts for the term ~~8/31/10~~ **3/16/10** to 12/31/10 and amend contractual language, Federal Grant and Justice Courts Automation Fund, contract amount \$200,000.00 (07-30-N-142442-0909)

C. County Attorney

11. RESOLUTION NO. 2010 - 66, approving an Intergovernmental Agreement with the City of South Tucson and City of Tucson, to provide for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award for the term 10/1/08 to 9/30/12, Federal Fund, contract amount \$341,650.50 revenue (01-02-S-142809-1008)
12. Hawkins, Delafield and Wood, L.L.P., Amendment No. 2, to provide legal representation in the implementation of the Regional Optimization Master Plan and amend contractual

language, Sewer Revenue Obligation Fund, contract amount \$400,000.00 (17-02-H-140915-0308)

13. Snell & Wilmer, L.L.P., Amendment No. 4, to provide legal advice and representation regarding Superior Court Case No. C20014840, Seaboard Surety Company, et. al., for the term 2/27/10 to 2/25/11, RWRD Enterprise Fund, contract amount \$150,000.00 (17-02-S-140916-0208)
14. Demand Construction Services, Inc., Amendment No. 3, to provide expert witness services in the matter of Seaboard Surety Company v. Pima County and amend contractual language, RWRD Enterprise Fund, contract amount \$50,000.00 (31-02-D-141537-0708)

D. Environmental Quality

15. Arizona Department of Environmental Quality, Amendment No. 6, to provide for the Clean Air Voluntary No-Drive Day Program for the term 7/1/09 to 6/30/10, ADEQ Grant Fund, contract amount \$57,875.00 revenue (02-51-A-136398-0805)

E. Forensic Science Center

16. To provide forensic anthropology services for the term 3/1/10 to 2/28/11, General and Grant Funds, contract amount \$18,000.00 each:

<u>Vendor</u>	<u>Contract No.</u>
Joe Hefner, Ph.D.	07-48-H-142829-0310
Russ Nelson, Ph.D.	07-48-N-142833-0310

F. Pima Health System

17. Smith's Food & Drug Centers, Inc., d.b.a., Fry's Food & Drug Stores, Amendment No. 4, to provide prescription pharmacy and medical supply services for the term 4/1/10 to 8/31/10, PHCS Enterprise Fund, no cost (18-15-S-135704-0405)
18. American Associated Druggist, Inc., d.b.a., United Drugs, Amendment No. 4, to provide prescription pharmacy and medical supply services for the term 4/1/10 to 5/31/10, PHCS Enterprise Fund, no cost (18-15-A-135722-0405)
19. American Associated Druggist, Inc., d.b.a., United Drugs, Amendment No. 4, to provide pharmacy benefit

management services for the term 4/1/10 to 5/31/10, PHCS Enterprise Fund, no cost (07-15-A-136077-0405)

20. Southwestern Eye Center, Ltd., Amendment No. 6, to provide ophthalmology, optometry and surgicenter services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137384-0406)
21. Arizona Department of Economic Security, Amendment No. 15, to provide home and community based services to eligible elderly and physically disabled individuals and amend contractual language, PHCS Enterprise Fund, contract amount \$165,855.00 decrease (01-15-D-137491-0705)
22. Southwest Heart Group, L.L.C., Amendment No. 5, to provide cardiovascular services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137910-0406)
23. Marana Health Center, Inc., Amendment No. 4, to provide specialty care services for the term 1/1/10 to 12/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-138942-0107)
24. Tucson Pulmonology, P.C., Amendment No. 3, to provide pulmonology services for the term 5/1/10 to 4/30/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-139375-0507)
25. Jewish Family and Children's Service of Southern Arizona, Inc., Amendment No. 2, to provide case management services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-J-141133-0708)
26. Carondelet Medical Group, Inc., Amendment No. 2, to provide primary care physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-141874-0409)
27. University Medical Center Corporation, Amendment No. 2, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142058-0509)
28. NSI - Nursing Service, Inc., Amendment No. 3, to provide homecare services and amend contractual language, PHCS

Enterprise Fund, contract amount \$1,150,000.00 (07-15-N-142065-0709)

29. Bayada Nurses, Inc., Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount: \$550,000.00 (07-15-B-142128-0709)
30. Pima Council on Aging, Amendment No. 2, to provide case management, housekeeping/homemaker, personal care, reassurance, caregiver training/support groups, family consultation/care planning and respite services and amend contractual language, PHCS Enterprise Fund, contract amount \$27,466.00 revenue (07-15-P-142230-0709)
31. Premier Surgery Center of Tucson, L.P., to provide surgery services for the term 3/1/10 to 2/28/12, PHCS Enterprise Fund, contract amount \$350,000.00 (18-15-P-142825-0310)
32. El Rio Health Center, Inc., to provide specialty care services for the term 4/1/10 to 3/31/12, PHCS Enterprise Fund, contract amount \$6,000,000.00 (18-15-E-142842-0410)

G. Procurement

33. Sakellar Associates, Amendment No. 2, to provide architectural design services for the Wilmot Branch Library for the term 3/16/10 to 7/31/11 and amend contractual language, 2004 Bond Fund, contract amount \$5,368.00 (15-13-S-140579-0108) Facilities Management
34. Network Infrastructure Corporation, Amendment No. 1, to provide for the Pima County Wireless Integrated Network Microwave Connectivity Network System for the term 4/6/10 to 1/4/17 and amend contractual language, 2004 Bond Fund, no cost (11-14-C-142612-0110) Information Technology

Awards

35. Low Bid: Award of Contract, Requisition No. 1001170 in the amount of \$398,450.00 to the lowest responsive bidder, Sellers and Sons, Inc., (Headquarters: Buckeye, AZ) for the Raúl M. Grijalva - Canoa Ranch Conservation Park. The contract award is for the Base Bid, Alternate No. 1 and Alternate No. 2. The contract term is for a one year period which may be extended for project completion. Staff recommends that Sellers and Sons' inadvertent failure to

note their receipt of Addendum No. 3 in their bid be waived as a minor informality. Funding Source: 2004 Bond Fund. Administering Department: Cultural Resources and Historic Preservation Office.

36. Award of Contracts, Requisition No. 1001515 in the annual amount of \$599,999.00 for tobacco education and prevention services in accordance with IGA HG060011. Contracts are for a one-year term and include four one year renewal periods. Funding Source: Public Health Tobacco Education. Administering Department: Health Department.

<u>Contractor</u>	<u>HQ Location</u>	<u>Annual Amount</u>
Tucson Unified School District	Tucson, AZ	\$460,000.00
Vail Unified School District	Vail, AZ	\$ 40,000.00
Flowing Wells School District	Tucson, AZ	\$ 15,000.00
Marana School District	Marana, AZ	\$ 15,000.00
Sunnyside Unified School District	Tucson, AZ	\$ 30,000.00
Boys and Girls Club of Tucson	Tucson, AZ	\$ 21,000.00
YMCA of Southern Arizona	Tucson, AZ	\$ 12,000.00
United Way of Southern Arizona	Tucson, AZ	\$ 6,000.00

37. Award of Contract, Requisition No. 1001190 in the annual amount of \$700,000.00 to the highest ranked/most qualified respondent, Employers Dental Services (Headquarters: Tucson, AZ) for group prepaid dental plan. Contract is for a one year term and includes four one year renewal periods. Funding Source: Employee Contributions (50%) and Various Department Funds (50%). Administering Department: Human Resources.

38. Award of Contract, Requisition No. 1001191 in the annual amount of \$1,686,000.00 to the highest ranked/most qualified respondent, Ameritas Life Insurance Corp. (Headquarters: Lincoln, NE) for third party dental plan administration services. Contract is for a one year term and includes four one year renewal periods. Funding Source: Employee Contribution (50%) and Various Department Funds (50%). Administering Department: Human Resources.

39. Low Bid: Award of Contract, Requisition No. 1000332 in an amount not to exceed \$1,209,125.00 to the lowest responsive bidder, Hoffman Southwest Corp., d.b.a., Professional Pipe Services (Headquarters: Mission Viejo, CA) for the Collections System Closed Circuit Television Inspection Services project. Bids were based upon an

estimate of work during the first year of the contract to establish unit costs for various categories of work. Contract is for a one year term and includes four one year renewal periods. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.

40. Low Bid: Award of Contract, Requisition No. 1000787 in the amount of \$1,138,195.06 to the lowest responsive bidder, Southern Arizona Paving and Construction Company (Headquarters: Tucson, AZ) for pavement preservation through a countywide overlay project at various locations. The contract term is six months with the ability to extend for project completion. Construction is to be completed within 60 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009. Administering Department: Transportation.
41. Low Bid: Award of Contract, Requisition No. 1000801 in the amount of \$1,331,933.00 to the lowest responsive bidder, Southwest Slurry Seal, Inc. (Headquarters: Phoenix, AZ) for pavement preservation through a countywide microseal project at various locations. The contract term is nine months with the ability to extend for project completion. Construction is to be complete within 100 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009. Administering Department: Transportation.
42. Low Bid: Award of Contract, Requisition No. 1000811 in the amount of \$519,800.00 to the lowest responsive bidder, Southern Arizona Paving and Construction Company (Headquarters: Tucson, AZ) for pavement preservation through a countywide chipseal and fog coat project at various locations. The contract term is six months with the ability to extend for project completion. Construction is to be completed within 45 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009. Administering Department: Transportation.

H. **Sheriff**

43. Town of Oro Valley, Amendment No. 1, to provide for the incarceration of municipal prisoners and amend contractual language, General Fund, no cost (01-11-O-142202-0709)

I. **Transportation**

44. Santa Theresa Tile Works, Inc., Amendment No. 6, to provide artist services and artwork for the Sunrise Drive; Craycroft Road to Kolb Road Project for the term 2/16/10 to 12/30/10 and amend contractual language, 1997 HURF Bond Fund, contract amount \$60,000.00 (07-04-S-128302-1100)

2. **DIVISION OF ELECTIONS**

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Tucker, Michael D.	095	DEM
Ernst, Richard H.	141	DEM
Nevarez, Deyanira	168	DEM
Proud, Terri L.	264	REP
Simpson, Amanda R.	346	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Golden, Phyllis R.	070	DEM
Walker, Lester L.	107	REP
Cox, Richard W.	141	DEM
Wood, Mary J.	142	DEM
Nevarez, Deyanira	145	DEM
Borges, Carol J.	193	DEM
Whittemore, Susan L.	198	REP
Davies, Payton W.	341	REP
Proud, Terri L.	342	REP

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

A. **Bond Advisory Committee (Pima County)**

Reappointments: Carolyn Campbell and Jesus Gomez. Term expirations: 4/30/16. (District 5)

B. **Metropolitan Education Commission**

Appointment of Emily Mitchell, Tucson Regional Economic Opportunities, Inc., to replace Martin Falkowski. Term expiration: 3/16/13. (Commission recommendation)

C. **Regional Wastewater Reclamation Advisory Committee**

Reappointments: Jim Barry, Citizens' Water Advisory Committee; and Mark Stratton, AZ Water Association. Term expirations: 3/1/14. (Organizational recommendations)

D. Sports and Tourism Authority (Pima County)

Reappointments: Justin Lanne, Youth and Amateur Sports; Edgar Soto, Pima Community College – College Athletics; Regan Jasper, Restaurant Industry; Rick Grinnell, Restaurants; and Jim Arnold, Media. Term expirations: 4/6/12. (Staff recommendations)

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

- A. Joseph J. Blair, Arizona Basketball Alumni Foundation, La Encantada, 2905 E. Skyline Drive, Tucson, March 27, 2010.
- B. Holly J. Thompson, Special Olympics Arizona, 16024 N. Oracle Road, Tucson, April 24, 2010.
- C. Meredith Erin Moore, Humane Society of Southern Arizona, 2950 N. Camino Principal, Tucson, April 30, 2010.
- D. Lori Jean Malangone, Arizona Youth Partnership, 2905 E. Skyline Drive, La Encantada, Tucson, May 7, 2010.

5. RECORDER

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of September, 2009.

6. REAL PROPERTY

A. Abandonment and Quit Claim Deed

- 1. RESOLUTION NO. 2010 - **67**, of the Pima County Board of Supervisors, providing for the vacation of a portion of El Camino Del Cerro, aka Broken Springs Trail, as Pima County Road Abandonment No. A-08-05 within Section 22, T13S, R12E, G&SRM, Pima County, Arizona. (District 3)
- 2. Quit Claim Deed to Broken Springs Trail Road, L.L.C., an Arizona limited liability company. No revenue. (District 3)

B. Abandonment, Maintenance and Easement Agreement

Maintenance and Easement Agreement with Broken Springs Trail Road, L.L.C., for the purpose of assuming all liability

and maintenance responsibilities for Broken Springs Trail and assure future maintenance. (District 3)

REGIONAL WASTEWATER RECLAMATION

7. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

TNI Partners. Proposed settlement amount is \$1,000.00.

8. PROCLAMATIONS

A. Proclaiming the Month of April, 2010, to be:

“FAIR HOUSING MONTH”

B. Proclaiming May 2 through May 8, 2010, to be:

“PIMA COUNTY PEACE OFFICERS
MEMORIAL WEEK”

and proclaiming May 6, 2010, to be:

“PIMA COUNTY PEACE OFFICERS
MEMORIAL DAY”

9. RATIFY AND/OR APPROVE

Minutes: February 9, 2010

Warrants: March, 2010

9. **COUNTY ADMINISTRATOR: Classification and Compensation**

A. The County Attorney’s Office requests approval to create one Position Control Number (PCN) to be allocated as follows. There is no General Fund impact.

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE</u>
3146	Victim Witness Advocate – County Attorney	P4

B. The Superintendent of Schools requests approval to create one new Position Control Number (PCN) to be allocated as follows.

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE</u>
7010	Senior Clerk - Unclassified	U1

Funding for this position for the remainder of this fiscal year will come from the Superintendent of School’s current budget. A redistribution of funding within the School Superintendent’s fiscal year 2011 General Fund budget request was also made. While the General Fund is the priority source of funding for this position, school districts may be charged an appropriate portion of the associated costs.

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

9. **COUNTY ADMINISTRATOR: Classification and Compensation**

The Assessor requests the creation of the following two new classifications. There are no costs associated with the creation of these classifications.

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE/RANGE</u>	<u>EEO, O/T CODE</u>
2548	Regression Modeler	44 (\$39,731-\$57,780)	2, E*
2549	Regression Modeler-Sr.	48 (\$43,610-\$63,560)	2, E*

*E = Exempt (not paid overtime)

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

B. **Transmittal of Quarterly Management Report on Collections**

Staff recommends acceptance of the Quarterly Management Report on Collections for the period ending December 31, 2009, and approval of the write-off request in the amount of \$2,115.00.

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

10. **HEALTH DEPARTMENT**

- A. RESOLUTION NO. 2010 - 68, of the Board of Supervisors, of Pima County, Arizona, accepting the Arizona Emergency Response Commission Award for the support of the Pima County Office of Emergency Management in the amount of \$2,600.00.
- B. RESOLUTION NO. 2010 - 69, of the Board of Supervisors, of Pima County, Arizona, approving the submittal of a proposal to the State of Arizona Governor's Office of Highway Safety for the provision of car seats under the Occupant Protection Program.
- C. RESOLUTION NO. 2010 - 70, of the Board of Supervisors, of Pima County, Arizona, for the acceptance of award from the Centers for Disease Control and Prevention for provision of services under the Communities Putting Prevention to Work Program in the amount of \$15,750,934.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2010-68, 69 and 70.

11. **FACILITIES MANAGEMENT: AGREEMENT TO WAIVER**

Staff requests approval to submit the agreement to waive any claims against the City of Tucson needed for the rezoning of the Kino Health Campus.

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

12. **SHERIFF**

RESOLUTION NO. 2010 - 71, approving and authorizing submission of a grant proposal to the State of Arizona Governor's Office of Highway Safety for DUI enforcement and equipment in the amount of \$31,612.00.

Without objection this Item was removed from the agenda.

13. **FRANCHISES/LICENSES/PERMITS: Fireworks Permit**

Randy Reyman, Sabino High School, 5000 N. Bowes Road, Tucson, May 26, 2010, at approximately 9:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

14. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSE

10-05-9017, Joseph Michael Scordato, Guiseppe's, 6060 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the State Liquor Control Board.

15. FRANCHISES/LICENSES/PERMITS: WINE FESTIVAL LICENSE/WINE FAIR LICENSE

Karyl Lee Wilhelm, d.b.a., Wilhelm Family Vineyards, L.L.C., Elk's Lodge No. 2592, 2951 S. Camino Mercado, Green Valley, April 18, 2010, from 2:00 p.m. to 5:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve the wine festival license request and forward the recommendation to the Arizona State Liquor Licenses and Control.

16. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2010 - 19, of the Board of Supervisors of Pima County, Arizona, relating to animals; amending the Pima County Code, Chapter 6.04 Animal Control Regulations, Section 6.04.160 excessive noise caused by animals or birds. (All Districts)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-19.

17. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT REZONING**

The Board of Supervisors' on December 15, 2009, January 19, 2010 and February 9, 2010 continued the following:

Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

Request of Sahuarita Corners L.P./Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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

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 development without the written approval of the Board of Supervisors.
7. Transportation Conditions
 - A. The property owner/developer shall dedicate 75 feet right-of-way for Sahuarita Road.
 - B. The property owner/developer shall dedicate 75 feet right-of-way for Kolb Road.
 - C. The property owner/developer shall dedicate an appropriate corner spandrel for the corner of Sahuarita/Kolb Road, as determined necessary by the Department of Transportation during plat review.
 - D. Pedestrian/bicycle access shall be provided from the proposed dead end streets to the collector and/or major roads. The Circulation Plan for which shall be approved by the Department of Transportation with the subdivision plat.
 - E. A pedestrian/bicycle trail compatible with the American's with Disabilities Act shall be provided along one side of the interior street network, as approved by the Department of Transportation.
 - F. The property owner/developer shall construct Kolb Road with a minimum of a curb/sidewalk on the west side, two vehicular travel lanes, and two bike lanes on the west half of the approved roadway cross section.
8. Environmental Quality condition:
 - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. As a condition of rezoning, the applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed

new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- C. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
9. Flood Control conditions:
- A. The Lee Moore Wash Basin Management Study FLO-2D Model shall be used for the Drainage Report, including encroachment analysis to be submitted with the plat.
 - B. Constructed Fill Pads shall be designed to be parallel to flow, to adequately include all development (including on-lot detention/water harvesting and septic systems), and to provide adequate erosion protection. No other development, including perimeter walls and accessory structures, shall be allowed if they are not within the pad. Pads shall also be provided with all-weather access driveways. Conceptual grading and lot layout demonstrating compliance with this condition shall be shown on the Tentative Plat.
 - C. Pad and driveway locations and minimum pad and finished floor elevations shall be provided on both the Tentative and Final Plats.
 - D. A Permitting Note shall be placed on the Final Plat stating: "No development, including walls and accessory structures, is allowed outside of the Building Envelopes designated on this plat."
 - E. Detention/Retention standards shall apply and a design for on-lot integrated detention and water harvesting systems, or alternative, including identifying the maintenance responsibility, shall be submitted with the drainage report at the time of platting. The volume required for each lot shall be provided on both the Tentative and Final Plats. For on-lot detention systems, a maintenance covenant shall be required from each lot owner prior to Final Inspections and this shall be a note on the plat.
 - F. The lot yield shall be a maximum of 85 lots reduced as needed and the lot layout shall meet floodplain to meet design criteria, including encroachment and detention criteria.
 - G. The following note shall be added to the PDP:
~~This PDP does not meet~~ The tentative and final plat must conform to all FPMO compliance criteria. During review and approval of the Drainage Study to be submitted with the tentative plat; the lot configuration yield is likely to decrease, and the configuration and design of associated improvements, including those providing detention and all weather access, may change as necessary to meet FPMO criteria.
 - H. The applicant shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
 - I. Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
 - J. An updated letter of intent to serve from a water service provider shall be submitted as part of the platting approval process.
10. Wastewater Management condition:
The owner / developer must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
11. Cultural Resources conditions:
- A. 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.
 - B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed

from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

12. Environmental Planning Condition:
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. 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.
13. The number size of lots adjoining the northern and western site boundaries shall not exceed the number of lots shown on the Preliminary Development Plan approved at the public hearing in order to establish a reduced-density residential buffer area to create a transition between new residential development and the existing adjacent residential area.
14. A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
 - A. Analysis of detention/retention requirements;
 - B. Need for and financing of other on-site and off-site improvements;
 - C. Habitat preservation; and
 - D. Channel and drainage design
15. All saguaros 18 feet in height or greater or with arms six feet or greater in length shall remain in place.
16. Grading shall be limited to 20,000 square feet per lot and all undisturbed areas outside of the 20,000 square foot grading envelope shall be designated as Natural Open Space on the plat.
17. Building heights shall not exceed 16 feet.
18. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Water harvesting techniques shall be employed using curb cuts and depressed planter islands, and directing roof runoff into landscaped areas and using swales and micro basins to collect stormwater to irrigate vegetation. As an alternative to using the former techniques, the water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan required by Condition 89H.
 - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources.
 - C. Each home shall be oriented with the broadest side toward the south, to the maximum extent possible.
19. Adherence to the preliminary development plan, as approved at public hearing.
20. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
21. 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.
22. The property owner 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(I)."
23. This rezoning is subject to the terms of the private agreement dated January 7, 2010 between the Sahuarita Corners Developer(s) and the Avis Acres Preservation Coalition. Sahuarita Corners Developer(s) and Avis Acres Preservation Coalition will be responsible for executing this agreement; Pima County will not be held responsible for any type of enforcement of this agreement.

Tom Hudson provided a report. He stated the Board continued this item on February 9, 2010 to allow the applicant and Flood Control staff could meet to work out unresolved issues. This meeting resulted in the provision of additional open space and several condition changes which were contained in staff's

memorandum dated March 24, 2010. Staff recommended approval with amended standard and special conditions. Memorandum March 24, 2010

The following individual addressed the Board:

Marigold Love, Moderator of the Avis Acres Preservation Coalition (AAPC)

Her comments were:

1. Initially the AAPC had opposed the development due to misinformation.
2. The AAPC had come to an agreement with the developer which had worked out a number of environmental issues.
4. If this land was not developed as a subdivision it would result in 150 acres of wildcat development.
5. The AAPC supported the rezoning.

Supervisor Carroll thanked the neighbors for working with staff to produce a solid improvement to the rezoning.

Supervisor Elias stated although he felt the rezoning ultimately could be bad for the area because it was leap frog in nature; he applauded all of the parties involved for working together to come to an agreement.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning with standard and special conditions as amended.

18. DEVELOPMENT SERVICES: REZONING RESOLUTION

RESOLUTION NO. 2010 - 72, Co9-07-06, Fidelity National Title TR 30226 - Camino Verde Rezoning. Owners: Fidelity National Title Agency, Inc., TR 30226. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2010-72.

19. DEVELOPMENT SERVICES: STREET NAME CHANGE

Present

Proposed

Unnamed Easement
Co14-19-009
(District 3)

Thirsty Acres Place

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

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

20. **TRANSPORTATION: TRAFFIC ORDINANCES**

A. ORDINANCE NO. 2010 - 20, of the Board of Supervisors, establishing prima facie speed limits on Alvernon Way in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1, 2, 3 and 5)

B. ORDINANCE NO. 2010 - 21, of the Board of Supervisors, authorizing U-turns at the intersection of Campbell Avenue and Skyline Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance Nos. 2010-20 and 21.

21. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2010 - 73, of the Board of Supervisors, permitting the temporary closure of a portion of Kinney Road during the Everyone Runs 10 Kilometer Event on July 11, 2010. Staff recommends APPROVAL. (District 3)

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

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2010-73.

1. **BOARD OF SUPERVISORS**

Discussion and information on the Pima County Budget for fiscal year 2010/11. Discussion/direction/action. (District 2)

Chuck Huckelberry, County Administrator, stated staff was preparing two budgets, one based on if the Arizona sales tax on the ballot passed and another assuming it did not. He explained the alternative State budget had triggers embedded in it which would be set in motion if the sales tax failed, one trigger would send approximately 1800 inmates, sentenced to the Arizona Department of Corrections for one year or less remaining on their sentence, back to the Pima County Adult Detention Center to complete their sentences. He stated the County did not have

the facilities to house the prisoners nor did it have the ability to raise taxes to provide enough revenues to build more prisoner housing, due to constitutional limitations and other spending limitations. Mr. Huckelberry felt that with the forecast of a decline in the County's assessed value, the budget for FY 2011/2012 would be the most difficult and because of the current economic climate, raising taxes was the something the County wanted to avoid.

Chairman Valadez stated he had put this item on the agenda because the recent actions of the State legislature had been irresponsible and instead of making tough decisions they had passed on their burden. He said if the sales tax failed the State's budget had trigger mechanisms, hidden from the general public, whose ramifications were "scary." He stated it was impossible for the County to levy enough taxes to pay for the cost shifts the State was passing on. He felt it was important to know that the State was forcing property taxes to go up and that the proposed legislation currently being considered would further limit the County's ability to pay these costs.

Mr. Huckelberry said hidden in the Jobs bill was a transfer of property tax burden from the commercial side to the residential side and if passed this legislation would reduce commercial taxes from 20% to 15% and homeowners would be 75% of the base. He explained the County's budget was 75% property tax and it experienced a continual erosion of revenues because of the structure given by the legislature and the shift of the tax burden from the mines, utilities, and commercial properties to the individual homeowner. He stated this was not a tax cut it was a tax transfer.

Supervisor Bronson commented the shift in prisoners would essentially bankrupt both Maricopa and Pima Counties. She inquired if there were legal options the County could consider and if they were being examined, because should the sales tax fail. She asked if this legislation forced the County to assume all of the associated costs for the prisoners or, if because some of the returning prisoners came from other jurisdictions, those jurisdictions would have to share some of the burden and if the new budget took into consideration the Home Juvenile cost shift that seemed to be inevitable during the coming fiscal year.

Chris Straub, Chief Civil Deputy County Attorney, stated it was something his office would have to explore.

Mr. Huckelberry replied the Legislature had discussed the possibility of closing the Department of Juvenile Corrections at the state level and sending those Juveniles back to the Counties, but the legislature had postponed it for a year to study.

Supervisor Elias stated these burdens would put the County in a situation where they would be unable to provide critical services. He agreed with the need to look into legal avenues available to protect the residents of Pima County. He felt the loss of revenue in the County had primarily been born by County employees and the most vulnerable populations in the community and that the

Legislature's incursions into local control had not been limited to voting issues or particular powers of the Board of Supervisors or essential services, but also the whole area of public safety.

The following Speakers addressed the Board

- A. Carol Terpstra
- B. Michael Humphrey
- C. Carl Formby
- D. Sue Ellen Villa Brille
- E. Suzy Bushman
- F. Terry White

They provided the following comments:

1. Before I retired I did the responsible thing and checked if I could afford to retire and at that time my healthcare was \$94.00 it is now \$141.00 and other retiree's are going to go up by as much as \$500.00 dollars.
2. The retirees were not informed this was being considered until the very end and we were blindsided when we received an unsigned letter advising us that our medical coverage would be dropped.
4. Arizona State Retirement System (ASRS) admitted that the coverage they are offering is inferior to the Counties.
5. Retirees were not given the dignity of being engaged in this process or even an honest vote by the Board.
6. The same company that provides the County insurance provides the ASRS insurance but at a higher cost
7. Retirees will be forced to make the choice between health insurance, housing and food.
8. The Board was asked to reconsider or rescind the action forcing retirees off of the County's health care coverage.

Supervisor Carroll stated this would be a good time to have a quorum on the outside budget review committee and some nighttime meetings. He invited the retirees to come to him and share their ideas on saving money

Supervisor Elias asked what the implications for maintaining insurance benefits for retirees were and what it meant to current employees and their families.

Chuck Huckelberry stated the Board had discussed the matter of medical coverage for retirees for about two years and that he had provided the Board with information explaining how much keeping the retirees on the plan would cost and how much it would be without them.

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

- B. RESOLUTION NO. 2010 - 74, of the Pima County Board of Supervisors, opposing House Bill 2617 of the Arizona Legislature's 2010 regular session because it grants unwarranted privileges to mining operations to the possible detriment of the public interest and a clean environment. (District 5)

Supervisor Elias stated it was important to understand how the legislation currently being considered by the State Legislature would be affect public health. He said mining had become more difficult industry to protect the interest of the public from especially public health. House Bill 2617 does the exact opposite and would ultimately have terrible impacts including taking away some local control from the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Water Resources and their permitting and oversight of mining operations.

The following speakers addressed the Board:

- A. Dan Cavanagh
- B. Gayle Hartman, Save the Scenic Santa Ritas and the Rincon Group of the Sierra Club.

They provided the following comments:

1. This bill was crafted to protect the safety and health of the public.
2. This is a bi-partisan bill introduced and approved in the House with bi-partisan support and was approved by the Natural Resources Committee in the Senate.
3. This bill would give ADEQ increased authority to promulgate rules and regulations where the federal legislation was currently silent.
4. This bill is about remediation and reclamation to protect people and make groundwater and air safer.
5. This bill would allow an industry that has the potential to have an enormous negative impact on our natural resources, to police itself.
6. It proposes a seven member mining advisory council with 6 members coming from the mining industry and would give it excessive power without public transparency or public involvement.
7. It would allow dirty water to be transferred from one ground water basin to another and although it wouldn't be in Pima County it doesn't make it any better.
8. It would allow mining operations to ignore ADEQ rules and oversight as they apply to required cleanup programs.
9. The Board was encouraged to approve this resolution.

Supervisor Bronson asked Mr. Cavanaugh if he could site the page and section of the law that actually increases the regulatory authority of ADEQ.

Mr. Cavanaugh replied that he did not have a copy of the bill with him but it moved to the area of sulfates which he knew was an area of particular concern in Pima County, which Federal regulations did not address. He stated it was their intention that the state had authority in that area.

Chuck Huckelberry, County Administrator, stated although this bill may have been well intended they had not shared modification or changes with Pima County. He said the problem had been it was only an internal discussion and had not included those in the regulatory side.

Mr. Cavanaugh explained this was in interim committee established by the State Legislature last year and they would be glad to meet and share information with the County. He apologized if the State had not done a good job at advertising its efforts and said he felt the committee's goals of addressing environmental clean up and safeguarding the health and safety of people of Arizona were the same as the County's.

Supervisor Elias stated this was an example of the backroom dealings that went on at the Arizona State Legislature with powerful lobbyists. He felt it was time we recognized the need to protect our interests as the public. He said County and the mining industry do talk on a regular basis and that their cooperation was needed in order to protect our interests and he thought it was odd that the County had never gotten a chance to talk about this bill previously and that the industry representative, who came to discuss the bill, did not have a copy of that bill with him. He stated that the Board was doing absolutely the right thing approving the Resolution.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll to adopt Resolution No. 2010 - 74 . No vote was taken at this time.

Chairman Valadez stated if the intent was truly to accomplish the same goals as Pima County had set forth, in terms of preservation of the environment and our quality of life and place, then it was a commendable goal. However, just by way of past experience, self governance, self reporting hasn't always worked out and when any reporter says "trust us" it is always viewed with a great deal of trepidation. I

Supervisor Bronson commented this had come to the County kind of late and she thought there was difficulty in understanding what this bill actually would do. She felt that if in deed part of the bill actually increased the regulatory authority of the ADEQ in regard to sulfur it should be applauded, however, the issue of its transparency and how this bill came to pass made her cautious. She said she thought the bill may have some unintended consequences.

Upon the vote being taken it was unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-74.

2. COUNTY ADMINISTRATOR

Discussion/direction/action regarding solid waste policy issues and landfill comparisons of the Durham Landfill in Pinal County with the proposed Marana Regional Landfill within unincorporated Pima County but scheduled for annexation by the Town of Marana.

Chuck Huckelberry, County Administrator, provided a report outlining the history and current County position regarding solid waste policies and issues and compared the proposed Marana Regional Landfill and the Durham Landfill. He said if Marana did annex the property the Board would have little to say other than giving their recommendations to the Town of Marana and weighing in with the regulatory agencies that ultimately permitted solid waste facilities. He explained the only thing the County had operated since the 1960's was a number of landfill sites, at least two solid waste transfer stations and many rural collection bins in the more remote areas. He stated that with the eventual closing of the Tangerine and Sahuarita Landfills Pima County would not be operating any landfill facility because there wasn't anywhere to successfully locate one in unincorporated Pima County.

The following speakers addressed the Board:

- A. Edward U. (Ted) Notz
- B. Stan Riddle, President Green Valley Community Coordinating Council
- C. Steve Stortzer
- D. Robin Meisner
- E. Pamela Ruppelius

They provided the following comments:

- 1. The Board asked to do whatever possible to stop wildcat dumping, illegal shooting and trashing of public land.
- 2. Closing any dump and avoiding public responsibility in maintaining public dumps will not save you money in the long run.
- 3. Set a meaningful penalty that hurts on people who illegally dump.
- 4. You can not close public dumps or raise their fees because it will cause more wildcat dumping in the County.
- .5 Closing the Sahuarita landfill would cause a lot of problems for the area and we would like to try some ideas for six months to keep the Sahuarita landfill open.
- 6. The Board was thanked for their efforts in making the Marana landfill issue more transparent
- 7. Our concern is not only about our backyard but for the future of our region and its ground water.

8. We don't want to just slow this landfill down, we want to stop it.
9. You say you are limited as to what you can do but please continue to help us and fight anyway that you can.
10. We have over 600 signatures on opposition letters to the Marana Landfill and are prepared to take on the fight of a referendum if that is what is necessary.
11. If the County's study said it could not make a landfill profitable how can private business say it will?
12. Landfills leak and if the groundwater becomes contaminated we may take years to clean it up, if in fact we can clean it up.

Chairman Valadez asked if the Sahuarita Landfill was operating in the red and if so what the causes were.

Chuck Huckelberry replied the Sahuarita Landfill operated in the red and it was projected to lose \$351,000.00 at minimum if it operates next year \$100,000.00 is the transfer payment to the Town of Sahuarita. He said he had received Supervisor Carroll's memorandum and would be providing recommendations back to him and to the Board on the subject in the next week. He stated that we had to recognize the fiscal position the County is in and understand that anything spent here had to come from somewhere that was already funded including our employees and staff.

Supervisor Elias asked what the cost associated to closing the landfill temporarily would be.

Chuck Huckelberry stated the site would have to be secured and would have to be monitored to make sure people don't break into the site.

Supervisor Bronson inquired if the studies that Pima County had done said we could not produce a profit, how a private hauler could without the importation of waste.

Chuck Huckelberry said Pima County's operations used to be profitable until Waste Management had opened their own landfill in Mobile, Arizona and they and other solid waste hauling companies had begun hauling all of their waste there instead of depositing it in Tangerine landfill. He said because of interstate commerce clauses in the constitution, the transportation and importation of solid waste could not be prohibited and that these large facilities relied on the importation of out of state waste. So if the Town of Marana allowed this landfill, they would not be able to stop that importation. He said he thought the Tangerine landfill at 40 feet high stood out because it could be seen from the freeway but, Marana's proposed landfill would be 230 feet which is half of the height of Twin Peaks the natural land feature in that area.

Supervisor Bronson inquired if there were any legal actions available to the County to oppose to the annexation of this property.

Chris Straub replied no, because it was in State statute and statute did not give the County any way of stopping it.

Supervisor Elias asked if there had been a dump site operated by the city or county or by a private corporation that had leaked.

Chuck Huckelberry replied most of the groundwater contamination that existed with the exception of a few industrial cases originated with closed landfills. He said there were two fatal flaw factors that would prohibit locating a landfill in a specific location; the first was high ground water; and the second was the location being next to a major water course and this site had both.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías to convey this report to the Town Manager and the Marana Town Council, the Arizona Department of Environmental Quality, and the Arizona State Land Department; and request the Arizona Department of Environmental Quality respond to the two fatal flaws in this instance; and direct a member staff to attend the Marana Town Council Meeting to present them with a copy of our report and to share our concerns regarding the two fatal flaws. There was no vote taken at that time.

Chairman Valadez stated he found it very difficult to understand why the Town Council of Marana would believe that their citizens would acquiesce to the importation of waste to their community. He urged the residents of Marana to stand up and say no to the importation of that waste.

Upon the vote being taken, the motion carried unanimously.

3. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

1. Southern Arizona Land Trust, Inc., to provide for the acquisition and redevelopment of foreclosed units and for land banking of vacant property to improve and revitalize impacted neighborhoods for the term 4/1/10 to 2/29/20, ARRA HUD-NSP2 Fund, contract amount \$8,000,000.00 (02-70-S-142867-0410)
2. Family Housing Resources, to provide for the acquisition and redevelopment of vacant land to improve and revitalize impacted neighborhoods for the term 4/1/10 to 2/28/13, ARRA HUD-NSP2 Fund, contract amount \$1,000,000.00 (02-70-F-142869-0410)

3. Chicanos Por La Causa, Inc., to provide for the redevelopment of vacant land to improve and revitalize impacted neighborhoods for the term 4/1/10 to 2/28/13, ARRA HUD-NSP2 Fund, contract amount \$525,000.00 (02-70-C-142868-0410)
4. Community Investment Corporation, to provide financial assistance to buyers of foreclosed units to help improve and revitalize impacted neighborhoods for the term 4/1/10 to 2/28/13, ARRA HUD-NSP2 Fund, contract amount \$2,400,000.00 (02-70-C-142866-0410)

B. County Administrator

5. RESOLUTION NO. 2010 - 75, approving an Intergovernmental Agreement with the City of Tucson, to provide for the operation of the Solar One Stop Office for the term 4/6/10 to 4/6/12, contract amount \$189,992.00 revenue (01-25-T-142857-0410)

C. Superintendent of Schools

6. RESOLUTION NO. 2010 - 76, approving an Intergovernmental Agreement between the Pima County School Superintendent, the Arizona Supreme Court and the Pima County Superior Court, to provide supplemental educational programs for the term 4/6/10 to 9/30/11, Federal Funds, contract amount \$136,096.58 revenue (01-38-A-142845-0410)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution Nos. 2010-75 and 76.

4. BOARD, COMMISSION AND/OR COMMITTEE

Outside Agency Citizen Review Committee

Appointment of Michael Lundin to replace Nubia Bertsch. No term expiration.
(District 2)

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

22. CALL TO THE PUBLIC

23. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:45 p.m.

CHAIRMAN

ATTEST:

CLERK