

Board of Supervisors  
May 2, 2023  
9:30 AM

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 (present via Zoom); Manuel Ruiz, Vice-Chairman; Rudy Molera, Member; Jennifer St. John, County Manager; William Moran, Civil Deputy County Attorney III; Robert May, Civil Bureau Chief; and Alma Schultz, Clerk of the Board.

### **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Vice-Chairman Ruiz called the meeting to order, and the Pledge of Allegiance was recited, led by Jennifer St. John.

### **ADOPTION OF AGENDA**

Supervisor Molera made a motion to adopt the Agenda removing Action Items 10 & 11, and allowing deviation from the Agenda sequence as necessary; seconded by Chairman Bracker, the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

### **CALL TO THE PUBLIC:**

Julie Robinson, Park Director, provided an update on the Tubac Presidio State Historic Park. Carolyn Shafer, President of Patagonia Area Resource Alliance, spoke of a scheduled upcoming event, showing the film Biodiversity in the Heart of Sky Islands at Oasis Cinema in Nogales in an effort to protect natural resources.

Brian Hernandez, on behalf of the Santa Cruz Soccer League, asked for an update on the soccer field at Damon Park.

### **CURRENT EVENTS**

#### **1. BOARD OF SUPERVISORS**

**CHAIRMAN BRACKER:** thanked Sharon Urman and the Mingus Committee for a successful festival; took part in a Valley Leadership Council in regard to the economic impacts of international trade and border town leadership challenges; participated in a meeting with Senator Krysten Sinema about the lifting of Title 42 on May 11th and the impacts; thanked Senator Sinema for direct spending for the Rudy Road over Potrero Creek bridge and Animal Control Center.

**SUPERVISOR MOLERA:** expressed condolences to the Villa family for the loss of Mario Villa; had the pleasure of attending the Rio Rico High School FFA banquet; thanked the School Superintendent for having the student council of through the county at the county complex; took part in a County Supervisor Association (CSA) Small Counties meeting and Board of Directors meeting.

**VICE-CHAIRMAN RUIZ:** spoke of the almost finalized details of the Ambos Nogales Workforce Development meeting scheduled for May 11 and spoke of the preplanned agenda for that meeting and meeting participants; relayed the upcoming meeting with the representative for Region 9, Jeffrey Hays from the Economic Development Administration on Workforce and Economic Development; thanked the School Superintendent for the School Safety Summit and sent his condolences to the Villa family.

#### **2. MANAGER**

**JENNIFER ST. JOHN, COUNTY MANAGER,** attended a County Supervisor Association (CSA) Small Counties meeting; participated as a bystander in the budget meetings held by Jesus Valdez, Deputy County Manager, and Mauricio Chavez, Administrative Services Director, and thanked all the elected officials and department heads for their participation on the process; and hosted quarterly elected official and department head meeting and quarterly employee meeting.

## **DEPARTMENT REPORTS AND ACTIVITIES**

### **1. FINANCE: CASH & INVESTMENTS, EXPENDITURES & REVENUE REPORTS**

Mauricio Chavez, Administrative Services Director, reported \$20,713,802.74 in the General Fund, of which \$14,620,047.53 is invested; \$1,389,545.35 in the Road Fund, of which \$7,173.22 is invested; \$1,422,057.00 in the Flood Control District Fund, of which \$271,802.20 is invested; \$4,729,173.02 in the Jail District Fund, of which \$1,030,722.19 is invested; \$52,386,806.02 total for all funds, of which \$17,796,732.94 is invested; \$17,246,616.48 estimated end of month balance, compared to \$16,245,652.32 cash at May 2022, a difference of \$1,000,964.16.

Supervisor Molera made a motion to convene the Flood Control District and recess the Regular Meeting seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

### **FLOOD CONTROL**

#### **1. DIRECTOR'S/PROJECT REPORT**

Presented by Angie Pimienta, Public Works.

#### **2. MONTHLY REPORT FROM CITY OF NOGALES**

No report was submitted.

#### **3. MONTHLY REPORT FROM THE TOWN OF PATAGONIA**

A written report was provided by the Town of Patagonia and Presented by Bill O'Brien, Town Engineer (over Zoom).

#### **4. PUBLIC COMMENT**

No Public Comment.

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

Supervisor Molera made a motion to recess the Regular Meeting to convene the Jail District Board seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

### **JAIL DISTRICT**

#### **1. DISCUSSION/POSSIBLE ACTION TO APPROVE REQUEST FOR PROPOSAL NO. B-08-23-CO42 FOR THE PROCUREMENT OF FOOD SERVICES AT THE SANTA CRUZ COUNTY ADULT AND JUVENILE DETENTION CENTERS (REQ: SHERIFF)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

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

### **ACTION ITEMS**

#### **2. DISCUSSION/POSSIBLE ACTION TO APPROVE PROCLAMATIONS DESIGNATING: (REQ: SHERIFF)**

**A MAY 7, 2023 THROUGH MAY 13, 2023 AS NATIONAL CORRECTIONAL OFFICER WEEK**

Vice-Chairman Ruiz read the proclamation.

Vice-Chairman Ruiz made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**B MAY 15, 2023 AS PEACE OFFICERS' MEMORIAL DAY & MAY 15, 2023 THROUGH MAY 21, 2023 AS NATIONAL POLICE WEEK**

Supervisor Molera read the proclamation.

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**1. UPDATE PRESENTATION OF THE HERMOSA PROJECT BY SOUTH 32 (REQ: COUNTY MANAGER)**

Introduction by Jennifer St. John, County Manager.

Presentation by Pat Risner, President Hermosa Project from South32

**3. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO RECLASSIFY AND FILL VACANT BOOKKEEPER POSITION TO ACCOUNTANT POSITION (REQ: SCHOOL SUPERINTENDENT)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**4. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO FILL VACANCIES FOR: (REQ: COUNTY ATTORNEY)**

**A LEGAL ASSISTANT**

**B INTELLIGENCE ANALYST - HIDTA FUNDED**

**C DETECTIVE - HIDTA FUNDED**

Supervisor Molera made a motion to approve 4a-c, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**5. DISCUSSION/POSSIBLE ACTION TO APPROVE CONTRACTOR AGREEMENT WITH ZIGMA CONSULTING LLC FOR SERVICES RELATED TO THE ROBOTICS SUMMER CAMPS AT LOCAL SCHOOLS IN THE AMOUNT OF \$10,555 (REQ: SCHOOL SUPERINTENDENT)**

Supervisor Molera made a motion to approve, seconded by Vice-Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**6. DISCUSSION/POSSIBLE ACTION TO APPROVE STATE FILL THE GAP (FTG) GRANT APPLICATION FOR FY2023 IN THE AMOUNT OF \$37,494 (REQ: SUPERIOR COURT)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**7. DISCUSSION/POSSIBLE ACTION APPROVE FFY22 OPERATION STONE GARDEN (OPSG) GRANT AWARDS WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY EFFECTIVE APRIL 1, 2023 THROUGH MARCH 31, 2024 AND RATIFY AUTHORIZED SIGNATURE FOR: (REQ: SHERIFF)**

**A SUBRECIPIENT AGREEMENT NO. 220435-01 FOR THE OPSG OVERTIME & MILEAGE GRANT AWARD IN THE AMOUNT OF \$909,733**

**B SUBRECIPIENT AGREEMENT NO. 220435-02 FOR THE OPSG EQUIPMENT IN THE AMOUNT OF \$486,000**

Supervisor Molera made a motion to approve 7a-b, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**8. DISCUSSION/POSSIBLE ACTION TO APPROVE AMENDMENT NO. 2023-90 OF CONTRACT NO. 2023-405B-006 WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR AN INCREASE IN FEDERAL FUNDS TO PURCHASE CAR SEATS IN THE AMOUNT OF \$2,000 (REQ: SHERIFF)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**9. DISCUSSION/POSSIBLE ACTION TO APPROVE SOLE SOURCE CONTRACT WITH MUTUALINK INC. FOR A SCHOOL SAFETY COMMUNICATION PLATFORM EFFECTIVE MAY 2, 2023 THROUGH JUNE 30, 2025 IN AN AMOUNT NOT TO EXCEED \$750,000 (REQ: SHERIFF)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

Marc Taylor from Mutualink Inc. provided a summary of the program.

**10. DISCUSSION/POSSIBLE ACTION TO APPROVE AN INTERDEPARTMENTAL MEMORANDUM OF UNDERSTANDING WITH NOGALES POLICE DEPARTMENT FOR COOPERATION ON THE DEVELOPMENT OF A GEOGRAPHIC INFORMATION SYSTEM (GIS) AND MASTER STREET ADDRESS GUIDE (MSAG) DATABASE FOR USE IN A COOPERATIVE PUBLIC SAFETY ANSWERING POINT (PSAP) SYSTEM VALID THROUGH DECEMBER 31, 2024 AND RATIFY AUTHORIZED SIGNATURE (REQ: SHERIFF)**

Removed at the Adoption of the Agenda.

**11. DISCUSSION/POSSIBLE ACTION TO APPROVE MEMORANDUM OF UNDERSTANDING AND INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF NOGALES FOR THE PAYMENT AND REIMBURSEMENT OF AT&T INVOICES FOR 911 SERVICES THROUGH PUBLIC SAFETY ANSWERING POINTS FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS AND RATIFY AUTHORIZED SIGNATURE (REQ: SHERIFF)**

Removed at the Adoption of the Agenda.

**12. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH KNOWLEDGE CAPITAL ALLIANCE FOR THE HEALTH EMERGENCY TABLE TOP EXERCISE EFFECTIVE MAY 2, 2023 THROUGH OCTOBER 31, 2023 IN THE AMOUNT OF \$23,496 (REQ: HEALTH SERVICES)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

Jeff Terrell, Health Department Director provided the Board with a Summary of the item.

**13. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES CONTRACT WITH DONELSON CONSULTING LLC FOR COMMUNITY PLANNING AND REVENUE DEVELOPMENT SERVICES EFFECTIVE APRIL 18, 2023 IN AN AMOUNT NOT TO EXCEED \$25,000 (REQ: COMMUNITY DEVELOPMENT)**

Chairman Bracker made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**14. DISCUSSION/POSSIBLE ACTION TO APPROVE AUTHORIZATION FOR SERVICES NO. 5 WITH C&S ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE NOGALES INTERNATIONAL AIRPORT AIRFIELD ELECTRICAL UPGRADES CONSTRUCTION PROJECT IN THE AMOUNT NOT TO EXCEED \$483,767.36**

**(REQ: SPECIAL PROJECTS)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**15. DISCUSSION/POSSIBLE ACTION TO APPROVE NOTICE OF AWARD AND AUTHORIZE EXECUTION OF CONTRACT PURSUANT TO BID NO. B-01-23-CO03 TO PAVEX CORPORATION FOR THE NOGALES INTERNATIONAL AIRPORT AIRFIELD ELECTRICAL UPGRADES CONSTRUCTION PROJECT IN THE AMOUNT OF \$1,601,155 (REQ: SPECIAL PROJECTS)**

Chairman Bracker made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**16. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES CONTRACT WITH CMG DRAINAGE ENGINEERING, INC. FOR AS-NEEDED FLOODPLAIN AND R.O.W. REVIEW AND MANAGEMENT SERVICES IN THE AMOUNT NOT TO EXCEED \$180,000 PER SIX (6) MONTH TERM (REQ: PUBLIC WORKS)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**17. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SOLIS ENGINEERING CO. FOR AS-NEEDED DEVELOPMENT REVIEW FOR CIVIL AND TRAFFIC ENGINEERING RELATED TO SOUTH32/AMI FOR A PERIOD OF UP TO NINE (9) SIX (6) MONTH PERIODS (REQ: PUBLIC WORKS)**

Supervisor Molera made a motion to approve, seconded by Vice-Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**18. DISCUSSION/POSSIBLE ACTION TO APPROVE AWARD OF CONTRACT TO INNOVA ENGINEERING LLC PURSUANT TO BID NO. B-04-23-C028 FOR FURNISHING AND DELIVERING AGGREGATE COVER (CHIP) MATERIAL IN THE AMOUNT NOT TO EXCEED \$454,000 (REQ: PUBLIC WORKS)**

Chairman Bracker made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**19. DISCUSSION/POSSIBLE ACTION TO APPROVE AND RATIFY AGREEMENT WITH ADT FOR FIRE ALARM INSPECTION AND REMEDIATION AT THE SANTA CRUZ COUNTY ADULT/JUVENILE DETENTION CENTER AND COURTHOUSE IN THE AMOUNT OF \$12,996.96 (REQ: PUBLIC WORKS)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**20. DISCUSSION/POSSIBLE ACTION TO APPROVE THE REPROGRAMMING REQUEST FOR HIDTA GRANT NO. HT-23-2951 FOR FY 2023 IN THE AMOUNT OF \$25,000 AND RATIFY THE AUTHORIZED SIGNATURE (REQ: COUNTY ATTORNEY)**

Chairman Bracker made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**21. DISCUSSION/POSSIBLE ACTION TO APPROVE BOND FOR DUPLICATE WARRANT #2-111648 IN THE AMOUNT OF \$1,500.00 DATED 04/18/2023 PAYABLE TO ENRIQUE R. GONZALES (REQ: CLERK)**

Chairman Bracker made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**22. DISCUSSION/POSSIBLE ACTION ON THE RECOMMENDATION OF APPROVAL OF LIQUOR LICENSE APPLICATION FOR MARIA'S GRILL IN RIO RICO, AZ (REQ:**

**CLERK)**

Supervisor Molera made a motion to approve, seconded by Chairman Bracker; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**23. DISCUSSION/POSSIBLE ACTION TO APPROVE CERTIFICATE OF REMOVAL AND ABATEMENT OF TAXES AND/OR PENALTY: (REQ: TREASURER)** were approved as submitted by the Treasurer's Office. (Motion: Supervisor Molera; second: Chairman Bracker; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

**A TAX ID# 104-11-007- UNITED STATES OF AMERICA- \$194.46**

**B TAX ID# 106-25-019 AUDREY PERLMUTTER- \$2,687.06**

**C TAX ID# 106-27-028 - SELBY & FONG FAMILY REVOCABLE TRUST - \$85.42**

**D TAX ID# 106-35-031 - GRIER PROPERTIES LLC - \$1,505.63**

**E TAX ID# 106-39-022 - ESTATE OF JOHN F BRYANT - \$6,335.54**

**F TAX ID# 106-39-010F - FORTUNE RANCH LIMIT PART NO ONE - \$550.60**

**G TAX ID# 106-39-010J - PORTUNE RANCH LIMIT PART NO ONE - \$3,527.06**

**H TAX ID# 101-25-047H - JAVIER A LOPEZ - \$984.80**

**I TAX ID# 109-31-038 - TITLE GUARANTY AGENCY OF AZ INC - \$2,243.97**

**J TAX ID# 109-65-006B - MONICA M YRIGOYEN - \$1,209.99**

**K TAX ID# 109-24-033 - ARTHUR G & KAREN A MCKINNEY - \$8,135.96**

**L TAX ID# 108-03-012G- DUDLEY S & MARILYN P WELKER- \$3,568.75**

**24. TAX VALUATION ADJUSTMENTS: (REQ: ASSESSOR)** were approved as submitted by the County Assessor's Office. (Motion: Chairman Bracker; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

Miguel Carrillo, Real Property Appraiser, provided a statement of the adjustments.

**A 101-25-103 - JOSE MARIA LEON RUIZ & ROSA MARIA FELIX MARTINEZ, RESOLUTION NO. 56627**

**B 101-25-103 - JOSE MARIA LEON RUIZ & ROSA MARIA FELIX MARTINEZ, RESOLUTION NO. 56628**

**C 101-25-103 - JOSE MARIA LEON RUIZ & ROSA MARIA FELIX MARTINEZ, RESOLUTION NO. 56629**

**D 129-01-033 - HAROLD G MACAW & PHYLLIS C MACAW, RESOLUTION NO. 56631**

**E 129-01-033 - HAROLD G MACAW & PHYLLIS C MACAW, RESOLUTION NO. 56632**

**F 129-01-033 - HAROLD G MAGAW & PHYLLIS C MACAW, RESOLUTION NO. 56633**

**25. APPROVAL OF MINUTES: 04/18/2023**

Vice-Chairman Ruiz made a motion to approve, seconded by Supervisor Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

**26. DEMANDS** were approved in the total amount of \$1,364,771.73 of which \$515,168.64 are from the General Fund. Details of these expenditures are available for inspection during working hours and are to be part of these minutes. (motion: Supervisor Molera; second: Vice-Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

A break was conducted and the meeting resumed at 11:06 AM.

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

**STUDY SESSION - 10:30 AM**

**1. COUNTY PARKS OPERATION AND MAINTENANCE**

Introduction by Jesus Valdez, County Manager

Presented by Maritza Cervantes, Consultant

The Board adjourned the Study Session and Reconvened the Regular Meeting (Motion: Chairman Bracker; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

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

**EXECUTIVE SESSIONS**

**1. PURSUANT TO A.R.S. § 38-431.03(A)(3), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE REGARDING RECENT CASE LAW DEVELOPMENTS - MARA V. COCHISE SUPERVISORS AND SHREEVES V. CAVANAUGH (REQ: COUNTY ATTORNEY)**

**2. PURSUANT TO A.R.S. § 38-431.03 (A)(3), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE REGARDING PERMIT AND REGULATION ENFORCEMENT UNDER A.R.S. §§ 36-101, 102, 136, ET. AL. (REQ: HEALTH SERVICES)**

**3. PURSUANT TO A.R.S. § 38-431.03(A)(3), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE REGARDING RECENT DEVELOPMENTS IN USA V. FELIPE FUENTES, AZ D.CT. CASE NO. 22-CR-0824; USA V. FLORES, ET. AL., AZ D.CT. CASE NO. 22-CR-0820 (REQ: COUNTY MANAGER)**

The Board adjourned the Executive Sessions and reconvened the Regular meeting. (Motion: Vice-Chairman Bracker; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

**ADJOURNMENT**

The meeting adjourned at 12:21 p.m. (motion: Supervisor Molera; second: Chairman Bracker; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)