



PINAL COUNTY

WIDE OPEN OPPORTUNITY

PINAL COUNTY BOARD OF SUPERVISORS REGULAR SESSION

MINUTES

Wednesday, April 5, 2023

9:33 AM

BOARD OF SUPERVISORS

Chairman Jeff Serdy

Supervisor, District 5

Vice-Chairman Jeffrey McClure

Supervisor, District 4

Kevin Cavanaugh

Supervisor, District 1

Mike Goodman

Supervisor, District 2

Stephen Q. Miller

Supervisor, District 3

PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132

All Presentations are attached to the Agenda at:
[Click Here to View the Regular Session Agenda](#)

and a Video Recording of this meeting can be viewed at:
[Click Here to View Video Recording](#)

Chairman Serdy offered a moment of silence followed by the pledge of allegiance by Vice-Chairman McClure.

The Pinal County Board of Supervisors convened at 9:33 a.m. this date. The meeting was called to order by Chairman Serdy.

Members Present: Chairman Jeff Serdy; Vice-Chairman Jeffrey McClure; Supervisor Mike Goodman; Supervisor Stephen Q. Miller

Members Present Telephonically: Supervisor Kevin Cavanaugh

Staff Present: County Manager, Leo Lew; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Natasha Kennedy and Deputy Clerk of the Board, Kelsey Pickard

- (1) Call to the Public - Consideration and discussion of comments from the public. Those wishing to address the Pinal County Board of Supervisors need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

Click Here for Call to the Public Guidelines

9:37 a.m. – Natasha Kennedy, Clerk of the Board announced for the Record at 9:34 a.m. Supervisor Cavanaugh is appearing telephonically.

Supervisor Cavanaugh confirmed his telephonic appearance.

The following members of the public appeared before the Board and spoke:

- Regarding the Board of Supervisors Meetings, State Capitol, and democracy concerns; Barry McCain, City of Maricopa.
- Regarding Supervisor Miller's County Casa Grande Town Hall Meeting, his proposal for Service Learning Program and requested a meeting with Supervisor Miller to discuss. Spoke in favor of Consent Items H, I, J, O, P, and Q, Legislature concerns, and the upcoming agricultural forum; Noel Reck, Casa Grande.
- Regarding the following concerns; elections, property tax, road tax, high density housing, and water; Courtney Ramirez, Florence.

9:44 a.m. – Chairman Serdy advised due to a scheduling conflict with outside counsel, Executive Session for Item 19 will be called around 10:00 a.m.

The following additional members of the public appeared before the Board and spoke:

- In favor of Pinal County's partnership with Habitat for Humanity Central Arizona, Glendale's state affordable housing tax credit complex, and Public Defense Attorney's Oath(s) of Office renewal; Tom Bean, Casa Grande.
- Regarding the judicial system powers and the following concerns; Republican Party and Consent Item AG; Roberto Reveles, Gold Canyon.

Item Action: Public Comments

- (2) Discussion/approval/disapproval of a Proclamation adopting April 15, 2023, through April 22, 2023, as International Dark Sky Week. Proclamation to be read into the record by David Coward. (Natasha Kennedy)

David Coward, Gold Canyon Community Inc. (GCCCI), appeared before the Board and introduced the item.

Chairman Serdy spoke in favor.

Item Action: Approved

Motion Made By: Supervisor McClure

Seconded By: Supervisor Miller

To approve a Proclamation adopting April 15, 2023, through April 22, 2023, as International Dark Sky Week.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

David Coward read the Proclamation adopting April 15, 2023, through April 22, 2023, as International Dark Sky Week into the Record.

- (3) Discussion/approval/disapproval of the National Crime Victims' Rights Proclamation to be read during this meeting by the County Attorney, Mr. Kent Volkmer. Furthermore, the Pinal County Attorney's Office requests for the Pinal County Board of Supervisors to declare the week of April 23rd through 29th, 2023, as National Crime Victims' Rights Week. The Victims' Rights movement began more than 30 years ago and has been observed at a national level in honor of crime victims. (Kent Volkmer)

Kent Volkmer, County Attorney, appeared before the Board and introduced the item.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor Goodman

To approve the National Crime Victims' Rights Proclamation. Furthermore, the Pinal County Attorney's Office requests for the Pinal County Board of Supervisors to declare the week of April 23rd through 29th, 2023, as National Crime Victims' Rights Week. The Victims' Rights movement began more than 30 years ago and has been observed at a national level in honor of crime victims.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

Kent Volkmer read the Proclamation declaring the week of April 23, 2023, through April 29, 2023, as National Crime Victims' Rights Week into the Record.

10:02 a.m. – Chairman Serdy called Item 19 out of order.

10:34 a.m. – Chairman Serdy returned to Item 4.

Point of Personal Privilege

Mark Lamb, Sheriff, personally thanked the County Attorney and Board of Supervisors for recognizing and approving the National Crime Victims' Rights Week Proclamation.

- (4) Discussion/approval/disapproval of a Proclamation adopting May 14, 2023, through May 20, 2023, as Peace Officers Memorial Week and May 4, 2023, as Peace Officers Memorial Day. Proclamation to be read into the record by Sheriff, Mark Lamb. (Mark Lamb)

Mark Lamb, Sheriff, appeared before the Board and introduced the item.

Item Action: Approved

Motion Made By: Supervisor Goodman

Seconded By: Supervisor McClure

To approve a Proclamation adopting May 14, 2023, through May 20, 2023, as Peace Officers Memorial Week and May 4, 2023, as Peace Officers Memorial Day.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

Mark Lamb read the Proclamation adopting May 14, 2023, through May 20, 2023, as Peace Officers Memorial Week and May 4, 2023, as Peace Officers Memorial Day into the Record.

- (5) Discussion and update regarding the 2023 state and federal legislative session, bills, budget proposals, and pending actions. (Stephen Miller)

Supervisor Miller provided a Legislative Update from last week's committee meeting regarding Constables and requested Supervisor Goodman provide an update from yesterday's meeting.

Supervisor Goodman provided a Legislative Update from yesterday's committee meeting regarding the funding of roads, which did pass at the Legislative level.

Leo Lew, County Manager, thanked Tami Ryall, Pinal County Legislative Liaison for her work on Senate Bill 1051, regarding the road excised preservation tax, which was signed by the Governor.

Item Action: Information Only

- (6) County Manager's Report (Information Only). (Leo Lew)

Leo Lew, County Manager, spoke regarding Raven's Challenge, followed by a video.

Chairman Serdy requested clarification.

Mark Lamb, Sheriff, appeared before the Board, advised to his knowledge the county does not incur any associated costs, the challenges are performed by eighteen (18) different agencies demonstrating different training tactics, for the county and law enforcement.

Item Action: Information Only

(7) Purchasing Division Report - April 5, 2023 (Tiara Peterson/Angeline Woods)

Tiara Peterson, Purchasing Manager, appeared before the Board and presented.

Discussion held regarding the Caterpillar Telehandler forklift by the following Board Member and Staff; Vice-Chairman McClure, Andrew Smith, Public Works Director, and Joe Ortiz, Public Works Deputy Director.

Item Action: Approved

Motion Made By: Supervisor McClure

Seconded By: Supervisor Miller

To approve the Purchasing Division Report as presented.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

(8) **CONSENT ITEMS:**

All items indicated by an asterisk (*) will be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objects at the time the agenda item is called.

Chairman Serdy announced Items AG, AI, and AK have been pulled and asked if there were any requests from a Board Member, staff or the audience to remove any additional consent agenda items for discussion, there being none. Chairman requested a motion.

Item Action: Approved Consent Agenda Items A through AK, Minus AG, AI, and AK

Main Motion Made By: Supervisor Miller

Seconded By: Supervisor Goodman

To approve Consent Agenda Items A through AK, Minus AG, AI, and AK.

Main Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- * A. Discussion/approval/disapproval of Minutes from February 15, 2023, Regular Meeting and February 3, 2023, Special Session Meeting of the Board of Supervisors. (Natasha Kennedy)
- * B. Discussion/approval/disapproval of the current billings before the Board. (Natasha Kennedy)
- * C. Discussion/approval/disapproval of the recommendation to the Arizona Department of Liquor License and Control of application, series 012 Restaurant, of H J Lewkowicz for Chipotle Mexican Grill #4377, located at 1371 W. Hunt Highway, San Tan Valley, AZ 85143 and authorize the Clerk of the Board to execute and submit all necessary documents to the state. Supervisor District #2. (Natasha Kennedy)

- * D. Discussion/approval/disapproval of the recommendation to the Arizona Department of Liquor License and Control for the Special Event License Application of Jeffery Mansager for the Annual Fiesta de la Primavera Event to be held at St. Bartholomew Catholic Church located at 609 W. Park Place, San Manuel, Arizona 85631 on Saturday, April 29, 2023, from 10:00 a.m. to 11:00 p.m. Additionally, authorizing the Clerk of the Board to execute and submit all necessary documents to the State. Supervisor District #4. (Natasha Kennedy)
- * E. Discussion/approval/disapproval of the recommendation to the Arizona Department of Liquor License and Control for the Special Event License Application of Jessie David, for the Second Annual San Manuel Chili Cook Off Event to be held at the Ray Blair Airport located at 86181 E. Avenida De Aviacion, San Manuel, Arizona 85631 on Saturday, May 6, 2023, from 12:00 p.m. to 5:00 p.m. Additionally, authorizing the Clerk of the Board to execute and submit all necessary documents to the State. Supervisor District #4. (Natasha Kennedy)
- * F. Discussion/approval/disapproval of the Tax Exemption Extension request received by the Assessor's Office for: Andrew Feliciano, Mary Lou Baca, Leonard Slonksy, Lester Fredrickson, Mary Oestreich, Kathleen M. Anzaldua, Theodore P. Theroux, Christopher Tajuna, Thomas G. Antczak, Carol Henk, Diane Hug, Michael S. Ogden, Judith A. Lamoureux, Twyla Bright, Clifford L. Faught, Denise G. Hauser, Melvin Meyer, John Johnson, William Sherbert, Sylvia Acuna, Elizabeth Mora, Cheryl L. Moore, Charles L. Shotts, Concetla M. Rudnik, Danny Thomas, Elaine E. Walker, Deanna J. Woods, Joseph Blaze, Leta Vega, Henry Jaman, Kenneth L. Ragsdell, Lewis Todd Ray, Sheila Pelow, Cody Leonard Tyler, Robert Torres, Teresa L. El Babour, Carole S. Gittere, Evienne Sipos, and Rita Elisa Mc Vay to be allowed to file for widow/widowers and/or disabled persons or non-profit organization tax exemption. (Natasha Kennedy)
- * G. Discussion/approval/disapproval for a retroactive submission of a grant application to the Arizona Public Service Community Impact Grant for \$6,450. This grant will be used by the Clerk of the Board's office to assist with hosting an Annual Boards and Commissions Volunteer Appreciation Luncheon/Reception during National Volunteer Week in April. (Natasha Kennedy)
- * H. Discussion/approval/disapproval to submit a grant application in response to an appropriation award and execute Award Agreement No. B-23-CP-AZ-0037 under Community Project Funding between the U.S. Department of Housing and Urban Development and Pinal County, through the Pinal County Board of Supervisors beginning upon date of execution, ending August 31, 2031, for \$2,000,000. This grant will be used to design and install towers for broadband services in Pinal County. (Tami Ryall/Leo Lew)
- * I. Discussion/approval/disapproval of an updated Award Agreement No. B-22-CP-AZ- 0032 between the U.S. Department of Housing and Urban Development and Pinal County, through the Pinal County Board of Supervisors, beginning upon the date of execution, ending August 31, 2030, for \$1,000,000. The original agreement executed February 15, 2023, was revised by HUD with updated information on the program. This grant will be used to design and install towers for broadband services in Western Pinal County. Supervisor Districts #3 and #4. (Tami Ryall/Leo Lew)

- * J. Discussion/approval/disapproval of an updated Award Agreement No. B-22-CP-AZ- 0031 between the U.S. Department of Housing and Urban Development and Pinal County, through the Pinal County Board of Supervisors, beginning upon the date of execution, ending August 31, 2030, for \$1,000,000. The original agreement executed February 15, 2023, was revised by HUD with updated information on the program.
This grant will be used to design and install towers for broadband services in the Copper Corridor. Supervisor Districts #4 and #5. (Tami Ryall/Leo Lew)
- * K. Discussion/approval/disapproval of the following appointments and resignations for the precinct committeemen for the Republican Party:
Appointments:
- Pct #25; Joy Williams, 24322 E. Logan Blvd., Florence, 85132, Supervisor District #4.
 - Pct #93; Lynda Bradley, 843 N. Chris Way., Oracle, 85623, Supervisor District #4.
- Resignations:
- Pct #39; Josh Eisenhower, 2843 N. Four Seasons Ln., Casa Grande, 85122, Supervisor District #3.
 - Pct #39; Michalina Eisenhower, 2843 N. Four Seasons Ln., Casa Grande, 85122, Supervisor District #3. (Geraldine Roll/Himanshu Patel)
- * L. Discussion/approval/disapproval of Resolution No. 040523-PCHA of the Pinal County Board of Supervisors approving the Public Housing Authority (PHA) 2023 Annual Agency Plan and related certifications authorizing the submittal to the United States Department of Housing and Urban Development (HUD) Office of Public and Indian Housing. (Rolanda Cephas/Himanshu Patel)
- * M. Discussion/approval/disapproval of a revision to the Section 8 Administrative Plan for rental assistance programs funded by U.S. Department of Housing and Urban Development (HUD) as of February 7, 2023. (Rolanda Cephas/Himanshu Patel)
- * N. Discussion/approval/disapproval of a training and technical assistance award under the Justice Reinvestment Initiative of the Bureau of Justice Assistance for an estimated value of \$5,000. Approval also authorizes a FY 22/23 budget amendment to transfer budget reserve appropriation from Fund 213 (Grants/Project Contingency to the Fund 278 (Sheriff Miscellaneous Fund) Re-entry Fund to increase revenue and expenditure appropriations. This award will be used by Justice Services and the reentry program to send five staff and stakeholders to attend the April 2023 Peer Learning Opportunity in New Mexico. Attendees will learn innovations in information sharing for crime reduction. (Teresa Fuller/Mary Ellen Sheppard)
- * O. Discussion/approval/disapproval to submit a grant application to the Environmental Protection Agency's Environmental Justice Government to Government program for \$1,000,000. This grant will be used to complete a variety of projects to address environmental concerns including: the purchase of equipment for Air Quality, wastewater improvements at San Manuel Airport, facility improvements in San Manuel, and workforce development. (Heather Patel/Angeline Woods)

- * P. Discussion/approval/disapproval of Award Agreement 536-23 under the Continuum of Care Planning Grant between the Arizona Department of Housing and Pinal County, through the Pinal County Board of Supervisors beginning January 1, 2023, ending June 30, 2023, for \$7,000. This grant will be used by the Office of Budget and Finance to manage the local coalition to end homelessness. Acceptance requires an amendment to the FY22/23 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Fund 266 (Misc Grants) to increase revenues and expenditures. There is no impact on the General Fund. (Heather Patel/Angeline Woods)
- * Q. Discussion/approval/disapproval of Award Agreement 546-23 under the Continuum of Care Capacity Grant between the Arizona Department of Housing and Pinal County, through the Pinal County Board of Supervisors beginning January 1, 2023, ending December 31, 2023, for \$120,000. This grant will be used by the Office of Budget and Finance to provide a subaward to a local nonprofit to build capacity and serve the local coalition to end homelessness and persons experiencing. (Heather Patel/Angeline Woods)
- * R. Discussion/approval/disapproval of Amendment No. 4 to Intergovernmental Agreement No. DI21-002310 between the Arizona Department of Economic Security and Pinal County, through the Pinal County Board of Supervisors. This amendment removes utility assistance from the list of eligible activities funded under the Emergency Rental Assistance Program. (Heather Patel/Angeline Woods)
- * S. Discussion/approval/disapproval of the following individual to the Pinal County Workforce Development Board:
 - Reappointment (Workforce Category) Lynn Parsons, The Coolidge Chamber of Commerce (Representing Achieve Pinal), 184 N. Arizona Blvd., Coolidge, Arizona, 85128. The term of service will be from December 1, 2022, through November 30, 2025. (Joel Millman/James Smith)
- * T. Discussion/approval/disapproval of the Department of Economic Security (DES), Arizona Department of Technology (DTS), has required Workforce Innovation and Opportunity Act (WIOA/ARIZONA@WORK) sub grantees to update the Data Sharing Agreements to a 5-year agreement due to constant changes in technology. Data Sharing Agreements allow ARIZONA@WORK Pinal County staff to access the State's case management and reporting system - Arizona Job Connection. (Joel Millman/James Smith)
- * U. Discussion/approval/disapproval of a Data Sharing Agreement, City of Tucson access to spatial and non-spatial data into its billing process for Tucson Water. (Sarah Hess/Robert Stanley)
- * V. Discussion/approval/disapproval of Award Agreement No. G2535_AG-1177 under the technology expansion program between the National Network of Public Health Institutes and Pinal County, through the Pinal County Board of Supervisors beginning February 15, 2023, ending July 31, 2023, for \$13,500. This grant will be used by the Medical Examiner's Office to purchase computer equipment. Acceptance requires an amendment to the FY 22/23 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Medical Examiner/Grants to increase revenues and expenditures. There is no impact on the General Fund. (John Hu)

- * W. Discussion/approval/disapproval of a Final Plat for Wales Ranches - Unit 2, Parcel 2.4. Supervisor District #2. (FP21-046) (Evan Evangelopoulos/Brent Billingsley)
- * X. Discussion/approval/disapproval of Resolution No. 040523-RD22-093 accepting partial release of Third Party Trust Assurance Agreement No. 202064-S, associated with Red Rock Village VIIIA, located in Section 8, Township 10 South, Range 10 East. Supervisor District #4. (RD22-093) (Susan Baker/Brent Billingsley)
- * Y. Discussion/approval/disapproval of Resolution No. 040523-RD22-089 accepting a Grant of Easement executed by Momin Services of AZ, an Arizona non-profit corporation (Grantor) for a portion of Rahma Street, located in Section 18, Township 04 South, Range 02 East. Supervisor District #1. (RD22-089) (Joe Ortiz/Andrew Smith)
- * Z. Discussion/approval/disapproval of the First Amendment to the Intergovernmental Agreement with the City of Maricopa for access to property owned by Pinal County located along W. Edwards Avenue, Maricopa. This amendment to the agreement replaces the previously approved concrete masonry unit (CMU) fence with a concrete wall. Supervisor District #1. (GA22-058) (Christopher Wanamaker/Andrew Smith)
- * AA. Discussion/approval/disapproval of License to use Right-of-Way from New Magma Irrigation & Drainage District to maintain an existing drainage ditch located on the southeast corner of Schnepf Road and Hashknife Draw Road in Section 3, T2S, R8E, in the unincorporated area of Pinal County. Supervisor District #2. (GA22-056) (Celeste Garza/Andrew Smith)
- * AB. Discussion/approval/disapproval of Resolution No. 040523-GA22-059 approving a Third Amendment to the Development Agreement for Durham Regional Landfill. Supervisor District #4. (GA22-059) (Joe Ortiz/Andrew Smith)
- * AC. Discussion/approval/disapproval of Resolution No. 040523-RD22-087 accepting Warranty Deed from Magma Ranch III – Phoenix, LLC, a Delaware limited liability company, for fee right of way to a portion of Judd Road. Supervisor District #5. (RD22-087) (Joe Ortiz/Andrew Smith)
- * AD. Discussion/approval/disapproval of Amendment No. 2023-83 of Award Agreement 2023-PTS-048 between the Governor's Office of Highway Safety Law Enforcement Program and the Pinal County Sheriff's Office through the Pinal County Board of Supervisors. The amendment reallocates \$77,380.85 from Overtime/EREs to Capital Outlay to purchase one (1) police package vehicle. The grant will be used to reduce traffic fatalities and injuries resulting from speeding, aggressive driving, and other risky driving behavior through enforcement. The funding is included in the current budget. (Mark Lamb)
- * AE. Discussion/approval/disapproval for Deputy David Kuykendall #2153 who will be retiring from the Pinal County Sheriff's Office (PCSO), effective March 30, 2023. Deputy Kuykendall #2153 has requested that, in compliance with established precedence and protocol, he be permitted to purchase his PCSO issued duty weapon(s), identified as Glock 17 at \$25 and Colt AR15 at \$330. Fair market value for Glock 17 is approximately \$420 and fair market value for the Colt AR15 is \$330. Purchase of issued weapon(s) upon retirement is also in compliance with A.R.S. 38- 1115A which allows a law enforcement officer upon his/her retirement to purchase his/her issued weapon(s) at a price determined by the administrator of the agency. (Mark Lamb)

- * AF. Discussion/approval/disapproval for Sergeant Jose Cruz #1381 who will be retiring from the Pinal County Sheriff's Office (PCSO), effective April 30, 2023. Sergeant Cruz #1381 has requested that, in compliance with established precedence and protocol, he be permitted to purchase his PCSO issued duty weapon, identified as Glock 17 at \$25. Fair market value for Glock 17 is approximately \$420. Purchase of issued weapon upon retirement is also in compliance with A.R.S. 38-1115A which allows a law enforcement officer upon his/her retirement to purchase his/her issued weapon at a price determined by the administrator of the agency. (Mark Lamb)

Item AG Pulled from Consent Agenda

- * AG. Discussion/approval/disapproval for the Agreement Regarding Border Strike Force Local Support between the Department of Public Safety (DPS) and the Pinal County Sheriff's Office (PCSO). The purpose of this Agreement shall be to enhance law enforcement services concerning criminal activities associated with illegal immigration, human smuggling, and border-related crimes through the cooperative efforts between DPS and PCSO. (Mark Lamb)

Chairman Serdy requested clarification.

Mark Lamb, Sheriff, appeared before the Board, advised this money was allocated by Legislature last year, with another \$12 million this year, the Sheriff's Office is working with the Department of Public Safety, these funds will be utilized to assist with border enforcement, provided an overview regarding border-related crimes, and drug statistics.

Supervisor Miller requested the Sheriff provide the name change of the program once available, and that statistics provided today be shared with the Board.

Mark Lamb confirmed any information which can be shared with the Board including statistics will be provided, and once available the forthcoming name change of Border Strike Force shall be provided.

Supervisor Goodman spoke regarding his sons auto theft experience in Palomino, and thanked the Sheriff for his efforts.

Mark Lamb further spoke regarding the statistics in Arizona's major role to inhibit drugs coming into the country.

Item Action: Approved Consent Agenda Item AG

Motion Made By: Supervisor Goodman

Seconded By: Supervisor McClure

To approve Consent Agenda Item AG.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- * AH. Discussion/approval/disapproval of Award Agreement under the American Rescue Plan Act (ARPA) II Court Technology Assistant between the Arizona Supreme Court Administrative Office of the Courts and Pinal County Superior Court, through the Pinal County Board of Supervisors, beginning January 5, 2023, ending December 31, 2026, for \$135,800. This grant will be used by the Superior Court for a Court Technology Assistant. Acceptance requires an amendment to the FY 22/23 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Fund 205 (Courts/Grants) to increase revenues and expenditures. The appropriation is a pro-rated amount of \$15,697. The remaining amount will be budgeted in FY 23/24. There is no impact on the General Fund. (David Tascoe/Todd Zweig)

Items AI and AK Pulled from Consent Agenda

- * AI. Discussion/approval/disapproval of Award Agreement under the American Rescue ~~Plant~~ Plan Act (ARPA) II Supplemental Probation Funding between the Arizona Supreme Court Administrative Office of the Courts and Pinal County Superior Court, through the Pinal County Board of Supervisors, beginning January 5, 2023, ending December 31, 2026, for \$520,676. This grant will be used by the Adult Probation Department for probation enhancements to “improve, maintain, or enhance” adult probation. Acceptance requires an amendment to the FY 22/23 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Adult Probation ARPA Fund to increase revenues and expenditures. There is no impact on the General Fund. (Saul Schoon)

Chairman Serdy inquired if Items AI and AK can be heard together.

Natasha Kennedy, Clerk of the Board, confirmed both Items can be heard together and stated the recommendation is to approve Items AI and AK to read, American Rescue Plan Act.

Item Action: Approved Consent Agenda Items AI and AK as presented, to read American Rescue Plan Act

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve Consent Agenda Items AI and AK as presented, to read American Rescue Plan Act.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- * AJ. Discussion/approval/disapproval of the Award Agreement under the Probation Success Incentive program between the Arizona Supreme Court Administrative Office of the Courts and the Pinal County Adult Probation Officer, through the Pinal County Board of Supervisors for \$34,531 and \$70,853 totaling \$105,384. This grant will be used by the Pinal County Adult Probation Office to implement and expand evidence-based practices for risk needs and assessments for individual programming through vendors. This requires aligns the current budget amount to the award amount and requires an amendment to the FY22/23 budget to transfer appropriation from Fund 266 (AP-Probation Success Incentive) to Fund 213 (Grants/Project Contingency) to reduce revenues and expenditures. There is no impact on the General Fund. (Saul Schoon)

Items AI and AK Pulled from Consent Agenda

- * AK. Discussion/approval/disapproval of Award Agreement under the American Rescue ~~Plan~~ Act (ARPA) II Supplemental Probation Funding between the Arizona Supreme Court Administrative Office of the Courts and Pinal County Superior Court, through the Pinal County Board of Supervisors, beginning January 5, 2023, ending December 31, 2026, for \$316,424. This grant will be used by Juvenile Probation to cover salary and ERE increases to “improve, maintain, or enhance” juvenile probation. Acceptance requires an amendment to the FY 22/23 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Juvenile Probation ARPA Fund to increase revenues and expenditures. There is no impact on the General Fund. (Denise Smith)

Items AI and AK were heard together, the discussion and vote are listed under Item AI.

Item Action: Approved Consent Agenda Items AI and AK as presented, to read American Rescue Plan Act

- (9) Meeting of the Pinal County Flood Control District Board of Directors. (Christopher Wanamaker/Andrew Smith)

Chairman Serdy recessed the Pinal County Board of Supervisors Meeting and convened as the Pinal County Flood Control District Board of Directors Meeting.

Item Action: Convened into the Pinal County Flood Control District Agenda

Chairman Serdy adjourned the Pinal County Flood Control District Board of Directors Meeting and reconvened the Pinal County Board of Supervisors Meeting.

- (10) **Public Hearing** and discussion/approval/disapproval of case CSR-008-22: Tri Pointe Homes, Mackenzie Robinson, agent, requesting approval of a Comprehensive Sign Package to allow the installation of fourteen (14) signs: six (6) freestanding onsite subdivision signs at 272 square feet, six (6) temporary pennant signs at 90 square feet, one (1) wall sign at 8.6 square feet, and one (1) American flag at 60 feet in height. The proposed signage exceeds the sign code area maximum for On-site signs for subdivisions. The proposed American Flag is an exempted sign type, but is required to apply for a comprehensive sign package as it also exceeds the height maximum for the respective zoning; situated in Section 10, Township 3 South, Range 7 East of G&SRB&M; tax parcels 509-10-079 and 509-10-161, (legals on file,) (located at 33580 N Maverick Mountain Trl. west of N Thompson Rd and south of W Rock Peak Blvd within the Borgata Subdivision near Queen Creek, AZ). Supervisor Districts #1 and #2. (Patrick Roberts/Brent Billingsley)

Patrick Roberts, Senior Planner, appeared before the Board, presented, read into Record the additional Stipulation, and advised this item is located in both Supervisor Districts #1 and #2.

Chairman Serdy opened the Public Hearing, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing.

Item Action: Approved as presented with one (1) Stipulation recommended by the Sign Review Committee as read into the Record by staff and noting these parcels are in Supervisor Districts #1 and #2

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve case CSR-008-22: Tri Pointe Homes, Mackenzie Robinson, agent, requesting approval of a Comprehensive Sign Package to allow the installation of fourteen (14) signs: six (6) freestanding onsite subdivision signs at 272 square feet, six (6) temporary pennant signs at 90 square feet, one (1) wall sign at 8.6 square feet, and one (1) American flag at 60 feet in height. The proposed signage exceeds the sign code area maximum for On-site signs for subdivisions. The proposed American Flag is an exempted sign type, but is required to apply for a comprehensive sign package as it also exceeds the height maximum for the respective zoning; situated in Section 10, Township 3 South, Range 7 East of G&SRB&M; tax parcels 509-10-079 and 509-10-161, (legals on file,) (located at 33580 N Maverick Mountain Trl. west of N Thompson Rd and south of W Rock Peak Blvd within the Borgata Subdivision near Queen Creek, AZ) as presented with one (1) Stipulation recommended by the Sign Review Committee as read into the Record by staff and noting these parcels are in Supervisor Districts #1 and #2.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (11) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2023-PZ-026-22, a Ordinance approving case PZ-026-22; Max Dewitt, landowner and Jason Sanks/Iplan Consulting, applicant/agent, requesting approval of a rezoning from GR (General Rural) to RU-10, (Rural Zoning District), to allow a Guest Ranch operation, on 72.93± acres of land, situated in a portion of Sections 17 & 18, Township 5 South, Range 12 East of G&SRB&M, tax parcels 301460030, and 30146002A, and located approximately 9 miles southeast of the incorporated Town of Florence, about 1.6 miles north of East Florence Kelvin Highway, and about .25 miles west of North Cochran Road in the unincorporated area of Pinal County. The Planning Commission recommended approval (4-2) of case PZ-026-22 with four (4) stipulations. Supervisor District #5. (Evan Evangelopoulos/Brent Billingsley)

Evan Evangelopoulos, Planner, appeared before the Board, presented, and read the four (4) Stipulations as recommended by the Planning Commission.

Supervisor Miller inquired if the four (4) stipulations proposed are standard requirements of any development coming into the county.

Evan Evangelopoulos confirmed that is correct.

Jason Sanks, Iplan Consulting, appeared before the Board, introduced Max Dewitt, Landowner and operator present in the audience, and presented.

Discussion held regarding this project and the typical customer expected by the following Board Member and Applicant Representative; Chairman Serdy and Jason Sanks.

Chairman Serdy opened the Public Hearing, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time.

The following members of the public appeared before the Board and spoke:

- In opposition, and for the Record provided handouts to the Clerk of the Board; Kathryn Kitchell, Florence.
- In favor, regarding the rezone process, communication with the Kitchell's and attempt to reach a third party agreement; Max Dewitt, Landowner.

Further discussion held regarding this project; neighbors, current structures, water, septic, liquor license, emergency plan and response, rezoning, traffic mitigation, fire plan, public safety, and concerns of the Kitchell's by the following Board Members, Staff, and Applicant; Chairman Serdy, Vice-Chairman McClure, Supervisor Cavanaugh, Supervisor Goodman, Supervisor Miller, Natasha Kennedy, Clerk of the Board, Evan Evangelopoulos, and Max Dewitt.

Kathryn Kitchell was granted the opportunity to speak further regarding the third party agreement.

Supervisor Miller requested clarification.

Brent Billingsley, Community Development Director, appeared before the Board, provided clarification on the stipulations requested by the neighbors. Further explained the unenforceable stipulation(s) and the recommendation by the County Attorney's Office regarding a third party agreement between Mr. Dewitt and neighbors.

Item Action: Continued with Public Hearing to May 24, 2023, Board Meeting

Motion Made By: Supervisor Cavanaugh

Chairman Serdy noted as stated previously this facility is closed for summer 2023.

Seconded By: Supervisor Miller

Discussion held regarding continuing the Public Hearing by the following Board Members and Staff; Chairman Serdy, Supervisor Cavanaugh, and Chris Keller, Chief Civil Deputy County Attorney.

To continue with Public Hearing to May 24, 2023, Board Meeting.

Motion Passed

Ayes: Cavanaugh, Miller, Serdy (3)

Nays: Goodman, McClure (2)

- (12) **Public Hearing** and discussion/approval/disapproval of Resolution No. 040523-RD22-090 ordering the abandonment and extinguishment of a roadway easement comprising a portion of Nodak Road. Supervisor District #5. (RD22-090) (Celeste Garza/Andrew Smith)

Celeste Garza, Assistant County Engineer, appeared before the Board and presented.

Chairman Serdy opened the Public Hearing, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing.

Item Action: Approved

Motion Made By: Supervisor Goodman

Seconded By: Supervisor McClure

To approve Resolution No. 040523-RD22-090 ordering the abandonment and extinguishment of a roadway easement comprising a portion of Nodak Road.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (13) **Public Hearing** and discussion/approval/disapproval of Resolution No. 040523-RD22-091 ordering the abandonment and extinguishment of a roadway easement comprising a portion of Kaniksu Street. Supervisor District #5. (RD22-091) (Celeste Garza/Andrew Smith)

Celeste Garza, Assistant County Engineer, appeared before the Board and presented.

Chairman Serdy opened the Public Hearing, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time.

The following members of the public appeared before the Board and spoke:

- In Favor; Tom Vukovich, Apache Junction, Sally Weaver-Gates, Apache Junction, and Richard Gates, Apache Junction, for the Record Mr. Gates provided five (5) photographs to the Clerk of the Board.

Chairman Serdy closed the Public Hearing.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor McClure

To approve Resolution No. 040523-RD22-091 ordering the abandonment and extinguishment of a roadway easement comprising a portion of Kaniksu Street.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (14) **Public Hearing** and discussion/approval/disapproval of Resolution No. 040523-RD22-092 ordering the abandonment and extinguishment of an easement comprising a portion of Concho Street and Charlebois Road. Supervisor District #5. (RD22-092) (Celeste Garza/Andrew Smith)

Celeste Garza, Assistant County Engineer, appeared before the Board and presented.

Chairman Serdy opened the Public Hearing, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor McClure

To approve Resolution No. 040523-RD22-092 ordering the abandonment and extinguishment of an easement comprising a portion of Concho Street and Charlebois Road.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (15) Discussion/approval/disapproval of Resolution No. 040523-RD22-088 accepting a Grant of Easement for Roadway and Public Utilities from LANGRAFT ENTERPRICES LLC, a New Mexico limited liability company, located on a portion of Judd Road in the San Tan Valley area. Supervisor District #1. (RD22-088) (Joe Ortiz/Andrew Smith)

Joe Ortiz, Public Works Deputy Director, appeared before the Board and presented.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor McClure

To approve Resolution No. 040523-RD22-088 accepting a Grant of Easement for Roadway and Public Utilities from LANGRAFT ENTERPRICES LLC, a New Mexico limited liability company, located on a portion of Judd Road in the San Tan Valley area.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (16) Discussion/approval/disapproval of a Lease Agreement between Pinal County (Landlord) and Stanfield Fire District dba Stanfield Volunteer Fire Department (Tenant) at 36697 W. Papago Dr., Stanfield, AZ 85172. Lessee desires to lease a portion of the property for use as a Fire Station for a term of three years and will automatically renew for three years unless terminated on or before March 14, 2026. The annual rent amount shall be \$1. Supervisor District #3. (GA22-057) (Joe Ortiz/Andrew Smith)

Joe Ortiz, Public Works Deputy Director, appeared before the Board and presented.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor McClure

To approve a Lease Agreement between Pinal County (Landlord) and Stanfield Fire District dba Stanfield Volunteer Fire Department (Tenant) at 36697 W. Papago Dr., Stanfield, AZ 85172. Lessee desires to lease a portion of the property for use as a Fire Station for a term of three years and will automatically renew for three years unless terminated on or before March 14, 2026. The annual rent amount shall be \$1.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (17) Discussion/approval/disapproval to allow an exempt employee in the Treasurer's Office to work overtime, at straight time pay for a system integration project. This project is a collaboration with the Office of Budget and Finance, Information Technology and the Treasurer's Office to develop an integration between software systems to enhance the accounts receivable process. The additional cost will be shared between the Office of Budget and Finance and the Treasurer's Office. (Michael McCord/Angeline Woods)

Michael McCord, Treasurer, appeared before the Board and presented.

Discussion held regarding straight time, current employee position, and Fair Labor Standards Act (FLSA) status by the following Board Member and Staff; Vice-Chairman McClure, Supervisor Cavanaugh, and Michael McCord.

Supervisor Cavanaugh requested legal advice from the County Attorney.

Chris Keller, Chief Civil Deputy County Attorney advised yes, this is an exempt employee, this is similar to things that we occasionally do during emergency situations, where we have sheriff's personnel or other supervisory personnel that are exempt work overtime, and the county will pay them straight time for that time period.

Item Action: Approved

Motion Made By: Supervisor McClure

Seconded By: Supervisor Goodman

To approve to allow an exempt employee in the Treasurer's Office to work overtime, at straight time pay for a system integration project. This project is a collaboration with the Office of Budget and Finance, Information Technology and the Treasurer's Office to develop an integration between software systems to enhance the accounts receivable process. The additional cost will be shared between the Office of Budget and Finance and the Treasurer's Office.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (18) Discussion of Board member's request for future agenda item(s) and/or reports to be presented at upcoming meetings. (Jeff Serdy)

Chairman Serdy requested a Work Session and overview on residential properties not being required to have the 100-year water supply certificate.

Supervisor Cavanaugh requested a Work Session to establish guidelines for county support on bonds where the county is going to incur long term financial obligation(s).

Item Action: Information Only

10:02 a.m. – Chairman Serdy called Item 19 out of order.

- (19) Executive Session pursuant A.R.S. 38-431.03(A)(3)(4) for legal advice and discussion of possible appeal concerning Machu Picchu Holdings, LLC et al., v. Pinal County, et al., 1 CA-TX 21-0003, 1 CA-TX21-0007 (consolidated). (Chris Keller/Douglas Wolf)

Chairman Serdy requested a motion.

Item Action: Convened into Executive Session

Motion Made By: Supervisor Miller

Seconded By: Supervisor Goodman

To convene into Executive Session.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

Chairman Serdy noted Executive Session for Item 21 will be heard at a later time.

10:34 a.m. – Chairman Serdy recessed Executive Session, reconvened the Pinal County Board of Supervisors Meeting, and returned to Item 4.

- (20) Discussion/approval/disapproval to authorize counsel to file a petition for review concerning Machu Picchu Holdings, LLC, et al., v. Pinal County, et al., 1 CA-TX 21-0003, 1 CA-TX 21-0007 (consolidated). (Chris Keller/Douglas Wolf)

Chris Keller, Chief Civil Deputy County Attorney, appeared before the Board and presented.

Item Action: Approved

Motion Made By: Supervisor McClure

Seconded By: Supervisor Goodman

To approve to authorize counsel to file a petition for review concerning Machu Picchu Holdings, LLC, et al., v. Pinal County, et al., 1 CA-TX 21-0003, 1 CA-TX 21-0007 (consolidated).

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

12:36 p.m. – Chairman Serdy reconvened Executive Session.

1:15 p.m. – The following Board Members and Staff did not return to the dais following Executive Session; Vice-Chairman McClure, Supervisor Cavanaugh, Leo Lew, County Manager, and Chris Keller, Chief Civil Deputy County Attorney.

- (21) Executive Session pursuant to A.R.S. 38-431.03(A)(3) for legal advice concerning the application of Fair Labor Standards Act (FLSA) to employment positions within the county. (Chris Keller/MaryEllen Sheppard)

Item Action: Adjourned Executive Session

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To adjourn Executive Session.

Motion Passed

Ayes: Goodman, Miller, Serdy (3)

Absent: Cavanaugh, McClure (2)

1:16 p.m. – Chairman Serdy adjourned the April 5, 2023, Regular Meeting of the Board of Supervisors.

PINAL COUNTY BOARD OF SUPERVISORS

Jeff Serdy, Chairman

ATTEST:

Natasha Kennedy, Clerk of the Board

Minutes Prepared By: Kelsey Pickard, Deputy Clerk of the Board

Approval of Minutes: April 26, 2023