



## COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER  
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C.H. HUCKELBERRY  
County Administrator

April 2, 2018

Ms. Mia Tittle

**Re: Your March 30, 2018 Email Regarding Transportation Funding and Your March 6, 2018 Written Complaint against the Board of Supervisors**

Dear Ms. Tittle:

I appreciate your March 30, 2018 email inquiry and request to expand the green asphalt pilot proposal.

The green asphalt pilot study will not be expanded in District 1. If the initial pilot program is successful, two other subdivisions in each of the other Districts of equivalent mileage will be added to the pilot program.

Preliminary data, research and comparative analysis indicates that the green asphalt proposal may not be the long-term most cost effective option to pursue. Our technical staff in the Department of Transportation is conducting a thorough review of green asphalt applications and their long-term durability compared with other standard and alternative pavement preservation methodologies.

As you know, the Board of Supervisors did not disapprove the revised plan for District 1. The Board accepted the recommendations of the Transportation Advisory Committee regarding streets and subdivisions in which to apply the first funding available for pavement preservation based on their desire to maximize existing pavement investments.

The reconsideration and modification of the District 4 Transportation Advisory Committee occurred at the request of the Green Valley Council, a 501(c)(4) organization that represents 75 subdivisions in the Green Valley area. Their unique circumstances led to the reconsideration and justification of the revised District 4 proposal. As such, your claim of

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bias and unfairness, date stamped March 6, 2018 by the Clerk of the Board, is unfounded and will not be acted upon in any further manner by County staff or the Board of Supervisors.

You are encouraged to continue to participate in the road repair selection process through the Transportation Advisory Committee.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/anc

Enclosure

c: The Honorable Chairman and Members, Pima County Board of Supervisors  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Ana Olivares, Director, Transportation Department  
Yves Khawam, Deputy Director, Transportation Department

**Amanda N. Colon-Sisco**

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**From:** Mia Croitor >  
**Sent:** Friday, March 30, 2018 9:11 AM  
**To:** Chuck Huckelberry  
**Subject:** transportation funding complaint

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This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

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March 30, 2018

Dear Mr. Huckelberry:  
Dear Mr. DeBonis:

I understand that you're working on a response to my complaint regarding the allocation of transportation benefits. I've also been thinking about possible solutions to the issues I've brought to your attention. I'm aware of your proposal for the green asphalt experimental paving project for Moondance and Sabino Town and Country. I'd like to ask that you expand this proposal by adding a couple more subdivisions from District 1 to that list.

I believe this would benefit us all in the following ways:

It would be an appropriate response to the issues created when the Board chose to disapprove of the revised plan for District 1, while accepting the same plan for District 4. It's true that, under the staff plan, District 1 would still receive the appropriate amount of funding, but District 1 would still be the only District to have been denied the privilege of determining for themselves how to allocate that funding for their own District. The people of District 1 should not effectively be punished, in any way, for the disapproval of their representative.

Further, by including more subdivisions in the green asphalt proposal, there would be a larger sample to more adequately test, what could prove to be a very progressive and economical method. I believe that adding a couple more subdivisions from District 1 to the proposal would be fair, since there were eight subdivisions that were originally to be substituted in their two year revised plan. This would adequately resolve the issues in my complaint and be of benefit to Pima County.

Please consider this approach. I'm looking forward to hearing from you.  
Thank you,

Mia Tittle

Dear Chairman of the Board:

Please consider this a formal complaint against the Board of Supervisors, Valadez and Bronson, of which you are the Chair. You are the equivalent of the appropriate "department director to whom this is addressed. As provided in County Code 2.0.04.010, "The board of supervisors is the governing body of the county. The powers, duties and responsibilities of the board of supervisors are established in the Constitution of the state of Arizona and the Arizona Revised Statutes, Title 11, Chapter 2. Certain administrative and executive powers and duties of the board may be delegated to other persons or bodies; however, the board has ultimate responsibility for the affairs of the county.

I, the Complainant, Mia Tittle, (3330 W. Starfall Pl., Tucson, AZ 85741) own three homes with my husband, in District 1, that are adversely affected by the unfair policy chosen by the Board of Supervisors and for their flagrantly biased, secretive procedures in making reactionary political decisions about Transportation resource distribution. The people of District 1, are severely adversely affected by the Board of Supervisors, Valdez and Bronson, voting with bias against our District, based solely on disapproval of our District 1 Representative's politics.

On December 12, 2017, the Board of Supervisors was presented with a choice between two plans that would determine the methodology for the repair of Pima County roads, for the next two year period, with currently available funding. A summary of the two plans are as follows:

1. The "staff plan," was compiled by the Department of Transportation staff. It includes only the repair of roads requiring more preventative maintenance and in better condition, completely ignoring the roads that are in need of more intensive repairs. This would allow for the repair of more roads because the repairs are less costly. Roads are categorized by the Department of Transportation, according to their condition (excellent, good, fair, poor,) and given a corresponding passer rating to identify that condition. This plan does not include the repair of roads categorized under passer ratings for very poor and failed conditions.

2. The "revised plan," includes roads that the staff plan recommended but allows for the inclusion of roads in very poor and failed condition. It was compiled by Transportation Advisory Committee Representatives, is a revised version of the staff plan. It's a composite of the recommendations of the Department of Transportation and the Committee Representatives' revisions, based on their research and resident feedback. Representatives from Districts 1 and 4 submitted revised plans for consideration. Districts 2, 3 and 5 did not.

On Dec. 12, 2017, the Board voted to approve the staff plan and not to accept either of the revised plans of Districts 1 and 4. This decision adversely effects us because the staff plan's methodology is unfair for the following reasons:

YES OF 16M1108PC CLK CF HD

1. It disenfranchises a group of people who live in neighborhoods listed under the Department of Transportation's ratings for very poor and failed roads.

- A. This group of people, represents a demographic of older neighborhoods and lower income levels.
- 1. According to data from the American Census Bureau, listed by zip codes, neighborhoods scheduled for repair under the staff plan show a higher average median income than those neighborhoods with very poor and failed passer ratings from the revised plan.
- 2. This demonstrates a direct correlation between income levels and passer ratings.
- B. Those of us living in neighborhoods with very poor and failed roads, would not be represented with even a limited portion of the funding available for the two year plan.
- C. There isn't a future plan in place that would represent us. Many of our roads haven't been paved in over 30 years, including the ones in our neighborhood, and we're not part of any specific plan that would do so.
- D. Under this methodology, roads in very poor and failed condition would never be addressed.
- 1. With our limited and insufficient funding for transportation resource allocation, there will always be roads requiring preventative maintenance to address, to the exclusion of our group of neighborhoods requiring more costly repairs.
- 2. This methodology comprises a rule because it establishes a methodology for distribution in the absence of any other plan to establish equality for our group.

2. Our group would be required to bear the brunt of property devaluation because poor road conditions not only effect home values directly, but have long ranging effects on neighborhood desirablility and dynamics.

3. The Department of Transportation's staff plan is based on an unethical ideology of complete utilitarianism.

- A. The stated reasoning, of the Department of Transportation for their staff plan, is that they can fix the most roads with the limited funding available. This is a utilitarian model,

because it doesn't allow for modifications to include all groups, such as minorities, those with special needs, or to account for the most needy in a particular group.

- B. What's most economical for Pima County is not necessarily what's fair to Pima County constituents. It's cheaper for the County to fix the roads that are not in poor condition but it's not what's best for neighborhoods that haven't been repaired for long periods, which is reportedly over half of Tucson roads.
- C. We have examples of fair allocation models in other aspects of our society. We don't always help the greater number instead of the fewer, who have costlier needs, as in the following examples:
  - 1. Education. We provide funding for all students, including those who need extra help, even though this costs more per student than those who aren't in need of special assistance. We don't only focus on the better schools, and better students, rationalizing that they may be the most likely to contribute something back to our County, State, or Country. We strive to help all students equally, even though they have different needs.
  - 2. Health care. We may be able to save a lot of money if we poured all our money into preventative health care, instead of helping those with acute conditions. We can easily see that ignoring those in the most need of help now would not be an ethical model.
  - 3. Disabilities. We provide wheel chair ramps in public buildings, for the relatively few members of the population who need them, even though that money could be used to help more than the few with these special requirements, we place value on equality and fairness.
  - 4. Electoral college. Based on the same principle, the electoral college is used to prevent the issues of those in states with smaller populations from being overshadowed by those in states with larger populations.

4. It doesn't represent all segments of the population.

- A. The AZ State Department of Transportation policy provides a model of fair allocation by requiring the representation of "all segments of the population."
- B. Floyd Roerich, Executive Officer for the Arizona Department of Transportation (1655 W. Jackson St., MD 126F, Phoenix, AZ 85007) assists the ADOT director in policy

matters, confirmed that the revised plan is in accordance with the allocation model used by ADOT. He stated that sometimes there are roads that few people use, but those roads are important to a few people, and must not be ignored.

In summary, this decision adversely affects us because the justification for the staff plan overrelies on the generalized and simplified Board ethical policy that if the same amount of money will benefit more people, then, no matter what, that is how the money should be spent. When does the Board plan to EVER spend money on a few very terrible roads? Never, according to this oversimplified interpretation. Instead, the BOS policy unfairly, unjustly and unwittingly becomes a rule (since they are addressing newer roads, over and over, completely ignoring others that have been in disrepair for over 30 years.)

Not only is the policy unfair, but, more significantly, the way in which it was chosen was unfair. Several hundred residents petitioned the Board and asked to be represented with the revised plan and were denied no real justification. Upon information and belief, on December 12, 2017, District 1's revised plan was not approved by the Board because of a political bias by Board members, Valadez and Bronson, against our Representative, Ally Miller, as evidenced by the following:

1. After the meeting, I approached Supervisor Valadez and Supervisor Bronson, who were standing together. I stated that, after presenting them with so much research, I didn't understand their votes. Supervisor Valadez spoke for both of them. He said they didn't have a problem with District 4's plan, but had a problem with the plan of District 1.

2. I asked if there could be a reconsideration of the issue. Valadez directed me to submit a request for reconsideration, with the Clerk of the Board, for the next meeting. He directed me to make the request "based on the models of fair resource allocation, to be pertinent to District 4 only," implying District 1 would not be reconsidered for funding.

3. Since I'm part of District 1, I wanted to know what their issue was with our revised plan. I later called the offices of Valadez and Bronson (on December 12, 2017 at 130 W. Congress) and left messages with their assistants. I said I'd like to know exactly what their problem was with District 1's plan. I told them that I spoke with our Advisory Committee Representative, and that we'd like the opportunity to revise our plan, in any way necessary, in order to be acceptable. I said that if there were certain revisions they didn't approve of, we'd take them out, and that we wanted to negotiate so the whole plan wasn't rejected.

4. On December 13, 2017, I received an answer from Supervisor Valadez's special staff assistant, Sofia Blue, who relayed a message from him. She first asked if I was from the Moondance subdivision, and I said I was. She said that Valadez didn't have a problem with the particular plan of District 1, but had a problem with the politically motivated plans of the Supervisor in District 1, but added that "Moondance will be taken care of."

5. I was surprised by this response, and I wanted to make sure there was no mistake. I asked Sofia if those were actually Supervisor Valadez's words and she said that they were. Later that day, I emailed Supervisor Valadez to confirm what was relayed to me by Sofia, on his behalf. I asked him to let me know if there was some mistake on her part in relaying this message. I received no response.

6. Five days later, on December 18, 2017, I spoke to Sofia again. I said I didn't want to make a mistake and attribute something to Supervisor Valadez that was inaccurate. I asked her, again, to confirm if Supervisor Valadez had actually said those words. Her reply was, "Yeah, but i think you're making too much out of it."

7. There was no reasonable justification for the rejection of the revised plan of District 1, and not District 4, showing extreme bias by the Board, as evidenced by the following:

- A. There is no significant difference between the plans of District 1 and 4, according to Rob Lane, Pima County Department of Transportation Civil Engineering Manager (Bldg. 28, 1313 S. Mission Rd., Tucson, AZ 85713.)
- B. Both the plans of District 1 and 4 included about 50% in total revisions for the two year period.
- C. It was conveyed to the Board that our District 1 Transportation Advisory Committee Representatives were willing adjust their plan, in any way the Board considered necessary, in order for it to be acceptable to them.

#### IN SUMMARY:

1. Upon information and belief, Supervisor Valadez admitted to prejudice and proceeded to act upon that prejudice, in an official capacity.

2. Upon information and belief, his subsequent vote for District 4 showed he didn't have a problem with the revised plan in general.

3. Upon information and belief, between December 12 and December 19, supervisor Valadez stated to his assistant, Sofia, that he didn't have a problem with District 1's plan in particular.

4. Between December 12 and December 19, supervisor Valadez stated to his assistant, Sofia, that he had a problem with District 1's supervisors' attributed motivations.

5. Therefore, supervisor Valadez admitted to prejudice and proceeded to act upon that prejudice, in an official capacity, by not voting for the plan for her District.

6. On December 12, 2017, upon information and belief, after the board vote, supervisor Valadez spoke for supervisor Bronson and had a clear understanding, and were in agreement, about their intention to approve District 4's plan and not District 1's.

7. Upon information and belief, at no time did Valadez and Bronson discuss their views in an open meeting forum., there was private agreement to disapprove District 1's plan and approve District 4's plan at the next BOS reconsideration hearing, on December 19, 2017, which they did.

8. On December 19, 2017, at the Board of Supervisors' meeting, predicatably, District 4 Supervisor, Steve Christy, made a proposal for the approval of the revised plan of District 4 only.

9. Upon information and belief, Supervisor Christy understood the plans and intentions of the other Supervisors, which were to reconsider their votes for District 4 only.

10. District 4's plan was approved by the Board of Supervisor's and District 1 was ignored.

#### CLAIMS:

1. The policy adopted was unfair.
2. The way the decision was made was unfair: arbitrary and biased.
  - A. Arbitrary because the motivations of our supervisor have nothing to do with the issue (that he didn't have a problem with the plan itself.)
  - B. Biased because because Supervisor Valadez voted for the same revised plan for another District proving there was some other reason for his rejection.

#### LAWS VIOLATED:

1. Amendment XIV Section 1, U.S.C., states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This represents one of our most basic

rights, the right to be treated fairly by those making decisions regarding our life, liberty, or property interests.

2. Principle of Natural Justice, or the “duty to act fairly,” maintains that, decisions should be arrived at in a fair and just manner. A decision is subjected to the Rule of Natural Justice, simply when it affects rights. The failure of the Principle of Natural Justice has caused a substantial loss for the people of District 1.

3. Open meeting laws state that a quorum of the Board must not conspire together to form an agreement outside of the meeting forum.

- A. A.R.S. 38-431.01(A) states: “All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.”
- B. A.R.S. 38-431.01(A) states: “It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided.”
- C. A.R.S. 38-431(6) “Public Body” means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body.

The actions of the Board show a concerted effort of a quorum of the Board, to make an internal decision, to accept the plan of District 4, and reject the plan of District 1.

4. ARS 11-223 Misconduct

5. ARS 49-471.01 1, 4, 5, 6, 10, 12, 13, 15, 16.

POLICIES VIOLATED:

**Board of Supervisors Policy Manual:**

- 1. All employees of Pima County shall maintain the highest ethical standards in the conduct of County business and avoid circumstances that may cause members of the public to have a negative opinion of the County.**
- 2. Conducting yourself at work according to rules that you believe should apply to everyone rather than acting on rules that only apply to you and your value set.**
- 3. Making decisions in the County's best interests and/or withdrawing yourself from the decision-making process when a decision puts your personal interests in competition with the interests of the County;**
- 4. Making work-related decisions on the basis of logic and facts, as opposed to emotion, bias or outside influence and avoiding making decisions on the basis of skin color, sex, gender expression, gender identity, social status, linguistic ability, sexual orientation, disabilities, etc.**
- 5. Understanding that the County workforce reflects society's diversity and requires tolerance of opinions and attitudes that differ from your own.**
- 6. Respecting the efforts of co-workers, giving credit when merited, and avoiding claiming the achievements of others as your own;**
- 7. Understanding that actions have consequences and considering the consequences of intended actions before taking them.**

**QUASI JUDICIAL BODY:**

**If the Board is to be considered a quasi-judicial body, as in this case, then the following shall apply:**

- 1. A Board of Supervisors acts as a quasi-judicial body when:**
  - A. It determines a specific policy, for a specific group of people.**
  - B. That policy is to be applied in a specific situation.**

- C. The decision involves the allocation of property, dealing with the property, livelihood, and rights of certain groups.

2. This decision presented to the Board fits that criteria, for the following reasons:

- A. The chosen plan would determine a specific policy, or methodology, to apply to the repair of Pima County roads.
- B. The policy would apply for a specific period of two years.
- C. It would determine which groups of people would benefit, specifically, which Districts, which neighborhoods, and which individual properties.

It's reasonable to conclude that the board acted in a quasi-judicial manner because:

1. They decided on the allocation of property interests and benefits to specific groups of people.
2. According to Duhaine's Law Dictionary, "Judicial or quasi-judicial proceedings are defined broadly to include all kinds of truth-seeking proceedings, including administrative, legislative and other official proceedings." It also defines quasi-judicial as: "Refers to decisions made by administrative tribunals or government officials to which the rules of natural justice apply. In judicial decisions the rules of natural justice always apply." (Duhaine.org/legaldictionary.)

When acting in a quasi-judicial capacity, a Board of Supervisors is subject to the same Federal and State laws as judges, which include:

1. A.R.S. 2.11(A1) states, "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or (2) personal knowledge of facts that are in dispute in the proceeding."
2. Code of judicial conduct. Canon 2A states: "A judge must avoid impropriety and the appearance of impropriety."
3. Code of Conduct for United States Judges, Canon 3, A1 states, "A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism."

It's clear that a judge, or acting judge, is to be disqualified when their impartiality can REASONABLY be questioned.

WHEREFORE:

It's clear that the actions of the Board were problematic on many levels. Not only was procedural law violated, but there were substantial ethical violations. These violations lead to the nullification of their official actions in this regard, and to their disqualification to participate in the reconsideration of the issue by the Board.

I would ask that in any discussion of this matter by the BOS, that supervisors Valadez and Bronson recuse themselves, as shown in emails and conversations, that he doesn't have a problem with District 1's plan. He just doesn't like her motivations, as stated to the undersigned, and stated by his secretary to the undersigned. His bias is self-evident. It's reasonable to assume that Supervisor Bronson was acting on the same bias, as evidenced by their mutual agreement, outside the open meeting forum, and by her vote for District 4 only.

In all matters, we have the right to free and fair consideration, especially when property values and livelihood are affected. District 1 has 200,000 people, who are effectively being punished, because the board doesn't like our supervisor's attributed motivations.

In the SETTLEMENT of this matter, I ask:

1. The Board to nullify their previous official actions on this issue, Supervisors Valadez and Bronson to recuse themselves, and a revote to be taken by the remaining Members of the Board, or: that the funds that would have been allocated to our group of neighborhoods, with poor and failed roads, under the revised plan, be issued to District 1, for the inclusion of these neighborhoods into their road repair plan, for the next two year period.

Hopefully, we can resolve these issues in the quickest, most effective way possible. I look forward to hearing from you.

Sincerely,

Mia Tittle