

Board of Supervisors  
December 10, 2002  
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: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Carlos Rivera, Jennifer St. John, Dr. Larry Leslie, Jim Mummert, Susan C. Morales, Ray Klein, Sam Chilcote, Carol DeFazio, Sheriff Estrada, Ruth Barry, Bob Perry, Lori Adamson, Lt. Raul Rodriguez, G. Gutierrez, Lois Cooper, Liz Gutfahr, Karen Jacobson, Charles Hulse, Shiela Vasquez, Guy Tobin, Gary G., Richard Williams, Donna Beely, Ron Lehman, Felipe Fuentes.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that item #7, Approval of Minutes, be tabled for 1 week.

Supervisor Damon made a motion to adopt the Agenda, tabling approval of the minutes for 1 week; second by Vice-Chairman Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** Susan C. Morales, Economic Development Foundation, informed the Board that she just received a prospect information form from the Department of Commerce for a low/medium - medium/high security prison and requested direction on whether to pursue on behalf of the County; a response is required by 12/13.

Dr. Larry Leslie, Salero Ranch resident, addressed the Board on behalf of a new organization called The Baca Float Coalition; the Coalition consists of 3500 members from Salero Ranch, Tubac Foothills, Rio Rico Community Association, Morning Star Ranch and at-large members in the Baca Float area; the purpose of the Coalition is to work with the County on issues that concern those in the Baca Float area (fire protection, better postal service, access to I-19) and to better inform its members to improve their participation in the Democratic process.

Lt. Raul Rodriguez, Santa Cruz County Metro-Task Force, advised the Board that Arizona Criminal Justice Commission (ACJC) recently audited Metro-Task Force and officer safety needs were identified. ACJC was requested to assist in acquiring high-tech surveillance equipment for the Task-Force; as a result, the Santa Cruz County Sheriff's Department was granted \$65,000 on 11/22/02 to purchase the equipment.

**REPORTS:**

**BOARD OF SUPERVISORS:** Chairman Ruiz reported that he attended the LPC Meeting on Friday morning at the County Supervisors Association (CSA) to discuss the legislative Agenda; Santa Cruz County has 1 of the top 10 legislative Agenda items; a Special Meeting of the CSA was held to present the name of Lisa Atkinson to be the new Executive Director.

**MANAGER:** County Manager, Greg Lucero, reported that Senators McCain & Kyl, Congressman Kolbe & Congressman-elect Grijalva visited Santa Cruz County last week; however, Santa Cruz County officials were never notified of the visit. Mr. Lucero expressed hope that we would be notified in advance of future meetings/visits in order to participate.

Chairman Ruiz requested that a letter be drafted to those representatives expressing the County's disappointment and requesting that we be notified of future visits.

Mr. Lucero discussed potential State budget cuts that will impact Santa Cruz County.

There will be a CSA Board Meeting on Thursday; Small Counties will be held on Wednesday evening.

**FINANCE:** Finance Director, Jennifer St. John, reported \$3,855,177 in the General Fund; \$1,268,671 in the Road Fund; \$630,222 in the Flood Control District Fund; \$7,113,286 total for all funds; \$3,422,177 estimated end of month balance, compared to \$3,629,655 cash at December 2001, a difference of \$(207,478).

Miss St. John also reported that at 44.23% into the fiscal year, 42.04% has been collected and 35.17% spent.

**SHERIFF:** Sheriff Estrada congratulated Lt. Rodriguez for preparing and being awarded the ACJC grant mentioned under Call to the Public; reported that Saturday's auction brought in just under \$40,000 - \$525 to the General Fund and the remainder went to Anti-Racketeering.

Sheriff Estrada also reported that the current jail population is 73, 67 males and 6 females; 18 inmates have been sentenced to the County jail and 1 to the AZ Department of Corrections; 66 inmates

have been charged with felonies and 7 with misdemeanors; 17 (22%) are undocumented aliens; 11 have been committed to the County jail on a daily basis and 3 on a weekly basis. 52 persons were booked in during the past week.

Sheriff Estrada provided the Board with False alarm statistics – 1998: 7,133; 2001: 9,300; 01/02 – 11/02: 8,880. Average travel time and on-scene time per call is 20 minutes/7 seconds.

The Board recessed the Regular Meeting to convene the Public Hearings scheduled for 10:00 a.m. (RD/JM; c.u.)

## PUBLIC HEARINGS

**ORDINANCE #2002-10, CONTRACTOR’S MATERIAL YARD:** Community Development Department Director, Mary Dahl, stated that this Public Hearing is being held to solicit input for a proposed change to the County’s Zoning & Development Code regarding the land use of a Contractor’s Material Yard; the proposed change is to change the definition of a Contractor’s Material Yard and to provide for establishment of a Contractor’s Material Yard within the B-2 Zoning District upon approval of the Board of Adjustment.

Currently, the only place that a Contractor’s Material Yard is permitted is in the Industrial Zoning District.

The Planning Commission held a public hearing on these revisions and unanimously recommended the changes.

Public comment: none

**ORDINANCE #2002-11, DWELLING UNITS:** Community Development Department Director, Mary Dahl, stated that this item is a proposed amendment to the County’s Zoning & Development Code related to the establishment of Dwelling Units within the B-1 Neighborhood Business Zoning District.

Currently, dwelling units are permitted in the B-2 Zoning District in connection with the business.

The Planning Commission held a public hearing on this revision and unanimously recommended this change that would delete the dwelling units in connection with the business from the use on appeal in the B-1 District and insert it into the permitted uses in the B-1 District.

Public comment: none

**ORDINANCE #2002-12, REQUEST TO REZONE 99.88 ACRES FROM B-2 AND HR TO R-5:** Planning & Zoning Planner, Rick Hindmann, stated that this is a Public Hearing to discuss the approval of a rezoning application from Bella Vista Development Corp., to down zone 99.88 acres of B-2 (General Business) and HR (High Rise) to R-5 (Residential) in Block 704, 705 & 706 of Rio Rico Unit 7. The proposed land use will be a residential subdivision consisting of 235 lots in Urban Unit 7.

Vice-Chairman Maynard asked Mr. Hindmann to explain public concern mentioned at last week’s Study Session regarding this issue. Mr. Hindmann stated that concern was expressed related to the lack of sufficient commercial zoning that would remain in the area after this rezoning. The developers and engineers have guaranteed the Planning Department that there will be a minimum of 135 acres of commercial zoning remaining in the Rio Rico area after this rezoning.

Public Comment: Carol DeFazio stated that she is pleased to hear that this development will be under scrutiny by County Departments; expressed concern about additional traffic and destruction of the natural habitat and groundcover in the area, which could cause possible flooding.

Lori Adamson, President-Santa Cruz County Board of Realtors, read the following letter:

Santa Cruz County Board of Supervisors  
Manny Ruiz, Bob Damon, John Maynard  
Santa Cruz County Planning and Zoning Dept.  
Mary Dahl  
2150 N. Congress Dr.  
Nogales, AZ 85621

Re: Bella Vista Phase II

To Whom It May Concern:

As a follow up to the 12/3/02 letter I presented to the Board of Supervisors at their fact finding meeting last Tuesday I would like to submit this letter as a follow up and clarification.

The 12/3/02 letter was not meant to be a representation of the entire Santa Cruz County Board of REALTORS® membership. It was written as the result of a meeting of the Board of Directors of the Board of REALTORS® and was the opinion of the Board of Directors, not necessarily every one of our REALTORS® members.

We are not trying to stop Bella Vista II from being built. We realize the project is well on its way and we very much approve of the subdivision that Avatar has built and is building in Rio Rico. Our intent is to ask that county planners and the developer of Rio Rico to give some consideration to the need for commercial development in Rio Rico now and in the future. So that Rio Rico's fast growing population does not have to drive 10 miles into Nogales for the most basic needs.

At this time the entire state has been mandated to develop a smart growth plan. I feel it would be prudent for the county to invite input from our membership as well as a representative from Rio Rico Properties in order to see that our county does indeed develop a smart growth plan. Rio Rico with its 14,000 population needs to be able to grow as not only a place for homes for commuters but a real community with places to shop and work.

One real issue of concern for a long time has been the Frontage Rd. on the West side of I-19 between Ruby Rd. and Yavapai Dr. With the increase in homes concentrated at Yavapai Dr. in the two Bella Vista Phases and the new schools going in just north of Ruby Rd. the need for this Frontage Rd. is now of utmost importance. I urge the county to take into account traffic flows and street improvements when approving Bella Vista II. Additionally there is a nice boulevard planned at the southern edge of Bella Vista II. This boulevard is a very good idea and if put into place when Bella Vista II is being developed it would help alleviate some of the local traffic that needs to get from Yavapai or Providencia to the West Frontage Rd. near the post office and toward the existing schools. This would take some of the congestion off of the West Frontage Rd. and Yavapai intersection.

Thank you for the opportunity to speak at this meeting today. Again these views are not necessarily the views of every member of the Santa Cruz County Board of REALTORS®, I am writing and speaking on my own behalf.

Sincerely,

Lori Adamson  
President, Santa Cruz County Board of REALTORS®

Cc: Rio Rico Properties

Richard Williams, Rio Rico Homes & Land, Inc., spoke in favor of the rezoning request and stated that the organized growth of commercial development is very important to Rio Rico

Lois Cooper, Burns Realty, speaking as a member of the Rio Rico community, spoke in favor of the rezoning request and requested that the Board consider the commercial base needed in Rio Rico, prior to approving future rezoning requests from commercial to residential.

Charles Hulsey, WLB Group-representing Avatar, provided the Board with maps showing proposed improvements that will happen along the Santa Cruz River (Anza Trail) and Sonoita Creek (Park) and maps showing the Bella Vista Development.

Chairman Ruiz again requested that Planning & Zoning Commission Agendas be faxed to the Santa Cruz County Board of Realtors.

The Public Hearings adjourned and the Regular Meeting reconvened. (JM/RD; c.u.)

**SANTA CRUZ COUNTY WELLNESS PROGRAM REVIEW:** Erin Collins & Sheri Gallagher, Arizona Local Government Employee Benefit Trust, provided the Board with a review of the Santa Cruz County Wellness Program.

**ACTION ITEMS:**

**ORDINANCE #2002-12, REZONING 99.88 ACRES FROM B-2 AND HR TO R-5:** Planning & Zoning Planner, Rick Hindmann, stated that on 10/24/03, the Planning & Zoning Commission gave conditional approval to this request from Bella Vista Development Corp.; the conditions of the Commission are: **1.** That the final plat, when submitted for final approval to the Board of Supervisors shall have the same dedication and hold harmless language as was written and recorded on the Bella Vista I Plat; **2.** That the Land Development Agreement, Assurance Agreement, CC&R's and any other applicable contract and documents shall be filed with the recorded final plat; **3.** Compliance with all local, State and Federal ordinances and regulations.

In addition to these stipulations, staff requests that the Board consider adding a fourth condition that specifically requires a traffic impact study and existing pavement surface evaluation be conducted and submitted to the County **prior** to the submittal of any tentative subdivision plat associated with this rezoning: **4.** A traffic impact study and pavement surface evaluation for all affected local and frontage road segments shall be provided that includes recommendations for off site and off tract improvements for the entire project taking into consideration existing and proposed zoning densities in the area and existing and proposed land uses. This study and evaluation shall be submitted for review by County staff prior to the submittal of any Tentative Plat documents.

Attorney Masee submitted a recommendation from the Board to add a 5<sup>th</sup> condition to rezone these parcels, namely that Avatar convey to the County, Lot M, Block 125 of Estates Unit 13, approximately 22,33 acres for a public park on the west side of Rio Rico to serve this subdivision, as well as current residents; this parcel is along Calle Calabasas and bordered by Circulo Golondrina.

Chairman Ruiz asked Guy Tobin, Rio Rico Properties, if the 5<sup>th</sup> condition was acceptable to him; Mr. Tobin responded that the 5<sup>th</sup> condition is acceptable to him but questioned that if the County adopts park impact fees in the future, would these lots be subject to the fee? Attorney Masee believes that because the County would be tying the park to the subdivision, if and when the County adopts impact fees, the homes within this subdivision would be excluded from the park overlay portion of the impact fee.

Vice-Chairman Maynard believes that no credit for impact fees should be leveraged.

Supervisor Damon made a motion to approve Ordinance #2002-12, with the 5 conditions as presented by staff, including the last condition for the park; second by Vice-Chairman Maynard; motion carried unanimously.

**ORDINANCE #2002-10, CONTRACTOR'S MATERIAL YARD:** Community Development Department Director, Mary Dahl, stated that this Ordinance would change the Zoning & Development Code to provide for Contractor's Material Yards as a use permitted on appeal in the B-2 Zoning Districts, subject to approval of the Board of Adjustment and would also revise the definition of Contractor's Material Yards in Article 2 definitions as recommended by the Planning & Zoning Commission.

Vice-Chairman Maynard made a motion to approve the Ordinance as presented; second by Supervisor Damon; motion carried unanimously.

**ORDINANCE #2002-11, DWELLING UNITS:** Community Development Department Director, Mary Dahl, stated that Ordinance #2002-11 would change the Zoning & Development Code to provide in the B-1 neighborhood business for establishment of a dwelling unit in connection with an established business as a permitted use and to delete it as a use on appeal to be processed through the Board of Adjustment, as recommended by the Planning & Zoning Commission.

Supervisor Damon made a motion to approve the Ordinance; second by Vice-Chairman Maynard; motion carried unanimously.

**AZ DEPARTMENT OF REVENUE IGA:** Supervisor Damon made a motion to approve the Intergovernmental Agreement with the Arizona Department of Revenue for property tax data processing services for the 2003 tax year; second by Vice-Chairman Maynard.

County Manager, Greg Lucero, informed the Board that only \$42,000 was budgeted for this item and the actual cost is slightly over \$44,000; the Assessor's Budget will need to be adjusted.

Motion carried unanimously.

**BOND FOR DUPLICATE WARRANT #4-541907** payable to Cheerleader & Danzteam in the amount of \$586.08 dated 8/14/02 was approved as submitted. (RD/JM; c.u.)

The Regular Meeting recessed at 11:20 a.m. to convene in Executive Session and reconvened at 12:07 p.m. (JM/RD; c.u.)

**SANTA CRUZ COUNTY V. LAWYERS TITLE TRUST OF ARIZONA ET AL. CV-02-182:** Vice-Chairman Maynard made a motion to table action on this item; second by Supervisor Damon; motion carried unanimously.

Meeting adjourned at 12:10 p.m.

STUDY SESSION  
2:00 P.M.

The Board met in a Study Session. Present: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Greg Lucero, County Manager; Melinda Meek, Clerk. Also present: Mary Dahl, Rick Hindmann.

**REQUEST TO REZONE 17.46 ACRES FROM MF TO GR (CRISTA SIMPSON):** Planning & Zoning Planner, Rick Hindmann, informed the Board that this Study Session was scheduled to review and discuss Case #02-11, a request from Ms. Crista Simpson to rezone approximately a 17.46 acre parcel from MF (Multi-Family) to GR (General Rural), which constitutes a down zoning; the property is located at 2072 Pendleton Drive in Rio Rico; a Public Hearing to consider this matter is scheduled for 12/17/02.

On 11/20/02, the Planning Commission gave conditional approval of this rezoning request from MF to GR rangeland for grazing and keeping horses.

Study Session adjourned at 2:05 p.m.

JOINT SESSION  
6:00 p.m.

The Board met in a Joint Session with the Mayor and Council of the City of Nogales at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: SANTA CRUZ COUNTY: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk; Jennifer St. John, Finance Director; Mary Dahl, Community Development Director; Louis Chaboya, Emergency Management. CITY OF NOGALES: Marco Lopez, Jr., Mayor; Council Members Jose De La Ossa, Jeff Gudenkauf, Daniel Rodriguez, Albert Kramer, Rosa Padilla; H. Sue Neilsen, City Clerk/Manager; Jose Luis Machado, Attorney; Robert Pattison, Mayra Zuniga. Also present: Sally Bender, Joe Hughes, Joyce Hubbard, G. Gutierrez, Jeannette Rorvik, Rene Canez, Jr., Jose J. Moraila.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that item #E-3, HazMat Vehicle Maintenance Operation MOU, be tabled to a future meeting, to allow for further review.

Vice-Chairman Maynard made a motion to adopt the Agenda, tabling item #E-3 for a future meeting; second by Supervisor Damon; motion carried unanimously.

Mayor Lopez called the City of Nogales' Meeting to order.

**CALL TO THE PUBLIC:** Mayor Lopez presented Certificates of Appreciation to the following members of the Joint No Smoking Ordinance Committee who were appointed by the City of Nogales: Hector Martinez Jr., Natalia Papachoris, Jeannette Rorvik and Yara Sanchez.

Chairman Ruiz presented Certificates of Appreciation to the following members of the Joint No Smoking Ordinance Committee who were appointed by Santa Cruz County: Joyce Hubbard, Jaime Moraila Jr. and Manuel Coppola.

**REPORTS:**

**JOE HUGHES, TRANSPORTATION ISSUES:** Mr. Hughes reported that there is new leadership in the House and Senate and 33 of the 60 members of the House are new. The House Transportation Committee consists of 7 urban members and 5 rural members; however, there is good rural leadership in the Senate. Senator Linda Binder will Chair the Senate Transportation Committee, a 7-member committee (4 rural/3 urban), which puts rural Arizona in a good bargaining position.

The most significant transportation issue, other than the budget, will be the extension of the ½ sales tax for Maricopa County to a statewide sales tax; negotiations for proposed legislation are ongoing.

**LEGISLATIVE UPDATE:** Sally Bender, County Supervisors Association Interim Executive Director, reported that the Legislature convened in a 1-day Special Session on 11/25/02 and passed 1 bill - SB1001, which reduced the State's budget deficit by \$220 million, leaving approximately \$280 million.

The following are some of the proposed cuts: the Motor Vehicle Pool Revolving Fund was reduced by \$2.4 million; a Drug Treatment & Education Revolving Fund was reduced by \$1 million; the State Lottery Fund was reduced by \$1 million; renovation of the Arizona State Hospital Forensic Building will be delayed for a savings of \$10.4 million; other health care issues will be reduced; the largest reduction was to the State Highway Fund for a \$27 million grant, however, the Governor line item vetoed that reduction.

The Governor also line item vetoed the following: \$434,000 were restored to the Department of Corrections; funding for the Drug Treatment & Education Revolving Fund was restored; funding for the Arizona Corrections Industry Revolving Fund was restored; funding for the Department of Emergency & Military Affairs was restored and a self-insurance program that was passed during the regular session, will be delayed for 1 year.

The biggest challenge will be the budget; Governor-elect Napolitano will be looking for federal funding; the Governor's budget is due on 1/20/03.

Mayor Lopez requested support for the Expenditure Limitation Bill for Cities and Towns.

**ACTION ITEMS:**

**JOINT SANTA CRUZ COUNTY/CITY OF NOGALES "NO SMOKING ORDINANCE":**  
County Manager, Greg Lucero, stated that at the last joint meeting between the City of Nogales and Santa Cruz County, the City Council and the Board of Supervisors established a "No Smoking Ordinance Committee" consisting of 3 appointees from the City and 3 from the County plus the City Manager and the County Manager; the Committee was directed to meet and review the proposed "No Smoking Ordinance" and return with a recommendation to both governing bodies.

A facilitator was retained to run the process and a total of 4 meetings were held between 11/12/02 – 12/3/02; the meetings were posted and were held at Nogales City Hall; the Meetings were open to the public, but no one other than the Committee members attended, including the press.

The initial meetings focused on the burdensome aspects of the proposed Ordinance that apply to business and restaurant owners; while there was consensus to create a smoke free environment within these businesses, the committee felt the building renovation and modification work mandated in the Ordinance was too taxing on business and restaurant owners; the Ordinance was revised to achieve a smoke free atmosphere through compliance rather than enforcement; the end result is the Ordinance that is before the Council and Board for discussion and possible action.

The Ordinance included in the Meeting packets was drafted so that both bodies can either adopt it separately or jointly. The adoption procedures are different for both bodies; the City of Nogales has the ability to adopt the Ordinance today while the County is required to post 15 days prior to the Meeting, hold a Public Hearing, have the draft Ordinance available for public review and then it can be adopted.

In an effort to assist businesses in achieving compliance, the Ordinance would not become effective until 90 days after adoption; if it appears that a hardship exists, an owner could petition for a 90-day extension with significant justification.

Vice-Chairman Maynard requested comments from the public and/or Committee members.

Joyce Hubbard, No Smoking Ordinance Committee member, stated that the proposed Ordinance is the result of cooperative effort on behalf of the Committee members.

Rene Canez, Bowling Alley owner, stated that the bowling leagues dictate whether a particular day/evening will be smoking or non-smoking; he has a schedule designating smoking/non-smoking days; if the proposed Ordinance is implemented, it will be detrimental to the bowling alley.

Councilman Rodriguez stated that a grandfather clause should be included for already established businesses that would be required to make modifications in order to comply and an exemption/waiver due to hardship.

Mrs. Hubbard stated that the Committee had specific discussions in its meetings regarding bowling alleys but received no public input.

Mr. Lucero cautioned the Board and Council in creating exemptions for specific businesses.

Mr. Lucero stated that the Board of Supervisors could meet to adopt the Ordinance on 1/7/03 to become effective 4/7/03.

City Attorney Machado, noted the following changes to be made to the Ordinance as requested by the Board and Council: Section One (I) add "nor are parties, functions, gatherings, etc., of a private nature."; Section Three (J) "including joint" will be deleted; Section Six (A) "but employers are not required to incur any expense to make structural or other physical modifications" will be deleted; Section Six (B)(3) "employees" will be replaced with "employers"; Section Nine (C) add "and/or designees" at the end of the section; Section Nine (D) replace "fire department" with "City and/or County"; Section Twelve

will specify that the effective date will be 4/7/03; Section Fifteen "restaurant" will be replaced with "business".

Councilman DeLaOssa made a motion to approve the Ordinance with the amendments as stated; second by Councilman Kramer; motion carried. (5-1: Councilman Rodriguez: nay)

Supervisor Damon made a motion to approve the Joint City/County Ordinance stipulating the dates and posting requirements; second by Vice-Chairman Maynard; motion carried unanimously.

**ANIMAL CONTROL INTERGOVERNMENTAL AGREEMENT:** County Manager, Greg Lucero, stated that this item was discussed in a previous Joint City/County Meeting and was tabled in order to find a way to accommodate the picking up of dead animals within the City limits; the issue was researched internally to determine how the County could fulfill the City's request and staff has determined that an additional body and vehicle would be necessary to do so; costs for an additional body & vehicle were not budgeted for by either entity.

It was been suggested that the County waive the tipping fees for the City to dispose of the dead animals picked up within the City limits and that's what is being presented in the proposed IGA before the City and County at this meeting.

H. Sue Neilsen, City Manager/Clerk, stated that she discussed this proposal with Mr. Garino, Public Works, who indicated that it would be helpful. Ms. Neilsen stated that staff recommends approval.

Mayor Lopez stated that he is not comfortable with the fact that the City of Nogales is paying 60%, up to \$189,275 and is not receiving equal service; he suggested that since the City is already paying 60%, include the additional body and vehicle and the City would pay 60% of that also in order to receive equal service.

Chairman Ruiz suggested that the only way to determine true costs would be to conduct a cost analysis.

City Attorney Machado stated that the previous IGA has expired; however, it includes a provision that if the parties continue to operate, it's done so under the previous terms and conditions.

Councilman Rodriguez suggested that the City approve the proposed IGA, which expires in 6/03, consider the results of the cost analysis and then determine if it would be more cost efficient for the City to operate its own animal control service.

Councilman Kramer made a motion to table the item; Council Kramer then withdrew his motion.

Councilman Kramer made a motion to approve the IGA and direct staff to request an audit of the costs of operation of the Animal Control Department so that the exact fees for picking up dead animals can be determined as authorized under Section 5 (e) of the IGA; second by Councilman Rodriguez; motion carried unanimously.

Supervisor Damon made a motion to approve the Animal Control IGA with the City until 6/30/03; second by Vice-Chairman Maynard; motion carried unanimously.

**HAZMAT VEHICLE MAINTENANCE & OPERATION MEMORANDUM OF UNDERSTANDING:** Councilman Kramer made a motion to postpone this item for further review; second by Councilman Rodriguez; motion carried unanimously.

Meeting adjourned at 8:05 p.m.

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Clerk of the Board

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Manuel Ruiz, Chairman

Board of Supervisors  
December 17, 2002  
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: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Carlos Rivera, Mayra Ochoa, John Hays, Mary Dahl, Ray Klein, Carol DeFazio, Jim Mummert, Ruth Barry, Leonard Fontes, Louis Chaboya, Clariza M. Baron, Vanezza Andrade, Jose M. Yanez, Larry Leslie, Sarah Bailey, Scott Davis, Sheriff Estrada, John DeStefano, G. Gutierrez.

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

**ADOPTION OF AGENDA:** Vice-Chairman Maynard made a motion to adopt the Agenda as posted; second by Supervisor Damon; motion carried unanimously.

**CALL TO THE PUBLIC:** Jim Mummert presented the annual Holiday carrot cake, baked by his wife Maggie, to the Board and Staff and wished all a happy holiday season.

Carol DeFazio addressed the Board concerning the continued roaming dog dilemma on the West Frontage Road; she was told that leash law signs are posted in Rio Rico, to date, she has only seen 1 on Pendleton Drive.

Chairman Ruiz requested that the County Manager relay this concern to the Animal Control Department.

Deputy Chips Dolores informed the Board that the DARE program received a contribution on 12/12/02 from the White Elephant in the amount of \$1,000; this contribution will be used to assist in taking approximately 125 students to National DARE Day on 4/17/03 in Glendale, AZ.

The Board recessed the Regular Meeting to convene as the Flood Control District Board. (JM/RD; c.u.)

**FLOOD CONTROL:**

**CONTRACT AMENDMENT-NORTH RIVER ROAD DRAINAGE IMPROVEMENTS:**

Floodplain Coordinator, John Hays, stated that this is an amendment to the Contract with J.E. Fuller Hydrology & Geomorphology, Inc., for design work for drainage problems along North River Road; this amendment will result in the completion of construction plans of the preferred option of reconstructing a portion of North River Road and constructing a drainage ditch to convey floodwaters between properties; the cost of the contract amendment is \$13,800.

Supervisor Damon made a motion to approve the Contract Amendment for the North River Road drainage improvements; second by Vice-Chairman Maynard; motion carried unanimously.

The Board adjourned as the Flood Control District Board and reconvened the Regular Meeting. (RD/JM; c.u.)

**REPORTS:**

**BOARD OF SUPERVISORS:**

Chairman Ruiz announced that a memorial service for George Post will be held today at 2:00 p.m. at the 1904 Courthouse; he and Vice-Chairman Maynard attended the groundbreaking ceremony for the Boys and Girls Club; he attended the Christmas celebration with Congressman Pastor.

**MANAGER:** County Manager, Greg Lucero, reported that he attended last week's Small Counties Forum Meeting; he met with GADA and Bond Attorneys to discuss financing options and vehicles for capital projects; negotiations have begun with Pima Community College for next year's Contract for services.

**FINANCE:** Sr. Accountant, Mayra Ochoa, reported \$3,885,477 in the General Fund; \$1,231,620 in the Road Fund; \$673,245 in the Flood Control District Fund; \$7,450,976 total for all funds; \$3,526,637 estimated end of month balance, compared to \$3,629,655 cash at December 2001, a difference of \$(103,018).

**SHERIFF:** Sheriff Estrada reported that the current jail population is 72, 66 males and 6 females; 27 inmates have been sentenced to the County jail and 3 to the AZ Department of Corrections; 58 inmates have been charged with felonies and 14 with misdemeanors; 18 (25%) are undocumented aliens; 11 have been committed to the County jail on a daily basis and 3 on a weekly basis.

54 persons were booked in during the past week; 184 calls for service were received, of which 41 were 911 calls.

**NOGALES CYBERPORT PROJECT PRESENTATION:** Scott Davis, University of Arizona-Office of Economic Development, Project Manager for the Nogales CyberPort Project, provided the Board with an update on the Nogales CyberPort Project. Mr. Davis stated that development of a final set of proposals and recommendations is tentatively scheduled to be released in mid-late January and presented the Board with a summary document that pre-empts the final recommendations.

The Board recessed the Regular Meeting to convene the Public Hearings scheduled for 10:00 a.m.

**PUBLIC HEARINGS**

**REQUEST TO REZONE 17.46 ACRES FROM MF TO GR, RIO RICO (CRISTA SIMPSON):** Planning & Zoning Planner, Rick Hindmann, informed the Board that this is a petition to approve an application from Crista Simpson to rezone from MF (Multi-Family) to GR (General Rural) on a

portion of lot A, Block 464, Rio Rico Estates Unit 16, Rio Rico, Arizona; an updated survey reflects the correct acreage of 19.06 rather than 17.46; the proposed land use is grazing of horses and future residential.

The Public Works Department, Flood Control, Acting County Engineer and the Rio Rico Fire District have reviewed the parcel map and concur that it is adequate for the zoning amendment to be approved; any new roadways in the future, will be constructed to County standards.

PUBLIC COMMENT: Carol DeFazio stated that she believes the property is located in the Tubac Fire District, not the Rio Rico Fire District.

**REQUEST TO AMEND ORDINANCE #2001-05, SANTA CRUZ COUNTY BUILDING SAFETY CODE (CASE #02-15):** Community Development Department Director, Mary Dahl, informed the Board that this Public Hearing has been scheduled to solicit input on a proposed change to the Building Safety Code.

The changes are to amend Section 105.5 of the International Residential and Building Code related to expiration of permits and would adopt the Accumulative Supplements to the International Codes adopted by the Board in 2001.

The Planning Commission held a Public Hearing on this issue on 11/20/02 and unanimously recommended that the Board adopt the proposed changes.

Supervisor Damon asked if any contractors attended the Planning Commission Public Hearing; Ms. Dahl responded no; Supervisor Damon asked if the Public Hearing was properly advertised; Ms. Dahl responded yes.

PUBLIC COMMENT: None

The Public Hearings adjourned and the Board reconvened the Regular Meeting. (JM/RD; c.u.)

**REPORTS (continued):**

**UPDATE ON WORKFORCE DEVELOPMENT ONE-STOP CENTERS:** WIA Director, Nils Urman, provided the Board with an update on Workforce Development One-Stop Centers in Santa Cruz County. Mr. Urman introduced staff members Vanezza Andrade, who recently graduated from NAU with a Bachelors Degree in Education and Clariza Baron, who was 1 of 30 individuals in the U.S. selected to attend a WIA Leadership Academy in Washington, D.C. in November.

**ACTION ITEMS:**

**APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT** for the International Club on 12/20/02 was approved as submitted. (JM/RD; c.u.)

**ORDINANCE #2002-13 (CASE #02-11) RECLASSIFYING 19.06 ACRES FROM MF TO GR (CRISTA SIMPSON):** Planning & Zoning Planner, Rick Hindmann, stated that on 11/20/02 the Planning Commission gave conditional approval to this request from Crista Simpson to rezone her parcel from MF to GR for grazing and keeping horses; the subject parcel consists of 19.06 acres and is situated adjacent to the Santa Cruz River at the northern end of Rio Rico.

The Planning Commission recommended conditions as follows: 1. Acknowledgement that if the applicant decides to proceed to the development stage, the required infrastructure such as adequate and appropriate sewerage, water systems, ingress/egress, hydrology/hydraulics and parcel configuration will be reviewed by the appropriate Santa Cruz County agencies as required by law and 2. Compliance with all Federal, State and County regulations.

Vice-Chairman Maynard made a motion to adopt Ordinance No. 2002-13 to amend Ordinance 3A of 1973 reclassifying approximately 19.06 acres (Parcel #115-20-001C) from MF (Multi-Family) to GR (General Rural), on a portion of lot A, Block 464, Rio Rico Estates Unit 16, Rio Rico, Arizona; second by Supervisor Damon; motion carried unanimously.

**ORDINANCE #2002-14, AMENDING ORDINANCE #2001-05-SANTA CRUZ COUNTY BUILDING SAFETY CODE (CASE #02-15):** Supervisor Damon made a motion to approve Ordinance #2002-14, an amendment to Ordinance #2001-05, known as the Santa Cruz County Building Safety Code, providing for expiration of permits and adopting the Accumulative Supplement to the International Codes (Case #02-15); second by Vice-Chairman Maynard; motion carried unanimously.

**WORKFORCE DEVELOPMENT ACT-LEASE AT 2921 N. GRAND AVENUE:** WIA Director, Nils Urman, requested authorization from the Board to lease additional space at 2921 N. Grand Avenue in order to provide training and services for Welfare-to-Work clients; the proposed lease is for 13½ months and is grant funded.

Supervisor Damon made a motion to approve the request from Workforce Development to enter into a lease at 2921 N. Grand Avenue; second by Vice-Chairman Maynard; motion carried unanimously.

Vice-Chairman Maynard amended the motion to include authorization for Carlos Rivera to execute the Lease on behalf of the County; Supervisor Damon seconded the amendment; motion-amendment carried unanimously.

**ORDINANCE #2002-02-PRETREATMENT ORDINANCE:** Attorney Hawn informed the Board that this is a comprehensive Ordinance that sets forth the necessary regulations for wastewater discharges related to the Nogales International Wastewater Treatment Plant; the City of Nogales requested that the Board of Supervisors enact this Ordinance because the Treatment Plant is located in the County and the City would not have the jurisdiction to enforce its own regulations in the unincorporated area otherwise. A Public Hearing regarding this matter was held earlier in the year.

Vice-Chairman Maynard made a motion to approve Ordinance #2002-02, an Ordinance by the Board of Supervisor of Santa Cruz County setting Uniform Requirements for Discharges of Wastewater into Wastewater Treatment Plants which are subject to National Pollution Discharge Elimination System (NPDES) Permit Regulation in Santa Cruz County, also known as the Pretreatment Ordinance; second by Supervisor Damon; motion carried unanimously.

**IGA WITH CITY OF NOGALES FOR PRETREATMENT ORDINANCE ADMINISTRATION AND ENFORCEMENT:** Attorney Hawn stated that this IGA is for the administration and enforcement of the Pre-treatment Ordinance; the City of Nogales would provide the personnel for enforcement and administration and would keep its statutory portion of fines/fees; legal action would be at the direction and control of the County Attorney.

Supervisor Damon made a motion to approve the IGA with the City of Nogales for Pretreatment Ordinance Administration and Enforcement; second by Vice-Chairman Maynard; motion carried unanimously.

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Court Clerk position in JP#1 and a vacant Deputy Sheriff position. (RD/JM; c.u.)

**CULTURAL PARTNERSHIPS FOR YOUTH-AT-RISK GRANT FROM THE U.S. DEPARTMENT OF EDUCATION:** County School Superintendent, Roberto Canchola, stated that staff recommends that the Board of Supervisors approve the Cultural Partnerships for Youth-at-Risk Grant with the U.S. Department of Education. The Santa Cruz County Superintendent of Schools, in collaboration with the Santa Cruz County Workforce Development, was recently awarded a grant to increase student academic performance and educational attainment through participation in arts programming for at-risk youth; the grant provides 3 years of funding at approximately \$290,000 per year for approximately \$870,000 in total; there is no match required for this grant.

Supervisor Damon made a motion to approve the Cultural Partnerships for Youth-at-Risk Grant from the U.S. Department of Education; second by Vice-Chairman Maynard; motion carried unanimously.

**PROJECTS WITH INDUSTRY GRANT FROM THE U.S. DEPARTMENT OF EDUCATION:** WIA Director, Nils Urman, stated that the Santa Cruz County Workforce Development is requesting the Board's approval to accept the Projects with Industry grant with the U.S. Department of Education; the grant provides 3 years of funding at approximately \$195,000 per year; there is a 20% match of in-kind services.

Vice-Chairman Maynard made a motion to approve the Projects with Industry Grant from the U.S. Department of Education; second by Supervisor Damon; motion carried unanimously.

**REQUEST APPROVAL TO INTERVENE IN ARIZONA MINORITY COALITION FOR FAIR REDISTRICTING ET AL. V. ARIZONA INDEPENDENT REDISTRICTING COMMISSION ET AL, MARICOPA COUNTY CAUSE NO. CV2002-004380:** Attorney Hawn reminded the Board that they previously authorized intervention in federal Court Cases regarding redistricting; there is also a State case which was delayed pending the outcome of the Federal Case; the Federal case has been resolved and the State case is now active again and a hearing is set for 07/03. Attorney Hawn stated that she placed this item on today's Agenda to determine if the Board desires to intervene in the State case regarding redistricting.

Vice-Chairman Maynard made a motion to approve the County's intervention in Arizona Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission, et al., Maricopa County Cause No. CV-2002-004380 and direct staff to take necessary action to intervene; second by Supervisor Damon; motion carried unanimously.

**QWEST MAINTENANCE AGREEMENT-COUNTY'S PHONE SYSTEM:** County Manager, Greg Lucero, informed the Board that the warranty for the County's new phone system has

expired and this is a new servicing contract that would cover maintenance and service for the system for the amount of \$14,594.30 to be paid from the Board's Other Professional Services line item.

Supervisor Damon made a motion to approve the Maintenance Agreement with Qwest for the County's phone system; second by Vice-Chairman Maynard; motion carried unanimously.

**BOND FOR DUPLICATE WARRANT #3-101191** payable to Irma L. Fuller in the amount of \$645.27 dated 11/29/02 was approved as submitted. (JM/RD; c.u.)

**TAX VALUATION ADJUSTMENTS #102-05-007-5** – Galvan, Aristeo, Resolution No: S20020000069 and 103-25-046-3 – Giron, Francisco J, Resolution No: S20020000070 were approved as submitted. (RD/JM; c.u.)

**MONTHLY REPORTS** were approved as submitted. (JM/RD; c.u.)

**MINUTES** of 10/22/02, 10/29/02, 11/5/02, 11/8/02 and 11/12/02 were approved as submitted. (RD/JM; c.u.)

**DEMANDS** were approved in the total amount of \$555,844.37 of which \$203,840.69 is from the General Fund. (JM/RD; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$203,840.69; **Road:** \$128,397.31; **Waste Tire Grant (ADEQ):** \$3,271.24; **Animal Control:** \$1,743.95; **Anti-Racketeering #2:** \$1,742.71; **H.I.D.T.A. Grant 11:** \$1,727.41; **Juvenile Probation Fees:** \$2,471.52; **Adult Probation Fees:** \$2,870.59; **PIC-ACT:** \$1,841.68; **Community Punishment Program:** \$1,630.39; **F.B.I. Seizure Grant:** \$9,163.13; **Drug Treatment & Education:** \$1,727.60; **Flood District:** \$9,826.93; **Fire Districts Secondary:** \$74,812.00; **Cultural Youth at Risk:** \$5,000.00; **W.I.A. Youth Program:** \$6,436.72; **W.I.A. Adult:** \$30,760.03; **W.I.A. Administration:** \$4,942.81; **Building Debt Service:** \$53,655.00

To review these demands for this date, refer to Binder #13 which accompanies this book.

Meeting adjourned at 10:35 a.m.

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Manuel Ruiz, Chairman

Board of Supervisors  
January 7, 2003  
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: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Juan Barajas, Ben Stepleton, Sheriff Estrada, Felipe Fuentes Jr., Jeff Gudenkauf, Ray Klein, Ruth Barry, Carol DeFazio, Jim Lamb, Larry Leslie, G. Gutierrez, Karl Moyers, Victor Gabilondo, Caesar Ramirez.

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

**ADOPTION OF AGENDA:** Supervisor Damon made a motion to adopt the Agenda, tabling item #10 - Approval of 11/19/02 Minutes, for 1 week; second by Vice-Chairman Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** No response

**ACTION ITEMS:**

**CITIZEN CORPS COUNCIL SUPPORT & ELECTED OFFICIAL PARTICIPATION:**

Director of Emergency Management, Louis Chaboya, informed the Board that President Bush has requested that all Americans dedicate 4,000 hours to volunteer efforts; he then launched the USA Freedom Corps initiative to inspire and enable all Americans to find ways to serve their community, country and the world; Citizen Corps is a component of USA Freedom Corps; a Citizens Corps Council must be formed.

Through the Arizona Division of Emergency Management, Santa Cruz County received \$2,119 for the formation and funding of the Citizen Corps Council and will be used to produce informational documents. Santa Cruz County also received approximately \$9,000 for the formation of a Community Emergency Response Team.

Mr. Chaboya requested that the Board approve the formation of a Santa Cruz County Citizen Corps Council and appoint a member of the Board to the Council.

Supervisor Damon made a motion to approve the formation of the Santa Cruz County Citizen Corps Council and to appoint Vice-Chairman Maynard to the Council; second by Chairman Ruiz; motion carried unanimously.

The Board recessed the Regular Meeting to convene as the Flood Control District Board. (JM/RD; c.u.)

**FLOOD CONTROL:**

**DIRECTOR'S/PROJECT REPORT:** Submitted in writing.

**PUBLIC COMMENT:** None

The Board adjourned as the Flood Control District Board and reconvened the Regular Meeting. (RD/JM; c.u.)

**REPORTS:**

**BOARD OF SUPERVISORS:** Chairman Ruiz reported that yesterday, he and Dennis Miller attended Governor Napolitano's Inauguration where the Mayor of the City of Nogales, Marco Lopez, was Master of Ceremonies and also met with State Representatives Graf, McClure and Alvarez; welcomed City of Nogales Council Member, Jeff Gudenkauf, to the Board's Meeting.

Vice-Chairman Maynard commended the work of the Tubac Fire Department and Santa Cruz County Emergency Management in responding to the derailment that occurred in the Rio Rico/Tubac area; reported that he presented 2 bottles of wine from the Sonoita Vineyards to Congressman Kolbe and Congressman-elect Grijalva on behalf of the Board.

The Board extended Happy New Year wishes to all.

**MANAGER:** County Manager, Greg Lucero, reported that he attended an Economic Development Forum, last Friday, with the Union Pacific Railroad; a Border Policy Forum is scheduled for Thursday and Friday in Rio Rico, hosted by SEAGO; the AACo Legislative Day program will be held on 2/28 & 2/29; the Small Counties Forum will be held on Thursday, Santa Cruz County is hosting this month and should be represented.

**FINANCE:** Sr. Accountant, Mayra Ochoa, reported \$3,814,717 in the General Fund; \$1,295,298 in the Road Fund; \$665,852 in the Flood Control District Fund; \$7,304,244 total for all funds; \$2,816,902 estimated end of month balance, compared to \$2,766,366, a difference of \$50,536.

**TAX COLLECTION:** Deputy Barajas reported \$18,523.64 total tax collected for the month of December 2002.

Deputy Barajas announced that today would be his last day of employment with the Santa Cruz County Sheriff's Department as he has accepted employment with Immigration & Naturalization Service. Deputy Barajas thanked the Board and Sheriff Estrada for their support and stated that he will remain as a Reserve Officer with the Sheriff's Department.

County Treasurer, Caesar Ramirez, stated Deputy Barajas has been instrumental in actively collecting delinquent taxes and expressed appreciation to him for his diligent efforts.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 61, 58 males and 3 females; 20 inmates have been sentenced to the County jail; 54 inmates have been charged with felonies and 7 with misdemeanors; 16 (26%) are undocumented aliens; 7 inmates have been committed to the County jail on a daily basis and 2 on a weekly basis.

46 persons were booked in during the past week.

**ACTION ITEMS (continued):**

**RENEWAL OF BLM LEASE AGREEMENT –SONOITA/ELGIN LANDFILL:** Solid Waste Manager, Karl Moyers, informed the Board that the Lease Agreement with BLM for the Sonoita/Elgin Landfill expired in September 2000; the lease is for the amount of \$10 per year, \$40 for the term of the 4-year Contract.

Vice-Chairman Maynard made a motion to approve the renewal of the Lease Agreement with Recreation & Public Purposes (BLM) Lease #AZA4413 for the Sonoita/Elgin Landfill; second by Supervisor Damon; motion carried unanimously.

**AUTHORIZATION TO REPLACE VEHICLES FOR ROAD DIVISION:** Public Works Director, Victor Gabilondo, requested authorization from the Board to replace 3 vehicles, which have repair costs far exceeding the value of the vehicles; the total cost will be \$72,299.22 secured through the Arizona State Procurement Contract budgeted under the Road Fund.

Supervisor Damon made a motion to authorize the Public Works Department to replace 3 vehicles for the Road Division; second by Vice-Chairman Maynard; motion carried unanimously.

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Deputy Sheriff position. (JM/RD; c.u.)

The Board waived the hiring freeze to fill a vacant Secretary position in the Building Codes Department. (RD/JM; c.u.)

**IGA WITH AZ DEPARTMENT OF CORRECTIONS FOR OFFICER CERTIFICATION TRAINING:** Sheriff Estrada informed the Board that for the past several years, the Santa Cruz County Sheriff's Office has been enrolling its Detention Officer recruits at the Arizona Correctional Officer Training Academy for Correctional Officer Certification Training; the Department of Corrections is now being required to formally enter into an Agreement with those agencies participating in their training facility; the cost to the County for each candidate to attend a 7-week course is \$750 and is funded with Jail Enhancement Funds.

Supervisor Damon made a motion to approve the Intergovernmental Agreement between the Sheriff's Department and the Arizona Department of Corrections to provide Correctional Officer Certification Training; second by Vice-Chairman Maynard; motion carried unanimously.

**RESOLUTION #2003-01 – PUBLIC FIDUCIARY:** Deputy County Manager, Carlos Rivera, informed the Board that this Resolution will allow certain Public Fiduciary staff members to act as the Public Fiduciary when Rita Ashford is not available.

Supervisor Damon made a motion to approve Resolution #2003-01 pertaining to the Santa Cruz County Public Fiduciary; second by Vice-Chairman Maynard; motion carried unanimously.

#### **RESOLUTION # 2003-01**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS, SANTA CRUZ COUNTY, ARIZONA PERTAINING TO THE SANTA CRUZ COUNTY PUBLIC FIDUCIARY**

**WHEREAS**, Rita Ashford, the Santa Cruz County Public Fiduciary, has retired after 30 years of distinguished service to the County; and

**WHEREAS**, Rita Ashford has been re-appointed as the Santa Cruz County Public Fiduciary on a part-time basis; and

**WHEREAS**, it will not be possible for Rita Ashford to personally supervise all aspects of every case handled by the office of the Santa Cruz County Public Fiduciary and sign all necessary documents; and

**WHEREAS**, Marcia Salomon and Cecilia Mejia, current employees of the Santa Cruz County Public Fiduciary's Office, are licensed and certified as private fiduciaries and are otherwise qualified to act as needed as the Santa Cruz County Public Fiduciary.

#### **NOW, THEREFORE, THE BOARD OF SUPERVISORS, SANTA CRUZ COUNTY, ARIZONA RESOLVES AS FOLLOWS:**

1. Marcia Salomon and Cecilia Mejia are hereby authorized to act in all respects as the Santa Cruz County Public Fiduciary, including signing all legal documents, whenever it is not possible or convenient for Rita Ashford to personally undertake such duties.
2. The Clerk of the Board is hereby directed to forward a copy of this Resolution to the Presiding Judge of the Superior Court.

**PASSED AND APPROVED** by majority vote of the Board of Supervisors at their regular meeting January 7, 2003.

The Board recessed the Regular Meeting to convene the Public Hearing scheduled for 10:00 a.m. (JM/RD; c.u.)

## PUBLIC HEARING

**ORDINANCE NO. 2003-01, A NO SMOKING ORDINANCE:** Attorney Hawn noted changes in the proposed No Smoking Ordinance as presented to the Board of Supervisors.

Vice-Chairman Maynard asked if smoking would be permitted in the grandstand areas of the fairgrounds and covered bleachers at ball fields and requested clarification on the issue; Attorney Hawn responded that according to the proposed Ordinance, she believes smoking would be prohibited in grandstands where there are covered/partially-enclosed areas.

Chairman Ruiz asked for clarification of the concerns expressed from Committee members alleging that the Ordinance that was presented to the City Council and Board of Supervisors was not what the Committee had recommended for their approval; County Manager, Greg Lucero, responded that the issues dealt with the definitions of ventilation that were included in the draft presented to the Council and Board at their Joint Meeting, and have subsequently been removed; the other concern was from the Bowling Alley Owner who expressed that the Ordinance would be an economic concern to his establishment.

Vice-Chairman Maynard requested clarification on how the Bowling Alley issue will be resolved; Mr. Lucero responded that the County would not have jurisdiction over the Bowling Alley because it is located within the City limits; the Bowling Alley can designate smoking and non-smoking private bowling functions.

### PUBLIC COMMENT:

GiGi Gutierrez, Nogales International Newspaper, asked if the City of Nogales had already adopted the Ordinance with the changes; Attorney Hawn responded yes.

The Public Hearing adjourned and the Regular Meeting reconvened. (RD/JM; c.u.)

**ORDINANCE NO. 2003-01, A NO SMOKING ORDINANCE:** Supervisor Damon made a motion to adopt Ordinance No. 2003-01, a No Smoking Ordinance; second by Vice-Chairman Maynard; motion carried unanimously.

**TREASURER'S MOTION FOR ABATEMENT OF BACK TAXES AND PENALTIES DUE:** Supervisor Damon made a motion to approve the Treasurer's Motion for Abatement of Back Taxes and Penalties due for Francisco & Sylvia Levya, Parcel #106-06-077 in the amount of \$283.73 for the 2001 tax year; second by Vice-Chairman Maynard; motion carried unanimously.

**SPECIAL EVENT FOOD HANDLING PERMIT FEES:** County Manager, Greg Lucero, stated that during the FY2002-2003 Budget process, it was determined that the County needed to implement measures to cut costs and increase revenue; staff submitted various alternatives to the Board for consideration and action; amongst those proposals discussed and approved by the Board, were fee increases which included special events food handling permits; the cost for such a permit prior to the increase was \$45, and has now increased to \$75.

Recently, a local non-profit organization held a fundraising event to benefit area youths and expressed great displeasure in having to pay the \$75 permit fee; the issue was brought to the Board's attention and Chairman Ruiz has requested that such a fee be waived if the proceeds of the event are to be used to benefit area youths.

The request would result in a change of policy and requires Board direction. Staff's position is that the County maintain the fee as is because of the current economic hardship.

Chairman Ruiz stated that if taken on a case-by-case basis, it would not create a hardship on the County; however, the organization must be able to show that proceeds of the event will benefit area youth.

Environmental Health Department Director, Ben Stepleton, informed the Board that this issue has been a problem in the past in not being able to determine non-profit status and he does not believe that food service events should be used as fundraisers.

Chairman Ruiz stated that the Board would need to clarify the criteria in which a permit fee can be waived.

Vice-Chairman Ruiz requested that the permit fee be refunded to the Boys & Girls Club for the Santa's Asada.

Vice-Chairman Maynard asked Attorney Hawn if the Board, by limiting the waiver to benefit area youth, would be discriminating against the elderly or others in the community; Attorney Hawn stated that she does not believe that the Board would be crossing any legal boundary by doing so and that it would be the Board's prerogative to adopt such a policy.

Vice-Chairman Maynard made a motion to refer this issue to staff to develop a policy for the Board's consideration in 30 days; second by Supervisor Damon; motion carried unanimously.

**DEMANDS** were approved in the total amount of \$436,354.32 of which \$252,814.47 is from the General Fund. (JM/RD; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$252,814.47; **Retrieval Conversion Fund:** \$1,619.11; **Road:** \$42,066.00; **Waste Tire Grant (ADEQ):** \$3,587.78; **Animal Control:** \$2,791.04; **Anti-Racketeering #2:** \$2,078.77; **Atty's Victims Comp. Fund:** \$1,026.79; **Sheriff A.C.J.C. Grant:** \$3,970.58; **H.I.D.T.A. Grant 11:** \$3,608.42; **Juvenile Intensive Probation:** \$1,910.35; **Adult Intensive Probation:** \$2,594.87; **Maternal & Child Health Grant:** \$1,370.00; **Gear Up:** \$1,625.47; **Flood District:** \$4,676.61; **Landfill Reserve Fund:** \$1,959.93; **Cultural Youth At Risk:** \$11,551.40; **W.I.A. Youth Program:** \$11,530.43; **WTW Competitive Grant:** \$6,960.32; **W.I.A. Adult:** \$61,127.25  
**W.I.A. Administration:** \$8,375.15

To review these demands for this date, refer to Binder #13 which accompanies this book.

**CALL TO THE PUBLIC:** Jim Lamb, Green Valley News, announced that today is GiGi's last day of employment with the Nogales International Newspaper as she has accepted employment with Workforce Development.

The Board commended Miss Gutierrez for her factual articles.

Meeting adjourned at 10:35 a.m.

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Clerk of the Board

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Manuel Ruiz, Chairman

Board of Supervisors

January 14, 2003

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: Manuel Ruiz, Chairman; John Maynard, Vice-Chairman; Robert Damon, Supervisor; Mike Masee, Attorney; Melinda Meek, Clerk. Also present: Mayra Ochoa, Mary Dahl, Jeffrey Cooper, Ray Klein, Sheriff Estrada, Felipe Fuentes Jr., Cristina Angulo, Carol DeFazio, David Molina, Ruth Barry, Quinta Schubkegel, Larry Leslie, Louie Chaboya, Bob Perry.

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

**ADOPTION OF AGENDA:** Vice-Chairman Maynard made a motion to adopt the Agenda, tabling item #6 – Approval of 11/19/02 Minutes – for 1 week; second by Supervisor Damon; motion carried unanimously.

**CALL TO THE PUBLIC:** None

**REPORTS:**

**BOARD OF SUPERVISORS:** Chairman Ruiz reported that the Supervisors and Mr. Miller attended the opening day of the Legislature, yesterday.

**MANAGER:** None

**FINANCE:** Sr. Accountant, Mayra Ochoa, reported \$3,345,228 in the General Fund; \$1,237,131 in the Road Fund; \$657,757 in the Flood Control District Fund; \$6,523,197 total for all funds; \$2,944,228 estimated end of month balance, compared to \$2,987,164 cash at January 2002, a difference of \$(42,936).

**SHERIFF:** Sheriff Estrada reported that a Deputy Sheriff, also a military reserve officer, who was 10 weeks into the Academy, has been deployed due to the possible war in Iraq.

The Current jail population is 70, 66 males and 4 females; 14 inmates have been sentenced to the County jail; 57 have been charged with felonies and 13 with misdemeanors; 10 are undocumented aliens; 7 have been committed to the County jail on a daily basis and 2 on a weekly basis. 59 persons were booked in during the past week and 210 calls for service were received.

**PATAGONIA PUBLIC LIBRARY:** Jeffrey Cooper, new Patagonia Public Library Director, provided the Board with a quarterly report as required in Resolution #1999-17 for the continuation of non-mandated funding from Santa Cruz County.

**ACTION ITEMS:**

**ANIMAL CONTROL ADVISORY BOARD APPOINTMENT, DISTRICT #3:** Vice-Chairman Maynard made a motion to appoint Jean Tencza to the Animal Control Advisory Board from District #3; second by Supervisor Damon; motion carried unanimously.

**APPOINTMENT OF JUSTICE OF THE PEACE PRO-TEMPORE FOR PRECINCT NO. 1:** Supervisor Damon made a motion to appoint Alfred Islas as Justice of the Peace Pro-Tempore for Precinct No. 1 from August 17, 2002 - August 16, 2003; second by Vice-Chairman Maynard; motion carried unanimously.

**JUVENILE DETENTION EDUCATION SERVICES IGA:** Vice-Chairman Maynard made a motion to approve the Intergovernmental Agreement with Arizona Supreme Court, Administrative Office of the Courts and Santa Cruz County Board of Supervisors through the County School Superintendent and the Santa Cruz County Superior Court through the Juvenile Court for the award of \$33,224 to provide for Juvenile Detention education services; second by Supervisor Damon; motion carried unanimously.

**WRITTEN REPORT ON COUNTY DEVELOPMENT FEES AND PROVIDE 120 DAY ADVANCE NOTICE OF INTENTION TO ASSESS NEW DEVELOPMENT FEES:** Community Development Director, Mary Dahl, stated that a Technical Advisory Committee (TAC) was formed last February to assist in the development of a Capital Improvement Plan which was approved by the Board of Supervisors to be followed by a Development Fee Study. Development Fees, if adopted, would be assessed at the time of building permit application and would be used to pay for 3 elements of infrastructure (parks & park facilities, public safety-Sheriff's Office, transportation-roads).

The Development Fee Study is complete and ready for release to the public; the Board must give 120 days advance notice of its intent to implement a development fee program; the Board must also release the written report to the public; after the required 120 days, the Board may set a Public Hearing to seek additional comment/input on whether to assess the fees.

Ms. Dahl stated that the Report divides the County into 2 parts, East and West. The Report proposes to charge only public safety fees in the East part of the County because it was concluded that charging for parks and transportation would not generate sufficient income from the activity there to be able to do anything substantial with the revenues. It is proposed that the West side include all 3 elements.

In the West County area, the maximum allowable development fee for a single family residential building permit would be \$253 for the parks component, \$394 for the public safety component and \$763 for the transportation component. Retail/Commercial, Office and Industrial land uses would be assessed based on square footage and not subject to the parks component.

In the East County area, the maximum allowable development fee for a single family residential building permit would be \$272.

If the fees were adopted at the maximum allowable rates, it is projected that over a 10- year period, the estimated parks development fee revenue would be \$863,215; the estimated public safety development fee revenue would be \$2,343,317 and the estimated transportation development fee revenue would be \$8,450,645.

Ms. Dahl requested that the Board authorize the release of the Written Report to the public and to give advance notice of 120 days of the Board's intention to assess the fees.

Supervisor Damon asked if there would be an exemption for construction that began prior to the 120 day time period; Ms. Dahl responded that this would be at the Board's discretion.

Ms. Dahl stated that this was funded through the Greater Arizona Development Authority (GADA) Grant; the Consultant has expressed a desire to meet with the Board in a Study Session to discuss the conclusions and methodology and is available to be present at the Public Hearing.

Chairman Ruiz requested that the required Public Hearing be held in the evening.

Vice-Chairman Maynard asked Ms. Dahl why the Study group felt that transportation and park impact fees should not be levied for the East County; Ms. Dahl reiterated that because of the activity in that area, the Consultant concluded that not enough revenue could be collected to do anything meaningful. It was stressed that within a reasonable amount of time (5 years), residents who have paid the impact fee should see visible infrastructure. Also, representatives from the East County indicated that they were not interested in high-maintenance/high participation park facilities.

Vice-Chairman Maynard asked if these fees will only impact the development or construction of facilities or can they be utilized for O & M; Ms. Dahl responded that they cannot be used for O & M. Vice-Chairman Maynard asked if the funds could be used to chip seal a road; Mr. Dahl responded yes. Vice-Chairman Maynard asked if the funds could be used to support a summer swimming program; Ms. Dahl

believes that would be considered O & M. Vice-Chairman Maynard asked if the funds could be used to improve a baseball field on public school grounds, through an IGA; Ms. Dahl responded yes, if the ballfield was not otherwise open to the public and this would open it to the public.

Vice-Chairman Maynard expressed concern that it is being proposed that the East County be treated differently than the West County.

Chairman Ruiz reiterated that the proposed fees are maximum allowable and will ultimately be the Board's decision whether to implement.

Vice-Chairman Maynard expressed further concern that the Study was prepared by an urban consultant for a rural area and he wants to be able to modify if necessary. Vice-Chairman Maynard believes that it is a major mistake not to be able to assess a development impact fee for recreation or roads in the East County.

Vice-Chairman Maynard made a motion to accept this version of the final report and begin the 120 day advance notice of intention to assess development fees pursuant to A.R.S. 11-1102.C. et. seq.; second by Supervisor Damon; motion carried unanimously.

**TREASURER'S DECLARATION OF TAX AS UNCOLLECTABLE:** Supervisor Damon made a motion to declare the following taxes as uncollectable as requested by the County Treasurer; second by Vice-Chairman Maynard; motion carried unanimously: Stewart Title #3437, #8300053014, \$624.22; Lyra Enterprises, #9350391013, \$272.98; Nogales Restaurant Supplies, #8700242014, \$286.63; Rio Rico Hotel, #5580413022, \$60,791.44; Londons Interiors, #3872100016, \$2,167.59; Karina Produce Dist., #9450465012, \$278.10; The Time Motel, #4659037019, \$6,111.43; La Frontera, #0005100026, \$501.76; Gopy International, #9350121016, \$104.40; Graphite Specialist Inc., #8950173016, \$398.28; Javier Luna Trading, #9350078015, \$277.98; J & S Burger, #6290325012, \$566.89; Leyva – Carrasco Warehouse, #9350089017, \$104.47; La Noria Enterprises, #9450485010, \$277.98; JG Used Cars, #8700243017, #264.54; Happy Face Refreshment Stand, #4832831012, \$380.48; Step Ahead, #9250153012, \$191.93; Arizona Yogurt Café, #8950325011, \$4,992.08; Nogales Meat Market, #8700037016, \$1,658.69; International Video, #8950141013, \$121.78; J.A. Alameida Co., #8600060015, \$494.61; Lopez Delia Warehouse, #9450492010, \$272.98; Lorigo Builder Cont., #9550356016, \$14.57; Kuresco International Inc., #9350064014, \$885.35; Fun Spot, #2288571012, \$559.91; Mike's Upholstery & Sales, #4460569015, \$118.81; Hypnosis for Change, #9450480015, \$307.82; J & D Industrial Equipment, #8500005019, \$612.24.

**MONTHLY REPORTS** were approved as submitted. (JM/RD; c.u.)

Meeting adjourned at 10:30 a.m.

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Clerk of the Board

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Manuel Ruiz, Chairman