

MINUTES, FLOOD CONTROL DISTRICT BOARD

NOVEMBER 15, 2011

The Pima County Flood Control District Board met in regular session at the regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 15, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

1. **CONTRACTS**

- A. The Ashton Company, Inc. Contractors & Engineers, Amendment No. 3, to provide a job order contract for Flood Control and Drainage Improvements and extend contract term to 12/14/12, Flood Control Tax Levy Fund, contract amount \$2,000,000.00 (MA-PO-DNC000023)
- B. Regional Transportation Authority, to provide a Purchase Agreement, Sale of Surplus County Property and a Warranty Deed for a portion of Lot 4, Block 9 of Lohran Subdivision, Tax Parcel No. 111-04-107A, contract amount \$1,700.00 revenue (CTN-PW-12000285)

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

2. **ONSITE AND OFFSITE RIPARIAN HABITAT MITIGATION GUIDELINES**

Staff recommends adoption of the following:

- A. 2011 Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines (Onsite)
- B. 2011 Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County

Chuck Huckelberry, County Administrator, reported that the mitigation guidelines were directly related to the provisions of the Pima County Code passed by the Board in 2005. He said that the updated guidelines resulted from staff working with a large number of stakeholders.

Supervisor Bronson asked if the Board was required to approve these guidelines. Mr. Huckelberry responded that there were two parts of the Code that addressed riparian standards adopted by the Board and a section that spoke to guidelines to be adopted by the Flood Control District Director. Staff brought the guidelines before the Board for adoption and suggested the incongruity of the Code language be addressed in the future.

The following speakers addressed the Board:

- Lisa Haskin, Metropolitan Pima Alliance (MPA)
- David Godlewski, President of Southern Arizona Homebuilders Association (SAHBA)

They offered the following comments:

- The time and effort extended by the staff and participants of the stakeholder process was appreciated.
- Staff should be directed to engage in another stakeholder process to consider the issues in the joint letter from MPA and SAHBA to address the Title 16 ordinance and develop recommendations that would meet the County's goals of preserving the riparian habitat, while increasing flexibility and reducing expense to the regulated community.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, to adopt the 2011 Onsite and Offsite Riparian Habitat Mitigation Guidelines, direct staff to convene stakeholder meetings to review the concerns raised by SAHBA and MPA, and to report back to the Board with their recommendations.

3. **CONDEMNATION**

RESOLUTION NO. 2011 - FC 7, of the Pima County Flood Control District Board, authorizing the Pima County Attorney to condemn for real property interests, where necessary, for the Floodprone Acquisition Program in Section 19, T12S, R11E, G&SRM. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011-FC 7.

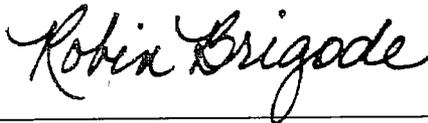
4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:52 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 15, 2011

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 15, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

1. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

2. **PAUSE 4 PAWS**

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

3. **PRESENTATION**

Presentation by Jim Upchurch, Coronado National Forest Supervisor, on the main findings and alternatives considered for the Draft Environmental Impact Statement for the Rosemont Copper Project.

Jim Upchurch, Supervisor for the Coronado National Forest, provided an overview of the Rosemont Copper Project and a summary of the effects contained in the Environmental Impact Statement (EIS). He presented six alternatives and the corresponding proposed mitigation measures developed for each alternative to address potential environmental issues that would result from the mining operation.

Supervisor Bronson commented on the dry tailing process and questioned why it was considered for this mine when it causes more air quality issues. She stated the EIS required voluntary compliance in a number of areas and wondered about the enforcement mechanism that would be employed. She

voiced concern over a lack of real commitment regarding transportation matters and stated the EIS did not address cultural issues.

Supervisor Carroll questioned the No Action Alternative, whether that approach had been used in the past by the U.S. Forest Service and if there had been a written legal opinion issued. He asked whether a delay in the process had been considered due to the absence of Congresswoman Giffords as a representative of the area.

Supervisor Elias spoke about the relationship between Strongpoint Marketing and Augusta Resources which had been raised by Congressman Grijalva and how the public relations effort had been handled for the EIS. He stated that the project seemed to have been fast tracked and questioned the reason.

Chairman Valadez expressed reservations about the modeling and whether it addressed both water level and water quality issues and asked what the expectations were beyond the life of the mine.

Chuck Huckelberry, County Administrator, raised the question regarding the difference between this EIS and other hard rock mining statements where the public were now paying to clean up the mining sites. He commented that the dry tailing process was experimental at this point, and that air quality, water quality and transportation impacts would require mitigation.

The presentation was informational only, no action was taken.

... **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 9:08 a.m.

4. **RECONVENE**

The meeting reconvened at 9:25 a.m. All members were present.

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

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

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of A. J. Foothills, L.L.C. v. Pima County, Arizona Tax

Court Case No. TX2010-000672, 9 parcels, Tax Parcel Nos.: 225-44-315A, 316A, 316C, 317C, 318A, 3200, 321A, 321C and 323B.

Chris Straub, Chief Civil Deputy County Attorney, explained this case involved the Foothills Mall located on the northwest corner of Ina Road and La Cholla Blvd., and that the litigation was for tax year 2011. The recommended settlement would lower the total full cash value (FCV) of the nine parcels from \$39,685,848.00 to \$37,408,661.00 and would lower the limited value (LV). The tax decrease for all nine parcels would be \$67,008.48 for 2011 and the 2011 values would not rollover for 2012. The Assessor and the County Attorney recommended settlement as described for the following parcel numbers:

	<u>FCV</u>	<u>LV</u>	<u>TAX DECREASE</u>
315a	from: \$36,877 to: \$36,496	from: \$30,938 to: \$30,938	\$4.39
316b	from: \$535,672 to: \$496,322	from: \$535,672 to: \$496,322	\$1,152.83
316c	from: \$7,221,471 to: \$6,776,714	from: \$7,221,471 to: \$6,776,714	\$13,030.01
317c	from: \$20,492,362 to: \$19,257,146	from: \$20,491,362 to: \$19,257,146	\$36,188.40
318a	from: \$1,270,888 to: \$1,238,256	from: \$1,270,888 to: \$1,238,256	\$956.12
3200	from: \$821,141 to: \$782,091	from: \$821,141 to: \$782,091	\$1,444.08
321a	from: \$1,080,557 to: \$1,050,272	from: \$1,080,557 to: \$1,050,272	\$887.30
321c	from: \$1,083,948 to: \$1,049,159	from: \$1,083,948 to: \$1,049,159	\$1,019.26
323b	from: \$7,142,932 to: \$6,722,205	from: \$7,142,932 to: \$6,722,205	\$12,326.09

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

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Silverbell Cortaro, L.L.C. v. Pima County, Arizona Tax

Court Case No. TX2011-000060, 8 parcels, Tax Parcel Nos.: 226-27-0280, 0310, 0320, 0330, 0340, 0350, 0360, and 0370.

Chris Straub, Chief Civil Deputy County Attorney, reported this case involved eight commercially zoned parcels of vacant land located on the southeast corner of Silverbell Road and Cortaro Road and that the litigation involved tax years 2011 and 2012. The recommended settlement would lower the total full cash value (FCV) and limited value (LV) of the eight parcels from \$4,954,550.00 to \$2,527,320.00 for tax year 2011 and from \$4,954,550.00 to \$2,161,137.00 for 2012 and would roll over for tax year 2013. The tax decrease for all eight parcels would be \$50,647.91 for 2011 and would be estimated at \$62,346.49 for 2012, based on 2011 rates. The Assessor and the County Attorney recommended settlement as described for the following parcel numbers:

	<u>2011 FCV</u>	<u>2012 FCV</u>	<u>TAX DEC.</u> <u>2011</u>	<u>TAX DEC.</u> <u>2012 (EST.)</u>
0280	from: \$503,820 to: \$167,940	from: \$503,820 to: \$167,940	\$6,450.94	\$7,002.98
0310	from: \$560,256 to: \$233,440	from: \$560,256 to: \$223,440	\$6,420.42	\$7,066.91
0320	from: \$984,640 to: \$615,400	from: \$984,640 to: \$492,320	\$8,536.72	\$11,382.38
0330	from: \$355,950 to: \$177,975	from: \$355,950 to: \$142,380	\$3,666.44	\$4,927.56
0340	from: \$308,820 to: \$154,410	from: \$308,820 to: \$123,528	\$3,180.97	\$4,274.10
0350	from: \$399,980 to: \$199,990	from: \$399,980 to: \$159,992	\$4,120.08	\$5,537.10
0360	from: \$1,013,024 to: \$633,140	from: \$1,013,024 to: \$506,512	\$8,782.99	\$11,710.58
0370	from: \$828,060 to: \$345,025	from: \$828,060 to: \$345,025	\$9,489.35	\$10,444.88

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Boulder Hotel Oro Valley, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2011-000194, Tax Parcel No.: 224-31-010B.

Chris Straub, Chief Civil Deputy County Attorney, explained the litigation was for tax years 2011 and 2012 and that the property was a large land parcel with a condemned framed hotel and a small retail and office building located at 9740 N. Oracle Road. The proposed settlement would result in a decrease in the full cash value from \$2,465,164.00 to \$1,653,575.00 for each year. The proposed settlement would result in a tax decrease of \$27,246.39 for tax year 2011 and would be estimated at \$17,996.37 for 2012, based on 2011 tax rates. The Assessor and the County Attorney recommended the settlement.

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

9. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Summit Vista Apartments, L.P. v. Pima County, Arizona Tax Court Case No. TX2010-001315, 2 parcels, Tax Parcel Nos.: 221-08-4610 and 4630.

Chris Straub, Chief Civil Deputy County Attorney, explained the litigation was for tax year 2011. The property was a two-story, 288 unit apartment complex located at the corner of Linda Vista Boulevard and Camino de Oeste. The proposed settlement would result in a total decrease in the full cash value (FCV) and limited value (LV) from \$13,392,000.00 to \$12,210,400.00. The proposed settlement would result in a tax decrease of \$17,074.15 for tax year 2011. The Assessor and the County Attorney recommended settlement as described for the following parcel numbers:

	<u>FCV and LV</u>	<u>Tax Decrease</u>
4610	from: \$4,464,000 to: \$4,155,394	\$4,459.40
4630	from: \$8,928,000 to: \$8,055,006	\$12,614.75

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

10. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired as to 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, and seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the Consent Calendar as presented.

CONSENT CALENDAR ITEMS

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. International Sonoran Desert Alliance, Amendment No. 1, to provide for the Ajo Plaza Rental Project and amend scope of work, Federal HUD Fund, contract amount \$50,000.00 (CT-CD-12001149)
2. Arivaca Townsite Cooperative Water Company, to provide water storage system improvements for the contract term 5/15/11 to 4/14/12, no cost (CT-CD-12001586)

B. **Facilities Management**

3. ISS Facility Services, Amendment No. 2, to provide janitorial services for Outlying "B" Facilities and extend contract term to 6/30/12, Various Funds, contract amount \$400,000.00 (MA-PO-B503674-BC)
4. ISS Facility Services, Amendment No. 2, to provide janitorial services for Ajo Facilities and extend contract term to 6/30/12, no cost (MA-PO-B503675-BC)
5. ISS Facility Services, Amendment No. 2, to provide janitorial services for Downtown Facilities and extend contract term to 6/30/12, no cost (MA-PO-B503725-BC)
6. ISS Facility Services, Amendment No. 2, to provide janitorial services for Outlying "A" Facilities and extend contract term to 6/30/12, Various Funds, contract amount \$500,000.00 (MA-PO-B503726-BC)

C. **Health Department**

7. Arizona Department of Health Services, Amendment No. 7, to provide services for the prevention of sexually transmitted diseases, amend contractual language and extend contract term to 12/31/12, Federal Grant Fund, contract amount \$165,748.00 revenue (CTN-HD-CMS140995)
8. The Arizona Family Planning Council, Amendment No. 2, to provide reproductive healthcare services for the Male Outreach Program, extend contract term to 12/31/11 and amend contractual language, Federal Family Planning Title X Grant Fund, contract amount \$14,000.00 revenue (CTN-HD-CMS143713)

D. Information Technology

9. TLC Communications, Inc., Amendment No. 1, to provide a job order contract for structural cabling services, for Group 1-inside fiber optic/copper cabling and amend contractual language, Various Funds, contract amount \$175,000.00 (MA-PO-DNC000020)

E. Procurement

Award

10. Low Bid: Requisition No. 10093, in the amount of \$341,383.50 to the lowest responsive bidder, Falcone Bros & Associates, Inc., (Headquarters: Tucson, AZ) to provide for the construction of the Laguna Elementary School-Shannon Road Project. The contract term is ten months with the ability to extend for project completion. Construction is to be complete within 85 working days from Notice to Proceed. Funding Sources: Transportation Enhancement Fund (90%) and RTA Sales Tax Fund (10%). Administering Department: Transportation.

F. Recorder

11. Town of Oro Valley, Intergovernmental Agreement to provide election related services for the Primary and General Elections in March and May 2012, contract amount \$110,000.00 revenue (CTN-RE-12000215)

G. Regional Wastewater Reclamation

12. Greeley and Hansen, L.L.C., Amendment No. 10, to provide program management services for Regional Optimization Master Plan CIP Implementation and amend scope of work, RWRD Obligation Fund, contract amount \$15,000.00 (CT-WW-12001214)

H. Sheriff

13. RESOLUTION NO. 2011 - **176**, Intergovernmental Agreement with Pima County Community College District, to provide for educational courses and/or training programs for the term 7/1/11 to 6/30/13, contract amount \$300,000.00 revenue; Special Revenue Fund, \$300,000.00 (CT-SD-12001606)

I. Transportation

14. HDR Engineering, Inc. Amendment No. 11, to provide project management and roadway design engineering services for La Canada: River Road to Ina Road, amend scope of work and extend contract term to 6/30/14, RTA Sales Tax Fund (90%) and CDO Impact Fee Fund (10%), contract amount \$348,635.00 (CT-TR-120984)

2. ELECTIONS DEPARTMENT

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Blanca C. Delgado	062	DEM
Michael D. Gordy	108	DEM
Rodney B. Glassman	299	DEM
Sasha Glassman	299	DEM
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Michael D. Gordy	299	DEM
Ray C. Brown	209	REP
Don C. Steffes	308	REP

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

Arizona Municipal Property Corporation

Reappointments of Bernhardt W. Collins, Frank Y. Valenzuela, Stanley Lehman, Cecilia Cruz and Virginia L. Yrun. Term Expirations: 11/19/12. (Corporation recommendations)

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

- A. William Dean Woodruff, Knights of Columbus Council No. 12696, 300 N. Tanque Verde Loop, Tucson, November 12, 2011.
- B. Sonia Tabanico, Tucson Troop Support, 5120 S. Julian Street, Tucson, December 2, 2011.

5. **FINANCE AND RISK MANAGEMENT**

Duplicate Warrants – For Ratification

West Publishing	\$	629.22
Rick L. Lougee	\$	8,361.00
Richard E. Gordon	\$	355.12
Victoria Gomez Torres	\$	60.00
Julia Kaiserman	\$	142.50
Siemens Industry, Inc.	\$	3,655.57

6. **RATIFY AND/OR APPROVE**

Minutes: September 20, 2011
October 4, 2011

REGULAR AGENDA/ADDENDUM ITEMS

11. **COUNTY ADMINISTRATOR: Classification and Compensation Matters**

The Economic Development and Tourism Department requests the approval to create a new Position Control Number (PCN):

<u>Position</u>		<u>Salary</u>
<u>Requested</u>	<u>Classification Code/Title</u>	<u>Grade</u>
1	1847/Program Manager	56

Any associated costs will come from the department's current budget.

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

12. **ASSESSOR: Request for Redemption of Waiver of Exemption**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that the applications for Redemption of the Waivers of Tax Exemptions for the year 2011 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

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

13. **ELECTIONS: Establishment of County Election Precincts for 2012-2013**

Pursuant to A.R.S. §16-411, establishment of the Pima County Election Precincts for 2012-13.

Without objection, this item was removed from the agenda.

14. **HEALTH DEPARTMENT**

RESOLUTION NO. 2011- 177, of the Board of Supervisors accepting the Arizona Companion Animal Spay/Neuter Committee Award in the amount of \$10,000.00, for the support of the Pima Animal Care Center.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 – 177.

15. **DEVELOPMENT SERVICES: Final Plat**

P1211-023, Christ Lutheran Vail Church, Blocks 1 and 2. (District ~~3~~ 4)

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

16. **FRANCHISE/LICENSE/PERMIT: Agent Change/Acquisition of Control/Restructure**

11-06-0029, Yoram Samuel Levy, Café Jasper, 6370 N. Campbell Avenue, No. 160, Tucson, Series 12, Restaurant, Acquisition of Control.

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 application for Agent Change/Acquisition of Control/Restructure and forward the recommendation to the Arizona State Liquor Licenses and Control.

17. HEALTH DEPARTMENT: Pima County Code Text Amendments/Fee Increases

- A. ORDINANCE NO. 2011 - 86, of the Board of Supervisors, relating to Health and Safety, amending Chapters 8.12 and 8.14 of the Pima County Code, adopting revised fees for services for immunizations, Tuberculosis, sexually transmitted disease and HIV/AIDS provided by the Pima County Health Department.
- B. ORDINANCE NO. 2011 - 87, of the Board of Supervisors, adopting revised fees for family planning services provided by the Pima County Health Department Family Planning Program.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, to close the public hearings, adopt Ordinance No. 2011-86, with the amendment to Section 8.12.030.C2a to correct the new fee to read \$10.00; and adopt Ordinance No. 2011-87.

18. TRANSPORTATION: Traffic Ordinance

ORDINANCE NO. 2011 - 88, of the Board of Supervisors, establishing an abutting school crosswalk on Tanque Verde Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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 adopt Ordinance No. 2011-88.

19. TRANSPORTATION: Traffic Resolutions

- A. RESOLUTON NO. 2011 – 178, of the Board of Supervisors, permitting the intermittent, temporary closure of Alvernon Way/Hughes Access Road in Pima County, Arizona, for the El Tour de Tucson on November 19, 2011. Staff recommends APPROVAL. (District 2)
- B. RESOLUTION NO. 2011 - 179, of the Board of Supervisors, permitting the intermittent, temporary closure of Silverbell Road in Pima County, Arizona, for the El Tour de Tucson on November 19, 2011. Staff recommends APPROVAL. (District 3)

- C. RESOLUTION NO. 2011 - 180, of the Board of Supervisors, permitting the temporary closure of Snyder Road in Pima County, Arizona for the El Tour de Tucson on November 19, 2011. Staff recommends APPROVAL. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2011 - 178, 179 and 180.

20. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

City of Tucson, Amendment No. 1, to provide for the Avondale Neighborhood Reinvestment Project and extend contract term to 12/31/12, no cost (CT-CD-12000494)

B. **Health Department**

RESOLUTION NO. 2011 - 181, approving an Intergovernmental Agreement with the Tohono O'odham Nation, to provide for the exchange of public health data and other activities relating to the identification of reportable infectious diseases, no cost (CTN-HD-12000192)

C. **Real Property**

Markland Investments, L.L.C., and Tucson Care Group, L.L.C., to provide a partial revocation of restrictions and covenants running with the land, recorded in Docket 10725 at Page 105, no cost (CTN-PW-12000348)

D. **Transportation**

Regional Transportation Authority, Amendment No. 2, to provide for the Magee/Cortaro Farms Road from La Canada to Thornydale Road and from La Canada to Oracle Road Project and amend contractual language, no cost (CTN-TR-CMS139819)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution No. 2011 - 181.

21. **CONTRACT: Procurement**

CH2M Hill, Inc., Amendment No. 10, to provide design engineering services for the Ina Road WPCF Capacity and Effluent Quality Upgrade Project, amend scope of services and extend contract term to 12/4/14, RWRD Obligation Fund, contract amount \$5,500,000.00. (CT-WW-08050412-P)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Valadez, and carried by a 4-1 vote, Supervisor Elías voting “Nay”, to approve the contract.

22. CONTRACT: Real Property

Chicanos Por La Causa, Inc., to provide an Acquisition Agreement and Buyer Occupancy Agreement for property located at 200 N. Stone Avenue, Pima Health Systems Transitional Fund, contract amount \$1,240,000.00 including closing costs (CT-PW-12001677)

Supervisor Day questioned the purchase and how it would be part of the new Joint Justice/Municipal Courts Complex (JJMCC). She stated she could not support the expenditure to acquire more downtown property and would rather see the money be applied to construction of the court complex.

Chuck Huckelberry, County Administrator, responded that it would not be part of the JJMCC. The standalone building had historic architectural significance and would be located adjacent to the new complex. It would be purchased as an alternative to leasing space to house County staff that will be displaced for the Asbestos Abatement Project in the Administration Building. He further explained that the seller would have the option to lease space in the building at market rates.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and carried by a 4-1 vote, Supervisor Day voting “Nay,” to approve the contract.

23. BOARD, COMMISSION AND/OR COMMITTEE: Pima County Bond Advisory Committee

Appointment of Susan Romero to replace Rebecca Manoleas. Term expiration: 5/13/14. (District 4)

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

24. CALL TO THE PUBLIC

The Chairman inquired as to whether anyone wished to be heard.

The following speakers addressed the Board and offered comments which are to be forwarded to the U.S. Forest Service for inclusion in the Draft Environmental Impact Statement comment process:

A. Nan S. Walden, Vice President and General Counsel for Farmers Investment Company (FICO), Green Valley, Arizona

1. She represented a family-owned farming enterprise that had produced pecans for over 60 years and employed over 250 employees, some of whom were second and third generation residents.
2. She thanked the Board for their leadership in ensuring that Augusta Resource Corporation's (Augusta) proposal to build a massive open pit copper mine in the Santa Rita Mountains would be required to undergo a rigorous and complete analysis of its environmental impact.
3. Permitting the Rosemont Mine operation would destroy a mountain range that had made their community a great place to live and work, and endanger the water resources upon which their whole economy was based.
4. She stated that as an attorney, she knew that there were many things that were legal that were also immoral or unethical, and that this project had serious implications for current and future residents of Pima County.
5. After the draft Environmental Impact Statement (EIS) had been reviewed, it was clear that the Forest Service had cut corners, and that it was absolutely right for the County and the public to demand that all impacts and gaps be completely addressed.
6. Significant items missing in the EIS included: the biological opinion on the proposed mine impacts to the Endangered Species Act; Section 106 Consultation that was required by the National Historic Preservation Act; Traditional Cultural Property Nomination of the area; Section 404 Permitting under the Clean Water Act; and many others.
7. With respect to night skies, ADEQ stated that a full re-analysis of model calculations could not be done due to time constraints. She questioned the time constraints and said that a final decision

should be delayed until there was a better determination of Congresswoman Giffords' convalescence.

8. If the Forest Service was cutting corners now, what would happen after the mine opened or as action or inaction of the mine impacted the health and safety of the entire valley.
9. She stated that the Rosemont Mine threatened two significant water sources - Davidson Valley and the aquifer near their farm.
10. She said that the Augusta proponents have pointed to agricultural use as justification for the destruction of the Santa Ritas; however, there was no comparison between a family owned farm that had produced a food crop for many decades and a foreign owned mine that would permanently pollute and disfigure their landscape.

B. Elizabeth Webb, Secretary of the Empire-Fagin Coalition

1. The Forest Service could only require mitigation on forest land, and any agreement with well owners or the organizers of the proposed Sahuarita Heights annexation was not within their jurisdiction to make.
2. Arizona Department of Transportation (ADOT) could only require mitigation within one mile from the proposed entrance, so anything outside of one mile could only be negotiated and suggested by the Forest Service.
3. Nothing had been discussed pertaining to the cumulative effects of the mining operation, so historical problems dating back to the 1800's needed to be considered.
4. She had a personal experience with human error which had caused contamination in the Clifton-Morenci area and asked how water contamination would be controlled in Barrel Canyon, Barrel Spring and Davidson Canyon.
5. The large pieces of equipment needed for this project would cause damage to the riparian areas.
6. If there was going to be drawdown of water east of Davidson Canyon, how could it not be expected that there would also be a drawdown of water in Davidson Canyon.

7. She urged the Board to continue supporting Davidson Canyon, to stay strong and to be assured of community support.

C. Randy Serraglio, Center for Biological Diversity

1. This process had been tainted and political from the very beginning and the Forest Service was partially responsible for bowing to the pressure from Rosemont Copper to fast track this project.
2. It had been Congresswoman Giffords and Congressman Grijalva who had helped force the extended comment period to scope the project. Limiting the comment period would have seriously compromised the study.
3. His organization had been involved in National Environmental Policy Act (NEPA) processes over the last 20 years that often lasted 10 to 15 years for a project of this size and complexity.
4. The Board and staff understood that this was not a tiny town being steam rolled by the mines, but rather a decision that would affect a million people in this community. He thanked the Board for remembering that they work for the million people and not Rosemont Copper, and that the Forest Service should remember they worked for the taxpayers of the United States.
5. There was active litigation regarding the potential appearance of impropriety between the Forest Service and Rosemont. He expressed concern over receiving a massaged model.
6. He thanked the Board for standing up for Pima County and said that the Santa Rita Mountain Range was a huge driver for this community.

D. Gayle Hartmann, President of Save the Scenic Santa Ritas

1. This non-profit organization was trying to lead the opposition to the mining operation.
2. The Forest Service plan was too long, complex and not as thorough as it should be.
3. She stated that no one had addressed Augusta's future plans for the Santa Ritas. She referenced an article in the September 2007 issue of *Real World Mining Stock* which said that Gil

Clausen, CEO of Augusta Resource Corp., stated that although Rosemont was the Company's primary focus, there were three other properties (Peach Elgin, Broad Top Butter and Copper World) that would offer future opportunities for exploration. These properties are located on the ridgeline and the west slope of the Santa Ritas.

4. There was concern that once Rosemont Mine was permitted, Augusta Resource would immediately take steps to permit the other locations resulting in ultimate devastation to the east, west and top of the Santa Rita Mountains. She stressed the importance of looking closely at all potential future sites of exploration.

E. Morris Farr

1. He stated that Congresswoman Gabrielle Giffords' previous comments on the Rosemont Mine were that it was the wrong mine, the wrong place and the wrong time.
2. Local business owners in Sonoita had expressed concern about employees in the area losing their jobs if the operation was permitted and he was disappointed that there had not been any significant discussion pertaining to the pros and cons of any economic impacts to the area.

F. Charlotte Cook, Empire-Fagin Coalition

1. Their Coalition had worked closely with Congresswoman Giffords' Office and had established a close relationship with Gabe Zimmerman. The Coalition objected to Rosemont Copper taking over part of the trails, including the Gabe Zimmerman Trailhead and had been told by company representatives that they were using Mr. Zimmerman for the cause.
2. There had been little discussion pertaining to the cumulative impacts to the area and it was noted that there was other activity in the area that should be considered which included the current work on Davidson Canyon with Cal Portland; the recent approval of the Charles Seal Lease which would affect the whole Empire Mountain area; and recent activity in the area of Henderson and Wentworth which could have an impact at the end of the Santa Rita Mountains.

Wentworth which could have an impact at the end of the Santa Rita Mountains.

3. She urged the Board to please consider all of the cumulative impacts.

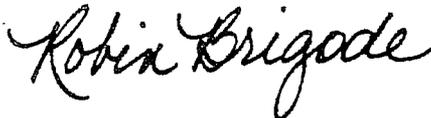
25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:52 a.m.



CHAIRMAN

ATTEST:



CLERK