

Board of Supervisors
March 10, 2020
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: Bruce Bracker, Chairman; Manny Ruiz, Vice-Chairman; Rudy Molera, Member; Jennifer St. John, County Manager; Kim Hunley, Chief Civil Deputy County Attorney; Tara Hampton, Clerk of the Board.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Sonia Jones.

ADOPTION OF AGENDA: Vice-Chairman Ruiz made a motion to adopt the Agenda tabling Action Item F-13 (Application for Liquor License for Los Milics Winery, Elgin) until the 3/24/20 Board of Supervisors Meeting and to deviate from Agenda sequence as necessary; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

CALL TO THE PUBLIC:

Jennifer St. John, County Manager presented employee recognition pins and plaques for time of service with the county to Abraham Loustaunau, Arizona at Work– five (5) years, Ramon Villela, Sheriff’s Office – five (5) years, Benjamin Norzagaray, Sheriff’s Office – five (5) years and Jeannette Martinez, Elections/Board of Supervisors – twenty (20) years.

Mary Dahl, Special Projects reminded the Board and public about the 2020 Census.

Jeff Terrell, Health Services Director provided the Board and public with an update regarding COVID-19 to include; 6 cases statewide with a low risk at this time; he provided tips that included; washing your hands, don’t touch your face, cough in your sleeve and if you are sick stay at home.

CURRENT EVENTS:

BOARD OF SUPERVISORS:

Supervisor Molera thanked Chairman Bracker and Jennifer St. John, County Manager for the priority/talking points addressed at the National Association of Counties (NACo) Legislative Conference in Washington, D.C. that he attended; he thanked Jennifer and Sonia Jones, Human Resources Manager for the employee appreciation luncheon.

Vice-Chairman Ruiz reported he attended the NACo Legislative Conference in Washington, D.C. where he met with the Department of Transportation on issues that are affecting Santa Cruz County; he thanked Sheriff Estrada for his 53 years of service to the county.

Sheriff Estrada addressed the Board and public; he spoke of his retirement to public service to the county; he thanked his staff, the County Manager, the Board of Supervisors, his family and supporters.

Chairman Bracker reported he attended a recycling conference in Nashville with Frank Dillon, Community Development Director and Leonard Fontes Jr., Public Works; he attended a Border Counties Coalition meeting; he attended the groundbreaking ceremony of SR189 in which Governor Ducey was present; he thanked Jesus Valdez, Deputy County Manager/Public Works Director and the staff of Public Works for the way finding signs for the wineries; he thanked Vice-Chairman Ruiz and Supervisor Molera for attending the NACo Legislative Conference.

MANAGER: Jennifer St. John, County Manager, reported she attended the NACo Legislative Conference in Washington, D.C.

DEPARTMENT REPORTS AND ACTIVITIES:

FINANCE: CASH & INVESTMENTS, EXPENDITURES & REVENUES REPORTS:

Mauricio Chavez, Administrative Services Department Director, reported \$6,820,491 the General Fund, of which \$1,773,830 is invested; \$3,060,357 in the Road Fund, of which \$1,756,572 is invested; \$2,971,326 in the Flood Control District Fund, of which \$1,454,034 is invested; \$1,119,477 in the Jail District Fund, of which \$2,153 is invested; \$23,801,499 total for all funds, of which \$6,860,852 is invested; \$3,455,229 estimated end of month balance, compared to \$4,154,283 cash at March 2019, a difference of \$(699,054).

Vice-Chairman Ruiz made a motion to recess the Regular Meeting to convene as the Flood Control District Board; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

FLOOD CONTROL:

DIRECTOR’S/PROJECT REPORT: Submitted in writing.

MONTHLY REPORT FROM CITY OF NOGALES: No report.

MONTHLY REPORT FROM TOWN OF PATAGONIA: No report.

PUBLIC COMMENT: No response.

The Board adjourned as the Flood Control District Board and reconvened the Jail District. (Motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

JAIL DISTRICT:

AUTHORIZATION TO FILL VACANT POSITIONS: Probation Supervisor and Detention Sergeant: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

The Board adjourned as the Jail District Board and reconvened the Regular Meeting. (Motion: Vice-Chairman Ruiz; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

ACTION ITEMS:

AUTHORIZATION TO RECLASSIFY AND FILL OFFICE SPECIALIST TO SECRETARY POSITION: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

RE-APPOINTMENT OF DENNEEN L. PETERSON AS FULL-TIME PRO-TEMPORE FOR SANTA CRUZ COUNTY FROM JULY 1,2020 THROUGH JUNE 30, 2021: Supervisor Molera made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

RE-APPOINTMENT OF SHEILA DAGUCON AS TEMPORARY PART-TIME PRO TEMPORE TO SERVE AS A JUDICIAL RESOURCE IN CONFLICT CASES, SETTLEMENT CONFERENCES AND A GENERAL CASELOAD WHEN UNEXPECTED LEAVES OCCUR AMONG ELECTED JUDGES FROM JULY 1,2020 THROUGH JUNE 30, 2021: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

APPOINTMENT OF PRECINCT COMMITTEE PERSON FOR THE SANTA CRUZ COUNTY DEMOCRAT PARTY: Ana (Anita) L. Moreno – Santa Cruz 13 and Melissa R. Ochoa – Nogales 1: Supervisor Molera made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

AWARD FROM THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) UNDER THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT PROGRAM IN THE AMOUNT OF \$8,550 FOR TRAINING: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

FFY19 OPERATION STONE GARDEN (OPSG) GRANT PROGRAM AWARDS WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR: Sub-recipient Agreement No.190427-01, OPSG Overtime & Mileage in the amount of \$508,500 to work details as set by the U.S. Border Patrol and Sub-recipient Agreement No.190427-02, OPSG Equipment in the amount of \$64,500 for the purchase of one 4X4 OPSG vehicle with police equipment, mobile docking station, P25 mobile phone and FLIR camera system: Supervisor Molera made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

DONATION OF A 2009 CHEVROLET IMPALA, VIN# 2G1WS57M891277600 TO SANTA CRUZ VALLEY UNIFIED SCHOOL DISTRICT #35 FOR USE AT RIO RICO HIGH SCHOOL IN THEIR CAREER AND TECHNICAL EDUCATION PROGRAMS, NAMELY THE LAW ENFORCEMENT PROGRAM: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

RENEWAL OF THE ESRI MAINTENANCE AGREEMENT FOR THE MAINTENANCE OF THE ESRI SOFTWARE MODULES FROM MAY 25, 2020 TO MAY 24, 2021 IN THE AMOUNT OF \$37,310: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

PROCLAMATIONS declaring March 29, 2020 as National Vietnam War Veterans Day, March 2020 as Santa Cruz County Government Employee Appreciation Month and April 2020 as National County Government Month: Supervisor Molera made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

CONTRIBUTION AGREEMENT WITH ARIZONA MINERALS FOR ROAD MAINTENANCE PROJECTS: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

LETTER OPPOSING HOUSE BILL 2030: Supervisor Molera made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE WITH MEDIACOM ARIZONA: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

APPLICATION FOR EXTENSION OF PREMISES (TEMPORARY): Habaneros Restaurant, Tubac was approved. (Motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

APPLICATIONS FOR SPECIAL EVENT LICENSES FOR: Boys & Girls Club of Santa Cruz County, Inc., 04/24/2020, Tubac, Boys & Girls Club of Santa Cruz County, Inc., 05/08/2020, Nogales and Friends of the Tubac Presidio, 10/24/2020, Tubac were approved. (Motion: Vice-Chairman Ruiz; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

TAX VALUATION ADJUSTMENTS #105-22-021 – NTS Financial Inc, Resolution No. 55841; 105-22-021 – NTS Financial Inc, Resolution No. 55842; 105-22-021 – NTS Financial Inc, Resolution No. 55843; 103-06-110 – Ricardo Rodriguez, Resolution No. 55844; 108-60-009A – Lindie Brink & Miller Kirk, Resolution No. 55845; 108-60-009A – Lindie Brink & Miller Kirk, Resolution No. 55846; 108-60-009A – Lindie Brink & Miller Kirk, Resolution No. 55847 and 115-04-271 – Humberto & Lizette Martinez Jimenez, Resolution No. 55848 were approved as submitted by the County Assessor's Office. (Motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

DEMANDS were approved in the total amount of \$2,148,101.81 of which \$427,772.41 are from the General Fund. Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. (Motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

MONTHLY REPORTS were accepted as submitted. (Motion: Supervisor Ruiz; second: Vice-Chairman Bracker; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

MINUTES of 02/18/20 were approved as submitted. (Motion: Vice-Chairman Ruiz; second: Supervisor Molera motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

Vice-Chairman Ruiz made a motion to recess the Regular Meeting to convene into Executive Session; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

EXECUTIVE SESSION:

The Board recessed the Regular Meeting to convene in Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), discussion and consultation with attorney for legal advice and direction regarding resolution of condemnation actions in the following matters: CV-19-251, State v. Aguirre Properties, L.L.C.; CV-19-252, State v. The Harvey Family Limited; Laurence Harvey; Mariposa Land Management; CV-19-259, State v. DJS Family Limited Partnership; Loma Linda Mall; Theta Properties; Delta Properties; CV-19-279, State v. Cismo Investments; Peter Van Veen; Mark Espinasse; Earle H. Wright and Donna Wright; Mariposa Mailbox and Self Storage; CV-19-280, State v. 7659 Property; Lawyers Title of Arizona; CV-19-295, State v. Circle K Stores, Inc.; CV-19-296, State v. Alta Real Estate; Divine Flavor, L.L.C.; Wells Fargo Bank; CV-19-220, State v. 7659 Property L.L.C.; Laurence Harvey; The Harvey Family Ltd.; CV-19-253, State v. Delta Properties, L.L.P.; KS Statebank; CV-19-254, State v. Delta Properties; Trust 7659 Property; CV-19-256, State v. Delta Properties; Harbor Freight Tools; Planet Fitness; Watermill Express; CV-19-257, State v. Theta Properties; Wells Fargo Bank; Larriva Properties; Delta Properties; CV-19-265, State v. Cismo Investments; Sonora Properties; Casa de Cambio and CV-19-266, State v. Annette Suzy Mastick; L & L Mastick adjourned and reconvened the Regular Meeting. (Motion: Vice-Chairman Ruiz; second: Supervisor Molera motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

Vice-Chairman Ruiz made a motion to recess the Regular Meeting to convene into Executive Session; second by Supervisor Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

The Board recessed the Regular Meeting to convene in Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), discussion and consultation with attorney for legal advice and direction regarding settlement of CENTURYLINK V. ADOR ET. AL. AZ Tax Court # TX2019-001726 adjourned and

reconvened the Regular Meeting. (Motion: Vice-Chairman Ruiz; second: Supervisor Molera motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

ACTION ITEMS (continued):

INSTRUCT COUNSEL REGARDING THE BOARD OF SUPERVISORS POSITION WITH REGARDS TO LITIGATION IN THE FOLLOWING CONDEMNATION ACTIONS: CV-19-251, State v. Aguirre Properties, L.L.C.; CV-19-252, State v. The Harvey Family Limited; Laurence Harvey; Mariposa Land Management; CV-19-259, State v. DJS Family Limited Partnership; Loma Linda Mall; Theta Properties; Delta Properties; CV-19-279, State v. Cismo Investments; Peter Van Veen; Mark Espinasse; Earle H. Wright and Donna Wright; Mariposa Mailbox and Self Storage; CV-19-280, State v. 7659 Property; Lawyers Title of Arizona; CV-19-295, State v. Circle K Stores, Inc.; CV-19-296, State v. Alta Real Estate; Divine Flavor, L.L.C.; Wells Fargo Bank; CV-19-220, State v. 7659 Property L.L.C.; Laurence Harvey; The Harvey Family Ltd.; CV-19-253, State v. Delta Properties, L.L.P.; KS Statebank; CV-19-254, State v. Delta Properties; Trust 7659 Property; CV-19-256, State v. Delta Properties; Harbor Freight Tools; Planet Fitness; Watermill Express; CV-19-257, State v. Theta Properties; Wells Fargo Bank; Larriva Properties; Delta Properties; CV-19-265, State v. Cismo Investments; Sonora Properties; Casa de Cambio and CV-19-266, State v. Annette Suzy Mastick; L & L Mastick. Chairman Bracker made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

INSTRUCT COUNSEL REGARDING THE BOARD OF SUPERVISORS POSITION WITH REGARDS TO LITIGATION IN CENTURYLINK V. ADOR ET. AL. TAX COURT # TX2019-001726: Chairman Bracker made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

Meeting adjourned at 10:36 a.m. (Motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)