

Board of Supervisors
March 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; Greg Lucero, County Manager; Holly Hawn and Mike Masee, Attorneys; Melinda Meek, Clerk of the Board. Supervisor John Maynard not present. Also present: Jennifer St. John, Mary Dahl, Felipe Fuentes, Jr., Ma. Amparo Jaramillo, Gabriela Vasquez, Nils Urman, Carol DeFazio, Laura D. Ornelas, Aurora M. Duron, Linda Hatfield, Hector Simon, Myra Zuniga, Leonard Fontes, Gary Grizzle, Marty Ryan, Guy Tobin, Steve Powell, Ruben F. Fuentes, Ramon Romo, S. Vasquez, R. Walsh, David L. Gutfahr, Emma Guindon, Phillip Guindon, Oscar Rosas.

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

ADOPTION OF AGENDA: County Manager, Greg Lucero, requested that the Board table Action item #1 (License Agreement with Tubac Chamber for use of North County Facility) indefinitely.

Vice-Chairman Ruiz made a motion to adopt the Agenda, tabling Action item #1 (License Agreement with Tubac Chamber for use of North County Facility) indefinitely and to deviate from Agenda sequence as necessary; second by Chairman Damon; motion carried.

CALL TO THE PUBLIC: Linda Hatfield, President of Communication Workers #7026 of Southern Arizona, addressed the Board concerning their reluctance in recognizing the organizing campaign. Ms. Hatfield informed the Board that over the past few weeks, she has met with Governor Napolitano, Congressman Pastor and Congressman Grijalva who support the right of an employee to choose whether they want a Union; Governor Napolitano has indicated that she will Veto all 5 anti-Union Bills currently in the legislature.

Ms. Hatfield stated that supporting organizing to support labor is part of the Democratic Platform; she will begin coming every week and will bring others to speak; they currently have over 70% of County employees on cards and requested that the Board give County employees the right to choose.

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that he, Chairman Damon, Mr. Lucero and Mr. Miller met with State elected officials last week to urge them not to decrease/eliminate HURF funding and to encourage them to keep their promise on 204; the Governor vetoed 16 items on the Budget.

MANAGER: County Manager, Greg Lucero, reported that he believes the visit to State elected officials lessened the financial blow to Santa Cruz County; however, the Governor vetoed the budget that did so.

FINANCE: Administrative Services Department Director, Jennifer St. John, reported \$8,139,844 in the General Fund of which \$8,135,761 is invested; \$1,111,221 in the Road Fund of which \$806,894 is invested; \$661,985 in the Flood Control District Fund of which \$639,364 is invested; \$11,750,641 total for all funds of which \$12,314,867 is invested; \$8,316,344 estimated end of month balance, compared to \$5,599,710 cash at March 2004, a difference of \$2,716,634.

SHERIFF: Lt. Ruben Fuentes informed the Board that Sheriff Estrada had a dentist appointment this morning.

Lt. Fuentes reported that the current jail population is 73, 71 males and 2 females; 16 have been sentenced to the County jail and 4 to the AZ Department of Corrections; 70 have been charged with felonies and 3 with misdemeanors; 25 (18.25%) are undocumented aliens; 3 have been committed to the County jail on a daily basis and 2 on a weekly basis. 55 persons were booked in during the past week; 30-911 calls were received during the past week.

Vice-Chairman Ruiz asked for an update on the 4 inmates that escaped from the Nogales, Sonora, prison; Lt. Fuentes responded that the Santa Cruz County Sheriff's Office Criminal Investigations Division has been assigned to the case and the Patrol Divisions have been briefed on the situation; the Chula Vista area is being monitored because the parents of one of the prisoners reside there; the Ports of Entry are also being monitored.

Lt. Fuentes also stated that the Sheriff's Office is assisting Mexican authorities on investigating a homicide involving the murder of a 22-year old which occurred in the Buenos Aires area.

ACTION ITEMS:

RESOLUTION #2005-04: WIA Director, Nils Urman, introduced Myra Zuniga, Chairperson of the Local Workforce Investment Board and Hector Simon, Chairman of the Youth Council.

Mr. Urman stated that this Resolution is for authorization to submit, on behalf of Santa Cruz County, an Application for CDBG funds for the establishment of a One-Stop Service Center in Santa Cruz County.

Vice-Chairman Ruiz made a motion to approve Resolution #2005-04 providing authorization to submit an Application to implement CDBG projects as presented and to authorize the Chairman to sign on behalf of Santa Cruz County; second by Chairman Damon; motion carried.

RESOLUTION #2005-05: WIA Director, Nils Urman, stated that this Resolution provides a commitment from Santa Cruz County for up to \$600,000 to support additional resources towards the establishment of a One-Stop Service Center.

Vice-Chairman Ruiz made a motion to approve Resolution #2005-05 "Commitment of Local Leveraged Funds/Resources" and to authorize the Chairman to sign on behalf of Santa Cruz County; second by Chairman Damon; motion carried.

TAX VALUATION ADJUSTMENTS #101-30-055-9 – Guerrero Manuel G & Olga L, Resolution No: S20040000210 and 110-22-023-9 – Ambrose Robert & Phyl, Resolution No: S20040000214 were approved as submitted by the County Assessor's Office. (MR/RD; carried)

MINUTES of 2/16/05 were approved as submitted. (MR/RD; carried)

The Board recessed the Regular Meeting at 9:50 a.m. until 10:00 a.m. at which time the Public Hearing scheduled for 10:00 a.m. convened.

PUBLIC HEARING
10:00 A.M.

FINAL PLAT FOR RANCHOS DEL RIO SUBDIVISION, LOTS 1-55 (CASE #SUB-04-10):

Community Development Department Director, Mary Dahl, stated that this Public Hearing is for the Final Plat for a large lot subdivision, with a 4.13 minimum lot size; it is situated on N. Pendleton Drive, between Pendleton Drive and the Union Pacific Railroad tracks; it is a 55-lot equestrian subdivision; the Planning & Zoning Commission approved the Tentative Plat with 9 conditions, in May 2004; all conditions have been met; Conditions 6-9 (Wildlife friendly fencing, no sewage pits, setbacks for manure storage) are part of the Conditions, Covenants and Restrictions.

Ms. Dahl stated that the County is requesting that the developer convey to the County, a grant of easement for an unspecifically described roadway that would connect Palo Parado Traffic Interchange with Pendleton Drive; this request is being made in anticipation of the County being able to secure funding to build a bridge across the Santa Cruz River.

Ms. Dahl informed the Board that a letter was received last night and distributed to the Board this morning, from a propertyowner who owns property off of the north end of this subdivision requesting that he be granted use of a private easement on the plat burdening lots 1 & 2; Rio Rico Properties has worked with another adjacent propertyowner granting legal access to their property.

Guy Tobin, Rio Rico Properties, informed the Board that he is agreeable to adding the easements to the Plat approval.

Ms. Dahl stated that the County will not be responsible for maintaining the wet crossing/road as it exists.

Gary Grizzle, WLB Group representing Rio Rico Properties, informed the Board that Ranchos Del Rio was designed to be an outstanding equestrian community and takes into consideration preserving as much of the riparian area as possible, as requested by staff; the CC & R s only allow clearing of the lot up to 30% of the total lot area and the saving of mature trees (8 inches in diameter and 4 feet high), except if in the middle of house or barn construction; the property will be limited to 1.33 horses per acre, approximately 3 per lot.

PUBLIC COMMENT:

Steve Powell, adjacent propertyowner, expressed concern regarding potential contamination of the water table in the area due to the development being on septic systems and its close proximity to the water table; he requested that Rio Rico Properties, the Review Committee and the County closely monitor the septic systems.

Mr. Powell also requested that the lighting restrictions be stringent so as not to disturb the dark skies and requested better access to the end of Pendleton Drive.

Ms. Dahl responded that the septic systems are required to be approved by the ADEQ; she encouraged the developer to set design standards for stringent exterior lighting restrictions; the County Engineer and Public Works Director have determined that there will be no sight visibility issues.

Carol DeFazio asked if animals, other than horses, will be permitted in this subdivision; Mr. Grizzle responded that the CC & R s allow a limited number of household pets and restrict other farm animals.

Mrs. Powell asked if First United is responsible for picking up the garbage on the Palo Parado Crossing, as part of maintaining the road; Ms. Dahl stated that the agreement between Rio Rico Properties and First United is a private one and she believes it is limited to maintaining the road.

Mr. Powell asked if this plan regulates the railroad crossing; the Board responded that the County has no authority over the railroad crossing.

Guy Tobin, Rio Rico Properties, stated that they are addressing the illegal dumping issue by reporting individuals responsible for dumping to law enforcement officials; First United and Union Pacific have authority over the railroad crossing, not Rio Rico Properties.

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

ACTION ITEMS CONTINUED:

LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS FOR RANCHOS DEL RIO, LOTS 1-55 (CASE #SUB-04-10): Community Development Department Director, Mary Dahl, informed the Board that these are the standard form of Land Development and Third Party Trust Agreements; the Agreements call for all improvements to be installed, inspected and accepted prior to any release of lots benefited by the improvements; partial releases are contemplated.

Ms. Dahl requested that the Agreements be approved prior to the final plat consideration.

Vice-Chairman Ruiz made a motion to approve the Land Development Agreement and Third Party Trust Agreement as presented by staff; second by Chairman Damon; motion carried.

FINAL PLAT FOR RANCHOS DEL RIO SUBDIVISION (CASE #SUB-04-10): Community Development Department Director, Mary Dahl, recommended that the Board's motion include the condition that the grant of easement for the future Palo Parado Crossing be executed by Rio Rico Properties and that Mr. Block be granted use of the ingress/egress easement along lots 1 & 2 as platted.

Vice-Chairman Ruiz made a motion to approve the Final Plat for Ranchos del Rio Subdivision, Lots 1-55, Case #SUB-04-10 and that the conditions noted by the Planning Director be added; second by Chairman Damon; motion carried.

PRESENTATION OF THE 2003 CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING: The Board introduced and welcomed Debbie Davenport, Auditor General for the State of Arizona.

Administrative Services Department Director, Jennifer St. John, presented Santa Cruz County with its 14th consecutive Certificate of Achievement for Excellence in Financial Reporting, on behalf of the Government Finance Officers Association; thanked her staff for their dedication, hard work, respect and loyalty; thanked Mr. Lucero, Mr. Rivera and the Board for placing their trust and professionalism in the Administrative Services Department; thanked all County Departments for their roles in the audit process;

recognized the Auditor General's Office for their assistance and support and for keeping Santa Cruz County on its Audit Schedule.

The Board thanked the Auditor General for traveling to Santa Cruz County for the presentation; thanked Miss St. John and staff for their professionalism and hard work.

Debbie Davenport, Auditor General for the State of Arizona, commended the work of the Administrative Services Department on the implementation of GASB 34; thanked the County and staff for their continued support and stated that they plan to keep Santa Cruz County on their Audit Schedule.

Meeting adjourned at 10:45 a.m. (MR/RD; carried)

STUDY SESSION

2:00 P.M.

The Board met in a Study Session. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Supervisor John Maynard, not present. Also present: Mary Dahl, Larry Tiffin, Sarah Wright, Gale Nellans, Mike Vohland, Robert Ohletz, Randy Williams.

NOGALES INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT PLAN: County Manager, Greg Lucero, informed the Board that the following issues have been brought up concerning the operations at the Nogales International Airport: hangar rent terms and waiting lists; insurance requirements; county locks on hangars. Mr. Lucero stated that the Airport's economic development plan would be best addressed by a committee made up of individuals interested in the development of the Airport.

Community Development Department Director, Mary Dahl, responded to the concerns as follows - Insurance requirements: The County currently requires \$1,000,000 liability insurance for anyone who wishes to drive their vehicle through the security gate and onto the T-hangar and T-hangar ramp areas; \$3,000,000 in liability insurance is required for vehicular access to the runway/taxiway complex, cargo and open air tiedown ramp areas; these requirements were adopted by the Board in 1995; the reason behind the insurance levels is that there is currently no separation of aircraft and vehicles due to the location of the electronic vehicle access gate; technically, it can be argued that all vehicles should have the \$3,000,000 policy since the gate access feeds directly into part of the runway/taxiway complex adjacent to the open air tiedown area.

In 2001, several airports were surveyed to see if our vehicle insurance requirements were in line with the Arizona industry; the survey was freshened (results were provided to the Board); one conclusion that can be drawn is that when an airport is able to strictly segregate vehicles and aircraft movements from each other, the requirement for additional vehicle insurance is eliminated or at least mitigated; many airports require tenants to carry aircraft liability insurance as a condition of leasing, the Nogales International Airport does not.

One method to achieve vehicle/aircraft segregation at the Nogales International Airport would be to install a new electronic gate near the beacon tower just off State Route 82 and then fence off access to keep all vehicles off the hangar ramps at an estimated cost of \$7,745.

Ms. Dahl expressed the importance of strengthened airport security as stressed by the Federal Bureau of Investigation and the Department of Homeland Security.

County locks on hangars: This, too, is a security issue; the County as landlord must have access to these buildings at all time for emergency response and law enforcement purposes.

The need for this came to light a few years ago when the State Fire Marshall sought to conduct inspections to ensure that no unauthorized materials were being stored in the hangars; Airport staff had a difficult time getting tenants to open the hangars so the locks were changed out to ensure that the County always had access if the need arose; in no case are hangars accessed for any reason but official airport business and access to the keys is tightly controlled by airport management.

Hangar rental terms: The County has an interest in keeping some flexibility in hangar tenancy; long term leases would preclude the County from managing the hangar space to the best advantage; an advantage in avoiding long term leases is that the County has the ability to modify rents based on market demand.

Vice-Chairman Ruiz asked if State Statutes regulate long term leases through the bidding process; Attorney Hawn responded that there are a number of statutes that control how Counties lease out property; however, she is unsure if the statutes apply to airports; in the past, it has been treated as a separate operation.

Mr. Lucero recommended that the study group be created to review all of these issues and make recommendations to the Board.

Chairman Damon asked if installation of the new electronic gate had begun; Ms. Dahl responded no because it was not included in this year's budget; it can be included in next year's budget or if the Board wants it done now, a funding source would have to be identified.

The Study Session adjourned at 2:35 p.m.

Melinda Meek
Clerk of the Board

Robert Damon
Chairman