



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY BOARD OF SUPERVISORS
AGENDA FOR SPECIAL SESSION
Wednesday, September 15, 2021

9:30 AM - CALL TO ORDER

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

BUSINESS BEFORE THE BOARD

(Consideration/Approval/Disapproval of the following:)

- (1) Discussion/approval/disapproval of Resolution No. 091521-LE of the Pinal County Board of Supervisors in support of the declaration of a local emergency by the City of Coolidge and supporting an application for assistance to the Governor's Emergency Fund. Supervisor District #1. (GA21-009) (Charles Kmet/Andrew Smith)
- (2) **Work Session** to discuss the HUD requirement for participation in certain Programs, as it applies to law enforcement. (Mark Lamb)
- (3) **Work Session** presentation and overview of the possible expansion of the broadband network in Pinal County to provide improved internet availability to underserved areas countywide. (Tami Ryall/Leo Lew)
- (4) **Work Session** presentation and discussion of the results of the recent Census and potential undercount of the population in Pinal County. (Kent Volkmer)
- (5) Executive Session pursuant to A.R.S. 38-431.03A(3)(4) to provide the Board legal advice and get direction regarding the County's position in Docket #WS-01303A-20-0025 pending before the Arizona Corporation Commission. (Kevin Costello/Kent Volkmer)

ADJOURNMENT

(SUPPORTING DOCUMENTS ARE AVAILABLE AT THE CLERK OF THE BOARD OF SUPERVISORS' OFFICE AND AT <https://pinal.novusagenda.com/AgendaPublic/>)

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Supervisors and Pinal County Board of Directors do not discriminate against qualified

individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Clerk of the Board Office at (520) 866-6068, at least (3) three business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Meeting Notice of Posting



AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #: 196

Dept. #: 311

Dept. Name: Public Works

Director: Andrew Smith

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Discussion/approval/disapproval of Resolution No. 091521-LE of the Pinal County Board of Supervisors in support of the declaration of a local emergency by the City of Coolidge and supporting an application for assistance to the Governor's Emergency Fund. Supervisor District #1. (GA21-009) (Charles Kmet/Andrew Smith)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

There are no expected fiscal considerations or impacts associated with this agenda item.

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

There are no expected performance impacts associated with this agenda item.

MOTION:

Approved as presented

History	Who	Approval
Time		
9/7/2021 9:23 AM	County Attorney	Yes
9/7/2021 4:29 PM	Budget Office	Yes
9/8/2021 8:28 AM	County Manager	Yes
9/8/2021 10:24 AM	Clerk of the Board	Yes

ATTACHMENTS:

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☐ [Resolution](#)

When recorded return to:
Clerk
Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132

RESOLUTION NO. _____

**RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF THE DECLARATION OF A LOCAL EMERGENCY BY THE CITY OF
COOLIDGE AND SUPPORTING AN APPLICATION FOR ASSISTANCE TO THE
GOVERNORS EMERGENCY FUND**

WHEREAS, on August 15, 2021, there was a catastrophic failure of the El Paso Natural Gas EPNG pipeline within the city limits of Coolidge in Pinal County; and;

WHEREAS, the City's resources were overwhelmed by the event which caused significant injuries, loss of life and property damage; and,

WHEREAS, based on this catastrophic event the Mayor of City of Coolidge issued an Emergency Declaration on August 15, 2021, a copy of which is attached as Exhibit A; and,

WHEREAS, the City of Coolidge wishes to submit an application for assistance to the Governor's Emergency Fund to assist with response to the declared emergency; and

WHEREAS, Arizona Administrative Code R8-2-304 directs political subdivisions other than counties to submit applications to the Governor's Emergency fund through the county;

THEREFORE, BE IT RESOLVED, the Pinal County Board of Supervisors supports the Emergency Proclamation Declaring an Emergency issued by the Mayor of the City of Coolidge, and requests the State of Arizona to consider any request for disaster relief assistance submitted by the City.

PASSED AND ADOPTED this ____ day of _____, 2021, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chairman of the Board

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

EXHIBIT A
TO
RESOLUTION NO. 091521-LE

See following page.

EMERGENCY PROCLAMATION DECLARING AN EMERGENCY

WHEREAS, on August 15, 2021, at approximately 5:30 a.m., El Paso Natural Gas Company, L.L.C. (EPNG) experienced a catastrophic pipeline failure of the EPNG system within the jurisdictional limits of the City of Coolidge, Pinal County, Arizona near Randolph Rd., east of Hwy. 87; and

WHEREAS, the City of Coolidge first responders responded to the scene to control the fire, render aid to those who were injured, and protect property; and

WHEREAS, the City of Coolidge's resources were quickly overwhelmed because of the significant explosion that caused injuries and loss of life and significant property damage; therefore, through the respective Mutual Aid Agreements, fire departments throughout the area came to assist the City of Coolidge to put out the fire, render aid, and control the scene; and

WHEREAS, the City of Coolidge will continue to need substantial resources to investigate the cause of the explosion and secure evidence in a large area; and

WHEREAS, the Mayor of the City of Coolidge finds that it is necessary to implement this Declaration of Emergency for the preservation of the public peace, health, safety and general welfare of the City of Coolidge and to obtain the necessary resources to assist the City of Coolidge in properly investigating and securing this scene.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor of the City of Coolidge, Arizona, as follows:

SECTION 1. Pursuant to A.R.S. § 26-311, I declare that an emergency exists due to the fire, explosion, and man-made calamity or disaster because of the catastrophic pipeline failure of the EPNG system within the City of Coolidge, Pinal County, Arizona near Randolph Rd., east of Hwy. 87.

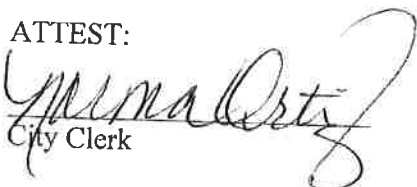
SECTION 2. This Proclamation is made to allow the City of Coolidge access to all of the Federal, State and Pinal County resources available to deal with the fire, personal injuries, loss of life, and investigation of the catastrophic pipeline failure of the EPNG system within the City of Coolidge, Pinal County, Arizona near Randolph Rd., east of Hwy. 87.

SECTION 3. This Emergency Proclamation shall be effective at 2:00 p.m. on August 15, 2021, and shall continue through the investigation of this catastrophic pipeline failure of the EPNG system within the City of Coolidge, Pinal County, Arizona near Randolph Rd., east of Hwy. 87.

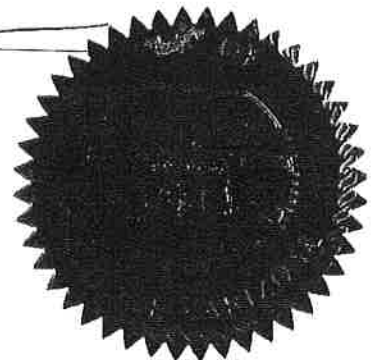
PROCLAIMED, DECLARED, AND ADOPTED BY THE MAYOR OF THE CITY OF COOLIDGE, ARIZONA THIS 15th DAY OF AUGUST 2021.


Mayor

ATTEST:


City Clerk

00170139 2





AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Sheriff

Director: Mark Lamb

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Work Session to discuss the HUD requirement for participation in certain Programs, as it applies to law enforcement. (Mark Lamb)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History	Who	Approval
Time		

ATTACHMENTS:

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☐ [HUD Excessive Force Clause](#)

HUD Excessive Force Clause:

9. As a HUD requirement for participation in the Program, the ULG agrees to:

A. Prohibit the use of excessive force by law enforcement agencies within its jurisdiction against individuals engaged in non-violent civil rights demonstrations; and

B. Enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of a non-violent civil rights demonstration.



AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Government Relations

Director: Leo Lew

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Work Session presentation and overview of the possible expansion of the broadband network in Pinal County to provide improved internet availability to underserved areas countywide. (Tami Ryall/Leo Lew)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

For discussion.

History		
Time	Who	Approval
9/7/2021 8:13 AM	County Attorney	Yes
9/7/2021 4:30 PM	Budget Office	Yes
9/8/2021 8:29 AM	County Manager	Yes
9/8/2021 10:24 AM	Clerk of the Board	Yes

ATTACHMENTS:

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☐ [Presentation](#)



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Board of Supervisors Broadband Discussion

September 15, 2021

Outline for today

- Introduction
- Process of analysis
- Proposed solution
- Lots of maps
- Estimated delivery timeframe

Grant proposal team



The Problem

Many parts of the county currently do not have adequate internet service

- Student needs for remote learning, especially in this time of COVID
- Current needs of local businesses
- Government agency needs
- Increased availability of telemedicine options
- Infrastructure to help economic development

Pinal County response

This is not acceptable

County leadership tasked staff with pulling together a team to develop a solution and figure out what is needed and how much it will cost

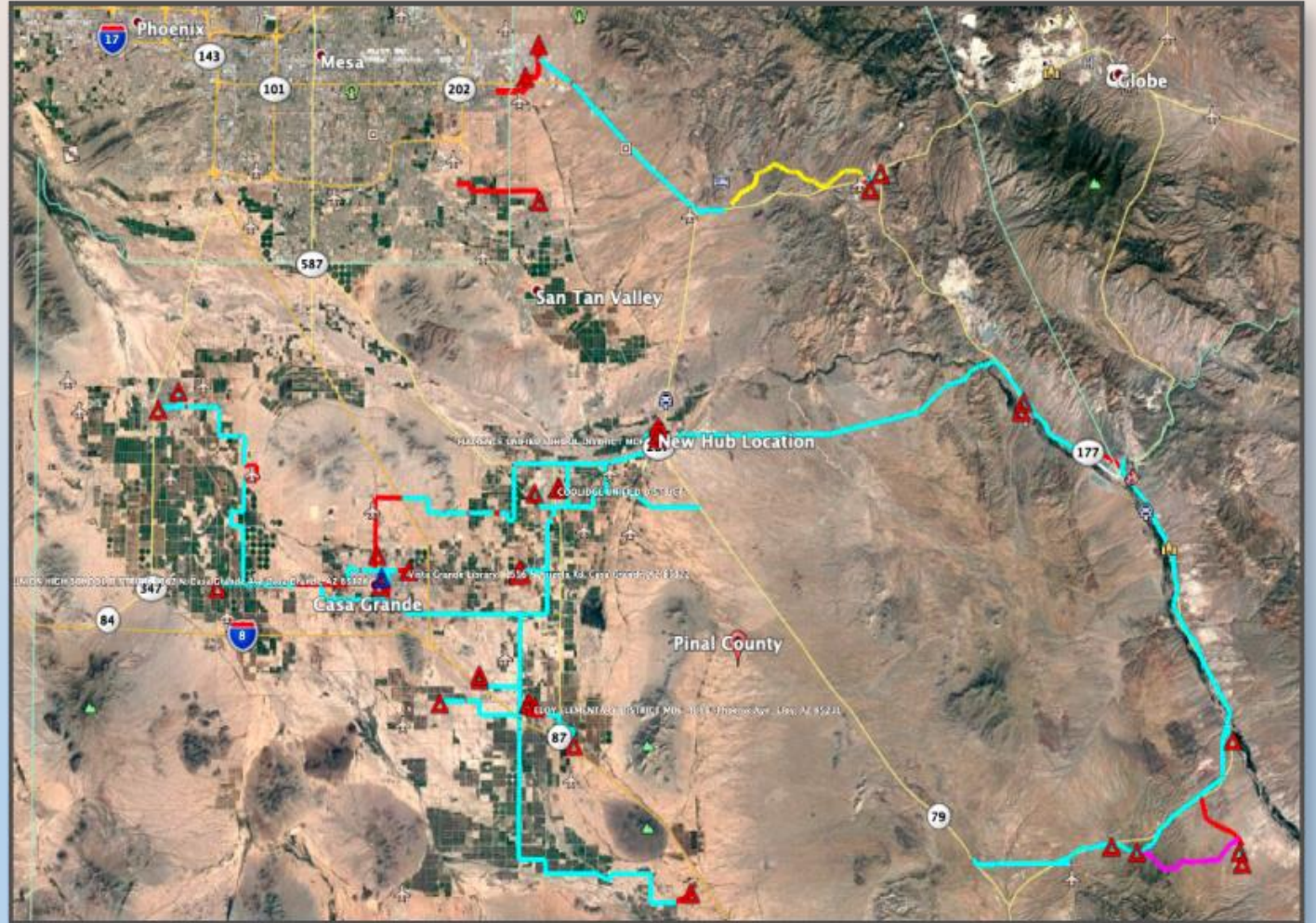
Goal is to come up with a pragmatic solution to get the problem solved ASAP

Research sources of grant funding and the possible use of some of Pinal County's federal COVID-related recovery funds

The idea that started it all

Use excess capacity in the fiber network completed in June 2021 that was funded through the E-Rate program as a starting point and build a dedicated wireless network (CBRS)

This fiber network already includes 320+ miles of high capacity fiber connecting schools and libraries throughout Pinal County

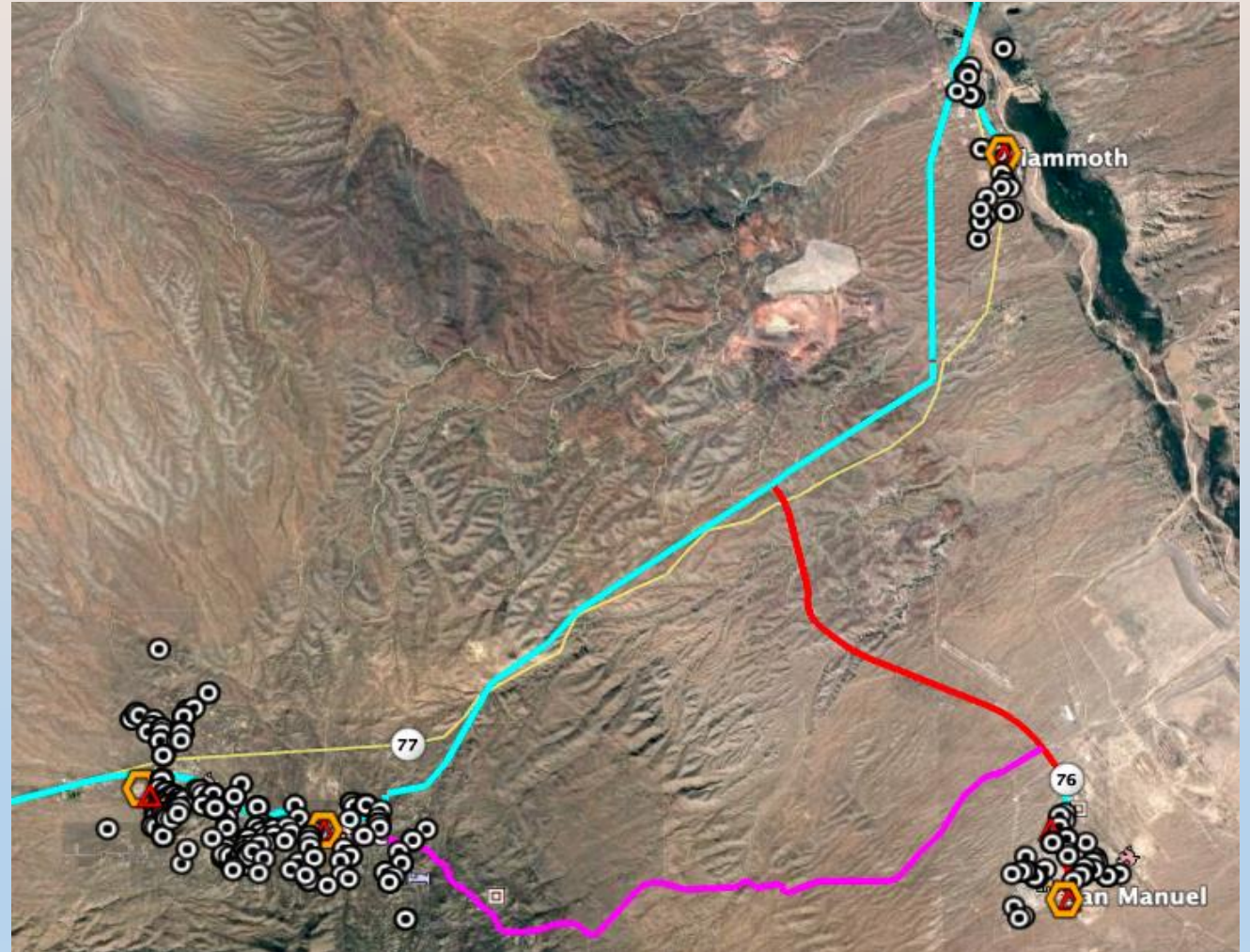


Analysis of student data for proof of concept

For the past 8 months, we have worked with local districts to review student population centers to create a general model of service areas

With this data, student population centers were layered against wireless mapping software to determine needed tower locations and number

Conclusion - new 5G wireless radios are the best fit from a performance and economic perspective



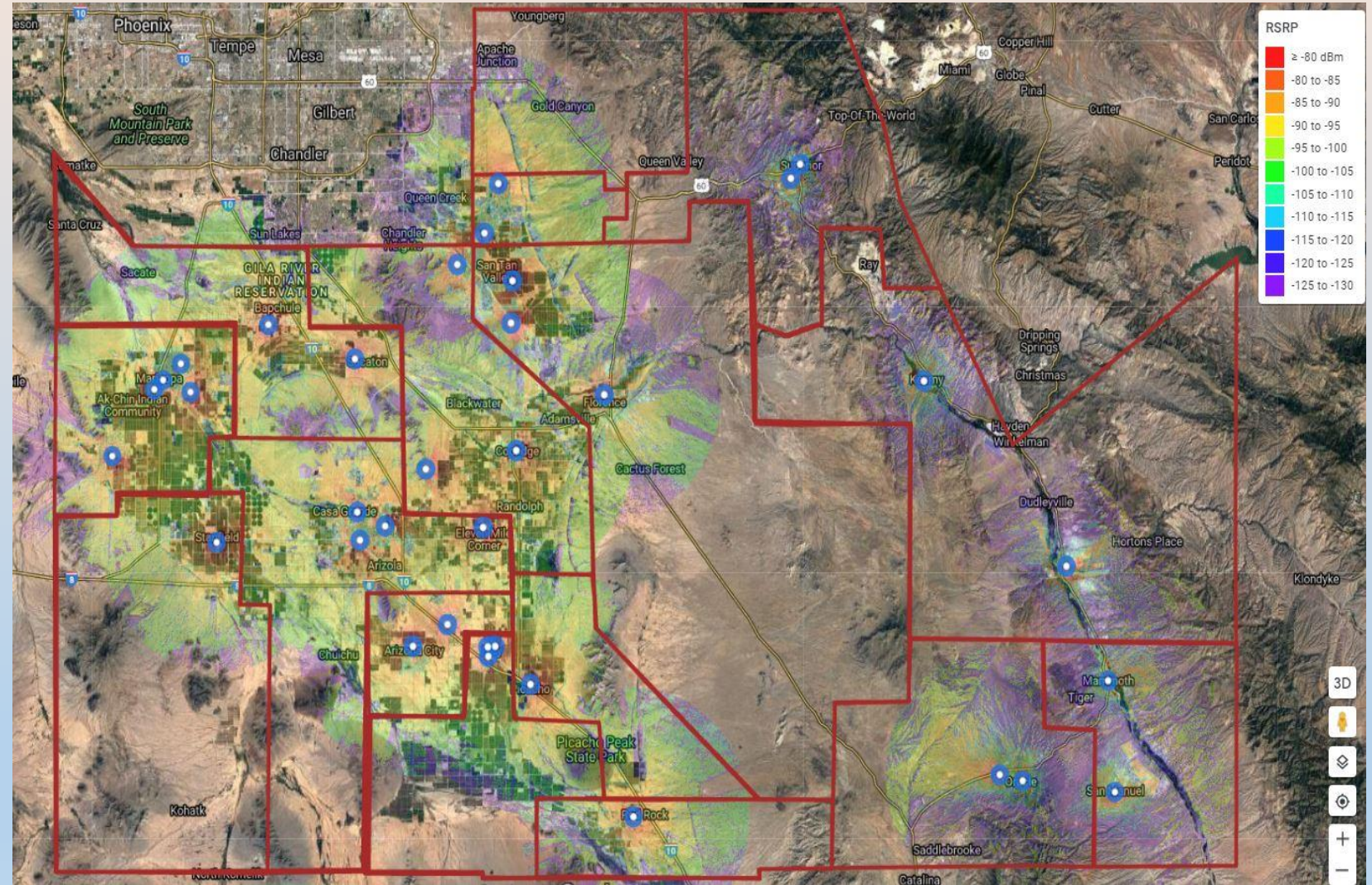
Proposed Solution

Use fixed wireless (CBRS) to deliver service instead of fiber to each home/location

Add 35 radio locations with 60' towers where needed

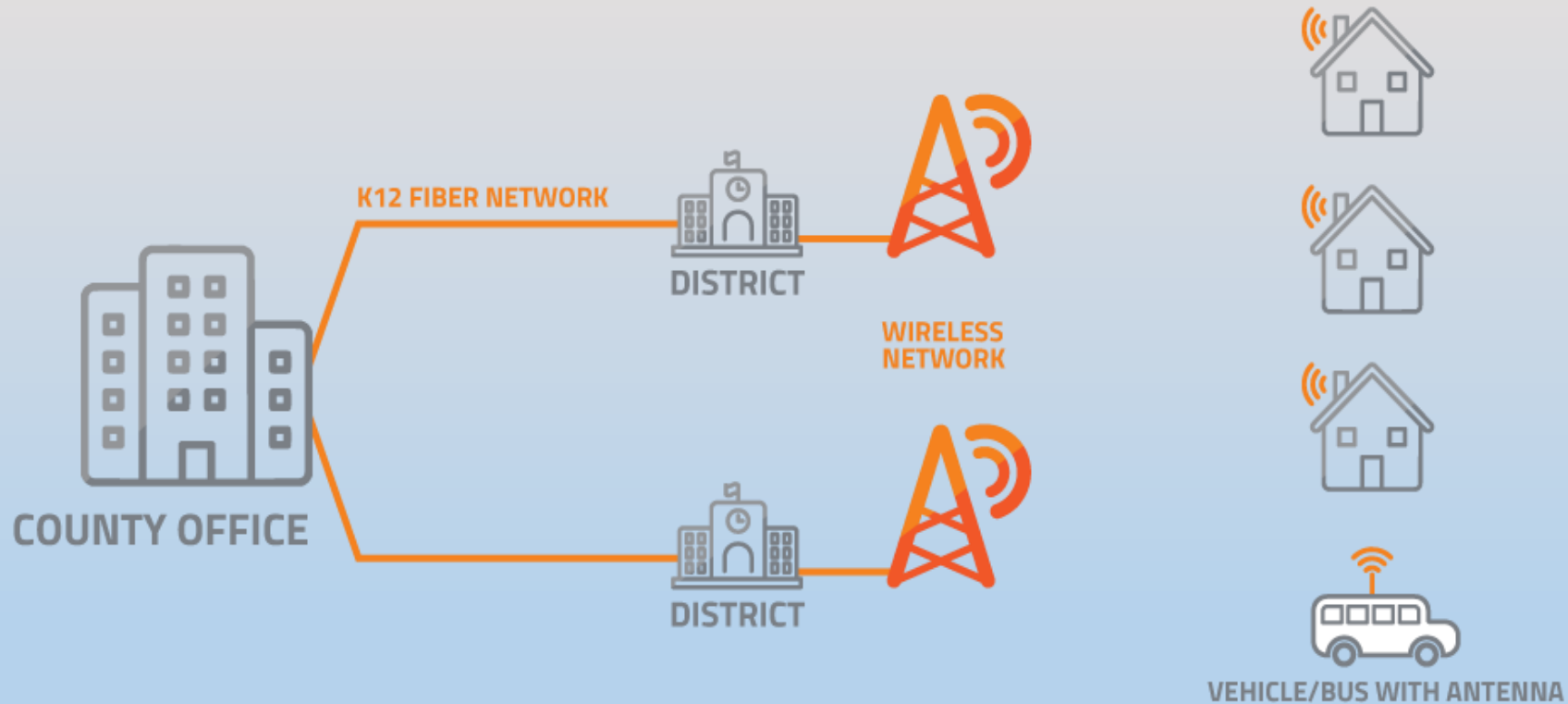
Utilize centralized EPC, Core SAS (nerd-speak for the brains of the system)

Add fiber to county-owned sites to support our network as needed



How it will work

PINAL COUNTY OWNED WIRELESS NETWORK



Estimated cost and timeframe

\$8,845,000 one-time investment for towers and equipment

Approximately 6 months to install all locations

Priority can be given to any high need location for a faster turnaround

Primary factor is supply chain considerations (silicon chip shortage)

We will continue to apply for grants with a Pinal County contribution of \$2M from our allocated federal COVID-related recovery funds as match/seed \$

What's the rush?

There is a need **now** for capacity for at-home internet access for students in underserved communities

CBRS is unlicensed, so **the first to start using it in an area will be the first to have rights to it**

How not to waste \$45 billion in broadband subsidies

BY GREGORY L. ROSSTON AND SCOTT WALLSTEN, OPINION CONTRIBUTORS — 08/07/21 09:30 AM EDT
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

5G

Big 3 carriers, Dish apply for 3.45 GHz auction

by Bevin Fletcher | Aug 18, 2021 5:52pm

FCC lists bidders for next 5G spectrum auction

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AUTHOR

T-Mobile's spectrum swap with Verizon hints at merger progress

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T-Mobile and Verizon are asking the FCC to approve a new spectrum-exchange deal that the companies said would improve their wireless coverage in locations

Topics for Future Discussion

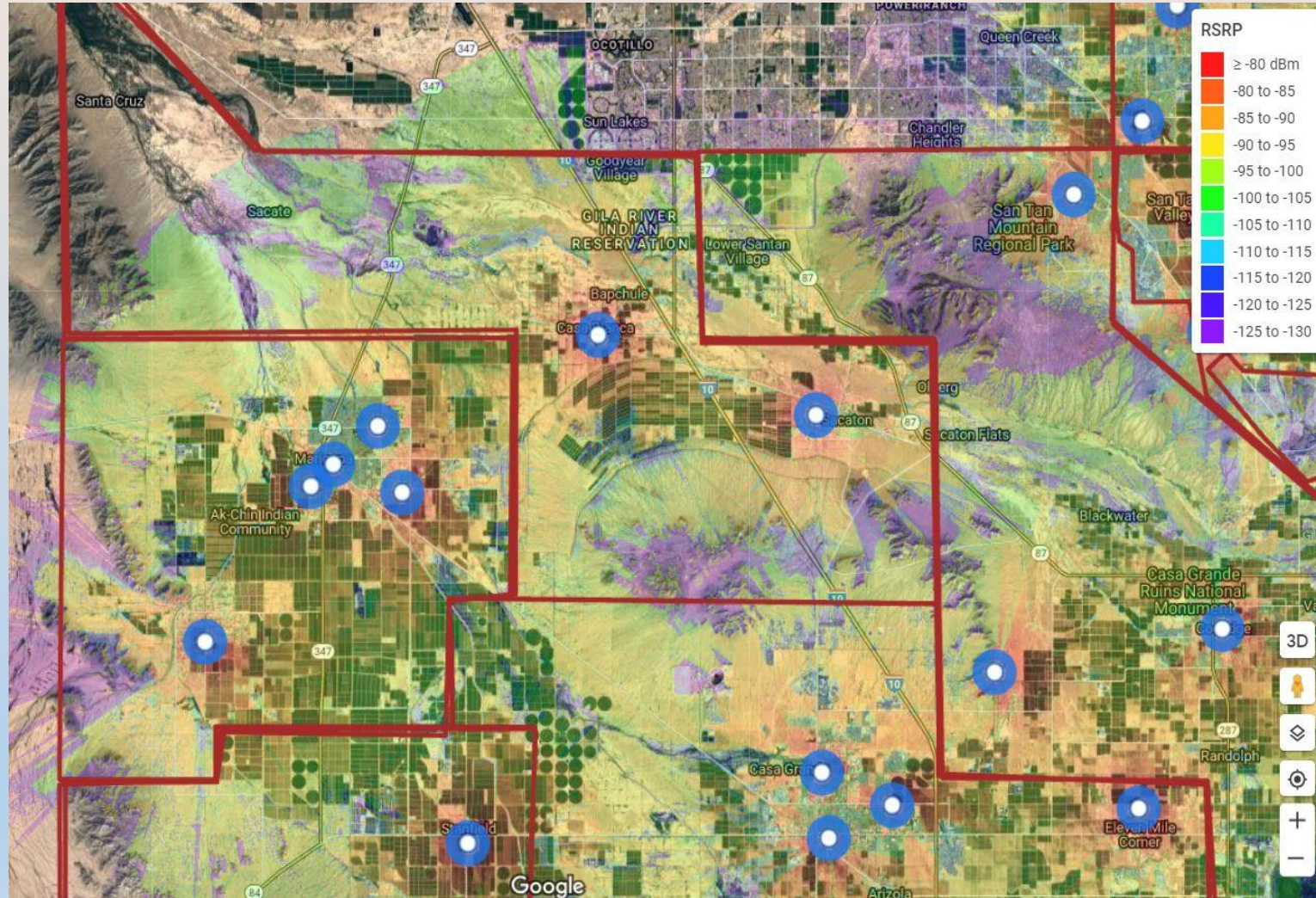
- Establish our administrative framework and work out the details
- Adopt our fee structure for ongoing maintenance and cost recovery
- Conduct detailed analysis and plan for any procurements needed
- Draft agreements with our partners
- Other??

Thank you

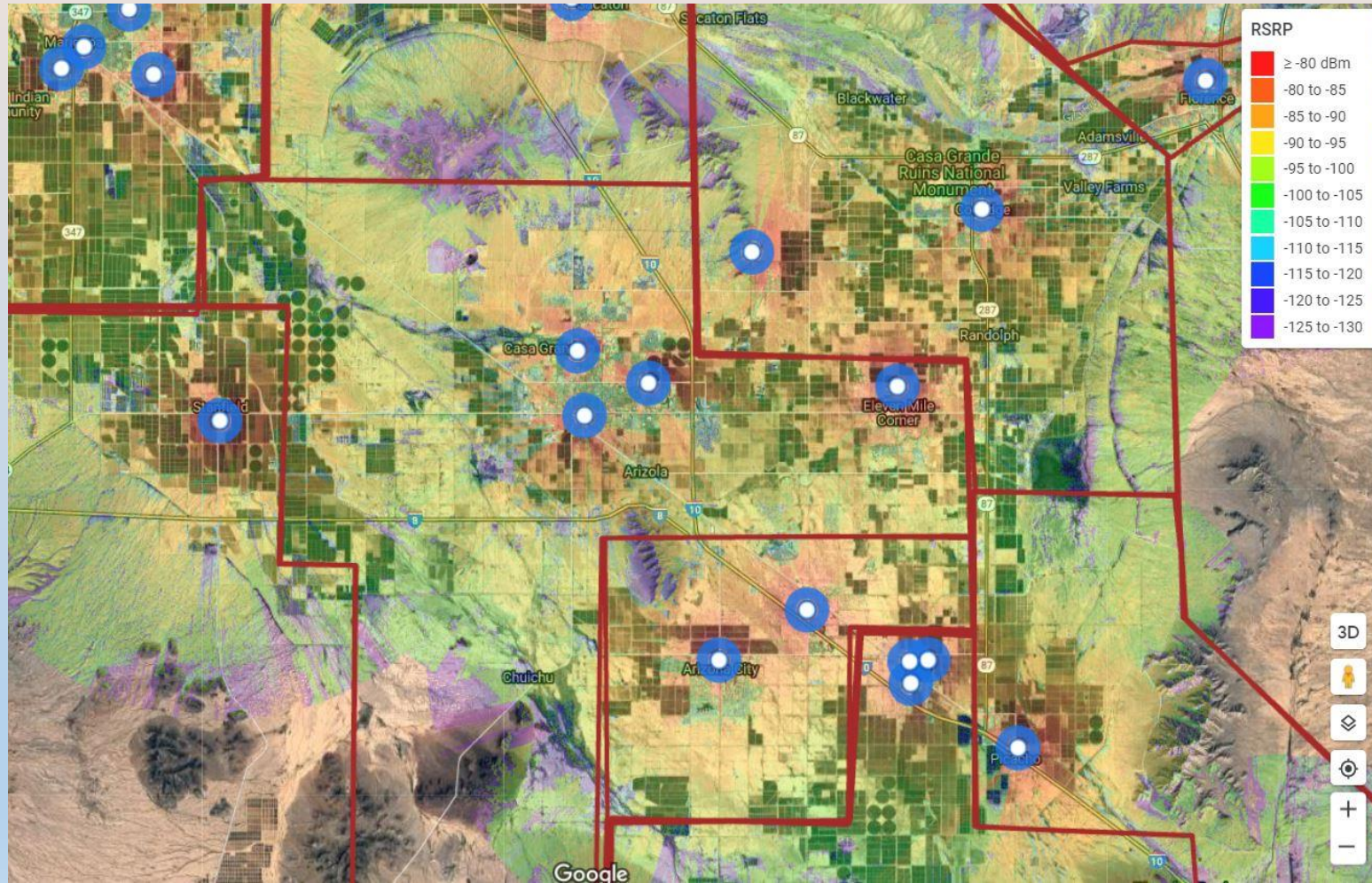
Appendix:

Enlarged maps if needed

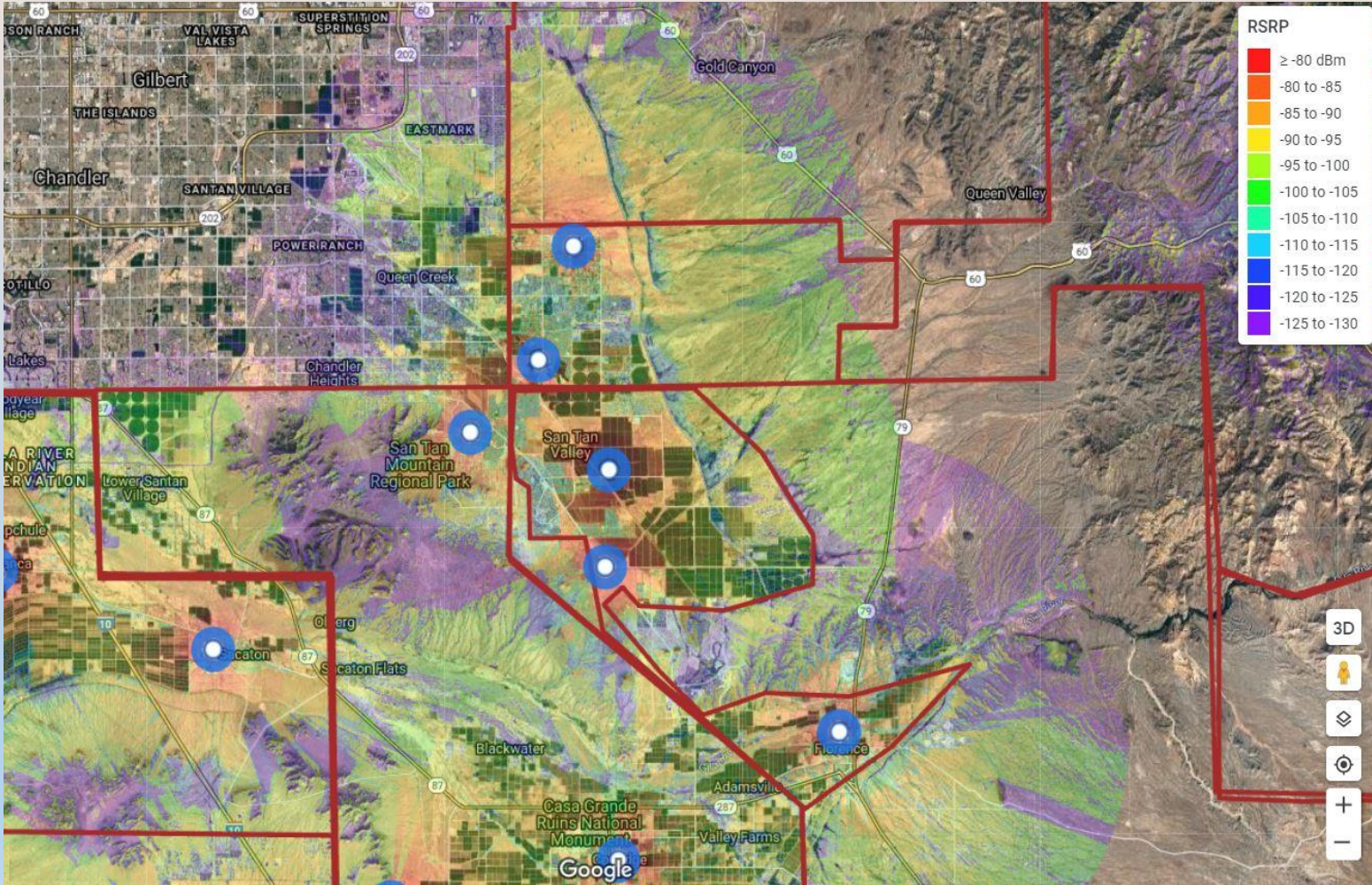
Maricopa enlarged proposed tower map



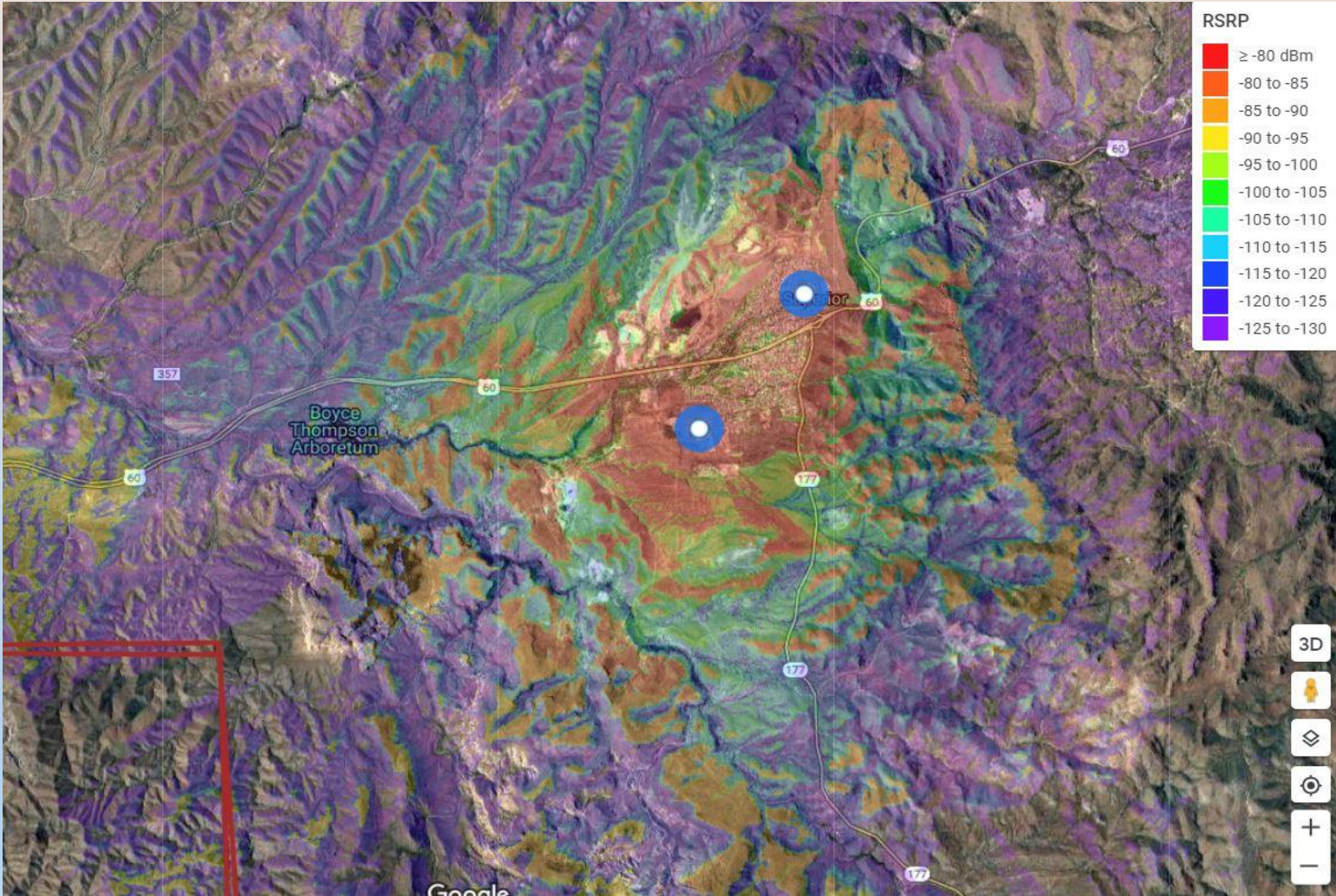
Casa Grande/Arizona/Eloy enlarged tower map



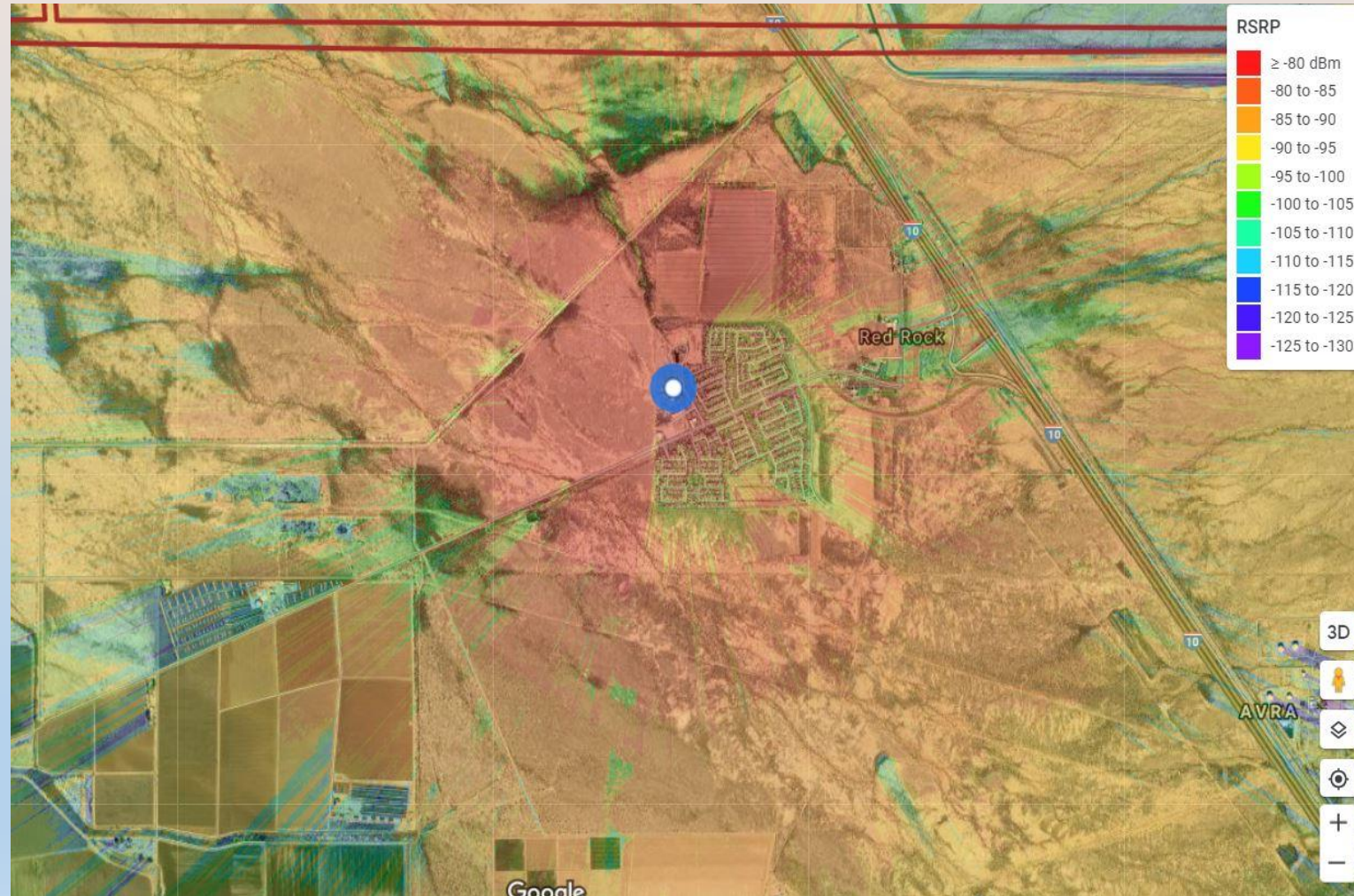
San Tan Valley/Florence enlarged tower map



Superior enlarged proposed tower map



Red Rock enlarged proposed tower map





AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: County Attorney

Director: Kent Volkmer

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Work Session presentation and discussion of the results of the recent Census and potential undercount of the population in Pinal County. (Kent Volkmer)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

It is believed that an undercount could negatively impact Pinal County and the State of Arizona with the potential loss of millions of dollars annually.

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

N/A

MOTION:

N/A

History	Who	Approval
Time		
9/7/2021 9:22 AM	County Attorney	Yes
9/7/2021 4:46 PM	County Manager	Yes
9/8/2021 10:25 AM	Clerk of the Board	Yes

ATTACHMENTS:

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☐ [Presentation](#)

US CENSUS 2020

Why it Matters

DECENNIAL CENSUS

“Every ten years, the U.S. Census Bureau conducts a census to determine the number of people living in the United States. The U.S. Census Bureau conducts the census in years ending in zero, on Census Day, which is April 1.”

- Used for Apportionment of U.S. Congressional Seats;
- Used for Redistricting at the state level;
- Used to allocate federal dollars and resources for the next decade;
- Used to determine needs for roads, hospitals, schools and public sector investments;
- Used to create and implement emergency response plans;
- Acts as the base for all additional federal surveys;

WHY ARE WE DISCUSSING THIS TOPIC?

Pinal County's census number (total countywide population) came in anywhere between 10% and 20% below our estimated population.

- We had communities that actually showed a decrease in population over the past decade, despite all indications demonstrating growth
- We had communities show minimal to no growth despite the development of new homes, subdivisions and commercial businesses
- We had booming communities show minor growth over a 10 year period

AS A RESULT, COUNTY LEADERSHIP BEGAN TO DISCUSS CONCERNS, OPTIONS AND POSSIBLE PARTNERS.

1. Application of Algorithm
2. Census Taker
Inadequacy/Inconsistency
3. Under representation of
undocumented population
4. Urban vs Rural Disparity
5. Cross Jurisdictional Cities
6. Socio-economically disadvantaged
locations and non-English speaking
homes undercounted

We reached out to:

AG's Office, Yuma County, Greenlee County, La Paz County directly and all other counties by way of emails to assess whether we were alone and gauge potential interest in some sort of challenge.

Most counties feel similar to Pinal and several indicated a willingness to contest.

NEXT WE PERFORMED LEGAL RESEARCH AND MET WITH A CENSUS CONSULTANT

His candid assessment was not good. Basically, he said for the County to win any sort of challenge, we will be required to force the federal government to acknowledge they made a mistake.

He further advised that in order to do so, you must give the government an “out” and distinguish ourselves from others.

The six areas mentioned in the last slide he acknowledged as likely all true and potentially demonstrable, but not unique. As he explained, the issue is if you demonstrate those irregularities and the feds acknowledge their counting deficiencies in these areas, then every single jurisdiction would have standing to challenge and ultimately invalidate the entirety of the census. That is simply an outcome the government cannot and will not accept.

SO ARE WE OUT OF LUCK?

Maybe not:

- There is a process that permits us to challenge the results of the census
 - It is called the CQR (Census Count Question Resolution)
 - The period for challenging doesn't begin until October 1st
- Not only is there a viable process, but there is also a **potential** theory supported by our consultant that may allow us to challenge and potentially win
 - I must caution you and our listeners, the odds are still highly stacked against us

If we can demonstrate that entire subdivisions, developments or areas were not counted, that creates a “unique” situation to Pinal County in which the feds can accept the counting error without jeopardizing the entirety of the multi-billion dollar census.

ENTIRE AREAS UNCOUNTED?

I would like to ask Steve Frazier to discuss how his team provides housing (rooftop) results to the census, and the limits of that info.

Also, he can describe the efforts of his team to date and the capabilities of his team, if the County chooses to move forward with a challenge.

IS A CHALLENGE WORTH IT?

Costs:

1. We will require the assistance of a consultant or specialist
2. It will require hundreds and hundreds (likely thousands) of hours of county staff time

What do we stand to gain?

I would ask our Budget Director, Angie Woods, to discuss the actual money Pinal County receives as a result of population and potentially how much each uncounted person impacts our revenue.

GUIDANCE/DIRECTION

Thus far James, Tami, Leo, Himanshu, Steve F., Steve M., Chris, Angie, Tanya and a ton of people behind the scenes have been researching, meeting and discussing the topic.

We have come to the point where we are seeking guidance and direction from the Board as to whether we should continue to explore our options.

If we go down this path, please remember:

1. We still face a steep uphill battle;
2. Litigation is not a viable option for success, only the (CQR) challenge is;
3. This needs to be locally lead;
4. Evidence based;
5. Both demonstrable and verifiable;
6. With a specific proposed request (i.e. a U.S. Census Population figure of 470k);
7. Finally, a full recount is not in the cards, best case is merely an upwards adjustment to certain census tracks.



AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Executive Session pursuant to A.R.S. 38-431.03A(3)(4) to provide the Board legal advice and get direction regarding the County's position in Docket #WS-01303A-20-0025 pending before the Arizona Corporation Commission. (Kevin Costello/Kent Volkmer)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History

Time

8/30/2021 12:09 PM

Who

Clerk of the Board

Approval

Yes

ATTACHMENTS:

[Click to download](#)

No Attachments Available



AGENDA ITEM

September 15, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Meeting Notice of Posting

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BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History	Who	Approval
Time		

ATTACHMENTS:

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☐ [Notice of Posting](#)



PINAL COUNTY
WIDE OPEN OPPORTUNITY

MEETING NOTICE OF POSTING

STATE OF ARIZONA

COUNTY OF PINAL

I, Natasha Kennedy, being duly sworn upon her oath, says as follows:

I am the appointed Clerk of the Pinal County Board of Supervisors.

In my position as Clerk of the Board of Supervisors and Board of Directors, I am responsible for posting all Agendas.

Pursuant to A.R.S. 38-431.02 notice is hereby given that the Pinal County Board of Supervisors will hold a Special Session meeting on **Wednesday, September 15, 2021 at 9:30 a.m.** in the Board Hearing Room, 1891 Historic Courthouse, Administrative Complex, located at 135 N. Pinal Street, Florence, Arizona 85132.

Board Meetings are broadcasted live and the public may access the meeting at <https://www.pinalcountyz.gov/bos/Pages/LiveStreaming.aspx>

Board Agendas are available at <https://pinal.novusagenda.com/AgendaPublic/>

At any time during business hours, citizens may reach the Clerk of the Board Office at (520) 866-6068 or via email at ClerkoftheBoard@pinal.gov for information about Board meeting participation.

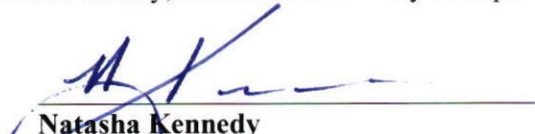
Note: One or more members of the Board may participate in this meeting by telephonic conference call.

I hereby further certify that I caused to be posted this Friday, September 10, 2021, around 11:00 AM the Special Session Agenda, and Executive Session at the following locations:

1. A kiosk located outside the front entrance to The Old Historical Courthouse, Administrative Complex Building, 135 North Pinal Street, Florence, Arizona 85132
2. County website under Meetings located at www.pinal.gov
3. Emailed the NOVUS Agenda Distribution List and Clerk of the Board Notification Distribution List

WITNESS my official signature and corporate seal of Pinal County, Arizona this 10th day of September, 2021.




Natasha Kennedy
Clerk of the Board
Board of Supervisors of Pinal County, Arizona

CLERK OF THE BOARD OF SUPERVISORS

1891 Historic Courthouse | 135 North Pinal Street | P.O. Box 827 | Florence, AZ 85132 | T: 520-866-6068
www.pinal.gov