

Board of Supervisors  
January 11, 2005  
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: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Mayra Ochoa, Carlos Rivera, Louie Chaboya, Mary Dahl, Sheriff Estrada, Major Romo, Rich & Nancy Bohman, Claudia Proto, Matilde Proto, Dean Fish, Pam Patton, Dave Milton and Sarah Wright.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that Action Item #11 (Santa Cruz Valley National Heritage Area designation effort) be tabled and scheduled as a future Study Session item.

Vice-Chairman Ruiz made a motion to adopt the Agenda tabling Action Item #11 (Santa Cruz Valley National Heritage Area designation effort) to be scheduled as a future Study Session item; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** None

**REPORTS:**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz reported that he attended the Governor's State of the State Address yesterday.

Supervisor Maynard reported that he attended the United Way Meeting, the Sonoita Community Crossroads Forum meeting this weekend where groundwater issues were discussed and the Tubac Community Center Board of Director's Meeting last night.

**MANAGER:** County Manager, Greg Lucero, reported that on Thursday, the Arizona/Mexico Commission, Border Trade Alliance and their counterparts from Mexico will meet regarding the Mariposa Port fast lane project at the Maquiladora Office Building from 8:30 a.m. – 10:00 a.m.; following that meeting, the Nogales Alliance scheduled a meeting to discuss railroad issues which will be facilitated by the Port Authority at the City Hall from 11:00 a.m. – 1:00 p.m.; following that meeting, the Port Authority will meet with the Arizona/Mexico Commission and Border Trade Alliance regarding the Mariposa Port expansion project; he will attend the County Manager's meeting on Friday and a SEAGO Meeting on Saturday to begin interviewing candidates for the Executive Director position.

The Board expressed sincere sympathy to Major Romo and his family for the recent loss of his brother.

**FINANCE:** Senior Accountant, Mayra Ochoa, reported \$8,856,918 in the General Fund, of which \$8,624,077 is invested; \$1,214,285 in the Road Fund, of which \$999,277 is invested; \$770,102 in the Flood Control District Fund, of which \$754,562 is invested; \$13,302,372 total for all funds, of which \$13,035,079 is invested; \$8,698,785 estimated end of month balance, compared to \$5,779,450 cash at January 2004, a difference of \$2,919,335.

**HEALTH AND ENVIRONMENT:** Health & Human Services Department Director, Carlos Rivera, reported that last week's sewage issue was due to a broken manhole cover on the U.S. side.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 71, 66 males and 5 females; 25 inmates have been sentenced to the County jail and 6 to the AZ Department of Corrections; 64 have been charged with felonies and 7 with misdemeanors; 20 (28%) are undocumented aliens; 3 have been committed to the County jail on a daily basis and 2 on a weekly basis. 38 persons were booked in during the past week.

Sheriff Estrada also reported that a 17-year old female from Rio Rico was involved in a horseback riding accident yesterday and had to be airlifted to the University Medical Center.

**ACTION ITEMS:**

**SANTA CRUZ COUNTY MEMBERSHIP IN THE GREATER NOGALES/SANTA CRUZ COUNTY PORT AUTHORITY:** County Manager, Greg Lucero, stated that he and Vice-Chairman Ruiz have participated in several meetings with public/private sector individuals and organizations in Nogales/Santa Cruz County to find ways to address border infrastructure issues in a unified voice; as a result, the Greater Nogales and Santa Cruz County Port Authority, a 501C6 non-profit organization, was created; its main purpose is to lobby on behalf of the community to address infrastructure needs to facilitate international trade and commerce.

Mr. Lucero provided the Board with the Articles of Incorporation and By-Laws for the Organization; the County, by joining the organization, will serve on the Board; Supervisor Ruiz will need to be named as the County's representative and if ratified, will continue to serve as the Vice-Chair of the organization.

Vice-Chairman Ruiz provided a brief background on the formation of the Authority which was private sector generated.

Chairman Damon asked if a membership fee is required; Vice-Chairman Ruiz responded yes, a \$2,000 membership fee is charged to all participating organizations.

Vice-Chairman Ruiz made a motion to approve the County's membership in the Greater Nogales/Santa Cruz County Port Authority and the Articles of Incorporation and By-Laws; second by Supervisor Maynard; motion carried unanimously.

**REAPPOINTMENT TO BOARD OF ADJUSTMENT:** Vice-Chairman Ruiz made a motion to reappoint Paul Hathaway to the Board of Adjustment from District #1; second by Supervisor Maynard; motion carried unanimously.

**APPOINTMENT TO PLANNING & ZONING COMMISSION:** Supervisor Maynard made a motion to appoint Lil Hunsaker to fill the remainder of Jean Rogers' term to the Planning & Zoning Commission from District #3; second by Vice-Chairman Ruiz; motion carried unanimously.

**INTEROPERABLE COMMUNICATIONS SYSTEM:** Emergency Management Director, Louis Chaboya, informed the Board that this is the first phase of a multi-phase project in Santa Cruz

County; the matter before the Board is funding in the approximate amount of \$800,000 to upgrade the Dispatch Center for the Nogales Police Department and the Santa Cruz County Sheriff's Office; the funds will be reimbursed by the State through a grant awarded from the Department of Justice.

Attorney Hawn stated that this is a standard Motorola Contract based on the City of Tempe's bidding process; amendments were made to the procedure in the event of problems and adjustments were made to the billing.

Chairman Damon asked how long the reimbursement process would take; Mr. Chaboya responded that the reimbursement process takes approximately 2-4 weeks.

Vice-Chairman Ruiz made a motion to approve the Interoperable Communications System Agreement with amendments as presented by staff; second by Supervisor Maynard; motion carried unanimously.

**APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE LOCAL WORKFORCE INVESTMENT BOARD:** Health & Human Services Department Director, Carlos Rivera, stated that the Local Workforce Investment Board nominated Myra Zuniga to serve as Chairperson and Juan Arvizu as Vice-Chairperson for the Local Workforce Investment Board.

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

**COOPERATIVE EXTENSION BUDGET:** Extension Agent, Dean Fish, requested that the Board approve the appropriation to the Santa Cruz County Cooperative Extension.

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

**MINUTES** of 10/25/04, 10/26/04, 11/2/04, 11/9/04, 11/16/04 and 11/23/04 were approved as submitted. (MR/JM; c.u.)

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

PUBLIC HEARINGS  
10:00 A.M.

**FINAL PLAT FOR TRAILS HEAD AT BARRIO DE TUBAC, LOTS 20-59 AND 69-74, A 46 LOT RESIDENTIAL SUBDIVISION:** Community Development Department Director, Mary Dahl, informed the Board that this is the last phase of Trailhead, which is an 81 lot patio home subdivision in the Barrio de Tubac Development; the 1<sup>st</sup> phase was 6 lots, the 2<sup>nd</sup> phase was approved by the Board in June 2004.

Trailhead is being developed as a Planned area Development (PAD) project; the PAD was approved by the Board in March 2004; the project was developed in phases in order to comply with the assured water supply requirements of the AZ Department of Water Resources; the developers sought designation of the Baca Float Water Company as a municipal water provider that has an assured water supply; the designation was approved in November 2004.

Ms. Dahl stated that the improvement plans have been reviewed and approved by staff; the final plat has been reviewed and approved by the Acting County Engineer.

PUBLIC COMMENT: None

**FINAL PLAT FOR SANTIAGO AT BARRIO DE TUBAC PHASE II, A 35 LOT RESIDENTIAL SUBDIVISION:** Community Development Department Director, Mary Dahl, informed the Board that this is the 2<sup>nd</sup> phase of Santiago at Barrio de Tubac, a custom home development; the 1<sup>st</sup> phase was approved in November 2002 and included lots 1-36; this final plat is lots 37-71.

Ms. Dahl stated that each proposed lot is in excess of the required 7,500 square feet minimum with many measuring twice that size; as part of the requirement for release of these lots from the Trust, Paseo Tumacacori will be built through to the Frontage Road on the south end. Water will be provided by the Baca Float Water Company under their designation as a municipal water provider with an assured water supply.

This Plat includes conservation easements along the lots adjacent to the river which prohibit the lot owners from clearing the areas except in the case of fire hazard.

PUBLIC COMMENT: None

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

**ACTION ITEMS CONTINUED:**

**FINAL PLAT FOR TRAILS HEAD AT BARRIO DE TUBAC, LOTS 20-59 AND 69-74, A 46 LOT RESIDENTIAL SUBDIVISION SITUATED IN BACA BLOAT NO. 3 LAND GRANT, SANTA CRUZ COUNTY, AZ (CASE #SUB-04-23 CROSS REF. CASE #SUB-04-06; PARCEL NO. 112-44-023-A-PORION):** Community Development Department Director, Mary Dahl, stated that the Tentative Plat was conditionally approved by the Planning & Zoning Commission in February 2004 with 5 conditions; all conditions have been met and she recommended approval of the plat as presented.

Supervisor Maynard asked how many residential groundwater hookups have been designated; Gary Brasher responded that 533 residential hookups were included in the application, maximum buildout would be 483 plus 40 commercial hookups are planned.

Supervisor Maynard made a motion to approve as presented by staff; second by Vice-Chairman Ruiz; motion carried unanimously.

**LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS (THIRD PARTY TRUST NO. T-1353) FOR TRAILS HEAD AT BARRIO DE TUBAC, LOTS 20-59 AND 69-74 AND COMMON AREAS "A" AND "B" (CASE #SUB-04-23 CROSS REF. CASE #SUB-04-06):** Community Development Department Director, Mary Dahl, informed the Board that this Land Development Agreement and Third Party Trust are to assure that the improvements in Trailhead are completed in accordance with the

approved plans; all streets in Barrio de Tubac are private, but are being built to county standard; no partial releases are contemplated and she recommended approval.

Vice-Chairman Ruiz made a motion to approve the Land Development Agreement and Third Party Trust Agreement between San Miguel Partners, LLC and Baca Float Land Development, Ltd. (collectively "Subdivider"), Title Guaranty of Arizona, Inc. ("Trustee"), as trustee under Trust No. 1353, and Santa Cruz County, Arizona ("County"); second by Supervisor Maynard; motion carried unanimously

**FINAL PLAT FOR SANTIAGO AT BARRIO DE TUBAC PHASE II, A 35 LOT RESIDENTIAL SUBDIVISION SITUATED IN BACA FLOAT NO. 3 LAND GRANT, SANTA CRUZ COUNTY, AZ (CASE #SUB-04-17 CROSS REF. CASE #02-09: PARCEL NO: 112-44-023A):** Community Development Department Director, Mary Dahl, informed the Board that the Planning & Zoning Commission approved the tentative plat in September 2002 with conditions; all conditions have been met and she recommended approval.

Supervisor Maynard made a motion to approve the Final Plat for Santiago at Barrio de Tubac Phase II and to authorize the Chairman and Clerk to sign; second by Vice-Chairman Ruiz; motion carried unanimously.

**LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS (THIRD PARTY TRUST NO. T-1359) FOR SANTIAGO AT BARRIO DE TUBAC PHASE II, LOTS 37-71 AND COMMON AREAS "A" AND "B" (CASE SUB-04-17 CROSS REF. CASE #02-09: PARCEL NO: 112-44-023A):** Community Development Department Director, Mary Dahl, informed the Board that this Land Development Agreement and Third Party Trust are to ensure that the improvement are made in Santiago in accordance with the approved plans; Paseo Tumacacori will have to be completed south to the Frontage Road, in accordance with the improvements plans approved in November 2002, prior to any lot release.

Vice-Chairman Ruiz made a motion to approve the Land Development Agreement and Third Party Trust Agreement between San Miguel Partners, LLC and Baca Float Land Development, Ltd. (collectively "Subdivider"), Title Guaranty of Arizona, Inc. ("Trustee"), as trustee under Trust No. 1359, and Santa Cruz County, Arizona ("County"); second by Supervisor Maynard; motion carried unanimously.

The Board recessed the Regular Meeting to convene in Executive Session and reconvened. (JM/MR; c.u.)

**APPROVAL TO INTERVENE IN CORPORATION COMMISSION CASE E-01032A-99-0401 RELATED TO NEED FOR SECOND TRANSMISSION LINE TO SERVE SANTA CRUZ COUNTY AND RELIABILITY ISSUES:** Attorney Hawn stated that this request is to allow the presence of Santa Cruz County in this original Arizona Corporation Commission case, which opened up the question of whether a second transmission line was needed from Santa Cruz County to the City of Nogales in order to approve the reliability of electrical power; when the case was filed, Santa Cruz County did not intervene and the second line was ordered; since then, issues have arisen regarding the necessity of a second line and the Corporation Commission is now interested in reopening the case.

Attorney Hawn requested approval for the County to intervene.

Supervisor Maynard made a motion to authorize Santa Cruz County to intervene in Arizona Corporation Commission Case E-01032A-99-0401 related to need for second transmission line to serve Santa Cruz County and reliability issues; second by Vice-Chairman Ruiz.

Under discussion, Supervisor Maynard expressed the importance of looking at alternative options other than the 345-KV line.

Motion carried unanimously.

The Meeting adjourned at 10:30 a.m. (MR/JM; c.u.)

#### STUDY SESSION

2:00 p.m.

The Board met in a Study Session. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek Clerk. Also present: Karl Moyers, Hugh Holub, Gary Shadrack, Randy Heiss.

**CURRENT AND FUTURE MANAGEMENT ISSUES INVOLVING THE COUNTY LANDFILL:** Karl Moyers, Solid Waste Manager, provided the Board with a powerpoint presentation regarding recommendations concerning the Intergovernmental Agreement with the City of Nogales.

Mr. Moyers explained that at fiscal year ended 6/30/2004, the City disposed of 19,417 tons at a cost of \$710,671; it costs the City approximately \$45/ton to transport and dispose of its solid waste; the City of Nogales issued a request for proposals for disposal of municipal solid waste and construction of a public access transfer facility for 1 year.

Waste Management and Tucson Recycling & Waste Services responded to the request for proposals and both proposals would result in cost savings to the City and a substantial loss of revenue to the Rio Rico Landfill.

Mr. Moyers stated that 5 alternatives were presented to City of Nogales representatives on 12/8/04 as follows: 1. Do nothing; 2. Convert the transfer station from a rear load to an open top system; 3. Purchase 2 new collection vehicles for the City as part of the City/County IGA; 4. Partnership with the private sector or 5. Form a Regional Solid Waste Authority. The result of the meeting was Alternative 6 which involves the City and County entering into an IGA for 1 year; the County discounting the disposal fee the City pays to \$26/ton and the City & County organizing a committee to investigate forming a Regional Solid Waste Authority.

Formation of a Regional Solid Waste Authority was discussed.

County Manager, Greg Lucero, stated that staff would develop a draft IGA between the City of Nogales and Santa Cruz County to be presented to each entity for consideration.

The Study Session adjourned at 3:20 p.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman