

Board of Supervisors
October 3, 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: Manuel Ruiz, Chairman; Bruce Bracker, Vice-Chairman; Rudy Molera, Member; Jesus Valdez, County Manager; Kimberly Hunley; Chief Deputy County Attorney; Robert May, Civil Bureau Chief; and Alma Schultz, Clerk of the Board.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Ruiz called the meeting to order, and the Pledge of Allegiance was recited, led by Vice Mayor Mike Stabile.

ADOPTION OF AGENDA

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

CALL TO THE PUBLIC:

Vice Mayor Michael Stabile, Town of Patagonia, spoke of concerns with ADEQ (Arizona Department of Environmental Quality) and asked questions about the Hermosa Project and Facilities Clean Water Act permit and related items.

Susan Faubion, a resident of Rio Rico, spoke against South32 (mining) related items on the present agenda and past agendas.

Mayor Andrea Wood, Town of Patagonia, asked for the ADEQ presenter to address whether the new source performance standards are different now under the Clean Water Act.

Pamela Pesquiera, a resident of Rio Rico, spoke of citizens who are not opposed to development, but support development that is responsible; requested the power transmission lines be underground and that South32 should be responsible for such expenses; inquired about the water permit; and asked the Board why they continue to meet in Executive Session. Vice-Chairman Bracker made a clarification to Ms. Pesquiera's comment (response to criticism).

Sue Laverdy, a resident of Tubac, requested to withdraw item Consent Agenda item 4a and spoke against the construction of lights in the area.

Beth Pril, a resident of Rio Rico, spoke of Agenda item H1, in favor of the PARA (Patagonia Area Resource Alliance) and EPA, G2 in favor of underground electrical transmission lines, and G3 essential for the county dealings with the mining company being done in a public forum.

Gary Elkind, a resident of Tubac, spoke in support of the approval of the lighting for the pickleball courts in Tubac and responded to prior comments and concerns.

Julie Kiker, a resident of Tubac, thanked the Board for the consideration of the lighting project in Tubac and spoke in favor of the dark sky initiative and its continued efforts.

Katie Sayre, a resident of Tumacácori, thanked the Board and County Manager for the consideration of the lighting project in Tubac in order to address traffic at the pickleball court and thanked others for their contribution to the project.

Alex Johnson, a resident of Patagonia, spoke in request to the Supervisors to address a letter to the EPA for the South32 discharge allowance.

Carolyn Shafer, a resident of Patagonia and on behalf of PARA, spoke of agenda item H1 and of the Hermosa Project permit.

Joni Stellar, a resident of Patagonia, spoke in favor of burying the power transmission lines for the safety of the community.

Robert Gay, a resident of Patagonia, spoke of agenda items H1, G1, 2, and 3, and of environmental impacts and concerns within the area.

Celinas Ruth, a resident of Rio Rico, spoke of H4 in favor of the request from the EPA for the oversight of ADEQ; G2 spoke in favor of underground electrical transmission lines; and in support of PARA (Patagonia Area Resource Alliance) and asked if open bidding was done for the lighting project in Tubac.

Kazarian Giannangelo, a resident of Rio Rico, echoed comments provided about the executive sessions and requested an increase in transparency by the request for environmental, commercial advice, etc.; spoke in favor of burying the electrical transmission lines; spoke in favor of the letter to the EPA; and commended the Board of Supervisors in support for the funding of Mexicayotl.

David Robinson, spoke on behalf of the Tucson Audubon Society, with concerns about item H4 and asked for EPA to exercise its authority over ADEQ; spoke of item G2 with concerns about the electrical transmission lines easement provided only if the lines are underground; and G3 asked for no closed decisions with the mining company.

CURRENT EVENTS

1. BOARD OF SUPERVISORS

VICE-CHAIRMAN BRACKER: took part in small counties meeting for a discussion about addressing issues within the respective communities; attended the Tohono O’odham inauguration in Sells; met with the mayor and different members of the Town of Patagonia Council about the cross creek connector and thanked the community members for their respectful dialogue about the item; participated in a Port Authority meeting; spoke of his confirmation of his second term on the Southeast Arizona Forum by the International Boundary and Water Commission (IBWC); expressed unfortunately missed events such as an event held by ADEQ to in recognition of organizations within the community and the Rio Rico Historical Society Museum ribbon cutting ceremony; spoke of submitted grant for the Ruby Road bridge and an AZSMART grant for the funding of the planning for the Ruby Road and the Rio Rico Dr. project.

SUPERVISOR MOLERA: also took part in small counties' meeting on a familiar issue of affordable housing; attended a Board of Directors meeting in regards to the current recount margin and potential issues; attended the Santa Cruz County Foundation dinner in recognition of Alfredo Velasquez, School Superintendent, congratulated Mr. Velasquez; participated in the Domestic Violence ceremony and thanked the County Attorney's office for the opportunity to read the proclamation and congratulated Randy Heiss from SEAGO (Southeastern Arizona Governments Organization).

CHAIRMAN RUIZ: sent condolences to Mayra Zuniga's family for her father passing away; congratulated Mr. Velasquez for bringing resources to the community; congratulated and thanked the County Attorney's office for the Domestic Violence Awareness event; addressed the concern for the Board to meet in executive session for legal advice and that no action is taken in executive session, all action is taken in the open and looks forward to the presentation by ADEQ and thanked the PARA group and other individuals for their concerns; and stated that he would not be against any item that is for the education of the community's children and thanked those for expressing their concerns.

2. MANAGER

JESUS VALDEZ, COUNTY MANAGER, is in preparation for the upcoming County Supervisors Association Policy Summit starting Wednesday to Friday of next week.

DEPARTMENT REPORTS AND ACTIVITIES

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

Mauricio Chavez, Deputy County Manager of Administrative Services and Human Resources, reported \$15,456,135.97 in the General Fund, of which \$11,936,436.44 is invested; \$2,096,976.34 in the Road Fund, of which \$7,332.98 is invested; \$986,547.40 in the Flood Control District Fund, of which \$277,687.34 is invested; \$3,971,495.14 in the Jail District Fund, of which \$1,053,033.15 is invested; \$56,643,486.30 total for all funds, of which \$15,181,950.31 is invested; \$12,839,920.66 estimated end of month balance, compared to \$13,795,984.32 cash at September 2022, a difference of \$(956,063.66).

2. DEPARTMENT(S) UPDATE

Mauricio Chavez presented Tivo Romero as the new Human Resources Director. The Board welcomed Mr. Romero.

Jeff Terrell provided an update on the migrant situation and asked for the hiring of temporary employees to help with the migrant situation. Chairman Ruiz asked about the COVID-19 updated vaccine. Jeff provided an update.

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

FLOOD CONTROL

1. DIRECTOR'S/PROJECT REPORT

Allan Sanchez, Floodplain Coordinator, presented the report.

2. MONTHLY REPORT FROM CITY OF NOGALES

No report was submitted.

3. MONTHLY REPORT FROM THE TOWN OF PATAGONIA

Bill O'Brian (via Zoom), presented the report.

4. PUBLIC COMMENT

No public comment.

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

ACTION ITEMS

1. PRESENTATION ON THE HERMOSA PROJECT AND FACILITIES CLEAN WATER ACT PERMIT AND RELATED OBLIGATIONS BY TREVOR BAGGIORE, WATER QUALITY DIVISION DIRECTOR

Presentation by Trevor Baggio, Water Quality Division Director

Comments: The Board of Supervisors, Carolyn Shaffer, Vice Mayor of the Town of Patagonia, was directed to ask questions to Mr. Baggiore. No further comments were made.

2. DISCUSSION/POSSIBLE ACTION TO APPROVE PROCLAMATION DESIGNATING OCTOBER 2023 AS SANTA CRUZ COUNTY ARTS MONTH (REQ: SCHOOL SUPERINTENDENT)

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

3. DISCUSSION/POSSIBLE ACTION TO APPROVE LETTER TO THE ARIZONA CONGRESSIONAL DELEGATION REQUESTING FEDERAL FUNDING FOR THE GROWING MIGRANT INFLUX (REQ: CHAIRMAN RUIZ)

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

4. DISCUSSION/POSSIBLE ACTION TO APPROVE COOPERATIVE PURCHASE AGREEMENT WITH GRANITE CONSTRUCTION CO. FOR THE PROCUREMENT OF ASPHALTIC MATERIALS IN A ONE (1) YEAR CONTRACT WITH UP TO FOUR (4) ANNUAL RENEWALS (REQ: PUBLIC WORKS)

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

Supervisor Molera made a motion to move the Consent Agenda Item 4a to Action Items; seconded by Vice-Chairman Ruiz; the motion carried. (Ayes: Bracker, Molera, Ruiz)

4. DISCUSSION/POSSIBLE ACTION TO AUTHORIZE STAFF TO ADVERTISE AND REQUEST BIDS FOR:

A THE CONSTRUCTION OF LIGHTS AT THE PICKLEBALL COURTS LOCATED IN THE TUBAC COMMUNITY CENTER (REQ: VICE-CHAIRMAN BRACKER)

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

CONSENT AGENDA:

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

1. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO RECLASSIFY PART-TIME BOOKKEEPER TO A PERMANENT PART-TIME BOOKKEEPER IN THE FINANCE DEPARTMENT (REQ: HUMANE RESOURCES)

2. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO FILL VACANT ASSISTANT TO THE ELECTIONS DIRECTOR (REQ: ELECTIONS)

3. DISCUSSION/POSSIBLE ACTION TO APPROVE AND RATIFY THE FY24 VERTICAL PROSECUTION GRANT WITH ARIZONA AUTOMOBILE THEFT AUTHORITY IN THE AMOUNT OF \$80,795 AND AUTHORIZED SIGNATURE (REQ: COUNTY ATTORNEY)

4. DISCUSSION/POSSIBLE ACTION TO AUTHORIZE STAFF TO ADVERTISE AND

REQUEST BIDS FOR:

B THE COUNTYWIDE MAINTENANCE AND VEGETATION CONTROL ACTIVITIES (REQ: PUBLIC WORKS)

C THE MAINTENANCE AND VEGETATION CONTROL ACTIVITIES ON HARSHAW ROAD (REQ: PUBLIC WORKS)

D THE ROAD MAINTENANCE ACTIVITIES FOR ROADWAYS IN THE TUBAC AREA MAINTENANCE REGION 1 (REQ: PUBLIC WORKS)

E THE ROAD MAINTENANCE ACTIVITIES FOR ROADWAYS WEST OF I-19 IN THE RIO RICO AREA MAINTENANCE REGION 2 (REQ: PUBLIC WORKS)

F THE ROAD MAINTENANCE ACTIVITIES FOR ROADWAYS EAST OF I-19 IN THE RIO RICO AREA MAINTENANCE REGION 3 (REQ: PUBLIC WORKS)

G THE ROAD MAINTENANCE ACTIVITIES FOR ROADWAYS IN THE SONOITA/PATAGONIA AREA MAINTENANCE REGION 4 (REQ: PUBLIC WORKS)

5. DISCUSSION/POSSIBLE ACTION TO APPROVE AMENDMENT #1 TO THE PROFESSIONAL SERVICES CONTRACT WITH SOLIS ENGINEERING CO., LLC TO INCREASE THE NOT TO EXCEED AMOUNT PROVISION OF THE EXISTING CONTRACT FROM \$50,000 PER SIX-MONTH TERM TO \$85,000 (REQ: PUBLIC WORKS)

6. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES CONTRACT WITH CRAIG MUSKA TO DEVELOP AN ECONOMIC DEVELOPMENT FINANCE ROADMAP FROM OCTOBER 3, 2023 THROUGH FEBRUARY 29, 2024 IN THE AMOUNT OF \$60,000 (REQ: COMMUNITY DEVELOPMENT)

7. DISCUSSION/POSSIBLE ACTION TO APPROVE AND RATIFY FISCAL AGENT PIMA COUNTY SUB-RECIPIENT AGREEMENT FOR EMERGENCY FOOD AND SHELTER FOR FAMILIES AND INDIVIDUALS ENCOUNTERED BY THE DEPARTMENT OF HOMELAND SECURITY (DHS) GRANT FROM SEPTEMBER 12, 2023 THROUGH DECEMBER 31, 2023 IN THE AMOUNT OF \$230,000 (REQ: EMERGENCY MANAGEMENT)

8. DISCUSSION/POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ZONA TECHNICAL ENGINEERING TO PROVIDE CONTRACTOR SELECTION AND PROCUREMENT SUPPORT SERVICES RELATED TO MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION AT THE COUNTY COMPLEX FROM OCTOBER 3, 2023 THROUGH OCTOBER 2, 2024 FOR AN AMOUNT NOT TO EXCEED \$48,000 (REQ: COUNTY MANAGER)

9. DISCUSSION/POSSIBLE ACTION TO APPROVE AN AGREEMENT WITH MEXICAYOTL ACADEMY OF EXCELLENCE, INC. FOR THE IMPLEMENTATION OF OUR YOUTH PROJECT FROM AUGUST 10, 2023 THROUGH JUNE 30, 2024 FOR A MAXIMUM AMOUNT OF \$6,300 (REQ: SCHOOL SUPERINTENDENT)

10. DISCUSSION/POSSIBLE ACTION TO APPROVE A CHANGE ORDER WITH MARSH DEVELOPMENT INC. FOR THE REMOVAL OF HYDRAULIC FLUID FROM AN INGROUND TANK AND DRY-IN AN EXISTING EXTERIOR WALL AT THE REAR OF THE SONOITA BUILDING IN THE AMOUNT OF \$13,504 (REQ: SPECIAL PROJECTS)

11. DISCUSSION/POSSIBLE ACTION TO APPROVE BOND FOR DUPLICATE WARRANT #2-113985 IN THE AMOUNT OF \$1,500.00 DATED 08/15/2023 PAYABLE TO BORDER SHOOTOUT (REQ: CLERK)

12. APPROVAL OF MINUTES: 09/19/2023 & 09/26/2023 SPECIAL MEETING

13. DEMANDS were approved in the total amount of \$920,838.62 of which \$341,674.94 is from the General Fund. Details of these expenditures are available for inspection during working hours and are to be considered as part of these minutes.

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

BOARD OF EQUALIZATION

1. PETITIONS FOR REVIEW OF VALUATION (REQ: CLERK)

The Board did not take action on the item. A special meeting was set for Wednesday, October 4th, 2023 at 3:00 PM for this item.

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

Vice-Chairman Bracker made a motion to recess the Regular Meeting to convene into Executive Session seconded by Supervisor 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 REGARDING REDUCING THE SPEED LIMIT TO 25 MPH OVER A SECTION OF HARSHAW ROAD COMING INTO AND LEAVING THE TOWN OF PATAGONIA (REQ: COUNTY MANAGER)

2. PURSUANT TO A.R.S. § 38-431.03(A)(3),(A)(4), AND (A)(7), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE, DISCUSSION OR CONSULTATION WITH COUNTY'S ATTORNEYS REGARDING THE COUNTY'S POSITION FOR CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, AND DISCUSSION OR CONSULTATION WITH DESIGNATED REPRESENTATIVES OF THE COUNTY TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY REGARDING UTILITY EASEMENTS AND USE OF COUNTY PROPERTY FOR ELECTRICAL TRANSMISSION LINES AND RIGHT-OF-WAY RELATED TO THE SOUTH32 PROJECT (REQ: COUNTY MANAGER)

3. PURSUANT TO A.R.S. § 38-431.03(A)(3) AND (A)(4), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE, DISCUSSION OR CONSULTATION WITH THE COUNTY'S ATTORNEYS AND WITH ITS DESIGNATED REPRESENTATIVES TO CONSIDER THE COUNTY'S POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING THE SOUTH32 PROJECT (REQ: COUNTY MANAGER)

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

ADJOURNMENT

The meeting adjourned at 1:08 p.m. (motion: Vice-Chairman Bracker; second: Supervisor Molera; motion carried unanimously) (Ayes: Bracker, Molera, Ruiz)