

Board of Supervisors
March 16, 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 and Mike Masee, Attorneys; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Victor Gabilondo, Kevin Irvine, Mary Dahl, John DeStefano, Carol DeFazio, Sheriff Estrada, Terry Shannon J., Neil Gustafson and Gary Brasher.

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

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

CALL TO THE PUBLIC: John DeStefano extended Happy Birthday wishes to Santa Cruz County on its 106th birthday; he brought a birthday cake and invited all to join in the celebration after the Board Meeting.

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that the Board will be traveling to Phoenix this afternoon to meet with State Legislators on Wednesday and Thursday, to encourage them to not shift costs to Counties in order to balance the State's budget and to attend the Small Counties Forum Meeting this evening.

Supervisor Maynard reported that he assisted the De Anza Trail Coalition on Saturday clearing another 1½ miles of the Juan Bautista De Anza National Trail along the Santa Cruz River; the Arizona State Parks Board will be meeting for 2 days in Santa Cruz County and he will welcome the group to the County on behalf of the Board; he thanked Chairman Damon for organizing last week's Study Session to discuss the litter problem in Santa Cruz County.

MANAGER: County Manager, Greg Lucero, reported that the Senate's budget contains a cost shift of an approximate additional \$476,000 to Santa Cruz County; the House budget contains a cost shift of an approximate additional \$290,000 to Santa Cruz County; he expressed the importance of the Board meeting with legislators to minimize the impact as much as possible.

FINANCE: Administrative Services Department Director, Jennifer St. John, reported \$8,641,149 in the General Fund of which \$8,135,761 is invested; \$1,256,876 in the Road Fund of which \$806,894 is invested; \$656,525 in the Flood Control District Fund of which \$639,364 is invested; \$12,443,023 total for all funds of which \$12,314,867 is invested; \$8,200,100 estimated end of month balance, compared to \$5,281,711 cash at March 2004, a difference of \$2,918,389.

HEALTH AND ENVIRONMENT: Chief Sanitarian, Kevin Irvine, provided the Board with an update on the West Nile Virus and stated that mosquitoes were caught approximately 1 week ago in a Mesa Firehouse; this is a rare situation because it is very early in the season to be catching anything and they were West Nile Virus carrying mosquitoes; the Santa Cruz County Health Department is devoting much more time locating potential sites and testing and will continue to do community outreach to educate the public on how to minimize the exposure to mosquitoes.

SHERIFF: Sheriff Estrada reported that the current jail population is 82, 80 males and 2 females; 17 inmates have been sentenced to the County jail and 1 to the AZ Department of Corrections; 77 have been charged with felonies and 5 with misdemeanors; 25 (30%) are undocumented aliens; 3 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.

Sheriff Estrada further reported that his Department is conducting an investigation regarding a shooting which occurred on Monday at the Motel 6; the Nogales Police Department attempted to stop and question individuals in an Expedition with Sonora plates; the individuals fled and 1 of the Nogales Police Officers fired at least 3 shots at the vehicle in an attempt to stop the vehicle; the vehicle continued into Monte Carlo and was abandoned at the dead end; it was discovered that all 3 shots hit the vehicle; nobody was injured; after obtaining a search warrant, over 1,000 pounds of marijuana were seized from the vehicle; the vehicle had fictitious plates and had been stolen from the Rio Rico Resort on 2/27/05.

Sheriff Estrada informed the Board that the Department will be keeping a watchful eye on the Minute Men project in Cochise County; Vice-Chairman Ruiz stated that he saw a news report concerning a gang that is putting out a call to its members to confront the Minute Men and encouraged the Sheriff's Office to be prepared if it becomes an issue in Santa Cruz County.

ACTION ITEMS:

FUNDING REQUEST FROM THE GREATER NOGALES/SANTA CRUZ COUNTY PORT AUTHORITY: County Manager, Greg Lucero, stated that the County received a funding request from the Greater Nogales/Santa Cruz County Port Authority to match the City of Nogales' contribution to allow the Authority to retain a consultant. It is staff's recommendation to allocate funding through this fiscal year and address the remainder of the funding request during the budgetary process.

Supervisor Maynard made a motion to authorize the expenditure of \$3,510 on a monthly basis, not to exceed \$17,550 during this budgetary year; second by Vice-Chairman Ruiz; motion carried unanimously.

GRANT FROM TOHONO O'ODHAM TRIBAL NATION THROUGH ARIZONA COMMERCE AND ECONOMIC DEVELOPMENT COMMISSION: County Manager, Greg Lucero, explained that this item was previously presented to the Board approximately 2 months ago; this is a grant that the County received, however, the language in the initial agreement included a Santa Cruz County School District which is in Eloy; the Agreement has been corrected and it is reflective of only Santa Cruz County; the money is part of the gaming money from Indian Tribes that they have been allowed to reinvest in local government; the County submitted a grant application for the purchase of computers.

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

Supervisor Maynard asked where the computers will be located; Mr. Lucero responded that to the best of his knowledge, the computers will be located throughout the County.

Motion carried unanimously.

JOINT CITY/COUNTY ECONOMIC DEVELOPMENT STUDY COMMITTEE:

Supervisor Maynard made a motion to approve the establishment of a Joint City/County Economic Development Study Committee and to appoint Vice-Chairman Ruiz to represent the County; second by Chairman Damon; motion carried unanimously.

AMENDED FINAL PLAN FOR TRAILS HEAD AT BARRIO DE TUBAC PLANNED AREA DEVELOPMENT (CASE #04-05): Community Development Department Director, Mary Dahl, informed the Board that in March, 2004, they approved the Final Plan for Trails Head at Barrio de Tubac development, a 75-lot patio home development; the final plats were processed and approved in 2 phases, in June and December, 2004; improvements have been proceeding; in February, 2005, Phase I improvements were completed and the Board released those lots. When the homebuilder came in for building permits, it was discovered that there was a discrepancy between the development standards and the final plan; the development standards were silent on the front yard set back, implying that none were necessary but the plan showed a typical corner lot with a front yard set back; the discrepancies have made it impossible for staff to issue building permits consistent with what the developers intentions were.

Ms. Dahl requested that the Board approve an Amended Final Plan Document and Development Standards to clear up the discrepancy.

Vice-Chairman Ruiz made a motion to approve the Amended Final Plan for the Trails Head at Barrio de Tubac Planned Area Development (Case No. PAD-04-05); second by Supervisor Maynard; motion carried unanimously.

REQUEST FOR ABANDONMENT OF SALERO ROAD (RESOLUTION #2005-03):

Attorney Mike Masee stated that when the Tubac Ranch Estates was divided in 1981 into large lots, a record of survey was recorded; the surveyor delineated a road which he called "Salero Road" and described it as a County road; he & Norma Northcross (Public Works Department) researched the supposed County road and discovered no other recorded document that places such a road through this property.

Attorney Masee informed the Board that the owner's Agent, Gary Brasher, is requesting that the County quit claim any interest in the road. Attorney Masee stated that, in his opinion, it is not a County road; however, he prepared an abandonment Resolution for the Board's consideration, stating that to the extent that it is a County road, it is abandoned and title goes back to the abutting parcel owners.

Supervisor Maynard made a motion to approve Resolution No. 2005-03 and vacate any interest that the County may have in a road known as "Salero Road" in Tubac, Arizona; second by Vice-Chairman Ruiz.

Under discussion, Supervisor Maynard asked if access to any of the lots is tied to this road; Attorney Masee responded that it is possible, but because all of the lots were once part of a unified ownership, the furthest removed lot would have an easement by necessity; this issue will be worked out between the owners and Gary Brasher.

Motion carried unanimously.

UNDERGROUND STORAGE TANK CORRECTIVE ACTION AGREEMENT: Attorney Mike Masee informed the Board that the Public Works Department has monitored the well at the Sonoita Facility and discovered that it exceeds standards of benzene; further testing has been performed which indicate that the benzene could possibly be related to a former underground storage tank that has been pulled; the facility previously operated as a service station.

Mr. Masee stated that he, the Public works Director and the County Manager met with the program head of the Underground Storage Tank section of the Arizona Department of Environmental Quality (ADEQ); they have indicated that they are willing to spend their funds to investigate the extent of the problem and do some remediation.

An Agreement has been developed to allow ADEQ personnel to come on to the facility and to seek reimbursement for the funds that they expend.

Vice-Chairman Ruiz made a motion to approve the Agreement with ADEQ and to authorize the County Manager to sign on behalf of the County; second by Supervisor Maynard; motion carried unanimously.

DES CONTRACT AMENDMENT WITH SANTA CRUZ COUNTY WORKFORCE DEVELOPMENT: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard.

Under discussion, Attorney Hawn informed the Board that this is a standard amendment for additional funding and is in proper form.

Motion carried unanimously.

MONTHLY REPORTS were approved as submitted. (JM/MR; c.u.)

MINUTES of 2/9/05 were approved as submitted. (JM/MR; c.u.)

DEMANDS were approved in the total amount of \$560,195.69 of which \$311,539.85 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:** \$311,539.85; **Citizen Corps/Cert Grant:** \$7,920.50; **Old Courthouse Fund:** \$1,157.00; **Road:** \$93,124.12; **Waste Tire Grant (ADEQ):** \$5,034.26; **Animal Control:** \$1,971.71; **Anti-Racketeering #2:** \$29,683.98; **Community Punishment Program:** \$8,682.00; **Jail Enhancement:** \$1,213.26; **Bio-Terrorism Grant:** \$15,175.97; **T.B. Grant Fund:** \$11,394.70; **Flood District:** \$16,753.96; **Flood Reserve:** \$1,350.22; **Cultural Youth At Risk:** \$10,168.08; **WIA/TANF Set A Side:** \$6,931.91; **W.I.A. Adult:** \$3,837.55; **W.I.A. Dislocated Worker:** \$3,330.39; **W.I.A. Administration:** \$1,104.59; **Ron Morriss PK Improv Heri:** \$3,425.00; **Landfill:** \$16,576.74

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

Vice-Chairman Ruiz invited everyone to join in celebrating Santa Cruz County's 106th birthday and partake in the cake provided by John DeStefano.

Meeting adjourned at 10:10 a.m.

Melinda Meek
Clerk of the Board

Robert Damon
Chairman