

Board of Supervisors
May 24, 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; Rudy Molera, Vice-Chairman (Telephonically); Manuel Ruiz, Member; Jesus Valdez, Deputy County Manager; Kim Hunley, Chief Deputy County Attorney; Alma Schultz, Clerk of the Board.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Bracker called the meeting to order, and the Pledge of Allegiance was recited, led by Cheryl Horvath, Chief of Tubac Fire District.

ADOPTION OF AGENDA

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

CALL TO THE PUBLIC:

Residents from around the area of Sonoita and Elgin provided both supporting and opposing comments on the intermediate plan and development guidelines for Los Milics Vineyard's planned area development.

Documents to include emails from the public received by the Clerk of the Board regarding the May 24th, 2022 Regular Board of Supervisors Meeting Agenda are available for inspection during working hours and are to be considered as part of these minutes.

CURRENT EVENTS

1. BOARD OF SUPERVISORS

VICE-CHAIRMAN MOLERA attended the 2022 Western Interstate Region Conference and spoke of highlights gathered from the conference.

SUPERVISOR RUIZ spoke of the awareness of the possibility of a recession and conflicting economic beliefs, and sent condolences to Fernando Parra's family for the passing of his mother, asking for a moment of silence for the family.

CHAIRMAN BRACKER expressed his condolences as well to the Parra family, thanked the forest service and all of those involved in gratitude for responding to the San Rafael fire, and provided helpful information to those affected by the fire; also thanked public works for their work with the chip sealing in Rio Rico.

2. MANAGER

JENNIFER ST. JOHN, COUNTY MANAGER, held the remaining budget meetings with the help of Mauricio Chavez and Sonia Jones, took part as a judge for the Nogales High School Senior projects, met with the new City Manager, attended a mental health fair in Tubac, and reviewed the personal policy in need of updating with Kim Hunley and Sonia Jones.

DEPARTMENT REPORTS AND ACTIVITIES

1. FINANCE: CASH & INVESTMENTS, EXPENDITURES & REVENUES REPORTS

Jennifer St. John, County Manager, reported \$19,419,138.96 in the General Fund, of which \$10,295,459.81 is invested; \$1,994,802.03 in the Road Fund, of which \$815,979.76 is invested; \$1,712,728.46 in the Flood Control District Fund, of which \$513,180.68 is invested; \$3,519,300.48 in the Jail District Fund, of which \$1,002,739.18 is invested; \$44,954,637.97 total for all funds, of which \$14,443,420.02 is invested; \$16,600,054.59 estimated end of month balance, compared to \$13,412,823.94 cash at May 2021, a difference of \$3,187,230.65.

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

FLOOD CONTROL

1. DISCUSSION/POSSIBLE ACTION TO APPROVE SUB-RECIPIENT AGREEMENT WITH THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS FOR THE ADMINISTRATION OF PRE-DISASTER MITIGATION GRANT NO. PDMC-PJ-09-AZ-2019-001/EMF-2020-PC-0014 FOR THE EPHRAIM CANYON FLOOD PROJECT (REQ: PUBLIC WORKS)

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

2. DISCUSSION/POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-07 DESIGNATING THE FLOOD CONTROL GENERAL MANAGER AS THE APPLICANT'S AGENT FOR THE PRE-DISASTER MITIGATION GRANT NO. PDMC-PJ-09-AZ-2019-001/EMF-2020-PC-0014 FOR THE EPHRAIM CANYON FLOOD PROJECT (REQ: PUBLIC WORKS)

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

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. DISCUSSION/POSSIBLE ACTION TO APPROVE THE RE-APPOINTMENT OF GUILLERMO VALENCIA AS PLANNING AND ZONING COMMISSIONER FOR DISTRICT 2 (REQ: VICE-CHAIRMAN MOLERA)

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

2. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO CREATE AND FILL AN IT/MEDIA SPECIALIST IN ENVIRONMENTAL HEALTH TO FULFILL THE COVID-19 VACCINE EQUITY GRANT WORK PLAN, PREVIOUSLY APPROVED ON AUGUST 17, 2021 (REQ: HUMAN RESOURCES)

Supervisor Ruiz made a motion to approve, seconded by Vice-Chairman Molera; the motion

carried unanimously. (Ayes: Bracker, Molera, Ruiz)

3. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO FILL:

Supervisor Ruiz made a motion to approve 3a-3b, seconded by Vice-Chairman Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

A DEPUTY COUNTY ATTORNEY I POSITION (REQ: COUNTY ATTORNEY)

B SENIOR ACCOUNTANT POSITION (REQ: ADMINISTRATIVE SERVICES)

4. DISCUSSION/POSSIBLE ACTION TO APPROVE NON-PROFIT GRANT AGREEMENTS RECOMMENDED BY A COMMITTEE OF SANTA CRUZ COUNTY RESIDENTS CONVENED BY THE COMMUNITY FOUNDATION OF SOUTHERN ARIZONA FUNDED THROUGH FEDERAL FUNDS BY THE AMERICAN RESCUE PLAN ACT OF 2021 FOR THE COMMUNITY FINANCIAL CAPACITY PROGRAM WITH: (REQ: ADMINISTRATIVE SERVICES)

Supervisor Ruiz made a motion to approve 4a-3p, seconded by Vice-Chairman Molera; the motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

Angie Donelson provided a summary and provided information about the Forgivable Loan program. The Board thanked Angie and the Committee.

A CONSTRUCTING CIRCLES OF PEACE IN THE AMOUNT OF \$45,000

B SANTA CRUZ ADVOCATES FOR THE ARTS IN THE AMOUNT OF \$45,000

C NOGALES COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$45,000

D CULTURAL ARTS COMMITTEE OF NOGALES IN THE AMOUNT OF \$45,000

E BORDERLANDS RESTORATION NETWORK IN THE AMOUNT OF \$35,000

F SANTA CRUZ VALLEY ART ASSOCIATION/TUBAC CENTER FOR THE ARTS IN THE AMOUNT OF \$35,000

G BORDER YOUTH TENNIS EXCHANGE INC. IN THE AMOUNT OF \$30,000

H PIMERIA ALTA HISTORICAL SOCIETY IN THE AMOUNT OF \$30,000

I PATAGONIA YOUTH ENRICHMENT CENTER IN THE AMOUNT OF \$30,000

J GREEN VALLEY ASSISTANCE SERVICES INC. IN THE AMOUNT OF \$30,000

K REBUILDING TOGETHER SCC IN THE AMOUNT OF \$25,000

L COMMUNITY HOMES OF PATAGONIA, INC. IN THE AMOUNT OF \$25,000

M MAT BEVEL COMPANY IN THE AMOUNT OF \$20,000

N AZ CYBER IN THE AMOUNT OF \$20,000

O TUBAC COMMUNITY CENTER FOUNDATION IN THE AMOUNT OF \$20,000

P BORDER COMMUNITY ALLIANCE IN THE AMOUNT OF \$20,000

6. DISCUSSION/POSSIBLE ACTION TO APPROVE THE REPROGRAMMING REQUEST FOR HIDTA GRANT NO. HT-21-2951 FOR FY 2021 IN THE AMOUNT OF \$22,100 (REQ: COUNTY ATTORNEY)

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

7. DISCUSSION/POSSIBLE ACTION TO APPROVE PROVIDER CONTRACT WITH SONORA BEHAVIORAL HEALTH HOSPITAL LLC FOR IN-PATIENT MENTAL HEALTH SERVICES TO MEET STATUTORY REQUIREMENTS FOR TITLE 36 MENTAL HEALTH SERVICES FROM APRIL 1, 2022 THROUGH MARCH 31, 2023 (REQ: COUNTY ATTORNEY)

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

8. DISCUSSION/POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-05 CANCELING PRECINCT COMMITTEEMEN ELECTIONS ON AUGUST 2, 2022, AND APPOINTING CANDIDATES THAT FILED AS DEEMED ELECTED (REQ: ELECTIONS)

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

9. DISCUSSION/POSSIBLE ACTION: RECOMMENDATION OF APPROVAL/DISAPPROVAL OF APPLICATION FOR EXTENSION OF PREMISES (PERMANENT) FOR SUNSET RIDE, SONOITA (REQ: CLERK)

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

10. TAX VALUATION ADJUSTMENTS: (REQ: ASSESSOR)

were approved as submitted by the County Assessor's Office. (Motion: Supervisor Ruiz; second: Vice-Chairman Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

A 102-04-002-B - DJS FAMILY LIMITED PARTNERSHIP, RESOLUTION NO. 56377

B 102-04-079 - ALTA REAL ESTATE LLC, RESOLUTION NO. 56378

C 113-49-028-A - MARIPOSA LAND MANAGEMENT LLC/HARVEY FAMILY LTD PTNRSP 38% INT/LAURENCE E. HARVEY 27% INT, RESOLUTION NO. 56379

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

12. APPROVAL OF MINUTES: 05/03/2022 & 05/13/2022 were approved as submitted. (Motion: Supervisor Ruiz; second: Vice-Chairman Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

13. DEMANDS were approved in the total amount of \$3,081,469.81, of which \$454,935.65 is from the General Fund. Details of these expenditures are available for inspection during working hours and are to be part of these minutes. (motion: Chairman Bracker; second: Supervisor Ruiz; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)

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

PUBLIC HEARING

1. PLANNED AREA DEVELOPMENT - INTERMEDIATE PLAN AND DEVELOPMENT GUIDELINES FOR LOS MILICS VINEYARDS - PARCEL NO. 109-47-041M (CASE NO. PAD-22-01) (REQ: COMMUNITY DEVELOPMENT)

Frank Dillon, Community Development Director, advised the Board he was present to answer questions regarding this item, summarized the purpose of the Planned Area Development (PAD), and advised the Board of the steps taken by the applicant.

The Board asked Mr. Dillon asked questions and thanked him for the information. Residents of the Sonoita and Elgin areas provided additional supporting and opposing comments. Mr. Dillon provided answers to the Board's questions and further insight on comments.

Supervisor Ruiz made a motion to convene the Public Hearing to reconvene to Regular Session; second by Chairman Bracker; motion carried unanimously. (Ayes: Bracker, Molera, Ruiz)

ACTION ITEMS (CONT.)

14. DISCUSSION/POSSIBLE ACTION TO APPROVE THE INTERMEDIATE PLAN AND DEVELOPMENT GUIDELINES FOR LOS MILICS VINEYARDS PLANNED AREA DEVELOPMENT FOR PARCEL NO.109-47-041M (CASE NO. PAD-22-01) APPROVED BY THE PLANNING & ZONING COMMISSION ON APRIL 28, 2022 (REQ: COMMUNITY DEVELOPMENT)

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

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

A break was conducted.

STUDY SESSION

1. PRESENTATION ON PUBLIC WORKS CAPITAL IMPROVEMENT PROGRAM AND OTHER PROJECTS (REQ: PUBLIC WORKS)

Presented by: Jesus Valdez, Public Works Director/Deputy County Manager

Comments: Chairman Bracker, Vice-Chairman Molera, Supervisor Ruiz, and Jennifer St. John, County Manager.

The Board thanked Jesus and the staff for all their service and good work.

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

ACTION ITEMS (CONT.)

5. DISCUSSION/POSSIBLE ACTION TO APPROVE AND GIVE DIRECTION TO PUBLIC WORKS CAPITAL IMPROVEMENT PROGRAM FOR 2023 & 2024 AND OTHER PROJECTS (REQ: PUBLIC WORKS)

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

Supervisor Ruiz made a motion to recess the Regular Meeting to convene the 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) AND (4), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE AND DIRECTION REGARDING PROPOSED SETTLEMENTS OF THE NOTICE OF CLAIM MADE ON BEHALF OF KIMBERLY CORSARO AND DENNEEN L. PETERSON (REQ: COUNTY ATTORNEY/OUTSIDE COUNSEL)

2. PURSUANT TO A.R.S. § 38-431.03(A)(3) AND (4), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE, AND TO PROVIDE DIRECTION, REGARDING A PROPOSED DRAFT LETTER TO THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE UNITED STATES ATTORNEY'S OFFICE (USAO) REGARDING THE CRIMINAL CHARGES AGAINST FORMER SANTA CRUZ COUNTY ASSESSOR, FELIPE FUENTES, AS DIRECTED BY THE BOARD OF SUPERVISORS IN EXECUTIVE SESSION ON MAY 3, 2022 (REQ: COUNTY ATTORNEY)

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

ACTION ITEMS (CONT.)

15. DISCUSSION/POSSIBLE ACTION TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT WITH DENNEEN L. PETERSON ON THE NOTICE OF CLAIM MADE ON BEHALF OF KIMBERLY CORSARO AND DENNEEN L. PETERSON (REQ: COUNTY ATTORNEY/OUTSIDE COUNSEL)

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

16. DISCUSSION/POSSIBLE ACTION TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT WITH KIMBERLY CORSARO ON THE NOTICE OF CLAIM MADE ON BEHALF OF KIMBERLY CORSARO AND DENNEEN L. PETERSON (REQ: COUNTY

ATTORNEY/OUTSIDE COUNSEL)

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

17. DISCUSSION/POSSIBLE ACTION TO APPROVE A PROPOSED DRAFT LETTER TO THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE UNITED STATES ATTORNEY'S OFFICE (USAO) REGARDING THE CRIMINAL CHARGES AGAINST FORMER SANTA CRUZ COUNTY ASSESSOR, FELIPE FUENTES, AS DIRECTED BY THE BOARD OF SUPERVISORS IN EXECUTIVE SESSION ON MAY 3, 2022 (REQ: COUNTY ATTORNEY)

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

ADJOURNMENT

The meeting adjourned at 12:43 p.m. (motion: Supervisor Ruiz; second: Vice-Chairman Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)