

Board of Supervisors
December 7, 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: Mayra Ochoa, Victor Gabilondo, Ben Stepleton, Sheriff Estrada, Roberto Canchola, Mary Dahl, Louis Chaboya, Sgt. & Mrs. Rodolfo Rojas, Carol DeFazio, Ruth Barry, Larry Tiffin, John Hays, Bo Whitley, Jose Sergio Arellano, Geovanna Lopez.

The Meeting was called to order.

Supervisor Ruiz introduced and welcomed his nephew and spouse, Mr. & Mrs. Rodolfo Rojas; Mr. Rojas is a Sergeant with the U.S. Army, assigned to duty in Iraq; he is stationed near Baghdad out of Ft. Hood, TX.

The Pledge of Allegiance was recited, led by Sgt. Rodolfo Rojas.

ADOPTION OF AGENDA: County Manager, Greg Lucero, requested that Action Item #9 (Interoperable Communications System) be tabled in order to determine whether it needs to go through the bidding process.

Supervisor Ruiz made a motion to adopt the Agenda, tabling Action Item #9 (Interoperable Communications System) to a future meeting and to deviate from Agenda sequence as needed; second by Vice-Chairman Damon; motion carried unanimously.

CALL TO THE PUBLIC: None

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

FLOOD CONTROL:

DIRECTOR'S/PROJECT REPORT: Submitted in writing.

MONTHLY REPORT FROM CITY OF NOGALES: None

MONTHLY REPORT FROM TOWN OF PATAGONIA: None

BID AWARD: BID NO. B-12-04-CO12: Public Works Director, Victor Gabilondo, informed the Board that this Bid is for the procurement of 1- 2004 Drum Style Chipper to augment the work of the flood control crew; 2 bids were received; the low bidder was Ditch Witch of AZ whose bid was \$121.78 lower than the other bidder, Vermeer Sales Southwest; in reviewing the bids, Ditch Witch listed deviations from the specifications in 5 of the 6 categories; Vermeer Sales Southwest listed no deviations.

Mr. Gabilondo recommended that the Board award the bid to Vermeer Sales Southwest as the best and most responsive bidder.

Supervisor Ruiz made a motion to award the bid to Vermeer Sales Southwest in the amount of \$30,288.78 as presented by staff; second by Vice-Chairman Damon; motion carried unanimously.

PUBLIC COMMENT: None

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

REPORTS:

BOARD OF SUPERVISORS: Supervisor Ruiz reported that he attended the Fresh Produce Association's Ribbon Cutting Ceremony for their 100th year celebration; he thanked the Produce Association and produce businesses in the community for being there when needed.

Chairman Maynard reported that he also attended the Fresh Produce Association function; he and Supervisor Ruiz attended the Arizona Aging Workshop; he attended the Anza Trail Coalition Meeting Reception for Meridith Kaplan (National Park Service) who will be leaving.

MANAGER: County Manager, Greg Lucero, reported that following today's Board Meeting, the Nogales/Santa Cruz County Port Authority will be meeting; the Board was invited to attend the Tucson/Mexico Office's Annual Awards luncheon on Thursday and stated that they would like to begin discussions on a corridor study from Nogales to Tucson; he will be attending a meeting with some of the other County Managers to discuss ALTCS contributions on Thursday and the County Manager's Meeting on Friday.

FINANCE: Senior Accountant, Mayra Ochoa, reported \$9,626,456 in the General Fund; \$1,172,786 in the Road Fund; \$793,570 in the Flood Control District Fund; \$13,863,051 total for all funds; \$8,944,528 estimated end of month balance, compared to \$5,652,142 cash at December 2003, a difference of \$3,292,386.

HEALTH AND ENVIRONMENT: Health Department Director, Ben Stepleton reported that the Nogales Wash is ok; the influenza situation has been a slow season so far, the flu vaccine is available at local clinics for those in high risk categories; additional vaccines are expected.

SHERIFF: Sheriff Estrada introduced and welcomed new Detention Officer Geovanna Lopez; there are currently 3 female Detention Officers, making it a full staff at the Detention Center.

Sheriff Estrada reported that the current jail population is 81, 72 males and 9 females; 14 inmates have been sentenced to the County jail; 77 have been charged with felonies and 4 with misdemeanors; 22 (27%) are undocumented aliens; 2 have been committed to the County jail on a daily basis and 2 on a weekly basis. 42 persons were booked in during the past week; 174 total calls for service were received, of which 43 were 911 calls.

Sheriff Estrada further reported the death of a 47-year old man, possibly a heart attack victim; the DUI task force will be in operation every weekend between now and the end of the year; the County auction will be on Saturday.

ACTION ITEMS:

APPROVAL TO AUCTION OBSOLETE COUNTY VEHICLES AND FURNITURE/EQUIPMENT: County Manager, Greg Lucero, requested authorization from the Board to dispose of obsolete County vehicles and furniture/equipment through an auction.

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

APPROVAL OF U.S. DEPARTMENT OF EDUCATION CAROL M. WHITE PHYSICAL EDUCATION PROGRAM: County School Superintendent, Roberto Canchola, requested that the Board approve the grant in the amount of \$1,491,537 which will provide training for staff and teachers involved in physical education, fitness education and assessment to students and family members to help them understand and improve their physical well-being and equipment. 4 physical education centers will be set up throughout the County.

Supervisor Ruiz made a motion to approve the Grant Agreement with the U.S. Department of Education and the Santa Cruz County Superintendent of Schools Office for the grant totaling \$1,491,537; second by Vice-Chairman Damon.

Under discussion, Chairman Maynard asked where the 4 centers would be located; Superintendent Canchola responded that he has been discussing the issue with the School Superintendents and the City of Nogales and the centers will probably be located in Elgin, Rio Rico and 2 in the City of Nogales.

Motion carried unanimously.

RELEASE OF CERTIFICATE OF DEPOSIT FOR \$85,313.20 TO SAN MIGUEL PARTNERS LLC: Community Development Department Director, Mary Dahl, stated that in Sept. 2004, the Board of Supervisors released the lots in these 2 subdivisions (31 townhome and 10 patio home lots); however, a few improvements were still outstanding and some repairs needed to be done to internal and external roadways; in order to ensure that the improvements and repairs would be made, the Board required the posting of a Certificate of Deposit (CD) in an amount adequate to cover the remaining work.

Ms. Dahl informed the Board that the improvements have been completed; County staff inspected the work and concluded that all requirements had been met and that the CD could be released.

Ms. Dahl requested that the Board authorize the release of the CD for \$85,313.29 to San Miguel Partners LLC.

Vice-Chairman Damon made a motion to approve the release of the Certificate of Deposit to San Miguel Partners LLC; second by Supervisor Ruiz; motion carried unanimously.

AWARD OF CONTRACT FOR COMMERCIAL CARGO APRON CONSTRUCTION TO GRANITE CONSTRUCTION: Community Development Department Director, Mary Dahl, stated that in March 2004, the Board authorized the submittal of an application to FAA for a grant to construct a commercial cargo apron at the Nogales International Airport; the County was awarded the grant in the amount of \$637,420; the project went out to bid; 2 bids were received, the low bid being \$699,202; FAA has agreed to provide up to 15% overage in their grant; ADOT, upon a showing that FAA has increased their grant, will match their 2.5% match; the engineer is going to reduce their materials testing and construction administration contract in an amount to reduce the County's overage (over what is budgeted) to \$1,665.

Ms. Dahl requested that the Board award the Bid to Granite Construction, the low bidder.

Supervisor Ruiz made a motion to award Bid No. B-11-04-CO11 for the Nogales International Airport Commercial Cargo Apron project in the amount of \$699,202 to Granite Construction and to authorize the Chairman to sign the Construction Contract Agreements; second by Vice-Chairman Damon; motion carried unanimously.

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

PUBLIC HEARING
10:00 a.m.

FRANCHISE AGREEMENT WITH MEDIACOM AZ LLC FOR PROVISION OF CABLE TELEVISION, ASSOCIATED SERVICES AND FEES: Attorney Hawn informed the Board that the County was approached by Mediacom in an effort to discuss extending their Franchise in the community; the proposed Franchise Agreement has been presented to the Board. Basic provisions of the contract include the right of Mediacom to use the County's right-of-ways, provides certain protections to the cable company in terms of due process, requires the County to impose like requirements on other cable companies should they seek a franchise in the County, provides for the payment to the County of a Franchise Fee of 5% of annual gross revenue. The Agreement provides for assessing the cost of moving the cable television lines to the cable company in the event of a public works project in the right-of-way, safety standards, clean up of right-of-way after maintenance and cable access to public buildings. The Agreement is for a ten (10) year term.

Mediacom representatives, Maggie Blythe & Peter Quam, provided the Board with an overview of Mediacom's history and services.

Chairman Maynard encouraged Mediacom to provide hi-speed internet access service outside the City of Nogales. Supervisor Ruiz encouraged Mediacom to find ways to offer basic cable service discounts to the elderly.

PUBLIC COMMENT: None

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

ACTION ITEMS CONTINUED:

RESOLUTION #2004-34 APPROVING FRANCHISE AGREEMENT WITH MEDIACOM AZ LLC: Attorney Hawn informed the Board that this Resolution approves the Franchise Agreement with Mediacom AZ LLC and authorizes the Chairman to execute it.

Supervisor Ruiz made a motion to approve Resolution #2004-34; second by Vice-Chairman Damon; motion carried unanimously.

RESOLUTION #2004-36 EXTENDING THE DEADLINE IN ORDINANCE #2003-04 FOR TUBAC GOLF RESORT: Community Development Department Director, Mary Dahl, explained that in May 2003, the Board held a Public Hearing and approved Ordinance No. 2003-04 which conditionally

rezoned the Feldman parcel and part of the Hamilton parcel for the Tubac Golf Resort development. The conditions included performance within 1 year.

One of the most important conditions was the certificate of 100-year assured water supply from the AZ Dept. of Water Resources (ADWR); the process took much longer than the developer anticipated and the result is that the deadline in the Ordinance passed; the Ordinance had language that provided for the extension.

Ms. Dahl reported that ADWR is performing their final review of the Certificate which cannot be issued until the AZ Corporation Commission extends the geographic area covered by the AZ-American Water Company's Certificate of Convenience and Necessity.

Ms. Dahl stated that Resolution #2004-36 requests that the Board extend the deadline to 1 year from today, it updates the Planned Area Development document to a November 2003 version and provides stipulations for improvements to Bridge Road.

Ms. Dahl requested that the Board approve the Resolution.

Supervisor Ruiz made a motion to approve Resolution #2004-36 to extend the deadline in Ordinance #2003-04 for the Tubac Golf Resort Development rezoning, provide revised date for Planned Area Development document and require improvements to Bridge road, all as conditions for rezoning approval (Case No. 03-07); second by Vice-Chairman Damon; motion carried unanimously.

AIRPORT DEVELOPMENT GRANT AGREEMENT NO. E5F49 WITH ADOT: Community Development Department Director, Mary Dahl, stated that this is the State's part in the commercial cargo apron construction; this Grant Agreement represents the normal 2.5% of the entire construction costs - \$16,775; however, because the bid came in higher than expected, the County will be asking ADOT to allocate additional funds after the FAA has provided us with documentation that they will increase their contribution up to the maximum of their grant plus 15%.

Supervisor Ruiz made a motion to approve Grant Number E5F49 for a grant from the ADOT Aeronautics Division in the amount of \$16,775 for the Commercial Cargo Apron project and authorize the Chairman to sign the grant documents; second by Vice-Chairman Damon; motion carried unanimously.

PURCHASE OF A 2005 FORD EXPLORER NOT TO EXCEED THE BUDGETED AMOUNT OF \$22,000 FOR THE OFFICE OF EMERGENCY MANAGEMENT: Emergency Management Director, Louis Chaboya, informed the Board that their current vehicle is a 1997 Ford Explorer with 160,000 miles and requested authorization to purchase a new vehicle.

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

Mr. Chaboya announced that Bi-National training for railroad safety is being conducted at this time at the Rio Rico Fire Station.

PURCHASE OF A VEHICLE THROUGH STATE CONTRACT IN A BUDGETED AMOUNT NOT TO EXCEED \$22,000 FOR THE BUILDING DEPARTMENT: Community Development Department Director, Mary Dahl, informed the Board that this is a budgeted purchase and requested authorization to purchase through a state contract.

Supervisor Ruiz made a motion to authorize the purchase of a vehicle for the Building Department in an amount not to exceed \$22,000; second by Vice-Chairman Damon; motion carried unanimously.

TAX VALUATION ADJUSTMENTS #0300011-01-8 PUC – GE Capital Modular Space, Resolution No: T20040900004; 0400009-01-0 PUC – Mobile Mini Inc, Resolution No: T20040900003; 5141381-01-2 PUC – Jarillas Ranch/Joseph J Pike, Resolution No: M20030900016 and 5141381-01-2 PUC – Jarillas Ranch/Joseph J Pike, Resolution No: M20020900016 were approved as submitted by the County Assessor's Office. (RD/MR; c.u.)

BOND FOR DUPLICATE WARRANT #3-135434 payable to Lourdes N. Soto, dated 10/1/04 in the amount of \$981.37 was approved as submitted. (MR/RD; c.u.)

MONTHLY REPORT for the Recorder was approved as submitted. (RD/MR; c.u.)

MINUTES of 11/30/04 were approved as presented. (RD/MR; c.u.)

DEMANDS were approved in the total amount of \$602,368.07 of which \$284,928.29 is from the General Fund. (MR/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:** \$284,928.29; **Bad Check Collection:** \$1,154.10; **School Forest Fees Fund:** \$8,199.43; **Early Learn-Learning Together:** \$6,850.69; **Community Technology CTR P:** \$1,250.86; **Law Library:** \$1,649.01; **Old Courthouse Fund:** \$1,316.91; **Road:** \$80,391.24; **Waste Tire Grant (ADEQ):** \$3,725.96; **Animal Control:** \$3,182.61; **Anti-Racketeering #2:** \$24,143.57; **HIDTA 13:** \$12,799.68; **Community Punishment Program:** \$1,659.00; **Jail Enhancement:** \$12,102.27; **D.U.I. Grant:** \$2,999.17; **Maternal & Child Health Grant:** \$18,662.10; **Gear Up:** \$6,520.80; **Bio-Terrorism Grant:** \$1,216.95; **Title V:** \$2,531.25; **T.B. Grant Fund:** \$5,670.80; **Drug Treatment & Education:** \$1,100.00; **Juv. Det. Special SVCS (Schools):** \$1,500.00; **Flood District:** \$19,723.86; **Cultural Youth at Risk:** \$13,811.33; **W.I.A. Youth Program:** \$7,845.38; **WIA/TANF Set a Side:** \$2,790.00; **WTW Competitive Grant:** \$4,365.00; **W.I.A. Adult:** \$8,965.02; **W.I.A. Dislocated Worker:** \$5,080.73; **W.I.A. Administration:** \$1,896.18; **Projects with Industries:** \$8,345.00; **Work Incentive Grant:** \$3,551.64; **Landfill:** \$34,236.58

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

Meeting adjourned at 10:40 a.m.

SPECIAL MEETING

2:00 p.m.

The Board met in a Special Meeting. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Melinda Meek, Clerk. Also present: Dennis Miller, Sheriff Estrada, Sarah Wright.

SANTA CRUZ COUNTY, STATE AND FEDERAL LEGISLATIVE AGENDA: Director of Governmental Relations for Santa Cruz County, Dennis L. Miller, stated that he requested that this item be

placed on the Board's Agenda in order to determine which legislative issues that the Board would like to address through the County Supervisors Association (CSA) in the upcoming legislative session. Mr. Miller stated that CSA's #1 priority this year will be to reclaim what is scheduled to Sunset and everything that was taken away from Counties last year. Mr. Miller discussed previous and current funding for HURF, Restoration to Competency, ALTCS. Mr. Miller mentioned that CSA has included funding for Restoration to Competency in its legislative packet.

County Manager, Greg Lucero, informed the Board that he sent requests to all County Departments requesting issues of concern to be addressed by the legislature; the Courts requested that funding for Restoration to Competency be reconsidered; stated that the State will be trying to get salary increases for their employees, because last year they were put on hold.

Chairman Maynard proposed addressing the issue of allowing a County to place an issue on the ballot to approve a ¼¢ sales tax to fund purchase, construction, maintenance, preservation and renovation of parks/recreation facilities, open space, development rights and historic architecture (The 1904 Courthouse). He suggested that this not be a Special District.

Mr. Miller responded that Coconino County has attempted the passage of similar legislation 3 times, to no avail.

Supervisor Ruiz expressed the desire to pursue the ALTCS and HURF funding issues as priorities.

Mr. Miller stated that on the Federal side, SCAAP money has increased; most of the property has been purchased for the Nogales Wash project and the Environmental Study has been completed.

The Special Meeting adjourned at 2:50 p.m.

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman

Board of Supervisors

December 14, 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; Greg Lucero, County Manager; Holly Hawn & Mike Masee, Attorneys; Melinda Meek, Clerk. Also present: Jennifer St. John, Carlos Rivera, Sheriff Estrada, Mary Dahl, Victor Gabilondo, Chuck Williams, Carol DeFazio, John DeStefano.

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

ADOPTION OF AGENDA: County Manager, Greg Lucero, stated that Action Items #4 & #8 (Old Tucson Road Improvement Project) are the same item and requested that Action Item #8 be deleted; the document related to Action Item #9 (\$60,000 Grant from AZ Department of Commerce) needs to be rewritten and requested that it be tabled indefinitely; requested that Action Item #15 (Minutes of 12/7/04) be tabled until further notice.

Vice-Chairman Damon made a motion to adopt the Agenda as recommended by the County Manager; second by Chairman Maynard; motion carried.

CALL TO THE PUBLIC: Chairman Maynard announced that Maggie & Jim Mummert delivered the 15th annual carrot cake today and invited all to enjoy a piece after the Meeting. Chairman Maynard reported that Mr. Mummert's health is improving.

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

FLOOD CONTROL:

RESOLUTION #FCD2004-02: Public Works Director, Victor Gabilondo, explained that the Department is continuing with the design phase of the Calle Azulejo Flood Control Project; part of the design requires acquisition of approximately 4 acres of land for a detention basin; the Department has successfully acquired 1 of the 2 parcels; the property owner refuses to sell and to discuss the District's offer.

Mr. Gabilondo requested that the Board approve Resolution #FCD2004-02 authorizing condemnation of real property and real property interests where necessary for the Calle Azulejo Flood Control Project.

Vice-Chairman Damon made a motion to approve Resolution #FCD2004-02; second by Chairman Maynard; motion carried.

Supervisor Manuel Ruiz, present at this time.

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

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Damon reported that the Board attended the Tucson/Mexico Office's Luncheon last week.

Supervisor Ruiz apologized for being late for this morning's meeting and stated that he was participating in the filming of a video for retiring School Board Member, Jubly Bell.

Chairman Maynard reported that he attended the Patagonia Youth and Family Coalition Services Meeting last week; he met with the new owners of the Sopori Ranch last week and stated that they are not in any hurry to develop the project; he worked with the Tubac Rotary Club on Saturday and handed out over 5,000 pairs of free shoes to the needy and thanked Sheriff Estrada for providing assistance at the event.

MANAGER: County Manager, Greg Lucero, reported that he attended a meeting with County Managers last week to discuss ALTCS.

FINANCE: Finance Director, Jennifer St. John, reported \$9,183,910 in the General Fund; \$1,074,303 in the Road Fund; \$770,470 in the Flood Control District Fund; \$12,749,652 total for all funds; \$9,107,895 estimated end of month balance, compared to \$5,900,691 cash at December 2003, a difference of \$3,207,204.

HEALTH & ENVIRONMENT: Health & Human Services Department Director, Carlos Rivera, reported that the counts in the Nogales Wash are being maintained at acceptable levels; the State has notified Counties that so far, it has been a relatively slow flu season and that the majority of the high-risk population has been vaccinated.

SHERIFF: Sheriff Estrada reported that the current jail population is 80, 71 males and 9 females; 19 inmates have been sentenced to the County jail and 2 to the AZ Dept. of Corrections; 78 have been charged with felonies and 2 with misdemeanors; 26 (33%) are undocumented aliens; 3 have been committed to the County jail on a daily basis and 1 on a weekly basis. 44 persons were booked in during the past week; 164 total calls for service were received, of which 46 were 911 calls.

Sheriff Estrada also reported that on Saturday morning, a speeding vehicle in the Kino Springs area, overturned and ¾ ton of marijuana was discovered in the vehicle; the individual fled from the scene.

Sheriff Estrada informed the Board that he attended the White Elephant Country Fair last week where \$1.4 million in funding was distributed; the Sheriff's Office received \$3,000 for the DARE program and \$2,000 for Search & Rescue.

Sheriff Estrada stated that he will be representing the County today at a press conference at the Desert Diamond Casino regarding new technology for the Amber Alert.

Sheriff Estrada announced that the Sheriff's Office Christmas Posada will be held on Friday at Kino Springs from 8pm – 2a.m., the cost is \$25 p/person and includes food, open bar and music. The DUI detail will be in force during the holiday season, assisted by Border Patrol.

ACTION ITEMS:

PERSONNEL: The Board waived the hiring freeze to fill a vacant grant-funded Surveillance Officer position. (RD/MR; c.u.)

DESIGN SERVICES FOR RONALD R. MORRISS PARK RESTROOM FACILITY: Community Development Department Director, Mary Dahl, requested the Board's approval to authorize the County's on-call Engineer to proceed with the design of a restroom facility that will include a drinking fountain at Ronald R. Morriss Park; the cost will be \$13,350; reimbursement in the approximate amount of \$5,000 is anticipated from the Heritage Grant and the balance was budgeted in the Parks budget; anticipated completion of the project is by Memorial Day.

Supervisor Ruiz made a motion to authorize C.L. Williams Consulting, Inc. to proceed with design services for the Ronald R. Morriss Park restroom facility in accordance with the scope of work in the amount of \$13,350; second by Vice-Chairman Damon; motion carried unanimously.

RELEASE OF ALL LOTS (1-21) IN THE TUBAC RIO CRUZ SUBDIVISION: Community Development Department Director, Mary Dahl, informed the Board that they approved the final plat for this Subdivision in January, 2004; improvements to Chavez Siding road were required; staff has conducted 2 inspections and all improvements have been completed and approved.

Ms. Dahl requested that the Board authorize the release of all 21 lots in the Tubac Rio Cruz Subdivision.

Vice-Chairman Damon made a motion to approve the release of assurances for lots 1-21 in the Tubac Rio Cruz Subdivision; second by Supervisor Ruiz; motion carried unanimously.

RESOLUTION #2004-37: Public Works Director, Victor Gabilondo, stated that the County obtained \$2.8 million in funding from the State plus the County's in-house engineering match to perform improvements on Old Tucson Road; as part of the design of the project, it is necessary for the County to acquire approximately 5 acres of land to construct drainage structures and maintain proper alignment for a bridge structure; the County has successfully acquired all but 2 of the needed 5 acres of land; the final 2 acres need to be acquired through the condemnation process; the fair market value of the 2 acres is \$47,916.

Mr. Gabilondo requested that the Board approve Resolution #2004-37 authorizing the condemnation of the property.

Supervisor Ruiz made a motion to approve Resolution #2004-37 as presented by the Public Works Director; second by Vice-Chairman Damon; motion carried unanimously.

RESOLUTION #2004-38: Public Works Director, Victor Gabilondo, stated that in May 2004, the County received a grant award from the AZ Department of Commerce in the amount of \$455,126 for the construction of sidewalk and street improvements on White Park Drive leading up to the Home Depot; the project calls for the County to receive the funds and administer the grant and the City of Nogales is to be responsible for acceptance and maintenance of the street, curb and sidewalk.

Mr. Gabilondo informed the Board that Resolution #2004-38 authorizes and approves the Intergovernmental Agreement between the County, the City of Nogales and the State of Arizona

Mr. Gabilondo stated that an in-kind match is required, which will be met by staff time involved in reviewing the Resolution & IGA and seeking reimbursement.

Supervisor Ruiz made a motion to approve Resolution #2004-38; second by Vice-Chairman Damon; motion carried unanimously.

CHANGE ORDER NO. 2 BRACKER SIDEWALK IMPROVEMENTS B-09-04-CO09: Public Works Director, Victor Gabilondo, explained that the Board previously authorized a 35-day extension initiated by the County; due to the holiday season, the initial 35-day extension was insufficient for the contractor to complete the job in time.

The Contractor is requesting an additional 35-day extension to complete the work; staff has determined that the request is reasonable; the substantial completion date will be moved to 1/15/2005 and no cost is involved.

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

COUNTY'S MERIT SYSTEM COMMISSION APPOINTMENTS: Health & Human Services Department Director, Carlos Rivera, informed the Board that 3 vacancies exist on the Merit Commission and that Bill Stoudt (Independent) and Don Irving (Democrat) have agreed to serve. Mr. Rivera requested that the Board appoint Mr. Stoudt and Mr. Irving.

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

\$47,700 GRANT CONTRACT FROM THE AZ DEPARTMENT OF COMMERCE: County Manager, Greg Lucero, stated that this grant is part of the gaming dollars that Tribes have set aside for local governments throughout the State; the Tohono O'Odham Nation requested that the County submit an application; the County was successful in receiving grant funding to purchase computer hardware for Workforce Development type activities.

Supervisor Ruiz made a motion to approve Contract #G020-05 as presented by staff; second by Vice-Chairman Damon; motion carried unanimously.

IGA AMENDMENT EXTENDING RURAL DOMESTIC VIOLENCE GRANT: Health & Human Services Department Director, Carlos Rivera, informed the Board that the County was notified by the State that they had an additional \$20,000 to provide for services through the Rural Domestic Violence Contract; the Amendment would extend the IGA to 10/31/04 and the additional funding would cover expenses incurred by SEABHS, the County's provider.

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

SETTLEMENT IN TAX APPEAL CASES ST2004000174, ...175 & ...176: Deputy County Attorney, Mike Masee, informed the Board that these 3 tax appeal cases have been filed by the same taxpayer/owner; they are 3 undeveloped lots in Rio Rico currently assessed by the Assessor at \$4,900; the current owner recently purchased the 3 lots for \$4,000 each and is requesting that the assessment be decreased from \$4,900 to \$4,000.

Mr. Masee stated that he has discussed the issue with the County Assessor's Office, who agrees that the request is fair.

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

TAX VALUATION ADJUSTMENTS #106-38-042-0 – Gatlin Albert A, Resolution No: S20030000104; 105-09-009-A-3 – Tamayo Bennen Development Co, Resolution No: S20040000164; 115-07-440-B-6 – Hernandez Karla, Resolution No: S20040000169; 115-07-440-A-7 – Cheang Ricardo, Resolution No: S20040000170; 113-45-332-4 – Quiroga Ernesto & Maria Del Rosario, Resolution No: S20040000168; 133-03-073-6 – Dychunben Jose W & Aniceta S 50%, Lo Jovita 50%, Resolution No: S20020000148; 133-03-073-6 – Dychunben Jose W & Aniceta S 50%, Lo Jovita 50%, Resolution No: S20030000114; 133-03-073-6 – Dychunben Jose W & Aniceta S 50%, Lo Jovita 50%, Resolution No: S20040000171; 109-66-007-1 – Andre Bostick Jeannette Trustees, The Jesse Bostick Andre Trust Agreement, Resolution No: S20040000172; 0480159-01-4 PUC – Naumann/Hobbs Material Handling, Resolution No: M20040900004; 0480158-01-1 PUC – Naumann/Hobbs Material Handling, Resolution No: M20040900003; 2632312-01-2 PUC – Mediacom LLC, Resolution No: M20040900006; 1214967-01-1 PUC – Mediacom Arizona LLC, Resolution No: M20040900005; 105-59-002-8 – Christenson Revocable Trust, Resolution No: S20040000177; 112-37-102-C-0 – Montan Paulino, Resolution No: S20040000176; 110-46-001-5 – Fink Thomas L, Resolution No: S20040000178 were approved as submitted by the County Assessor's Office. (MR/RD; c.u.)

BOND FOR DUPLICATE WARRANT #4-557708 payable to J.W. Pepper of Los Angeles, dated 3/4/04 in the amount of \$451.14 was approved as submitted. (MR/RD;c .u.)

Meeting adjourned at 10:20 a.m.

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman

Board of Supervisors
December 21, 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, Arizona. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor, (not present); Greg Lucero, County Manager; Holly Hawn, Attorney; Gloria S. Gonzalez, Deputy Clerk of the Board. Also present: Victor Gabilondo, Sheriff Estrada, Carol DeFazio, Sgt. M. Noriega and Louis Chaboya.

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

ADOPTION OF AGENDA: Vice-Chairman Damon made a motion to adopt the Agenda as posted and to deviate from Agenda sequence as necessary; second by Chairman Maynard; motion carried.

CALL TO THE PUBLIC: Sheriff Estrada introduced Deputy Chad Mathews that will be certified as a Canine Handler as of December 25, 2004, his canine partner Rambo and Deputies Jesus Rene Contreras and Cristobal Velasco, who graduated from the Academy on December 17, 2004.

ACTION ITEMS:

REQUEST AUTHORIZATION TO ACQUIRE PROPERTY ALONG OLD TUCSON ROAD FOR OLD TUCSON ROAD SAFETY IMPROVEMENT PROJECT: Public Works Director,

Victor Gabilondo, stated that the County is in the process of acquiring 5.02 acres as part of the Old Tucson Road Safety Improvement Project in order to satisfy the design requirements for the project that involves five property owners; four of the five accepted the County's offer for their respective properties, totaling 3.02 acres; the total cost for the properties will be \$133,057.50 plus \$2,000 closing costs from the title company for a total of \$135,057.

Mr. Gabilondo requested the Board's authorization to proceed with the acquisition of the four properties in order to proceed with the project.

Vice-Chairman Damon made a motion to approve; second by Chairman Maynard; motion carried.

BONDS FOR DUPLICATE WARRANTS #2-191483 payable to Alicia Martinez, dated 11/16/04 in the amount of \$90.00; #4-564300 payable to Zee Medical, Inc., dated 10/28/04 in the amount of \$892.72 and #2-191487 payable to Yolanda Estrada, dated 11/16/04 in the amount of \$89.49 were approved as submitted. (RD/JM; motion carried)

DEMANDS were approved in the total amount of \$554,821.82 of which \$264,652.78 is from the General Fund. (RD/JM; motion carried) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$264,652.78; **School Forest Fees Fund:** \$41,555.59; **Early Learn-Learning Together:** \$2,883.11; **Community Technology CTR P:** \$1,023.74; **Law Library:** \$1,619.00; **Road:** \$31,107.20; **Animal Control:** \$4,544.21; **Anti-Racketeering #2:** \$10,576.13; **HIDTA 13:** \$2,139.57; **Adult Probation Fees:** \$1,099.10; **PIC-ACT:** \$2,079.74; **Community Punishment Program:** \$1,283.50; **Jail Enhancement:** \$7,045.70; **Maternal & Child Health Grant:** \$12,171.00; **B.J.A. Bullet Proof Vest:** \$2,198.31; **Federal Seizure Fund:** \$1,614.65; **Gear Up:** \$7,860.69; **T.B. Grant Fund:** \$9,670.80; **Drug Treatment & Education:** \$1,637.50; **Flood District:** \$8,665.99; **Fire Districts Secondary:** \$83,929.00; **Cultural Youth at Risk:** \$3,958.35; **W.I.A. Youth Program:** \$2,678.67; **W.I.A. Adult:** \$2,691.77; **W.I.A. Dislocated Worker:** \$5,111.16; **Building Debt Service:** \$28,865.00; **Landfill:** \$5,340.75

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

Meeting adjourned at 9:45 a.m. (RD/JM; motion carried)

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman