

Board of Supervisors
July 13, 2004
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: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Jennifer St. John, Victor Gabilondo, Camilo Ahumada, M. E. Bonorand, J. King, Leonard Fontes, Arturo Garino, Sheriff Estrada, Marshall Magruder, Louis Chaboya, Rudy Acevedo, Lou Martinez, Beth Daley, Ben Stepleton, Viviane Huerta Itule, Chuck Williams.

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

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

CALL TO THE PUBLIC: Camilo Ahumada addressed the Board concerning an adjacent propertyowner with junk cars on his property that has been ordered to install a wall and plant trees to cover the cars but hasn't done so; he provided the Board with pictures of the subject matter; he informed the Board that he has an interested buyer in his property and requested an update from the Board.

Chairman Maynard referred Mr. Ahumada to staff to follow up on the matter.

Attorney Hawn stated that a Superior Court action has been filed concerning this situation and it will probably be resolved through an injunction process with the Courts.

Rudy Acevedo, AZ Department of Agriculture – Livestock Inspector, addressed the Board concerning potential right-of-way liability issues near the Nora Pickrell property and requested that the County review the matter and repair the fence.

Supervisor Ruiz requested that Mr. Lucero and Attorney Hawn review the matter and provide the Board with an update.

M. E. Bonorand addressed the Board concerning the same right-of-way issue brought up by Mr. Acevedo.

Supervisor Ruiz requested a copy of Mr. Bonorand's documentation.

Marshall Magruder addressed the Board concerning the 22% electricity rate increase.

REPORTS:

BOARD OF SUPERVISORS: Supervisor Ruiz reported that the Board attended a Fresh Produce Association/Border Trade Alliance Meeting to discuss the search for a public/private funding source for 2 fast lanes at the Commercial Port of Entry; Phase I of the project would include constructing 2 lanes from Mexico to the U.S.; 200 feet of pavement would be in Mexico and 600 in the U.S.

Chairman Maynard reported that he attended the Rio Rico School Board meeting last week where their Tentative Budget was adopted; he visited the Mariposa Port-of-Entry to look at another alternative to separate truck traffic; he met with the Tubac Historic Zone Advisory Board last week; he has had several recent discussions with Rio Rico Properties regarding cattle in and around the Rio Rico area; he announced the recent death of Earl Vance and expressed condolences to the family.

MANAGER: County Manager, Greg Lucero, reported that he and staff continue to work on the budget, which is scheduled to be brought before the Board on 7/21/04.

FINANCE: Finance Director, Jennifer St. John reported \$7,654,392 in the General Fund; \$1,280,032 in the Road Fund; \$560,796 in the Flood Control District Fund; \$10,599,572 total for all funds; \$7,176,392 estimated end of month balance, compared to \$4,152,659 cash at July 2003, a difference of \$3,023,733.

HEALTH & ENVIRONMENT: Health Department Director, Ben Stepleton, provided an update on the Nogales Wash contamination and the West Nile Virus.

SHERIFF: Sheriff Estrada reported that the current jail population is 81, 72 males and 9 females; 33 inmates have been sentenced to the County jail and 7 to the AZ Department of Corrections; 72 have been charged with felonies and 9 with misdemeanors; 20 (24%) are undocumented aliens; 6 have been committed to the County jail on a daily basis and 11 on a weekly basis. 57 persons were booked in during the past week.

Sheriff Estrada also reported that the Sheriff's Office received a 911 call on Saturday reporting the fatality of a 25-year old male illegal border crosser.

ACTION ITEMS:

BID AWARD #B-09-04-CO09: Public Works Director, Victor Gabilondo, reminded the Board that last May, the County entered into an Intergovernmental Agreement with the Nogales Unified School District No. 1 to build approximately 1400 linear feet of sidewalk; the project went "out to bid" and bids were received on 7/7/04; the bid documents were formulated to allow for a base bid for sidewalk along Camino Diez Mandamientos and the remainder of the sidewalk along Boulevard Rey David was listed as an additive alternate. Pavex Corporation was the sole bidder in the total amount of \$115,024.80 which has been budgeted from HURF funds and funds from NUSD #1.

Mr. Gabilondo recommended that the Board award the project to Pavex.

Chairman Maynard asked if any local contractors bid on the project; Mr. Gabilondo responded that 1 local contractor came in to submit their bid 6 minutes after the deadline.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz.

Under discussion, Chairman Maynard asked Attorney Hawn if it would be appropriate to ask if the late bid was opened, and if so, what the bid amount was; Attorney Hawn responded that she was not present at the bid opening, however, it is the County's general practice to return late bids to the bidder – unopened; Mr. Gabilondo stated that the bid requirements state that bids not received on time, will be returned to the bidder – unopened.

Motion carried unanimously.

LICENSING AGREEMENT WITH DELTA PROPERTIES: Public Works Director, Victor Gabilondo, informed the Board that Delta Properties acquired the mobile home park along Congress Drive; the company has requested an encroachment license for the construction of a wall along Congress Drive,

the wall will be less than 6 feet in height and is intended to provide a buffer between the traffic and the mobile home park; the wall will also enhance safety by controlling pedestrian and vehicle access and parking along the road; the wall will be situated within the 80 foot easement belonging to the County.

Upon review of the submitted plans, the Public Works Department does not find it a detriment to traffic flow and has adequate clearance from the roadway. The Public Works Department is not opposed to the encroachment, provided that a \$2 million insurance policy remains in place for any liability and that Delta be responsible for the cost of maintenance and repair and graffiti removing.

Chairman Maynard asked if the applicant is in agreement with all of the provisions; Mr. Gabilondo responded yes.

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

TAX VALUATION ADJUSTMENT #115-16-169-8, Gastelum, Maria E., Resolution No: S20030000087 was approved as submitted by the County Assessor's Office. (MR/RD; c.u.)

MINUTES of 5/4/04 were approved as submitted. (RD/MR; c.u.)

Meeting adjourned at 10:20 a.m.

STUDY SESSION

1:30 p.m.

The Board met in a Study Session. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn and Mike Masee, Attorneys; Melinda Meek, Clerk. Also present: Jennifer St. John, Caesar Ramirez, Mary Dahl, Ruben Fuentes, Beth Daley, Viviane Huerta Itule.

DISCUSSION RE: DELINQUENT PROPERTY TAXES: County Manager, Greg Lucero, provided the Board with an outline of what will be discussed in today's Study Session and a copy of Title 42, Article 6.1 – Conveyance to State on Failure to Redeem and Title 42, Article 7 – Sale of Land Held by State Under Tax Deed.

Attorney Masee stated that according to Article 6.1, the process begins with the Board of Supervisors, acting on behalf of the state, applying for a treasurer's deed to the property if a lien is not redeemed at any time beginning 5 years after the lien is assigned; Attorney Masee stated that he is only prepared to discuss the foreclosure of real property at this Study Session.

Chairman Maynard asked Attorney Masee to define "real property"; Attorney responded that "real property" is land and things that are fixed to the land.

Attorney Masee explained that property taxes for the first half of the year are due in November of the same year and the second half are due in April of the following year; if either halves are not paid, an outstanding tax lien exists that can be sold the following February; if it is not sold, it gets stricken and is assigned to the State; 5 years after this point, the Board of Supervisors can request a treasurer's deed which would convey ownership to the State of Arizona.

Attorney Masee stated that before preparing a treasurer's deed, the Treasurer must conduct a limited title search to identify all parties who have a legal interest in the property and notify the owner of the parcel and all other parties identified in the title search at least 90 days before the date of delivering the treasurer's deed by personal notice by certified mail and by publishing it in the newspaper; if the property is in an incorporation city of town and notice sent by certified mail has not been delivered, the Treasurer must post notice on the property.

If the property is not redeemed by the deadline, the Treasurer executes the treasurer's deed to the Board of Supervisors and ownership is conveyed to the State.

Attorney Masee stated that Article 7 discusses the Board of Supervisor's role in the process; on or before the 1st Monday of November of each year, the Board shall prepare a list of the real property that is held by the state by tax deed; if the Board desires to sell the parcels that it owns, they must advertise the sale and it must be sold to the highest bidder for cash.

Attorney Masee provided the Board with a sample Supervisor's Deed used by Mohave County. Attorney Masee stated that other Counties have their Board of Supervisors adopt a Resolution explaining the details of the procedures that the County will adopt. Attorney Masee stated that Mohave County conducted their first sale in many years and their Board set a minimum bid of 80% of the outstanding taxes, interest and penalties and did a qualitative selection prior to the sale and everything was sold.

The purchase money is paid to the Treasurer and after deducting and distributing interest, penalties, fees and costs charged, the Treasurer apportions the remainder to the various taxing authorities in proportion to their current share of the taxes; if the property is not sold, the Board may omit it from the notice.

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman