

Board of Supervisors
May 3, 2022
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(Telephonically); Rudy Molera, Vice-Chairman; Manuel Ruiz, Member; Jennifer St. John, County Manager; Kim Hunley, Chief Deputy County Attorney; Lizbeth Tolano, Deputy Clerk of the Board.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice-Chairman Molera called the meeting to order, and the Pledge of Allegiance was recited, led by Alfredo Velasquez.

ADOPTION OF AGENDA

Supervisor Ruiz made a motion to adopt the Agenda and deviate from the Agenda sequence as necessary; seconded by Vice-Chairman Molera; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

CALL TO THE PUBLIC:

Jay Cook, Arizona Game and Fish Statewide Community Engagement Program Leader, Invited the Board to the Arizona Game and Fish Commission Meeting on May 13th in Sonoita, AZ.

Alfredo Velasquez, County School Superintendent, Congratulated Christopher Young, Irasema Olvera, Nora Herrera & David Demarest for completing the 12-week NACo High-Performance Leadership Academy. Christopher Young thanked Mr. Velasquez for the opportunity and briefed the Board on his experience.

CURRENT EVENTS

1. BOARD OF SUPERVISORS

CHAIRMAN BRACKER: Nothing to report.

SUPERVISOR RUIZ: Sent his condolences to the Sainz Family on the passing of Mary Lou Sainz; he wished the mothers a Happy Mother's Day and thanked them.

VICE-CHAIRMAN MOLERA: Also sent his condolences to the Sainz Family; reported he attended Small Counties and CSA Executive Board Meeting; thanked staff for diligently working on the county budget; met with Roberto Guevarra from Unisource regarding the Patagonia mine powerline; he also wished the mothers a Happy Mother's Day and thanked them.

2. MANAGER

JENNIFER ST. JOHN, COUNTY MANAGER: Attended Small Counties & CSA Board of Directors virtually; attended a Governor's meeting on the infrastructure bill, a School Superintendent ESSER III Set-Aside Statewide Recovery Funds Grant meeting; reported she has been working on Budget Meetings; also reported that 10 county employees have successfully attended and completed the NACo High-Performance Leadership Academy.

DEPARTMENT REPORTS AND ACTIVITIES

1. FINANCE: CASH & INVESTMENT, EXPENDITURES & REVENUE REPORTS

Mauricio Chavez, Administrative Services Department Director, reported \$19,686,638.89 in the General Fund, of which \$10,292,312.65 is invested; \$2,633,526.16 in the Road Fund, of which \$815,730.33 is invested; \$786,783.86 in the Flood Control District Fund, of which \$513,023.81 is invested; \$3,100,210.89 in the Jail District Fund, of which \$1,002,432.66 is invested; \$44,665,322.98 total for all funds, of which \$14,439,005.28 is invested; \$16,245,652.32 estimated end of month balance, compared to \$11,897,839.61 cash at May 2021, a difference of \$4,347,812.71.

FLOOD CONTROL

1. DIRECTOR'S/PROJECT REPORT

Submitted in writing.

1. MONTHLY REPORT FROM CITY OF NOGALES

Juan Guerra, City of Nogales Engineer briefed on some city projects and answered the Board's questions.

2. MONTHLY REPORT FROM THE TOWN OF PATAGONIA

No report.

3. PUBLIC COMMENT

No public comment.

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

ACTION ITEMS

1. AUTHORIZATION TO FILL ONE (1) VACANT DEPUTY COUNTY ATTORNEY V POSITION (REQ: COUNTY ATTORNEY)

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

2. CORRECTED RE-APPOINTMENT OF CONCEPCION BRACAMONTE AS JUSTICE OF THE PEACE PRO TEMPORE JUDGE FROM JULY 1, 2022 THROUGH JUNE 30, 2023 (REQ: SUPERIOR COURT)

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

3. APPROVE MODIFICATION OF INTERGOVERNMENTAL AGREEMENT NO. 08-10-0042 WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND UNITED STATES MARSHALS SERVICES FOR INMATE HOUSING (REQ: SHERIFF)

Supervisor Ruiz asked Kim if everything was in order.

Kim Confirmed.

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

4. INTERGOVERNMENTAL AGREEMENT CONTRACT NO. CTR059190 FOR SENATE BILL 1847 FUNDING FROM THE ARIZONA DEPARTMENT OF HEALTH SERVICES (AZDHS) IN THE AMOUNT OF \$33,000 (REQ: HEALTH SERVICES)

Supervisor Ruiz asked County Manager, Jennifer St. John, if everything was in order.

Jennifer confirmed and stated that the funding was based on population to help the current opioid crisis and medical marijuana.

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

5. ESSER III SET-ASIDE STATEWIDE RECOVERY FUNDS GRANT APPLICATION NO. BPM004016 WITH THE ARIZONA DEPARTMENT OF EDUCATION FOR THE YOUTH PROJECT IN THE AMOUNT OF \$5,868,638 FOR THREE YEARS EFFECTIVE MAY 3, 2022 (REQ: SCHOOL SUPERINTENDENT)

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

Vice-Chairman Molera congratulated School Superintendent, Alfredo Velasquez.

6. REPEAL PROCLAMATION OF A STATE OF EMERGENCY REGARDING COVID-19 (REQ: HEALTH SERVICES)

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

7. APPLICATION FOR SPECIAL EVENT LICENSE: ARIZONA CRAFT DISTILLERS GUILD, 05/21/2022, PATAGONIA (REQ: CLERK)

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

Vice-Chairman Molera asked if everything was in order.

Deputy Clerk of the Board, Lizbeth Tolano, confirmed.

8. APPLICATION FOR FIREWORKS DISPLAY: RIO RICO HIGH SCHOOL, 05/19/2022 (REQ: CLERK)

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

Supervisor Ruiz asked if the Fire & Sheriff's Department had cleared the event.

Deputy Clerk of the Board, Lizbeth Tolano, confirmed.

9. TAX VALUATION ADJUSTMENTS: (REQ: ASSESSOR)

A) 106-06-011 - Morgan Guynes & Robin Stevens, Resolution No. 56367; B) 106-06-011 - Morgan Guynes & Robin Stevens, Resolution No. 56368; C) 102-04-005-A - Aguirre Properties Llc, Resolution No. 56369; D) 102-04-089-A - Cismo Investments Llc, Resolution No. 56375; E) 102-04-040-F - The Richard L Zillman Family Trust // Richard Zillman Trustee, Resolution No. 56376 were approved as submitted by the County Assessor's Office. (Motion: Supervisor Ruiz; second: Vice-Chairman Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

10. APPROVAL OF MINUTES: 04/13/2022, 04/19/2022 & 04/27/2022 were approved as submitted. (Motion: Supervisor Ruiz ; second: Vice-Chairman Molera ; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

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

EXECUTIVE SESSION

1. PURSUANT TO A.R.S. § 38-431.03(A)(3), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE AND/OR DIRECTION REGARDING THE COUNTY'S LEGAL OBLIGATIONS AND/OR RESPONSE, IF ANY, TO THE CRIMINAL CASE INVOLVING FORMER COUNTY ASSESSOR, FELIPE FUENTES (REQ: COUNTY MANAGER)

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

12. DISCUSSION/POSSIBLE ACTION TO DIRECT STAFF AND/OR LEGAL COUNSEL REGARDING RESPONSE TO THE CRIMINAL CASE INVOLVING FORMER COUNTY ASSESSOR, FELIPE FUENTES (COUNTY MANAGER)

Chairman Bracker made a motion to direct legal staff to write a letter to the US Attorney's Office and the FBI indicating that the county requests that its constituents be considered as victims and compensated appropriately for any damages related to the criminal acts of the former County Assessor, Felipe Fuentes. Request direction for a timeline for conducting an audit that would not interfere with the federal investigation and request a copy of the completed investigatory findings to aid in our audit. Also, would like to request staff to make a request to the Department of Revenue to conduct an audit of the Santa Cruz County Assessor's Office from 2007 forward. Also, like to direct legal staff to search whether there are any additional legal remedies related to the criminal activity of former County Assessor, Felipe Fuentes.

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

Supervisor Ruiz stated he was very disappointed with the actions that occurred at the Assessor's Office and it was shocking when we first learned about them. As a county, we also have a responsibility to pursue whatever remedies are available to protect our constituents in this matter.

Chairman Bracker said it was important that the Board of Supervisors take this action. It's something

we need to do to protect and re-establish the integrity of the office and also to protect the constituents from any losses that may have occurred.

Vice-Chairman Molera stated that he was extremely disappointed and agreed with his two colleagues to try and recover public funds that have been lost.

Supervisor Ruiz added that the Board is trying to get the public to trust those offices again.

ADJOURNMENT

The meeting adjourned at 11:10 AM (motion: Supervisor Ruiz; second: Chairman Bracker; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)