

Board of Supervisors
February 23, 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: Carlos Rivera, Jennifer St. John, Mary Dahl, Carol DeFazio, Bruce Pheneger, Daniel Doyle, Dr. Marcelino Varona, Lt. Manuel Cota, Jim Mummert, A. Wisdom and Suzie Sainz.

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

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

CALL TO THE PUBLIC: Bruce Pheneger stated that he read an article in the Green Valley News about the shortage of construction workers throughout Arizona and how the County is planning to meet the demand with qualified mechanics, carpenters, painters, electrician, plumbers for the next twenty years and especially in Santa Cruz County; he suggested that Cochise College and WIA start a building trade apprenticeship program as the County's long term goal.

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that he attended the going away party for Consul General Carlos Gonzalez Magayon yesterday; he was reassigned to Houston, Texas; Bertha Lopez will be the new Consul.

Supervisor Maynard reported that he attended a meeting with the Rio Rico residents, he thanked Mr. Gabilondo for answering Rio Rico residents concerns, challenges and possible solutions; he attended the Santa Cruz Valley Citizens Council Meeting.

MANAGER: County Manager, Greg Lucero, reported that he attended the Health Insurance Trustees Meeting last week, rate increases and coverages were discussed.

FINANCE: Administrative Services Department Director, Jennifer St. John, reported \$8,185,588 in the General Fund, of which \$8,119,126 is invested; \$906,234 in the Road Fund, of which \$804,929 is invested; \$745,029 in the Flood Control District Fund, of which \$737,936 is invested; \$11,771,900 total for all funds, of which \$12,389,610 is invested; \$8,655,588 estimated end of the month balance, compared to \$5,697,852 cash at February 2004, a difference of \$2,957,736.

SHERIFF: Lt. Manuel Cota reported that the current jail population is 89, 86 males and 3 females; 15 inmates have been sentenced to the County jail and 6 to the Arizona Department of Corrections; 84 have been charged with felonies and 5 with misdemeanors; 15 (16.9%) are undocumented aliens; 5 have been committed to the County jail on a daily basis and 2 on a weekly basis; 46 persons were booked in during the past week.

ACTION ITEMS:

REQUEST APPROVAL OF AMENDMENT #6 PUBLIC HEALTH EMERGENCY AND PREPAREDNESS CONTRACT #252043: Health and Human Services Department Director, Carlos Rivera, requested that the Board approve the annual renewal for the Bio-Terrorism Hazard Preparedness Contract with the State.

Vice-Chairman Ruiz made a motion to approve the Intergovernmental Agreement Amendment and for Chairman Robert Damon to sign on behalf of the Board; second by Supervisor Maynard; motion carried unanimously.

REQUEST APPROVAL OF SUB-CONTRACT AMENDMENT WITH SOUTHEAST ARIZONA AREA HEALTH EDUCATION CENTER, INC. FOR TRAINING AND EDUCATION REQUIRED FOR PUBLIC HEALTH RESPONSE AND PREPAREDNESS CONTRACT #252043: Health and Human Services Department Director, Carlos Rivera, requested that the Board approve the Sub-Contract Amendment which will provide education and training of County employees and volunteers that is essential to ensure delivery of services to the County's population during an emergency.

Supervisor Maynard made a motion to approve and authorize the Chairman to sign on behalf of the Board of Supervisors; second by Vice-Chairman Ruiz; motion carried unanimously.

ACCEPTANCE OF GRANT AWARD FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY TO BE USED IN THE COUNTY'S ROADSIDE SAFETY SIGNING PROJECT: Public Works Director, Victor Gabilondo, requested that the Board approve the Governor's Office of Highway Safety Grant for \$20,769, that will be used for the purchase of material and power equipment to continue with the Roadside Safety Signing Project.

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

REQUEST APPROVAL OF ASSESSOR/RECORDER NEW LEASE PURCHASE OF MAP COPIER AND SCANNER: County Recorder, Suzie Sainz, stated that the current equipment is outdated and with the new equipment, the Recorder's Office would have the ability to print drawings and produce better quality copies; existing maps could be scanned in to allow them to digitally archive them which would save the Recorder's and Assessor's time and money spent searching for maps and producing multiple sets; both offices are currently paying \$364.02 at \$182.00 each for two systems that are used machines and the amount for a new map copier is \$618.00 at \$309.00 each, including all set-up and delivery.

Vice-Chairman Ruiz asked Ms. Sainz if maintenance was included on the lease; Ms. Sainz replied yes; Vice-Chairman Ruiz asked Ms. Sainz if the equipment will be leased only and not a lease purchase; Ms. Sainz replied that the equipment will be leased only and shipping and installation will be included.

Supervisor Maynard asked Ms. Sainz if this was a lease purchase agreement; Ms. Sainz replied that is a lease with an option to purchase.

Attorney Hawn stated that the Agreement has a provision for an option to buy or trade in.

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

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2005-01 AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE ARIZONA STATE PARKS FOR THE FY2005 LOCAL, STATE AND REGIONAL PARK HERITAGE GRANT PROGRAM FOR IMPROVEMENTS TO ROBERT DAMON RECREATION COMPLEX: Community Development Department Director, Mary Dahl, requested that the Board approve Resolution No. 2005-01 authorizing the submittal of an application to the Arizona State Parks for construction of a soccer field at Robert Damon Recreation Complex; the soccer field was not able to be constructed during Phase 1 of the project; the soccer field will have irrigation, fencing and bleachers; the impact to the County is \$50,000 in matching funds in FY2005-2006. Ms. Dahl recommended approval and requested that the Board authorize the County Manager to sign all the documents related to the grant application.

Chairman Damon asked Ms. Dahl if she was positive that the County was going to obtain the funds; Ms. Dahl replied that it is very competitive.

Vice-Chairman Ruiz asked Ms. Dahl if the County's share would be a cash agreement or in-kind services to offset some of the other costs; Ms. Dahl replied that it would be cash in order to get the field built; Vice-Chairman Ruiz asked Ms. Dahl when she will know that the County is going to get the award; Ms. Dahl replied that by the end of September 2005.

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

TAX VALUATION ADJUSTMENT #4832812-01-7 PUC – Nogales Chamber of Commerce, Resolution No: M20040900008 was approved as presented by the Assessor's Office. (MR/JM;c.u.)

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

Public Hearing
10:00 a.m.

PROPOSED ARTICLE 15 – SUBDIVISION AND DEVELOPMENT STANDARDS (CASE NO. PZ-04-25): Community Development Department Director, Mary Dahl, informed the Board that the purpose of the Public Hearing is to obtain public input which would significantly change the subdivision and development standards that have been in place for thirty years; the purpose of the standards is to layout the requirements for subdividing land, developing commercial and industrial property and multi-family property; the draft has seven major sections that layout submittal requirements, language that will be included on subdivision plat maps to have consistency across the board; the Commission spent considerable time over the past year evaluating and reviewing draft regulations; Section 1505 of the code spells out procedures for getting development plans approved, reverting subdivided lands back to acreage that would be a public process with a hearing before the Commission and a final decision before the Board of Supervisors and the last section would allow statutorily granted review of lot splits that do not constitute a subdivision, which is in the case of five or fewer new lots, the language in this section is taken almost verbatim from the Arizona Revised Statutes that provides Counties with the opportunity to look at minor land divisions to insure that lots are of adequate size for the zoning district, that there is legal and physical access and utility easements have been reserved; she requested to correct the numbering for pages 21, 22 and 25 that is in error; on page 27, Item 20 be revised to read: All traffic, parking and vehicle circulation areas shall be paved unless specifically exempted elsewhere in the code; on November 24, 2004 the Commission held a public hearing on new subdivision and development standards to be incorporated into the County Zoning and Development Code as Article 15 and unanimously recommended approval of the new regulations without any stipulations.

Vice-Chairman Ruiz asked Ms. Dahl if the Commission was aware of the changes; Ms. Dahl replied no, but will present to the Commission a draft that will provide wineries in the general rule zoning district, but presently there is no specific exemption in the code but by adding language to Item 20 will have no effect.

PUBLIC COMMENT: Bruce Pheneger stated that he is in support of the adoption of the Ordinance and hopes that this is one of many changes to come.

Jim Mummert stated that he is in support of the adoption of the Ordinance and suggested attaching the Ordinance to the specs.

Ms. Dahl stated that when she distributes Article 15, a copy of the street standards will be included which are contained in Public Works documents and cross sections in the comprehensive plan.

Carol DeFazio stated that she is very satisfied with Ms. Dahl's presentation.

Supervisor Maynard asked Ms. Dahl how she is going to define a right of way road; Ms. Dahl replied that by range of daily traffic that can be found in the Roadway Design Manual which is a Public Works document.

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

ACTION ITEMS (CONT.)

DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2005-02 ADOPTING ARTICLE 15 – SUBDIVISION AND DEVELOPMENT STANDARDS (CASE NO. PZ-04-25): Supervisor Maynard made a motion to approve as presented by staff with the corrections and recommendations that will be added to Item 20 on page 27; second by Vice-Chairman Ruiz; motion carried unanimously.

TAX VALUATION ADJUSTMENTS (CONT.) #113-45-005-J-2 – Batiz Pedro & Clarissa/Batiz Carlos & Martha M, Resolution No: S20030000128; #102-01-006-B-8 – Borderland Food Bank, Resolution No: S20030000129 and #102-01-006-B-8 – Borderland Food Bank, Resolution No: S20040000204 were approved as presented by the Assessor's Office. (MR/JM;c.u.)

APPLICATION FOR LIQUOR LICENSE: Ryan's Pub, Rio Rico, AZ: The License having been duly posted and no objections received, Supervisor Maynard made a motion to approve the

Application for Liquor License for Ryan's Pub in Rio Rico, AZ; second by Vice-Chairman Ruiz; motion carried unanimously.

MINUTES of 01/14/05 and 01/18/05 were approved as presented. (MR/JM;c.u.)

Meeting adjourned at 10:20 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; Gloria S. Gonzalez, Deputy Clerk. Also present: Mary Dahl, Jonathan Mabry, Tina Clark, Paula Schaper, Axel Holm, Wendy Stover, Dr. Marcelino Varona, Pete Workizer and Tony Sedgwick.

SANTA CRUZ VALLEY NATIONAL HERITAGE AREA DESIGNATION: Community Development Department Director, Mary Dahl, stated that the purpose of the Study Session is to learn more about the National Heritage Area Designation process and funding assistance; she stated that the Center for Desert Archeology, a non-profit organization, is managing the effort to create the Santa Cruz Valley National Heritage Area and have requested a \$10,000 contribution from the County for a feasibility study, website, map/brochures and for public outreach.

Jonathan Mabry, Center for Desert Archeology, Inc., gave an overview report on the National Heritage Area Designation; the organization has been working with private landowners in rural communities on voluntary historic preservation that extends from Marana in the North to Nogales in the South; the watershed in the Santa Cruz River and its tributaries, east all the way to Sonoita and Elgin, includes almost all of Santa Cruz County, Eastern Pima County and seven incorporated communities; Santa Cruz County was the first County to pass a Resolution of support in May of 2003 and after two years they have the formal support of every local government Native American Tribe inside the boundaries; National Heritage Areas began in 1980, the 27 existing National Heritage Areas are regions designated by the United States Congress where natural, cultural and recreational resources combine to form cohesive, nationally distinctive landscapes arising from patterns of past and present human activities shaped by geography that were built with broad support based on voluntary preservation and have been a very successful and effective strategy to diversify a community.

Tina Clark, Historian and Archaeologist for Yuma Crossing National Heritage Area, discussed the resources that have flowed into Yuma; she read a letter sent by Charles Flynn, Executive Director of the Yuma Crossing Heritage Area, and stated that a Heritage Area seeks to conserve, interpret and enhance a community's natural, cultural and historic resources through collaboration and partnerships by preserving the past and building the future, sustainable development supported by the community and in keeping with its traditions; she discussed the downtown Riverfront Project and the 1,400 acre area of degraded wetlands along a five mile stretch of the Colorado River; a Heritage Area can help fund improvements to museums, school history programs in the schools and out of museums and schools into everyday life of the people, it is not just about history but celebrating a community's cultural traditions and the best way to connect with people.

Vice-Chairman Ruiz asked Mr. Mabry if the \$10,000 that is being requested from the County would be a one-time contribution; Mr. Mabry replied yes, and the money will be used to print regional maps that would show the heritage and nature destinations linked by a set of themes.

Chairman Damon asked Mr. Mabry if he is going to be asking the City of Nogales for contributions; Mr. Mabry replied yes.

Vice-Chairman Ruiz thanked Mr. Mabry for the presentation as he demonstrated the collaboration across the entire region.

Paula Schaper stated that she is very supportive of this project and would like to see more tourists stay in Nogales, Arizona.

Axel Holm stated that within the Nogales City limits, there are about 40 tourist sites that should be included in the Heritage Area.

Tony Sedgwick spoke in total support of this project.

Wendy Stover stated that she owns a bed and breakfast at the Guevavi Ranch Headquarters, the oldest ranch in the State of Arizona and is in total support of this project.

Dr. Marcelino Varona, Chamber of Commerce Director, stated that the Nogales Chamber of Commerce is 100% behind this project that is going to be a perfect avenue to start new projects to improve and enrich our community because we are all working together.

Vice-Chairman Ruiz thanked all present on behalf of the Board and stated that it is very helpful to know what other communities are doing which will help enrich our County.

Mr. Mabry thanked the Board for giving him the opportunity to make the presentation.

Chairman Damon stated that this item will be placed on the March 1, 2005 Agenda.

Study Session adjourned at 3:25 p.m.

Melinda Meek
Clerk of the Board

Robert Damon
Chairman

Board of Supervisors
March 1, 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: John Hays, Mary Dahl, Mayra Ochoa, Dean Fish, John DeStefano, Aurora Duran, Carol DeFazio, Louie Chaboya, Daniel Doyle, Dr. Marcelino Varona, Paula Schaper, Karl Moyers and Neil Gustafson.

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

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

CALL TO THE PUBLIC: Aurora Duron, Administrative Vice-President for Communications Workers of America Local 7026, informed the Supervisors that they are conducting a campaign for County employees and are aware of numerous complaints of intimidation and threat of discipline of County employees. Ms. Duron thanked the Board.

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

FLOOD CONTROL: DIRECTOR'S/PROJECT REPORT: Submitted in writing. Floodplain Coordinator, John Hays, informed the Board that Item #4 in his report should reflect that ADWR is sending a technician out to the site Friday morning; Item #9 in his report should reflect that District Staff reviewed the floodplain status of 105 properties.

MONTHLY REPORT FROM CITY OF NOGALES: Mr. Hays reported that he was notified by the City of Nogales Public Works Dept. that all the major construction of the Monte Carlo Project has been completed and they are expecting total completion of the project within the next three weeks.

MONTHLY REPORT FROM THE TOWN OF PATAGONIA: None

AUTHORIZATION FOR JOHN HAYS TO SIGN THE COOPERATING TECHNICAL PARTNERS PARTNERSHIP AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE UPCOMING FLOOD INSURANCE STUDY UPDATE: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

PUBLIC COMMENT: None

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

CURRENT EVENTS AND ACTIVITIES REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that he attended the Port Authority Meeting and met with Senator Kyl, another meeting is scheduled for March 10th at 2:00 p.m.; he attended the State of the City Address by Mayor Kramer at the City of Nogales Complex; he will be attending the NACo Conference in Washington, D. C., and will meet with our representatives to discuss the County needs and concerns.

Supervisor Maynard reported that he attended the Port Authority Meeting where Senator Kyl spoke; he attended a Regional Meeting for South East Arizona Governments Organization on Saturday in Safford, Arizona; he will be attending the NACo Conference in Washington, D. C. at the end of this week; he stated that he is the Vice-Chairman of the Solid Hazardous Waste Sub-Committee for the Energy Environment Land Use Committee and will be discussing waste to water energy concepts..

MANAGER: County Manager, Greg Lucero, reported that he met with Public Works and consultants concerning environmental issues at the Sonoita Landfill; met with Suzie Sainz, from the Recorder's Office, discussing the retaining of a consultant to conduct a management audit; he will be traveling to Phoenix to meet with State Legislators and he will be traveling to Washington, D. C. by the end of the week.

FINANCE: Sr. Accountant, Mayra Ochoa, reported \$8,316,134 in the General Fund of which \$8,119,126 is invested; \$1,226,888 in the Road Fund of which \$804,929 is invested; \$748,453 in the Flood Control District Fund of which \$737,936 is invested; \$12,369,194 total for all funds of which \$12,389,610 is invested; \$7,687,953 estimated end of the month balance, compared to \$4,931,785 cash at March 2004, a difference of \$2,756,168.

SHERIFF: No report

ACTION ITEMS:

REQUEST APPROVAL OF RESOLUTION #2005-02 RELATED TO THE PRESERVATION, MANAGEMENT AND PUBLIC USE OF LANDS ALONG THE SANTA CRUZ RIVER AT RIO RICO: Supervisor Maynard made a motion to approve Resolution #2005-02; second by Vice-Chairman Ruiz; motion carried unanimously.

REQUEST APPROVAL OF EXTENSION BOARD APPOINTMENT: Dean Fish, Santa Cruz County Cooperative Extension Director, requested that the Board approve the following appointments to the 2005-2006 Santa Cruz County Cooperative Extension Advisory Board: Emily Wilson, Daniel G. Bell, Rukin Jelks, III, Robert Noon, Diane Collins, Tony Sedgwick and Kenneth Larriva. Mr. Fish stated that the new Board will help prioritize their mission for the coming years.

Vice-Chairman Ruiz made a motion to appoint the names as submitted for the next two years to help with the U of A Cooperative Extension as presented; second by Supervisor Maynard; motion carried unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE RELEASE OF LOTS IN THE TRAILS HEAD AT BARRIO DE TUBAC SUBDIVISION, LOTS 7-19, 60-68, 75-81

AND COMMON AREAS "A" AND "B" AS RECORDED IN BOOK 4, PAGE 107 IN THE SANTA CRUZ COUNTY RECORDER'S OFFICE, SANTA CRUZ COUNTY, ARIZONA (CASE NO. SUB-4-06): **Community Development Department Director, Mary Dahl, requested that the Board approve the release of patio home lots in the Trailhead Phase 1 in the Barrio de Tubac Subdivision; the Board approved the final plat in June 2004 and inspection of the project by the Public Works Department was conducted and found to be in compliance with all plans and specs; Ms. Dahl recommended that the Board release the lots.**

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

Under discussion, Supervisor Maynard asked Ms. Dahl if the developer had complied with the items that were previously discussed; Ms. Dahl replied that Mr. Gabilondo was going to assure that the specified items are completed within three days.

Supervisor Maynard thanked Hugh Duncan, Acting County Engineer and Bill Cox, Construction Manager.

Motion carried unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A FUNDING MATCH OF \$10,000 TO THE CENTER FOR DESERT ARCHAEOLOGY TO ASSIST IN THE SANTA CRUZ VALLEY NATIONAL HERITAGE AREA DESIGNATION EFFORT: Community Development Department Director, Mary Dahl, stated that the presentation in the Study Session by a Archeologist and Historian from the Yuma Crossing Heritage Area was very productive; their request is for the County to provide a one time \$10,000 contribution to complete the budget for the National Heritage Area Designation.

Chairman Damon asked Dr. Varona if he was successful in obtaining funds from the City of Nogales; Dr. Varona replied that he has requested a Study Session with the City of Nogales.

Vice-Chairman Ruiz made a motion to approve a \$10,000 one-time donation; second by Supervisor Maynard.

Under discussion; Vice-Chairman Ruiz stated that he was concerned, but was satisfied after meeting with the experts and the presentation in the Study Session, that there will be a Board and the County will have the same amount of representation as Pima County and that the cattle industry will not be affected.

Supervisor Maynard stated that he attended the Study Session and the presentation was very productive and understands the impact this can have in our community; he feels that the County is currently missing an avenue of bringing in revenue to this community, including Sonoita, Tubac and Patagonia by capturing tourism dollars before they go into Mexico, which is another source of income that is being overlooked.

Motion carried unanimously.

CERTIFICATION OF A CHECK FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR RENT IN LIEU OF TAXES IN THE AMOUNT OF \$2,952.00: Sr.

Accountant, Mayra Ochoa, requested that the Board approve the Certification of the check from the Arizona Dept. of Transportation for rent in lieu of taxes as per copy presented in packet.

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

DESIGNATION OF POLLING PLACES FOR THE 3/8/05 SPECIAL ELECTION: Vice-Chairman Ruiz made a motion to approve the polling places as presented; second by Supervisor Maynard.

Under discussion, Vice-Chairman Ruiz, thanked the Knights of Columbus for the use of the Hall for City or County Elections; the polling places that the Board are approving are for a Special Election for School Districts 28 and 35 to align the school boundaries because there is an overlap.

Motion carried unanimously.

APPOINTMENT OF BOARD WORKERS FOR THE 3/8/05 SPECIAL ELECTION: Supervisor Maynard made a motion to approve the appointment of Board Workers for the 3/8/05 Special Election and allow the Elections Director to fill vacancies as necessary; second by Vice-Chairman Ruiz; motion carried unanimously.

MINUTES of 1/25/05 were approved as submitted. (JM/MR;c.u.)

DEMANDS were approved in the total amount of \$371,420.55 of which \$183,181.88 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:** \$183,181.88; **Retrieval Conversion Fund:** \$2,957.08; **School Forest Fees Fund:** \$4,613.49; **Early Learn-Learning Together:** \$2,234.40; **Community Technology CTR Program:** \$1,353.97; **Law Library:** \$1,265.00; **Old Courthouse Fund:** \$1,249.75; **Road:** \$37,718.77; **Animal Control:** \$5,460.04; **ADOT House Bill 2565:** \$3,000.00; **HIDTA 13:** \$13,514.31; **PIC-ACT:** \$1,118.26; **Community Punishment Program:** \$1,630.50; **Jail Enhancement:** \$1,107.04; **Federal Seizure Fund:** \$5,913.25; **Juvenile Community Advisory:** \$4,822.92; **Rehabilitation Services Ad:** \$3,973.04; **Cultural Youth At Risk:** \$11,576.82; **W.I.A. Youth Program:** \$1,656.57; **W.I.A. General:** \$7,227.69; **WIA/TANF Set A Side:** \$27,577.12; **W.I.A. Adult:** \$9,267.21; **W.I.A. Dislocated Worker:** \$10,615.39; **Projects With Industries:** \$7,333.75; **Ron Morriss PK Improv Heri:** \$1,410.00; **Landfill:** \$9,235.06

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

APPOINTMENT OF REGIONAL SOLID WASTE AUTHORITY COMMITTEE MEMBERS: County Manager, Greg Lucero, stated that the Board adopted an IGA with the City of Nogales and the Town of Patagonia to form a committee to start looking at a regional solution for solid waste; part of the IGA requires that each entity appoint representatives to sit on this committee; for Santa Cruz County a Supervisor needs to be appointed, the County Manager and Karl Moyers.

Supervisor Maynard made a motion to appoint Robert Damon to serve as the Supervisor to represent Santa Cruz County on the committee along with Greg Lucero and Karl Moyers; second by Vice-Chairman Ruiz.

Under discussion, Supervisor Maynard suggested scheduling Study Sessions to keep everyone up to date.

Vice-Chairman Ruiz stated that a plan will be established benefiting the citizens from Santa Cruz County, the City of Nogales and the Town of Patagonia. Vice-Chairman Ruiz stated that on March 10th, the Board will hold a Study Session regarding illegal dumping and trash in the Rio Rico Landfill area.

Motion carried unanimously.

Meeting adjourned at 10:06 a.m. (JM/MR;c.u.)

Study Session

2:30 p.m.

The Board met in a Study Session. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Mike Masee, Attorney; Gloria S. Gonzalez, Deputy Clerk. Also present: Victor Gabilondo, Chuck Williams, Carol Cullen, Kim Etherington and Bruce Pheneger.

EVALUATION OF ENCROACHMENTS ON COUNTY RIGHT-OF-WAY AS RELATED TO VEHICULAR TRAFFIC SAFETY IN THE VILLAGE OF TUBAC: Public Works Director, Victor Gabilondo, requested that the Board give him direction to proceed with the Traffic Safety Project in Tubac or go back to the drawing board; the project will be cost effective, meeting the goals of traffic safety.

Chairman Damon asked Mr. Gabilondo if the flood pictures would be useful in this project; Mr. Gabilondo replied that the costs for the aerial photographs, the topographic information have already been incurred.

Vice-Chairman Ruiz asked Chuck Williams for the time frame for project completion; Mr. Williams replied that the project would be completed within a month.

Chuck Williams, Principal of C. L. Williams Inc., stated that he put together a methodology for roadway safety, built upon the concepts that the County Insurance Pool Study used and based on national standards that is defensible but also focuses on safety and the ability to prioritize right of way encroachments; he reviewed the aerial photos with the Board, that included street names, roadway condition, speed and number of vehicles on the road and criteria with a minimum amount of obstructions for traffic safety conditions.

County Manager Lucero, asked Mr. Williams if the methodology that he is presenting is being used by other communities or counties, have been involved in any litigation, been favorable or unfavorable; Mr. Williams replied that the study is very complete and has been used favorably by other entities.

Supervisor Maynard asked Mr. Williams how he is going to explain to homeowners, the reason their properties were selected; Mr. Williams replied that with documentation; Supervisor Maynard stated that he sees potential problems with the selection process.

Attorney Mike Masee stated that a plan of action will be presented to the Board to obtain authorization in order to proceed, but before going forward with the project the County will need to hire an engineer; begin with the high priority encroachments followed by the low priority encroachments, this will be a shield to liability by addressing each encroachment and by prioritizing, will withstand reasonable scrutiny.

Supervisor Maynard stated that it is crucial to have a public meeting to discuss the issue of the selective removal of encroachment.

County Manager Lucero stated that Public Meetings are good but suggested to limit the consultant's involvement.

Mr. Gabilondo stated that he would present the policy to the Board to obtain permission to proceed.

Chairman Damon stated that there are many violations in Rio Rico.

Mr. Masee stated that the perception of the citizens is that the County does not have an enforcement program recommending not to be reactive to peoples' complaints, identify the types of encroachments that are of higher priority that will have real meaning in a Court of Law.

Vice-Chairman Ruiz suggested proceeding, starting in Tubac where the majority of complaints are coming from and as the need arises, follow suit with the same methodology in other areas.

Attorney Masee recommended to move forward with the project.

Supervisor Maynard asked Mr. Gabilondo if the County has been sued for any automobile accident; Mr. Gabilondo replied no.

County Manager Lucero stated that even though Santa Cruz County has not been sued, other members of the County Insurance Pool have been sued on right of way encroachments.

Vice-Chairman Ruiz stated that sometimes we are a penny wise and a dollar foolish, but if the County is able to avoid any serious injury to residents, by identifying the problem now, the County will prevent future lawsuits.

Study Session adjourned at 3:15 p.m.

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors
March 10, 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, John Hays, Mary Dahl, Victor Gabilondo, Mike Masee, Robert Schnitzler, Carol DeFazio, Sheriff Estrada, Guy Tobin, Gary Grizzle, Gary Shadrick, Sarah Wright, Karl Moyers.

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

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

CALL TO THE PUBLIC: John Hays, Floodplain Coordinator, stated that Santa Cruz County is one of the sponsors for the Coronado Resource Conservation District; at yesterday's annual meeting, t-shirts were presented to each sponsoring community; he presented the Board with their t-shirts.

Robert Schnitzler asked about the status of the vacant Health Department Director position; he stated that the Acting Director has been doing a fine job.

Chairman Damon suggested that Mr. Schnitzler speak with the County's Personnel Director regarding the vacant position.

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that he, Supervisor Maynard, Mr. Lucero and Mr. Miller attended the NACo/Border Counties Coalition Conference in Washington, D.C. over the past weekend; the group met with elected leaders, attended a Border Counties Coalition breakfast and met with Rob Vining, US Army Corps of Engineers.

Supervisor Maynard reported that in addition to Vice-Chairman Ruiz' D.C. report, he attended meetings with NACo's Energy, Environment and Land Use Steering Committees.

MANAGER: None

FINANCE: Senior Accountant, Mayra Ochoa, reported \$8,594,320 in the General Fund of which \$8,119,126 is invested; \$1,173,808 in the Road Fund of which \$804,929 is invested; \$655,012 in the Flood Control District Fund of which \$637,936 is invested; \$12,234,857 total for all funds of which \$12,289,610 is invested; \$8,198,820 estimated end of month balance, compared to \$5,281,711 cash at March 2004, a difference of \$2,917,109.

SHERIFF: Sheriff Estrada reported that the current jail population is 90, 87 males and 3 females; 18 inmates have been sentenced to the County jail and 9 to the AZ Department of Corrections; 89 have been charged with felonies and 1 with a misdemeanor; 28 (30%) are undocumented aliens; 2 have been committed to the County jail on a daily basis and 4 on a weekly basis. 55 persons were booked in during the past week.

Sheriff Estrada further reported that the Sheriff's Office is in the final stages of completing the investigation regarding the U.S. Border Patrol Agent-involved shooting; the Department is working with the Mexican Consulate in hopes that individuals who witnessed the shooting will come forward with further information.

Sheriff Estrada stated that he attended a meeting at the Attorney General's Office on Tuesday with other Attorney Generals regarding the methamphetamine problem; methamphetamine seizures continue to increase at the Port.

ACTION ITEMS:

CONTRACT FOR ARCHITECTURAL SERVICES WITH DURRANT: County Manager, Greg Lucero, informed the Board that he created a facilities planning committee which consisted of himself, the Sheriff, Frank Corrales and Jennifer St. John to begin looking at growth, overcrowding and poor conditions of the Detention facilities and public safety issues as they relate to County facilities; it was determined that a Master Planning process was necessary; the Committee has since expanded to include the Courts, Probation, Court Administration and the County Attorney's Office.

A Request for Proposals for Master Planning Services was issued; Durrant was the sole bidder and has been very involved in these types of projects throughout the State. A public participation process will be implemented; the cost for programming and master planning is approximately \$70,000. Mr. Lucero requested the Board's approval to move forward.

Vice-Chairman Ruiz made a motion to award the contract for Master Planning Study to Durrant in the amount of \$70,180 as presented; second by Supervisor Maynard; motion carried unanimously.

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

PUBLIC HEARING
10:00 a.m.

FINAL PLAT FOR CASITAS DE ANZA SUBDIVISION, LOTS 1-11 AND COMMON AREA "A" (CASE #SUB-04-13): Community Development Department Director, Mary Dahl, stated that this public hearing is for an 11-lot final plat consisting of approximately 2.5 acres; last year, this approximate 2.5 acres was rezoned from B-2 to M-F in anticipation of bringing forward this plat. The Planning & Zoning Commission approved the tentative plat with 5 conditions which have been met with the plat submittal. At the public hearings, the only comment that was made was the concern that these homes not be 2-story; this stipulation carried through on the rezoning and appears on the face of the plat.

PUBLIC COMMENT: Carol DeFazio stated that the request is in compliance with the Comprehensive Plan.

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

ACTION ITEMS CONTINUED:

LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS FOR CASITAS DE ANZA SUBDIVISION, LOTS 1-11 AND COMMON AREA "A" (CASE #SUB-04-13): Community Development Department Director, Mary Dahl, stated that these are the standard agreements that accompany the approval any final plat; they ensure that the developer will do all the improvements that are necessary to support these properties prior to them being released out of the Third Party Trust by action of the Board at a future time.

Ms. Dahl stated that this is an 11-lot residential subdivision; the construction is going to be contained on the site; a traffic impact study was completed which did not warrant any off-site improvements.

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

FINAL PLAT FOR CASITAS DE ANZA SUBDIVISION, LOTS 1-11 AND COMMON AREA "A" (CASE #SUB-04-13): Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

ABATEMENT OF TAXES PARCEL NO. 112-38-091 was approved as submitted by the County Assessor's Office. (JM/MR; c.u.)

TREASURER'S DECLARATION OF TAX AS UNCOLLECTABLE for J & M Enterprises/Jesus M., #9650032012, \$53.60; JYM Export, #9350367014, \$433.33; Hollywood Blvd. Video 11, #8950333023, \$2,348.42; Jorge "Le Hair" Studio, #3477984013, \$142.38; H. Q. Distributing, Inc., #9450265018, \$324.72; Lansaw Wayne Produce, #9150200018, \$20.43; Jewel Companies, Inc./American St., #3334814011, \$14.37; Joyeria Italiana, #9350891018, \$322.77; Lucero, #9450386016, \$322.65; Jesse's Notary Service, #8950182012, \$168.81; High Technology Warehouse, Inc., #9450288015, \$322.65; Hollywood Blvd. Video, #8959333014, \$1,846.76; Klemmer Inc. Export Office, #9450392013, \$322.77; H & A Distributors/Azamar-Miranda, #9550336018, \$122.61; Jolen Enterprises, Inc., #9550276017, \$21.97; Kuroda Escobosa/Rental, #9450313014, \$322.65; J A M Automotive, #9250152019, \$354.40; J & J Company, #9450297011, \$354.40; JJ Fashion #1-Tong Wen Chang, #9350810013, \$125.16; J L Trading Co., #955009016, \$144.03; Joaquin's Restaurant Inc., #9350770010, \$2,484.04; Krystal's Flowers & Party Decors., #9650060013, \$21.34; The Hair Pen, #2675819013, \$12.75; Jorda of Arizona, #8200099011, \$120.00; JAM Sales & Transportation, #9350461013, \$540.01 were approved as submitted by the County Treasurer's Office. (MR/JM; c.u.)

ROAD NAME CHANGE FROM MUÑECA COURT TO VEREDA DEL REAL IN RIO RICO RANCHETTES 17 C IN RIO RICO, AZ: Public Works Director, Victor Gabilondo, stated that the current resident of this road requested the name change and will be responsible for all expenses for publication and signs; all procedures for the name change required in the County Ordinance have been followed; the proposed name change was published in the official county newspaper; no objections were received and the proposed name does not conflict with any 911 restrictions.

Mr. Gabilondo recommended approval of the street name change.

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

TAX VALUATION ADJUSTMENTS #106-24-016-4 – Council Renee T, Resolution No: S20040000211; 106-24-016-4 – Council Renee T, Resolution No: S20030000133; 106-24-016-4 – Council Renee T, Resolution No: S20020000153; 106-24-017-7 – Lewis Iree A, Resolution No: S20040000212; 106-24-017-7 – Lewis Iree A, Resolution No: S20030000134; 106-24-017-7 – Lewis Iree A, Resolution No: S20020000154; 106-24-017-7 – Lewis Iree A, Resolution No: S20020000154; 102-05-039-8 – Inzunza Maria De Los Angeles, Resolution No: S20030000135; 115-01-193-3 – Son Chung Joon & Joon Ae, Resolution No: S20040000213; 115-01-193-3 – Son Chung Joon & Jung Ae, Resolution No: S20030000136; 103-23-428-B-1 – Ayon Lourdes Lucia/Ayon Rafael, Resolution No: S20020000150; 103-23-428-B-1 – Ayon Lourdes Lucia/Ayon Rafel, Resolution No: S20030000130; 103-23-428-B-1 – Ayon Lourdes Lucia/Ayon Rafael, Resolution No: S20040000206; 106-42-020-7 – Mceldowney Justin & Rachel, Resolution No: S20040000205; 113-46-024-3 – Hernandez Arnulfo, Resolution No: S20040000209; 102-07-004-A-1 – Aboud John Eli & Norma, Resolution No: S20020000151; 102-07-004-A-1 – Aboud John Eli & Norma, Resolution No: S20030000131; 102-07-004-A-1 – Aboud John Eli & Norma, Resolution No: S20040000207; 102-07-004-C-9 – Aboud John Eli & Norma, Resolution No: S20020000152; 102-07-004-C-9 – Aboud John Eli & Norma, Resolution No: S20030000132; 102-07-004-C-9 – Aboud John Eli & Norma, Resolution No: S20040000208 were approved as submitted by the County Assessor's Office. (MR/JM; c.u.)

MINUTES of 2/2/05 were approved as submitted. (JM/MR; c.u.)

The Board recessed the Regular Meeting to convene in Executive Session at 10:15 a.m. and reconvened at 10:35 a.m.

The Regular Meeting adjourned at 10:35 a.m.

STUDY SESSION

Immediately following adjournment of the Regular Meeting, 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 of the Board. Also present: Sheriff Estrada, Victor Gabilondo, Gary Shadrack, Karl Moyers, Sarah Wright, Carol DeFazio.

EVALUATION OF THE LITTER PROBLEM IN SANTA CRUZ COUNTY AND POSSIBLE REMEDIES: Public Works Director, Victor Gabilondo, stated that Arizona Revised Statutes prohibit littering on County and private property; the County has had an adopt-a-road program in place for several years; adult and juvenile probationers have been used in the past for clean up; several warning signs have been posted notifying the public that there is a \$500 fine for littering; staff has been educating the

public regarding charging double fees for uncovered/unsecured loads taken to the landfill. Karl Moyers has developed a draft illegal dumping Ordinance; enforceability is a major issue.

Landfill personnel have begun issuing verbal warnings to violators and written policies are provided in English and in Spanish.

Vice-Chairman Ruiz requested that the Realtors be involved in the process and suggested holding an evening Study Session to educate the residents and to discuss the volunteer program.

Sheriff Estrada informed the Board that illegal dumping is considered a criminal offense; unsecured loads in vehicles are a civil offense; if reported to the Sheriff's Office, the matter is investigated and is referred to the Courts.

Attorney Hawn pointed out that anyone can report a criminal offense to the Sheriff's Office and the Sheriff's Office is then required to conduct an investigation.

Carol DeFazio suggested that the County form a group of volunteers responsible for reporting illegal dumping, potholes in roads and unpermitted construction sites to the appropriate County department; members of the group could also observe vehicles traveling to the landfill and report any littering incidents.

Attorney Hawn expressed concern with having an appearance of the County turning the community members into their agent in conducting investigations; she expressed the importance of avoiding confrontations between observers and possible offenders; she encouraged the public to report violations to the proper authority.

Ms. DeFazio stated that she believes more people would participate if it were a County-sponsored group.

Sheriff Estrada informed the Board that the Sheriff's Office has a group of volunteers that assist them on different issues and have received some training; Sheriff Estrada offered their assistance.

Attorney Hawn will draft an Ordinance that would authorize giving notice to property owners, who have trash, debris, rubbish, etc. on their property, to remove the items within 30 days; if the County is forced to clean up and/or remove the trash, the cost is a lien against their property; depending on the amount of the lien, they have a certain number of years to pay it off; ultimately, if the lien is not paid off, the County can foreclose on the property; an appeal process for the property owner will be included in the Ordinance.

Meeting adjourned at 11:25 a.m.

Melinda Meek
Clerk of the Board

Robert Damon
Chairman

Board of Supervisors
March 15, 2005
9:30 a.m.

The Board met in a Special 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: Tom McAlpin.

CANVASS OF THE RESULTS OF THE MARCH 8, 2005 SPECIAL ELECTION: Elections Director, Melinda Meek, provided the Board with the results of the 3/8/2005 Special Election and requested their approval.

Vice-Chairman Ruiz made a motion to approve the canvass of the results as presented; second by Supervisor Maynard; motion carried unanimously.

The Special Meeting adjourned at 9:31 a.m. (MR/JM; c.u.)

Melinda Meek
Clerk of the Board

Robert Damon
Chairman

