

Under discussion, Vice-Chairman Ruiz suggested holding an evening meeting, at least once a month.

Motion carried unanimously.

**LICENSING AGREEMENT WITH TUBAC CHAMBER OF COMMERCE:** Public Works Director, Victor Gabilondo, informed the Board that the Tubac Chamber of Commerce and the Public Works Department have been working together in an effort to replace the existing entrance sign to the Village of Tubac; the Tubac Chamber has the funding, the design plans and necessary permits to replace the sign with a block and stucco sign; because the sign is to be constructed on County property, it requires a Licensing Agreement between the County and the Chamber.

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

**MINUTES** of 1/4/05 were approved as submitted. (MR/JM; c.u.)

Meeting adjourned at 10:10 a.m.

## STUDY SESSION

1:30 p.m.

The Board met in a Study Session at the Santa Cruz County Complex, 2150 N. Congress Drive, Courtroom A, Nogales, AZ. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Holly Hawn, Attorney; Jeannette Martinez, Administrative Assistant. Also present: Anna Montoya-Paez, Superior Court Judge; James A. Soto, Presiding Superior Court Judge; Brock Fuller, JP Court #2; Russell Dillow, Nogales City Court; Mary Helen Maley, Justice Court #1; Concepcion Bracamonte, Patagonia Municipal Court; Frank Corrales, Court Administrator; Kimberly Corsaro, Judge Pro Tempore and Court Administration staff.

**STATE OF THE JUDICIARY PRESENTATION:** Judge Soto welcomed the Board and introduced the various judges and their respective judicial departments. He stated that the representatives of the judicial system wanted to meet with the supervisors because “they are the ones that control our purse strings”, and thought it would be helpful for the supervisors and the public to know how the judicial system operates and what services it provides.

The PowerPoint presentation exhibited the judicial system having more than \$5.5 million in its 2004-2005 budget with more than \$3.6 million of the budget coming from the county’s general fund and the rest coming from state and federal funds. There are a total of five judges and 86 staff members in the system with half of the judiciary system’s eight departments receiving all or most of their funding from the county’s general fund.

Anna Montoya-Paez, Superior Court Judge Div. #2, presented the collections for Adult Probation services for fiscal year 2004 in priority order. Restitution which is mandated by law received \$41,262.51; Fines and Fees: \$54,295.93; Probation Service fees: \$86,600.23 and Attorney’s fees: \$13,045.05. Through a Tax Intercept Program, Superior Court collected \$1,392 in fines and fees in 2004.

The Adult Probation Department employs 16 individuals. The active intensive probation caseload capacity equals 40 for a 3-person team of Probation Officers. It reached its capacity level in 2002 and was nearing capacity in 2004. The cost of supervision ranges from \$2.52 per day to monitor someone on probation to \$7.00 per day if on electronic monitoring, and costs up to \$70.00 to house offenders in the correction facility. A Probationer/Offenses by age chart was presented which indicated 36% of cases were individuals between the ages of 18 and 24 with the majority of probationers living in Rio Rico followed by Nogales. Another chart indicated 70 and 72% of probationers on a work-release program were employed, and 3 to 5% were on job search in 2004.

In 2004, probationers completed more than 6,000 hours of community service work hours cleaning parks, washes, churches, schools, fire departments, cemeteries and county grounds, and 85 percent of probationers successfully terminated their probation. Twenty-one cases were committed to the AZ Department of Corrections.

Mary Helen Maley, Justice of the Peace #1, reported on traffic, civil and criminal caseloads with domestic violence being the largest caseload. Judge Maley also reported on a new pilot program called Constructing Circles of Peace (Construyendo Circulos de Paz) a restorative justice approach which promotes healing within the family, which is meant to change attitudes, and increase victim satisfaction. She explained that when protection orders are issued, the individuals “get back together” in a majority of cases and that a large number of victims want to stay with the perpetrator, but without the violence. The Peacekeeping Circles offer opportunities for community empowerment and long-term solutions.

Partnership is voluntary and offenders have the right to withdraw from the program and re-enter the criminal justice system. In some cases the program wouldn’t be appropriate. The circles last about nine months. Judge Maley believes it will work and added that many children raised in homes where domestic violence occurs often grow up to be batterers themselves or choose a batterer for a partner.

Kimberly Corsaro, Judge Pro Temp, presented the Juvenile Court system and the services it provides. It deals with cases involving child abuse and neglect, child support and the CASA program, and Juvenile Probation. Its staff is comprised one 1 Judicial Officer, 1 Director of Juvenile Court Services, 1 Judicial Assistant and 1 Dependency Coordinator/Court Appointed Special Advocate (CASA) Coordinator.

The presentation revealed that for fiscal year 2004 there were 39 open petitions and 12 new cases involving child abuse and neglect an increase when compared to 14 open petitions and 5 new cases filed in 2002. Open petitions can include more than one child and remain open until the last child in the family turns 18. Judge Corsaro stated that there are 39 children in the system of which only 4 are with their families and the rest are in foster care.

A Court Appointed Special Advocate (CASA) is a person who advocates for the best interest of the child in the dependency action. They are volunteers who not only appear in court to speak on behalf of the child, but also file quarterly reports to the court with their recommendations. There are four in the county that go through “strenuous” training. All reports are shared with Child Protective Services (CPS). They provide education to families involved in child related cases that are all of sudden “inundated” with

government information. A graph chart indicated that for fiscal year 2004 there were 13 cases and 12 children assigned to CASA volunteers when compared to FY 2002 there were only 6 cases and 5 children assigned.

Judge Corsaro also presented the IV-D Child Support, which are actions, brought by the Arizona Attorney General on behalf of the children to establish or enforce the payment of child support. This usually happens when the custodial parent, usually the mother, requests assistance. Charts presented indicated that in 2004, there were 46 petitions to establish child support payments and 88 in fiscal year 2002 and 2003. In 2004, there were 39 petitions for paternity and support orders. In 2003 there were 56, and in 2002 there were 23. In 2004 there were 56 motions to enforce payment of child support, 83 in 2003 and 45 in 2002.

Judge Soto thanked the Board for taking the time to listen to their State of the Judiciary presentation and addressed facilities issues that the judicial system is currently experiencing and asked the Board to consider their needs when discussion on the new building master plan unfolds.

The Study Session adjourned at 3:35 p.m.

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors  
February 2, 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; Gloria S. Gonzalez, Deputy Clerk. Also present: Victor Gabilondo, Jennifer St. John, John Hays, Mike Masee, Mary Dahl, Karl Moyer, Sue Neilsen, Jim Patterson, Allan Troy, Carol DeFazio, Cynthia & Gary Rose, Marshall Magruder, Lyman Blackwell, Rudy Castro, Marysa Vivanco, Marcelino Varona, Daniel Doyle, John DeStefano, Gary Shadrick, Bill Perry, Eloise Perry, Bruce Pheneger, Sheriff Tony Estrada, Roberto Canchola and Frank Morales.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that Action Item F-13 (Approval of Minutes 01/11/05) be tabled.

Vice-Chairman Ruiz made a motion to adopt the Agenda, tabling Action Item #13 (Approval of Minutes 01/11/05) and to deviate from Agenda sequence as needed; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** Jim Patterson, Tubac resident, asked the Board for a letter of support in seeking a moratorium with the water rate increase that is going to take effect in January 2006; he discussed alternatives to reduce the cost of maintenance that would avoid the increase from \$20.00 a month to an additional \$70.00 a month; he is collecting signatures from paying customers opposing the increase. He requested the Board to place this request on the Agenda for further discussion.

Allan Troy, stated that Ordinance 2004-05, Section 2106, Paragraph A, under the heading of the Composition of the Board, there is no procedure to notify the community of vacancies available on the Tubac Historic Zone Advisory Board; he opposes the selection process of the appointments and reappointments to the Board; the procedure to the rules of conduct to operate are not followed; no action was taken by the County on violations he brought forward; there are no specified procedures followed in announcing vacancies; some Board members do not follow rules of conduct, therefore, violating zoning regulations; it is cronyism to have the same members serve another term which may lead to suspect that the Community Development Director, Mary Dahl, is involved with a special interest group in Tubac; he recommended that the Board not take action approving the Tubac Historic Zone Advisory Board today.

Cynthia Rose stated that the Tubac Historic Zone Advisory Board operates in a representative fashion; the property owners should vote on who is to be on the Advisory Board; under the new Ordinance, the rules are dictatorial and the County Supervisors seem to listen to special interest groups that control the town; this is evolving from a Democratic to a dictatorial society; it seems that Santa Cruz County is currently getting away with things that are unjust or unconstitutional; she has offered to serve on the Advisory Board, even though she has more experience than the people that are currently serving; she has complied with every historical builder requirement in her Tubac Gallery; she questioned violations of current Board members that are not following the historic rules and regulations; she requested to be appointed to the Advisory Board.

Gary Rose stated that the Tubac Historic Zone Advisory Board empowers a group in Tubac which approves or disapproves anything that is presented to them; specific zoning regulations are not being followed; boundaries were modified in the commercial section; recommended that the Board of Supervisors form a committee to study the Historic Zone Ordinance.

Marshall Magruder discussed the water problem in Tubac and asked for the Board's support to delay the water rate increase until a better cost effective solution is found; he requested to be placed on the Board's Agenda.

Lyman Blackwell, Tubac resident for seven years, stated that the arsenic treatment facility is being built across from his property; he reviewed research reports with the Board and requested a moratorium before proceeding with the rate increase.

Marcelino Varona, Nogales Chamber of Commerce Director, requested that a County representative be present at the Chamber of Commerce Board of Directors Meetings; he requested to be

placed on the Board's Agenda to present their monthly report; he thanked Chairman Ruiz and Councilman Barraza for their eloquent speeches at the Port Authority Conference; he thanked the Board for allowing him to voice his concerns on behalf of the business community.

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

**FLOOD CONTROL:** DIRECTOR'S/PROJECT REPORT: Submitted in writing. Floodplain Coordinator, John Hays, informed the Board that Item #1 in his report should reflect that the property design work is underway; Item #3 should reflect that he is trying to schedule a site visit for next week; Item #8 should reflect that Staff received two (2) Site Review applications; Item #10 should reflect that Staff reviewed seventy six properties, three within the City of Nogales.

Supervisor Maynard congratulated Mr. Hays on his appointment to the Arizona State Parks National Program Chairmanship.

Chairman Damon requested that Mr. Hays report back to the Board regarding the Monte Carlo basin project; Mr. Hays stated that the basin is still under construction with 60/70% complete; the City met with the State to go over the finalization of the basins in the Chihuahua and Challenger sites.

**MONTHLY REPORT FROM CITY OF NOGALES:** Mr. Lucero stated that the City of Nogales as well as the Town of Patagonia are aware that they are placed on the Board's Agenda to give them an opportunity to present a report on what is going on in their communities; the Agenda is sent to the City and to the Town well in advance, they have yet to do so.

Vice-Chairman Ruiz recommended sending a letter to the City Mayor and the Town of Patagonia Mayor advising and inviting them to participate.

Marshall Magruder stated that today at 5:30 p.m. the City Council will hold a utility meeting to discuss the wastewater treatment plant electric generation system that will use methane in the plant.

**MONTHLY REPORT FROM THE TOWN OF PATAGONIA:** None.

**REQUEST APPROVAL OF FINAL NEGOTIATED COUNTER OFFER FOR LAND ACQUISITION FOR THE AZULEJO DRAINAGE IMPROVEMENT PROJECT FOR PARCEL NO. 115-09-309 AND SETTLEMENT OF CONDEMNATION LITIGATION.** Attorney Mike Masee, stated that pursuant to the authority of a prior Resolution of the Board of Directors of the Flood Control District, an Action of Condemnation was filed to obtain title to parcel #115-09-309; the owner is willing to settle for \$7,300; he requested the Board's authorization to proceed.

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

**BID AWARD: B-14-04-C014; SOUTH RIVER ROAD REVEGETATION PROJECT:** Floodplain Coordinator, John Hays, stated that on April 20, 2004, the Board of Supervisors approved the Working Agreement between the Coronado Resource Conservation and Development Area and the Santa Cruz County Flood Control District for the South River Road Revegetation Project funded under the \$80,000 grant from the US Environmental Protection Agency/Arizona Dept. of Environmental Quality (ADEQ) Water Quality Improvement Program; the purpose of the project is to protect the western bank of the Santa Cruz River in the area of the damages sustained in the October 2000 flood event; he requested that the materials bid be awarded to Liberty Fence & Supply, LLC in Showlow, Arizona, under the Pick-Up Alternative for an amount not to exceed \$87,495.79.

Vice-Chairman Ruiz made a motion to approve and award Bid #B-14-04-C014 for the South River Road Revegetation Project and to award the materials bid to Liberty Fence and Supply, LLC, under the Pick-Up Alternative, as presented by staff and not to exceed \$87,495.79; second by Supervisor Maynard; motion carried unanimously.

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

**CURRENT EVENTS AND ACTIVITIES REPORTS:**

**COCHISE COLLEGE ANNUAL REPORT:** Dr. Karen Nicodemus, President of Cochise College, presented to the Board the Santa Cruz Educational Services Program Analysis for the year 2004. Dr. Nicodemus reviewed the End of the Year Report FY2004 and Six Month Report FY2005 as compared to FY2004; she discussed the courses being offered, including the Interactive Television Courses at different locations, Federal College Work Study Program, scholarships and future facility needs.

Vice-Chairman Ruiz stated that people would be better assets to the community with a higher level of education.

Dr. Nicodemus stated that Cochise College tries to be responsive to the students needs and all the money that is raised in Santa Cruz County will be used in Santa Cruz County for scholarships; she thanked the Board and the City of Nogales for their support.

**SHERIFF:** Sheriff Estrada reported that he will be meeting today at 9:30 a.m. with the Tubac Festival Committee.

Sheriff Estrada reported that the current jail population is 92, 84 males and 8 females; 27 inmates have been sentenced to the County jail and 6 to the Arizona Department of Corrections; 86 have been charged with felonies and 6 with misdemeanors; 18 (20%) are undocumented aliens; 6 have been committed to the County jail on a daily basis and 6 on a weekly basis. 58 persons were booked in during the past week.

Sheriff Estrada reported the fatality of a man that darted in front of oncoming traffic on Sunday night; the Metro task force continues doing drug seizures.

**FINANCE:** Administrative Services Director, Jennifer St. John, reported \$8,598,043 in the General Fund; \$1,258,427 in the Road Fund; \$777,700 in the Flood Control District Fund; \$12,809,637 total for all funds; \$8,124,043 estimated end of the month balance, compared to \$5,416,897 cash at February 2004, a difference of \$2,707,146.

**ACTION ITEMS**

**REQUEST APPROVAL OF QWEST CPE MAINTENANCE AGREEMENT, EXTENDED SERVICE HOURS FOR THE COUNTY'S PHONE SYSTEM:** Administrative Services Director, Jennifer St. John, requested that the Board approve the annual Qwest CPE Maintenance Agreement that

would cover the extended service hours for the County's Law Enforcement Public Safety phone system, saving travel, labor and equipment costs and even though not all the equipment repairs are going to be covered under this agreement, the savings to the County have been substantial and down time has decreased significantly.

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

**DISCUSSION AND POSSIBLE ACTION TO APPOINT/REAPPOINT MEMBERS TO THE TUBAC HISTORIC ZONE ADVISORY BOARD:** Mary Dahl, Community Development Director, stated that in November of 2004 the Board adopted Ordinance 2004-05, which rescinded the previous Historic Zone regulations and adopted Article 21 and the Tubac Historic Zone map; a Historic Zone Advisory Board needs to be appointed consistent with the qualifications and the terms set out in the new code to complete the transition to the new regulations; she outlined the qualifications of each member who either live within or near the historic zone and/or possess special knowledge of building design, construction or the history of the area, live in the Tubac area, own business property, or reside, or both in the Tubac Historic Zone.

Supervisor Maynard asked Ms. Dahl if the individuals that she is nominating are currently or have been involved with the committee over the past year or six months and meet the criteria the new approved Ordinance or the re-approved Ordinances have set forth; Ms. Dahl replied yes; Supervisor Maynard asked Ms. Dahl if she has spoken with them and if they are willing to continue to serve; Ms. Dahl replied yes.

Chairman Damon asked Ms. Dahl if she has looked into the concerns and violations that were brought to her attention; Ms. Dahl replied that the violations might be of the Historic Zone regulations and some encroachments into rights of land which is a problem throughout the Village of Tubac and that it was not her intention to ignore them but will look into them.

Vice-Chairman Ruiz stated even though there are accusations and the Board was called dictators, he does not have a problem with the proposed members but he has concerns that every couple of months when something is going to be done in Tubac it turns into a firestorm and if everyone works together all the benefits would eventually make this County better. He asked Ms. Dahl how the new members were selected and to get a committee to address the concerns prior to the selection of appointments or reappointments of members; Ms. Dahl replied that Mr. Troy is correct, the Ordinance is silent, which allows the County to establish its own procedures for taking applications over the course of the year and within a year there are going to be three vacancies; she suggested developing an application form and two months prior to appointing new members, advertise it in the newspaper and post it in the Village of Tubac that applications are being accepted, she encouraged anyone who is interested in serving to attend the meetings and become familiar with the process thereby strengthening their application; Vice-Chairman Ruiz stated that this new process will prevent misunderstandings.

Attorney Hawn reminded the Board that they have the authority to appoint members to advisory boards dealing with all kinds of subjects and the appointments are the prerogative of the Board and the advisory committees are simply a decision making process that the Board goes through and each Supervisor is the elected representative for each of the districts and in that way their constituents have delegated the Board the authority to make the appointments, ultimately the application process will be the Board's decision for the Advisory Board.

Vice-Chairman Ruiz stated that this represents a different issue since the Historic Zone Advisory Board was created by an Ordinance and with other committees each Supervisor appoints people from their district to represent some of the community interests, but in this case it would be in the best interest to have a very defined criteria and stated that even though he is elected by District 1 he is concerned about what happens in District 2 and 3; the Board wants the residents of this community to know that they can volunteer to serve and that their voices are going to be heard; he suggested that the committee set up the Advisory Board criteria and to make the process open to the public; Ms. Dahl replied that all the meetings are always open to the public.

Chairman Damon asked Ms. Dahl if the membership could be increased from six to nine members; Ms. Dahl replied yes, but the Ordinance needs to be amended; Chairman Damon stated that many residents are interested in serving on the Advisory Board.

Mr. Lucero stated that in order for staff to get proper direction, whatever suggestion the Board has, needs to be incorporated into the motion.

Supervisor Maynard reiterated what Vice-Chairman Ruiz stated and that for the committee to review not only the qualifications, but follow a process that will not leave a burden upon the Board to give a yes or no call; the opportunity to make the positions available should be more open than what is currently being followed because the County has readopted the need not only for the festival ordinance but also a guideline ordinance for the architectural design and motif in the community that will work for at least 12 or 24 months; to concur with the desires of the other two supervisors; that over the next six or eight months the Tubac Historic Zoning Advisory Board review not only criteria but a process that will deal only with architecture in new constructions and building modifications in the Tubac Community and not in land use.

Supervisor Maynard made a motion to appoint the individuals to the Tubac Historic Zone Advisory Board as recommended by staff and request the Board that within six to twelve months develop some clear guidelines on how future appointments will be made.

Vice-Chairman Ruiz stated that before he seconds the motion, he suggested to Supervisor Maynard that instead of allowing the Board to decide, to allow a committee along with members of the Board to sit down and come up with the application process and increase the number of members.

Supervisor Maynard made a friendly amendment to his motion to appoint the individuals to the Tubac Historic Zone Advisory Board as recommended by staff and that the Board of Supervisors request that the Tubac Historic Zone Advisory Board form a committee to modify or make recommendations to the County as to the size of the committee and the criteria for membership within the next twelve months; second by Vice-Chairman Ruiz.

Under discussion Vice-Chairman Ruiz asked the people that spoke under Call to the Public, if the Board's decision satisfied some of their concerns; Cynthia Rose replied yes, but she still cannot understand

how the members can be in violation and are allowed to continue to represent the area and not abide by their own rules.

Chairman Damon stated that the Public Works Director would look into the complaints.

Motion carried unanimously.

**REQUEST APPROVAL OF TOBACCO EDUCATION PREVENTION PROGRAM INTERGOVERNMENTAL AGREEMENT AMENDMENT:** County School Superintendent, Robert Canchola, thanked Supervisor Maynard for being School Principal for one day at Mountain View Elementary School. Mr. Canchola stated that he is requesting approval of an Amendment to the Tobacco Education Prevention Program that has been in force since 1996; \$23,000 in additional funding was awarded to the County by the Arizona Department of Health Services.

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

Under discussion, Vice-Chairman Ruiz asked Mr. Canchola to explain description of services, other (indirect) cost for \$19,815 on page 5; Mr. Canchola replied that the funds were used for administrator cost, payroll functions, subcontracts with Mariposa Community Services and they in turn receive the indirect funds, the expense of field trips of students in the Cessation Program to another health center; Vice-Chairman Ruiz asked Mr. Canchola to clarify the other operating amount of \$30,200.

Marysa Vivanco replied that field trips, uniforms cannot be applied to direct line items, therefore, they are applied to the indirect expenses not the operating expenses; Vice-Chairman Ruiz asked Ms. Vivanco that if the funds are going to be used for travel, can the travel budget be increased because the County would be financially responsible should something not work correctly; Attorney Hawn replied that the County would need to justify the expenditures and their applicability.

Vice-Chairman Ruiz asked Mr. Canchola to clarify the items submitted to the Board for approval.

Mr. Canchola will present to the Board a copy of last year's annual report from the Mariposa Clinic.

Motion carried unanimously.

**REQUEST APPROVAL OF CHANGE ORDER #3; BRACKER ELEMENTARY SIDEWALK PROJECT:** Public Works Director, Victor Gabilondo, requested the Board to approve Change Order No. 3 for a cost adjustment in the amount of \$8,901.46 for additional quantities of materials to complete the project due to irregularities in the existing roadway; he stated that this project is a 50% cost share with the Nogales Unified School District.

Vice-Chairman Ruiz made a motion to approve Change Order #3 as submitted and presented by staff; second by Supervisor Maynard.

Under discussion; Supervisor Maynard asked Mr. Gabilondo if the 50% would apply to the \$8,901.46; Mr. Gabilondo replied that the 50% would apply to the \$123,926.26, which is the final cost of the project.

Motion carried unanimously.

**APPOINTMENT TO COURTHOUSE PRESERVATION COMMISSION, DISTRICT 3:** Supervisor Maynard made a motion to appoint Robert Bergier to the Courthouse Preservation Commission for District 3; second by Vice-Chairman Ruiz; motion carried unanimously.

**APPOINTMENT TO BOARD OF ADJUSTMENT, DISTRICT 3:** Supervisor Maynard made a motion to appoint Patrick Hudson to serve for the remainder of Lil Hunsaker's term on the Board of Adjustment for District 3; second by Vice-Chairman Ruiz; motion carried unanimously.

**APPOINTMENT OF DEMOCRATIC PRECINCT COMMITTEEMEN:** Vice-Chairman Ruiz made a motion to appoint as presented in packet for Precinct 1, Mary Darling and Precinct 10, Rosa Elvira Padilla; second by Supervisor Maynard; motion carried unanimously.

**REQUEST APPROVAL OF AMENDMENT #4 OF WIA CONTRACT E5705012 WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY:** County Manager, Greg Lucero, stated that the documentation in their packets is self-explanatory; the contract amendment is to incorporate the additional funds.

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

**DISCUSSION AND POSSIBLE ACTION TO APPROVE A SECOND AMENDMENT TO THE LAND DEVELOPMENT AGREEMENT RECORDED ON FEBRUARY 9, 1999, IN DOCKET 785, PAGE 995, INSTRUMENT NO. 9901388 IN THE OFFICIAL RECORDS OF SANTA CRUZ COUNTY, ARIZONA FOR TUBAC GOLF RESORT HOMES, LOTS 1-60:** Community Development Director, Mary Dahl, stated that the 235 additional residential lots located south of the resort and north of the Village of Tubac are to be served by a new wastewater wetlands system to be situated north of the North County Facility known as Phase III; in February of 2004, the Board approved a First Amendment to the original substituted Land Development Agreement that provided for the release of the lots from TGR Homes in exchange for the posting of two certificates of deposit that assured that the Phase III System would be built and Phases I and II properly closed down within a year in accordance with ADEQ standards due to odor complaints from homeowners near the older wetlands; the developer is requesting a six month extension to finish the project that would be completed by August 2, 2005.

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

**REQUEST APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH CITY OF NOGALES FOR CITY USE OF COUNTY LANDFILL DURING REGIONAL SOLID WASTE AUTHORITY STUDY:** Attorney Hawn stated that the IGA was drafted in response to the use of the County landfill by the City of Nogales; the Agreement obligates the County to continue to provide landfill services to the City for the next year and will take effect March 1, 2005 through February 28, 2006; the County agrees to participate in the Regional Solid Waste Authority Committee during the course of the Agreement; the City agrees to pay \$26.00 per ton for the use of the Santa Cruz County Landfill in Rio Rico to deposit their solid waste; time guidelines were included for the Regional Solid Waste Authority Committee, the Committee has to be formed within 30 days of executing the Agreement; there is a time frame for presenting its initial preliminary report to each of the governmental entities involved; the

Committee will be composed of three members from each, the City and the County and at least one of the members be from the Board of Supervisors and the City Mayor, his designee or a Council Member; there is a provision that mandates inviting the Town of Patagonia to participate and have a full participating member on the Committee; timelines are included for the presentation of preliminary reports, a presentation of a final report and recommendations if both the City and the County decide to proceed, there is a time guideline for the Committee to develop documentation to establish the Regional Solid Waste Authority.

Vice-Chairman Ruiz made a motion to approve the IGA and that Chairman Damon sign on behalf of the County; second by Supervisor Maynard.

Under discussion, Supervisor Maynard asked Attorney Hawn if the \$26.00 rate per ton is just for the City of Nogales or will this rate also apply to the private waste haulers that are using the landfill; Attorney Hawn replied that it is just for the City of Nogales; Supervisor Maynard asked Attorney Hawn what would happen at the end of the twelve month period if the County does not have a consensus and a Regional Solid Waste Authority in place; Attorney Hawn replied that the Agreement would lapse and the City would be free of how it disposes of their solid waste.

Vice-Chairman Ruiz stated that this is being pursued in the spirit of cooperation by working with City colleagues, not only that both governments meet their obligations but not place an expensive burden on the residents of the community.

Supervisor Maynard asked Karl Moyer if he knew the impact this would have on the County, dollar wise of going from our current rate to the new rate at the end of the year or twelve-month period; Mr. Moyer replied that the impact would be between two fiscal years and was unable to provide the dollar amount.

Supervisor Maynard stated that he will be attending the National Association of Counties Meeting in Washington D. C. and will be discussing refuse waste energy and hopes to bring back more information to present to the Board.

Motion carried unanimously.

**APPLICATION FOR SPECIAL EVENT LICENSE: ST. ANDREW'S EPISCOPAL CHURCH WOMEN 4/9/05** was approved as submitted. (MR/JM;c.u.)

**DEMANDS** were approved as submitted in the total amount of \$610,244.73 of which \$159,120.52 is from the General Fund. (MR/JM;c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$159,120.52; **Bad Check Collection:** \$5,777.25; **School Forest Fees Fund:** \$14,057.11; **Law Library:** \$1,265.00; **Road:** \$191,183.34; **Waste Tire Grant (ADEQ):** \$5,586.00; **Animal Control:** \$1,130.94; **Anti-Racketeering #2:** \$5,371.25; **Atty's Victims Comp. Fund:** \$1,497.14; **Sheriff A.C.J.C. Grant:** \$1,136.86; **HIDTA 13:** \$2,203.66; **PIC-ACT:** \$1,591.65; **Juvenile Education Fund:** \$2,343.35; **Folic Acid Program:** \$20,730.73; **Flood District:** \$35,868.11; **Rehabilitation Services Ad:** \$1,310.29; **Cultural Youth At Risk:** \$9,244.70; **W.I.A. Youth Program:** \$13,525.86; **W.I.A. Staff to Board:** \$3,316.32; **WIA/TANF Set A Side:** \$4,706.25; **W.I.A. Adult:** \$62,071.02; **W.I.A. Dislocated Worker:** \$12,717.03; **W.I.A. Administration:** \$12,012.89; **Projects with Industries:** \$3,285.78; **Work Incentive Grant:** \$8,381.40; **Landfill:** \$20,877.49

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

**TAX VALUATION ADJUSTMENTS** #108-03-014-A-0 – Thompson Janet F,

Resolution No: S20040000196; #108-03-014-B-9 – Thompson Janet F, Resolution No: S20040000197; #108-18-017-B-2 – Appleton Ariel B/National Audubon Society, Resolution No: S20040000199; #108-03-010-D-5 – Rydberg Windy L/Martinson Alfred, Resolution No: S20040000200; #113-29-002-0 – Thomson Richard, Resolution No: S20030000123; #108-18-017-B-2 – Appleton Ariel B/National Audubon Society, Resolution No: S20030000124; 112-37-043-B-3 – Urena Richard & Fernandina, Resolution No: S20030000125; #112-37-043-A-4 – Felix Jose & Gloria ½/Urena Richard & Fernandina ½, Resolution No: S20030000126; #108-03-010-D-5 – Rydberg Windy L/Martinson Alfred, Resolution No: S20030000127 were approved as submitted by the Assessor's Office. (JM/MR;c.u.)

**CURRENT EVENTS AND ACTIVITIES REPORTS (CONT.):**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz stated that the Town Hall Meeting that was held on Friday, January 28, 2005 was a tremendous success, thanked Mr. Lucero and the WIA staff for the power point presentation.

**MANAGER:** No report

**HEALTH & ENVIRONMENT:** No report

Meeting adjourned at 11:35 a.m. (JM/MR;c.u.)

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors

February 9, 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: Jennifer St. John, Victor Gabilondo, Caesar Ramirez, Karl Moyers, Marshall Magruder, John DeStefano, Sheriff Estrada.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that the Board table Action Item G-4 (Minutes of 1/11/05) for 1 week.

Supervisor Maynard made a motion to adopt the Agenda as posted, tabling Action Item G-4 (Minutes of 1/11/05) for 1 week and to deviate from Agenda sequence as necessary; second by Vice-Chairman Ruiz; motion carried unanimously.

**CALL TO THE PUBLIC:**

Caesar Ramirez, Health & Wellness Ambassador, advised the Board that the County has formed a group comprised of County employees whose goal is to promote healthy lifestyles; he encouraged the Board members to participate in and promote the upcoming Walking Challenge which will begin on April 1 and other scheduled events.

**REPORTS:**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz welcomed and congratulated newly appointed SEAGO Executive Director, Richard Gaar.

Supervisor Maynard reported that Governor Napolitano met with Patagonia residents on Sunday afternoon and that he had the opportunity to drink wine with her at the Sonoita Vineyard.

**MANAGER:** County Manager, Greg Lucero, reported that he attended the Governor's meeting in Patagonia.

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$8,688,471 in the General Fund, of which \$8,274,077 is invested; \$1,046,389 in the Road Fund, of which \$999,277 is invested; \$745,115 in the Flood Control District Fund, of which \$734,562 is invested; \$12,811,049 total for all funds, of which \$12,723,079 is invested; \$8,558,471 estimated end of month balance, compared to \$5,569,870 cash at February 2004, a difference of \$2,988,601.

**HEALTH & ENVIRONMENT:** None

**SHERIFF:** Sheriff Estrada reported that the current jail population is 91, 84 males and 7 females; 29 inmates have been sentenced to the County jail and 7 to the AZ Department of Corrections; 84 have been charged with felonies and 7 with misdemeanors; 16 (17%) are undocumented aliens; 6 have been committed to the County jail on a daily basis and 3 on a weekly basis. 53 persons were booked in during the past week.

Sheriff Estrada further reported that the Patagonia Marshall's Office seized 260 pounds of marijuana on Monday; the Metro Task Force seized 2 tons of marijuana on Monday where 3 arrests were made; the Sheriff's Office seized 660 pounds of marijuana on Tuesday where 2 arrests were made; the Tubac Art Festival begins today.

**ACTION ITEMS:**

**RESOLUTION #2005-01 RECOMMENDING A DELAY IN THE ARIZONA-AMERICAN WATER COMPANY ARSENIC STANDARD AND CAPITAL IMPROVEMENT PROJECT FOR ITS TUBAC, AZ WATER SYSTEM:** Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

**APPOINTMENT TO THE ANIMAL CONTROL ADVISORY BOARD:** Supervisor Maynard made a motion to appoint Lainey Wilcox to the Animal Control Advisory Board from District #3; second by Vice-Chairman Ruiz; motion carried unanimously.

**WASTE TIRE DISPOSAL PROGRAM IGA:** Solid Waste Manager, Karl Moyers, informed the Board that this IGA makes arrangements for the disposal of waste tires from the landfill through the SouthEastern Arizona Waste Tire Program Consortium and recommended that the Board approve the IGA.

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

The Board recessed the Regular Meeting to convene in Executive Session at 9:50 a.m. (Sale of certain excess parcels of land that are part of or adjoining rights of way) and reconvened the Regular Meeting at 10:45 a.m. (JM/MR; c.u.)

The Meeting adjourned at 10:45 a.m.

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: Jennifer St. John, Carlos Rivera, Felipe Fuentes, Jr., Suzanne Sainz, Ruth Anne Alvarez, Carol DeFazio, Raul G. Lopez, Karen Henson, Diana Cannon, Diana Corrales, Tina Totty, Lois Cooper, Suzanne B. Gilpin.

**DISCUSSION RE: RECORDER'S OFFICE STAFFING REQUEST/PERFORMANCE AUDIT:** County Recorder, Suzanne Sainz, requested the Board's authorization to continue to employ her 3 temporary employees until April.

County Manager, Greg Lucero, reminded the Board that they recently authorized the purchase of a new recording system, which the County Recorder indicated would improve efficiency and reduce the workload in the Recorder's Office; however, during her recent report to the Board, she requested authorization to continue to employ her temporary employees and stated that she would be requesting additional personnel due to increased workload. Mr. Lucero expressed concern regarding the situation and the need to implement some standard of measure to determine if additional staff is warranted.

Ms. Sainz stated that the new position she will be requesting would assist with upcoming elections and the extra workload involved in implementing Proposition 200. Ms. Sainz invited the Board members to visit her office and view firsthand, how busy they are. Ms. Sainz stated that the Recorder's Office currently staffs 4 full-time and 3 temporary positions; the number of full-time positions in the Recorder's Office has remained at 4 for numerous years. Ms. Sainz informed the Board that the number of recordings has more than doubled since 1998.

Deputy County Manager, Carlos Rivera, informed the Board that Ms. Sainz had a volunteer working in her office; she requested and received approval to hire 3 temporary employees and hired the volunteer to fill 1 of the temporary positions. Mr. Rivera stated that the increase in recordings from 1998 to 2003 is not excessive.

Vice-Chairman Ruiz asked Ms. Sainz to view the request for a performance audit as an opportunity to improve operations and determine the needs in her office and not as a way to chastise her and/or current staff.

Ms. Sainz responded that she does not believe a performance audit is necessary and again invited the Board to observe operations in her office.

Supervisor Maynard stated that many other Departments will be making similar personnel requests and that prior to making a decision, he needs impartial information to base it on.

Ruth Anne Alvarez, President, Santa Cruz County Board of Realtors, congratulated Ms. Sainz for the changes that have been made in the Recorder's Office since first meeting with the Board of Realtors and spoke in favor of the performance audit.

Lois Cooper, Santa Cruz County Board of Realtors, expressed the importance of automating the Recorder's system and stated that the performance audit is a good idea.

Diana Corrales expressed concern regarding the need for competent personnel to operate the new Recording software and she stated that all departments should assess their personnel and that all departments would benefit from a performance audit.

Raul Lopez, Santa Cruz County Board of Realtors, asked how much the performance audit will cost and suggested that it be performed when the new system is installed and the elections are over.

Mr. Lucero responded that the performance audit will cost approximately \$5-10,000 and that the new software is currently being used in other Counties.

Karen Henson asked Ms. Sainz why she is opposed to the performance audit; Ms. Sainz responded that her temporary employees could be paid with the money that will be spent on the audit.

Ruth Anne Alvarez stated that she represents 120 members of the Santa Cruz County Board of Realtors and the community and requested that Ms. Sainz reconsider her position regarding the performance audit.

County Assessor, Felipe Fuentes, Jr., asked if all departments requesting personnel will be subject to a performance audit; the Board responded that the performance audit in the Recorder's Office is being proposed because of extreme issues that have arisen in the office.

Ruth Anne Alvarez stated that negative solutions have been proposed by the membership of the Board of Realtors in the past in reference to the operations in the County Recorder's Office; she has attempted to divert them in the past by saying that the group should support and work with the Recorder's Office in an effort to improve operations; however, when she reports back to the Board that Ms. Sainz will not agree to the performance audit, the response is not going to be favorable.

Lois Cooper stated that the Board of Realtors has supported the Recorder's Office in the past in an effort to improve operations; negative comments, such as the employees bringing their children to work or selling Avon in the Office, have not been previously reported publicly because of the desire to work together to improve operations; she requested that Ms. Sainz agree to the performance audit as it can only improve her office.

Diana Corrales requested that Ms. Sainz agree to the performance audit.

Ms. Sainz stated that she will consider the request.

Raul Lopez spoke in favor of the performance audit but suggested that the Board of Supervisors wait until April to see if the improvements have been made, and if not, perform the audit at that time; if the improvements have been made, perhaps a performance audited would not be warranted.

Mr. Lucero responded that the performance audit needs to be conducted now.

Ruth Anne Alvarez stated that the membership of the Board of Realtors has previously mentioned a "6-letter word" as the alternative; Ms. Sainz asked what 6-letter word she was referring to; Ms. Alvarez responded - r e c a l l; Ms. Sainz stated that she was just recently reelected and she believes that the community has faith in her. Ms. Sainz further stated that she knows what goes on in her office and knows what should be done.

The Study Session adjourned at 3:05 p.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman