

Board of Supervisors  
July 27, 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, Attorney; Melinda Meek, Clerk of the Board. Supervisor John Maynard, not present. Also present: Jennifer St. John, Carlos Rivera, Mary Dahl, Victor Gabilondo, Posy Piper, Abbie Zeltzer, Leonard Fontes, Randy Heiss, Ramon Romo, Marcelino Varona, Daniel Doyle, Karl Moyers, Sarah Wright.

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 approve the agenda as posted and to deviate from agenda sequence as necessary and at the Chair's discretion; second by Chairman Damon; motion carried.

**CALL TO THE PUBLIC:** Posy Piper expressed concern regarding the potential loss of available grant funding for the restoration of the 1904 Courthouse; she stated that the Courthouse Preservation Commission has requested copies of the grants and a meeting with the Board of Supervisors, to no avail. County Manager, Greg Lucero, responded that the County retained a renowned, historical preservationist architect to prepare the majority of the design plans for the 1904 Courthouse who has created unlimited problems for the County; the County is in the process of terminating the Contract and retaining another architect with the same background; he stated that staff will meet with the Courthouse Preservation Commission and provide them with the requested information. Administrative Services Department Director, Jennifer St. John, informed the Board that the County's Grant Writer is actively working on obtaining grant extensions. Vice-Chairman Ruiz requested that staff provide Mrs. Piper with the information she has requested.

Marcelino Varona, Nogales-Santa Cruz County Chamber of Commerce, invited the Board and the County Manager to attend the Nogales Chamber of Commerce and Santa Cruz County Tourism Council Business luncheon next Wednesday from 11:30 a.m. – 1:00 p.m. at the Holiday Inn Express; the featured speaker will be the President of the Arizona State Tourism Council.

**REPORTS:**

**BOARD OF SUPERVISORS:** None

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$9,937,740 in the General Fund, of which \$8,963,918 is invested; \$1,575,873 in the Road Fund, of which \$1,016,398 is invested; \$741, 238 in the Flood Control District Fund, of which \$585,675 is invested; \$13,377,415 total for all funds, of which \$12,727,779 is invested; \$10,141,401 estimated end of month balance, compared to \$7,446,074 cash at July 2004.

**SHERIFF:** Major Romo reported that the current jail population is 95, 90 males and 5 females; 18 have been sentenced to the County jail and 4 to the AZ Department of Corrections; 90 have been charged with felonies and 5 with misdemeanors; 43 are undocumented aliens; 2 have been committed to the County jail on a weekly basis. 31 persons were booked in during the past week.

Major Romo further reported that, last night, Border Patrol discovered a decomposed body east of Patagonia, near the Rail X Ranch; the body was transported to Tucson for an autopsy; he reported that a total of 7 bodies have been discovered in Santa Cruz County this year.

**PATAGONIA LIBRARY QUARTERLY REPORT:** Librarian, Abbie Zeltzer, provided the Board with a quarterly report as required by Resolution #1999-17 for the continuation of non-mandated funding from Santa Cruz County.

**ACTION ITEMS:**

**DISCUSSION/POSSIBLE ACTION: INTERGOVERNMENTAL AGREEMENTS WITH CITY OF NOGALES: LIBRARY SERVICES:** County Manager, Greg Lucero, stated that last year, the County spent approximately \$218,000 for library services plus an additional \$9,000 which was allocated to the Town of Patagonia; this year, the expense will increase approximately \$10,000 due to increased rent payments and contributions to the Town of Patagonia; due to growth in the County, he believes that the County should reevaluate the program and the services being provided to ensure that County residents are receiving the type of library service that they should be receiving.

Mr. Lucero informed the Board that it is staff's recommendation that the Board terminate the agreement with the City and direct staff to either negotiate a new IGA within the 6-month time period for termination to become effective or move towards the creation of a County-free Library District.

Vice-Chairman Ruiz asked how a Library District is formed; Attorney Hawn responded that a County-free Library District can be formed by action of the Board of Supervisors, a secondary property tax levy is implemented and the Board of Supervisors sits as the Library District Board; the District would be financed county-wide and incorporated Cities and Towns in the County may opt in.

Vice-Chairman Ruiz made a motion to follow the recommendation of the Manager, terminate and have them contact the City to begin either renegotiations on a new IGA or maybe going after a county-wide district; second by Chairman Damon; motion carried.

**ANIMAL CONTROL SERVICES:** County Manager, Greg Lucero, stated that historically, services provided by the County for animal control have been scrutinized and debated; recently, issues concerning the pick up of dead animals and related expenses at the landfill have been intensely discussed between the City and County.

Mr. Lucero informed the Board that it is staff's recommendation that the Board terminate the IGA with the City and direct staff to either negotiate a new IGA within the 6-month time period for termination to become effective or discontinue providing animal control services to the City.

Vice-Chairman Ruiz made a motion to approve the recommendation of the Manager; second by Chairman Damon; motion carried.

**INCARCERATION OF PRISONERS:** County Manager, Greg Lucero, stated that last year, the City of Nogales spent approximately \$130,000 for jail services provided by Santa Cruz County; Santa Cruz County is seeking to establish a jail district and if successful, the City would no longer be obligated to pay for the service, saving them approximately \$130,000.

Mr. Lucero informed the Board that it is staff's recommendation that the Board terminate the IGA with the City and direct staff to either negotiate a new IGA within the 6-month time period for termination to become effective or if the jail district election is successful, move towards developing an agreement that would support a jail district operation.

Vice-Chairman Ruiz made a motion to approve the Manager's recommendation to terminate and have them begin negotiations with the City; second by Chairman Damon; motion carried.

**USE OF THE COUNTY EMERGENCY OPERATIONS CENTER:** Administrative Services Department Director, Jennifer St. John, stated that this Agreement would provide the use of the County Emergency Operations Center to the City of Nogales in the event of a disaster or emergency within the City.

County Manager, Greg Lucero, informed the Board that it is staff's recommendation that the Board approve the IGA.

Vice-Chairman Ruiz made a motion to approve the IGA between Santa Cruz County and the City of Nogales for the use of Santa Cruz County's Emergency Operations Center; second by Chairman Damon; motion carried.

**LANDFILL:** County Manager, Greg Lucero, informed the Board that this item also addresses Item #10 on today's agenda; if the Board addresses this item, Item #10 will not need to be discussed.

Mr. Lucero stated that in February 2005, the City and County entered into an IGA which decreased the disposal fee for the City from \$37 p/ton to \$26 p/ton provided that the City, County and Town of Patagonia work towards the creation of a Regional Solid Waste Authority; the County's initial concern in decreasing the rate was that little or no movement would be made towards the creation of the Regional Solid Waste Authority and therefore incorporated action items in section 6 of the IGA, that needed to be completed within a certain time frame; to date, 3 meetings have been held and little or no action has been accomplished.

Mr. Lucero informed the Board that it is staff's recommendation that the Board terminate the IGA and direct staff to develop alternative strategies for operating the landfill.

Chairman Damon asked if the Board terminates the IGA, will the Regional Solid Waste Authority Committee be dissolved; Mr. Lucero responded that the committee would be dissolved; Chairman Damon stated that he is a City of Nogales resident and has not seen a decrease in his garbage disposal bill and asked if the savings to the City was supposed to be passed on to the customer; Mr. Lucero responded that the reduction in rate from \$37 p/ton to \$26 p/ton has generated a savings of approximately \$75,000 to date to the City of Nogales; Mr. Lucero stated that he has not noticed a reduction in his garbage disposal bill from the City of Nogales either.

Mr. Lucero informed the Board that one of the action items required was a preliminary report of how the Regional Solid Waste Authority would operate and a draft working document was to be created by the end of June - the Committee is nowhere near drafting said document; another action item required was a final report of how the Regional Solid Waste Authority was to be up and running by the first of September.

Mr. Lucero explained that after the 90-day time frame, the rate would revert to \$37 p/ton.

Vice-Chairman Ruiz made a motion to approve the Manager's recommendation; second by Chairman Damon; motion carried.

Vice-Chairman Ruiz stated that it is wise business practice for the County to review its IGAs periodically.

**REAPPOINTMENT TO THE PLANNING & ZONING COMMISSION, DISTRICT #1:** Vice-Chairman Ruiz made a motion to reappoint Mary Jo Ellen to the Planning & Zoning Commission from District #1; second by Chairman Damon; motion carried.

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Deputy Sheriff position and a Recorder Clerk position. (MR/RD; carried)

**FY 2006 VICTIMS' RIGHTS PROGRAM FUNDING AWARD AGREEMENT NO. 2006-055:** Major Romo informed the Board that the Sheriff's Office has been receiving funds from the AZ Attorney General's Office for 13 years, to support the direct costs of implementing victim rights laws; the grant this year is in the amount of \$5600 with no matching funds required. Major Romo requested that the Board approve acceptance of the grant award.

Vice-Chairman Ruiz made a motion to approve; second by Chairman Damon; motion carried.

**WAIVER AND RELEASE OF CLAIMS BY COUNTY RELATED TO POSSIBLE KVOA COMMUNICATIONS, INC. SANTA CRUZ COUNTY DETENTION FACILITY REPORT:** Major Romo informed the Board that Lupita Murillo, KVOA TV Channel 4, is requesting authorization to spend time in custody to develop a story telling what it's like to be incarcerated in the Santa Cruz County Detention Center.

Attorney Hawn informed the Board that the Mutual Waiver of Liability and Release says that KVOA releases claims against the County related to negligence but not claims as a result of the County's gross negligence or intentional acts; KVOA requests that the release be mutual and that the County release KVOA if they commit any kinds of acts that might lead to some kind of claim; Attorney Hawn believes that the language is too broad and recommended that if approved, require that KVOA be subject to the same type of language as required of the County.

Major Romo informed the Board that the Sheriff would like to see this happen as long as all waivers and requirements have been met.

Vice-Chairman Ruiz made a motion to approve the agreement with language that Holly Hawn would like to include; second by Chairman Damon; motion carried.

**STD SUBCONTRACT AMENDMENT WITH MARIPOSA COMMUNITY HEALTH CENTER:** Health & Human Services Department Director, Carlos Rivera, stated that this is a Contract

Amendment to an existing IGA with AZ Department of Health Services through a subcontract with the Mariposa Community Health Center in the amount of \$4,200 for testing, identification and treatment of STD.

Vice-Chairman Ruiz made a motion to approve; second by Chairman Damon; motion carried.

**EXECUTE AUTHORIZATION OF SERVICES NUMBER 7 FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT FOR TAXIWAY A REHABILITATION ASSOCIATED WITH THE FAA GRANT #3-04-0024-12-2005 AND MATCHING ADOT GRANT WITH KIMLEY-HORN & ASSOCIATES, INC. IN THE AMOUNT OF \$275,000:** Community Development Department Director, Mary Dahl, informed the Board that in April 2005, it approved the submittal of an application to the FAA to complete the upgrade of the resurface runway and taxiway services at the Nogales International Airport; this will be the first “based-on-bids” project for Santa Cruz County; since the money needs to be obligated from the current federal fiscal year, it is imperative that the county move very fast and get the bid package out to bidders by the end of August at the latest; Kimley-Horn and Associates is the County’s on-call engineering firm for all airport work and they are ready to proceed with this project; the cost for design and construction management will be rolled into the FAA grant; the County’s obligation under this authorization will be \$6,875; the engineer estimates the full cost of the project will be \$1,025,000 of which the County’s share will be \$25,625.

Ms. Dahl requested that Kimley-Horn be authorized to begin the process.

Vice-Chairman Ruiz made a motion to approve as presented; second by Chairman Damon; motion carried.

**THIRD AMENDMENT TO LAND DEVELOPMENT AGREEMENT FOR THE TUBAC GOLF RESORT HOMES SUBDIVISION:** Community Development Department Director, Mary Dahl, requested that the Board approve the Third Amendment extending the agreement another 6 months until February 2006 to ensure that all of the final approvals can be obtained.

Vice-Chairman Ruiz made a motion to approve as presented; second by Chairman Damon; motion carried.

**APPROVAL TO SUPPORT POSITION OF PIMA COUNTY IN LITIGATION WITH CLEAR CHANNEL OUTDOOR, INC. :** Attorney Hawn informed the Board that Pima County has been litigating with Clear Channel Outdoor, Inc. for years regarding billboards that violate its zoning code, built on land that ADOT had conveyed to it as part of a condemnation settlement when ADOT acquired other parcels that had other billboards located on them; Clear Channel believes that they are exempt from local zoning because of ADOT’s settlement and conveyance of land; the matter has been appealed to the Court of Appeals and Pima County has asked that Santa Cruz County file a legal brief.

The County Attorney’s Office recommends that the Board authorize them to file an amicus brief to make sure that the court of appeals realizes that this issue is one of statewide importance and goes well beyond the parties to the action.

Vice-Chairman Ruiz made a motion to authorize the County Attorney’s Office to file an amicus brief in the pending court of appeals case, Pima County v. Clear Channel Outdoor that presents the position of the county, which is that local zoning regulations should apply to land that has been conveyed by ADOT to a private entity; second by Chairman Damon; motion carried.

**REGIONAL SOLID WASTE AUTHORITY COMMITTEE:** County Manager, Greg Lucero, stated that this item has already been addressed under another Agenda item at today’s meeting. No action taken.

**CHANGE ORDER #1: ANNUAL ROAD STRIPING BID NO. B-13-04-CO13:** Public Works Director, Victor Gabilondo, informed the Board that the original bid contract for the County’s annual road striping was awarded to United Rentals Highway Technologies in the amount of \$42,699.14; during the performance of the contract, additional striping was needed due to safety concerns; the change order authorizes an additional \$9,728.12 and is within the programmed budget.

Vice-Chairman Ruiz made a motion to approve Change Order #1 as presented; second by Chairman Damon; motion carried.

**GREATER NOGALES AND SANTA CRUZ COUNTY PORT AUTHORITY FINANCIAL SUPPORT:** County Manager, Greg Lucero, stated that approximately 6 months ago, this item was brought to the Board for discussion/possible action, at which time the Board authorized funding the Port Authority in an amount not to exceed slightly over \$17,000 to terminate at the end of the fiscal year; the County is now in a new fiscal year; the services being provided to the Port Authority remain under contract and they would like to continue to receive support from the County; the Agreement provided that the City would cover half the cost and the County would cover the other half. Mr. Lucero proposes continuing to do so and reviewing it on a monthly basis provided that the Port Authority continue to provide the County with reports and updates on their activities and communicate to them the need for them to increase their membership and other sponsorship to decrease financial support from the City and County.

Vice-Chairman Ruiz made a motion to approve; second by Chairman Damon; motion carried.

**MINUTES** of 5/25/05 were approved as presented. (MR/RD; carried)

**DEMANDS** were approved in the total amount of \$910,712.09 of which \$376,338.52 is from the General Fund. (MR/RD; carried) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$376,338.52; **Prosecution HIDTA (Pima):** \$41,562.53; **Bad Check Collection:** \$1,963.73; **Retrieval Conversion Fund:** \$11,802.17; **Citizen Corps/Cert Grant:** \$1,466.21; **Exercises:** \$13,272.15; **5% Fill the Gap Fees Cty Atty:** \$10,343.18; **School Forest Fees Fund:** \$1,625.00; **Early Learn-Learning Together:** \$4,304.74; **Carol M White-Phys Ed Grant:** \$25,997.30; **Old Courthouse Fund:** \$1,483.64; **Road:** \$219,550.19; **Animal Control:** \$6,812.64; **ADOT House Bill 2565:** \$3,030.54; **Anti-Racketeering #2:** \$1,741.19; **Sheriff A.C.J.C. Grant:** \$2,176.91; **HIDTA 13:** \$7,192.27; **Community Punishment Program:** \$2,317.00; **Jail Enhancement:** \$3,664.89; **D.U.I. Grant:** \$10,411.29; **Health Services Fund:** \$1,996.05; **Forest Service Grant-Sheriff:** \$3,183.38; **Gear Up:** \$11,578.02; **Bio-Terrorism Grant:** \$2,737.86; **Adult Probation Drug Testing:** \$1,508.50; **Drug Treatment & Education:** \$9,401.00; **Self HHW/ABOP Site:** \$1,850.70; **Flood District:** \$5,293.52; **Flood Reserve:** \$11,715.73; **Cultural Youth At Risk:**

\$11,940.87; **W.I.A. Youth Program:** \$15,027.37; **Land Management-WIA:** \$2,000.00; **WIA/TANF Set a Side:** \$3,035.14; **W.I.A. Adult:** \$14,269.17; **W.I.A. Dislocated Worker:** \$6,248.94; **W.I.A. Administration:** \$1,114.42; **Work Incentive Grant:** \$10,219.50; **Landfill:** \$44,882.63

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

The Board recessed the Regular Meeting to convene in Executive Session at 10:30 a.m. and reconvened at 10:40 a.m. (MR/RD; carried)

**ACTION ITEMS CONTINUED:**

**AZ PUBLIC ENTITY PLAINTIFFS SETTLEMENT AGREEMENT IN NATIONAL CENTURY FINANCIAL ENTERPRISES LITIGATION WITH DELOITTE AND TOUCHE RELATED TO LOCAL GOVERNMENT INVESTMENT POOL FUNDS OF SANTA CRUZ COUNTY PUBLIC ENTITIES:** Vice-Chairman Ruiz made a motion to approve the settlement; second by Chairman Damon; motion carried.

Meeting adjourned at 10:42 a.m.

2:00 P.M.

The Board met in a Special Meeting. 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: Jennifer St. John, Mayra Ochoa, Mary Dahl, Ramon Romo.

**PUBLIC HEARING:** **TRUTH IN TAXATION HEARING:** Administrative Services Department Director, Jennifer St. John, explained that Arizona Revised Statutes require that a Truth in Taxation Hearing be held if the County's primary property tax rate exceeds a set amount; the County's Truth in Taxation Rate is 3.28 this year and the actual primary property tax rate is 3.34.

**PUBLIC COMMENT:** None

**PRESENTATION OF THE SANTA CRUZ COUNTY BUDGET FOR FISCAL YEAR 2005-2006:** County Manager, Greg Lucero, read his letter to the Board aloud.

Vice-Chairman Ruiz stated that the increase in State Retirement and health insurance premiums that will be absorbed by the County can be viewed as a fringe benefit.

Administrative Services Department Director, Jennifer St. John, noted that the total budget expenditures of \$57,639,441 are lower than the adopted tentative budget due to using actual, rather than estimated, Court Administration state grants in the final budget.

The Public Hearing adjourned at 2:07 p.m.

**SPECIAL MEETING:**

**ADOPTION OF THE SANTA CRUZ COUNTY BUDGET FOR FISCAL YEAR 2005-2006:** Vice-Chairman Ruiz made a motion to adopt the proposed Fiscal Year 2005-2006 Budget as presented by staff; second by Chairman Damon; motion carried.

The Special Meeting adjourned at 2:10 p.m.

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors  
August 3, 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, Cesar Ramirez, Victor Gabilondo, Leonard Fontes, Ramon Romo, Jose S. Arellano, Roxanna Ramos, Ruben F. Fuentes, Carmen Rodriguez, Jesus Covarrubias, Judith Covarrubias, John Hays, Sheriff Estrada, Lupita Avila Dabdoub.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Lt. Ruben Fuentes.

**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:** Carmen Rodriguez, speaking on behalf of Covas Janitorial Service, addressed the Board concerning the janitorial services bid for County facilities. Ms. Rodriguez explained that Covas Janitorial Service inadvertently omitted the required insurance bond when submitting their bid; since then, however, they have obtained the bond; out of 5 bids submitted, Covas Janitorial Service was the lowest bidder; in 9/2004, Covas Janitorial Service was temporarily awarded the contract after the County terminated the contract with the previous provider; they have received favorable comments regarding their janitorial services from different departments and department heads; they are a local company, employing residents of Santa Cruz County; they apologized for the mistake in omitting the required insurance bond.

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

**FLOOD CONTROL DISTRICT:** **DIRECTOR'S/PROJECT REPORT:** Submitted in writing.

**MONTHLY REPORT FROM CITY OF NOGALES:** None

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

**PUBLIC COMMENT:** None

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

**REPORTS: BOARD OF SUPERVISORS:** Vice-Chairman Ruiz announced that he has been selected to participate in the AZ/Mexico Commission, Real Estate Ad-Hoc Committee; he is one of the individuals who will be recommended to the Governor for appointment; he participated in a Conference Call with the Border Counties Coalition this morning.

Supervisor Maynard reported that he met with the SEAGO Executive Board last week; he attended a Planning & Zoning Commission Meeting on Thursday and a Chamber of Commerce Mixer in Tubac; he announced that he has been appointed to the AZ Rural Transportation Advocacy Council and their first meeting was held on Wednesday in Phoenix.

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$9,657,821 in the General Fund, of which \$8,963,918 is invested; \$1,357,457 in the Road Fund, of which \$1,016,398 is invested; \$739,009 in the Flood Control District Fund, of which \$585,675 is invested; \$12,935,882 total for all funds, of which \$12,727,779 is invested; \$8,768,896 estimated end of month balance, compared to \$7,446,074 cash at August 2004, a difference of \$1,322,822.

**TREASURER'S ANNUAL REPORT:** County Treasurer, Ceasar Ramirez, pursuant to A.R.S. 42-18002, informed the Board that the amount of taxes collected for fiscal year 2004-2005 is \$26,451,295.58 or 87%; the increase in tax roll amount was minimal; the decrease in tax roll amount was almost \$250,000.

The Board requested that Mr. Ramirez poll other Counties to find out their delinquency rate. Supervisor Maynard asked what happens with the uncollected taxes; Mr. Ramirez responded that since he does not have a Civil Deputy to assist with collection of delinquent taxes, it carries forward to the following year; Major Romo stated that the Sheriff's Office is trying to fill vacancies in their department and as soon as the positions have been filled, they will discuss assigning a deputy to the Civil Division for tax collection; Mr. Ramirez stated that the problem can be solved in an administrative-type decision because a portion of the collection work requires only clerical support, the other portion that involves serving documents and repossessing, needs to be done by a certified officer; Mr. Ramirez requested clerical support, even on a part-time basis, to assist with collection of delinquent taxes; Major Romo stated that in speaking to previous Civil Deputies assigned to tax collection, 80-85% of the work involved is clerical.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 97, 91 males and 6 females; 16 inmates have been sentenced to the County jail and 2 to the AZ Department of Corrections; 95 have been charged with felonies and 2 with misdemeanors; 34 (36%) are undocumented aliens; 3 have been committed to the County jail on a weekly basis. 43 persons were booked in during the past week.

Sheriff Estrada further reported that 2 vehicle accidents occurred during the past week involving 2 fatalities; the body of a 25-year old man from Michoacan was recovered southwest of Amado; to date, the bodies of 8 Mexican nationals have been found in Santa Cruz County.

Sheriff Estrada and Sergeant Roberto Morales, Santa Cruz County Metro-Task Force, presented Detention Officer, Heriberto Castillo with plaques in recognition of his 20 years of service to the Santa Cruz County Detention Center; Mr. Castillo retired on 7/22/05.

**ACTION ITEMS:**

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Adult Probation Secretary position, a Juvenile Probation Officer position, a Landfill Operator position and an Equipment Operator position. (MR/JM; c.u.)

**B-09-05-CO09:** Administrative Services Department Director, Jennifer St. John, informed the Board that this bid is for the procurement of professional janitorial services for County facilities; in September/October, 2004, Covas Janitorial Service took over the janitorial services contract to present. In May 2005, staff bid out janitorial services and 5 bids were submitted; the following are some of the items used in determining criteria: qualifications of people to be assigned to work under the contract, number of years of experience, demonstrated competency, experience in comparable work, reasonableness of costs, financial stability and the security bond; bidders were measured based on criteria and assigned a score; Miss. St. John cited the following information included in the Invitation to Bid: "Proposals received without security bonds will not be considered for award."

Miss St. John stated that staff recommends that the Board award the Contract to Jan-Co Janitorial who met all required criteria and scored highest.

Chairman Damon asked if a pre-bid conference was held for this project; Miss St. John responded that a mandatory pre-bid conference was held that all bidders attended and questions were answered and addressed; an option was included in the Invitation to Bid to submit written questions to her and the Finance Department; 1 addendum was issued that addressed questions from bidders.

Vice-Chairman Ruiz expressed concern regarding the lack of response from local vendors in the bidding process for County projects; he suggested that, in the future, bid requirements be made extremely clear and simple for all vendors; he noted that 3 of the 5 vendors that responded to the Invitation to Bid have local ties and are taxpayers; he believes that not considering local vendors is wrong; Miss St. John stated that she included a check list in the bid packet.

Chairman Damon asked Attorney Hawn if the County is obligated to extend the bid invitation to those outside of Santa Cruz County; Attorney Hawn responded yes.

Supervisor Maynard stated that as a Supervisor, it is his duty to be fiscally responsible with taxpayers funds and that he would like to award the bid to the lowest bidder; he asked Attorney Hawn if the Board is required to follow staff's recommendation to award the bid to the lowest qualified (non-local) bidder or can the Board award it to a local bidder with the lowest bid; Attorney Hawn responded that the Board must use all facts in making its decision, if the Board is considering awarding the Contract to a bidder who did not submit the security bond as was required by the bid package, this would create a problem because it was very clear in the bid package that submitting a security bond was a determining factor in awarding the bid. Supervisor Maynard asked if a bidder submitted the required bond after the

deadline and the Board awarded the bid to that bidder, what position would that place the county in legally; Attorney Hawn responded that she believes doing so would put the County in a very difficult legal position and explained the purpose of the security bond.

Chairman Damon asked if 5% local preference is provided for in statutes; Attorney Hawn responded that the preferences that used to exist have been challenged in court and the courts have struck down the use of those preferences.

Vice-Chairman Ruiz asked if Covas Janitorial, the current provider, has a bond that is in effect; Miss St. John responded no because Covas Janitorial was brought in under an emergency type situation and they were selected because they were the only other bidder during the previous bid process; Vice-Chairman Ruiz stated that the Board can reject all bids and rebid; Attorney Hawn stated that the Board can reject all bids as long as it is done so because there was a flaw in the bidding process or that the bid doesn't reflect the needs of the County; Attorney Hawn stated that she believes the bid package was clear.

County Treasurer, Cesar Ramirez, stated that this is simply a timing issue and that if Covas Janitorial had submitted the bond with their bid, they would still be the lowest bidder; Attorney Hawn again explained the purpose of the security bond and the importance of it being submitted upfront. Mr. Ramirez expressed the importance of doing business locally.

Supervisor Maynard made a motion to reject all bids presented and request staff to rebid the project; second by Vice-Chairman Ruiz.

Under discussion, Chairman Damon asked Attorney Hawn if this action would be subject to legal challenge; Attorney Hawn responded yes.

Chairman Damon called for the vote: Maynard: Aye; Ruiz: Aye; Damon: Nay.

Motion carried.

**SERVICE CONTRACT WITH GANSON ENGINEERING, INC. FOR (2) TALLY T6212 PRINTERS IN THE TREASURER'S OFFICE:** Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

**PROFESSIONAL SERVICES AGREEMENT WITH CPE CONSULTANTS:** Public Works Director, Victor Gabilondo, informed the Board that staff has been meeting with representatives from the Rio Rico Fire Department and Santa Cruz Valley School District #35 to address extending the West Frontage Road; the cost for the preliminary design concept report was programmed in the 2005-2006 budget and approved by the Board; CPE consultants submitted a proposal to provide the report, which will meet the criteria if the Board chooses to place the project on the SEAGO 5-year Transportation Improvement Program (TIP) and to pursue other funding sources.

Staff recommended that the Board award the professional services contract to CPE.

County Manager, Greg Lucero, clarified that the information provided by Mr. Gabilondo regarding the SEAGO 5-year TIP is not part of the Board's action today, rather a point of information.

Chairman Damon made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

**TAX VALUATION ADJUSTMENTS** #107-01-005-C-9 – Vaca Ranch/San Rafael Valley, Resolution No: S20040000231; 107-01-002-3 – Vaca Ranch/San Rafael Valley, Resolution No: S20040000230; 108-44-001-2 – Timken W R Etal As TR/Vaca Ranch, Resolution No: S20040000232; 101-45-057-C-0 – Gonzalez Ruben & Isabel, Resolution No: S20040000233; 101-45-057-C-0 – Ruben & Isabel Gonzalez, Resolution No: S20030000148; 101-45-057-D-0 – Estrella Robert M & Guadalupe G, Resolution No: S20040000234; 101-45-057-D-0 – Estrella Robert M & Guadalupe G, Resolution No: S20030000149; 116-13-244-0 – Valenzuela Rafael & Guadalupe, Resolution No: S20040000235 and 116-13-244-0 – Valenzuela Rafael & Guadalupe, Resolution No: S20030000150 were approved as submitted by the County Assessor's Office. (JM/MR; c.u.)

**BOND FOR DUPLICATE WARRANT** #2-198095 payable to AZ Justice of the Peace, dated 6/15/05, in the amount of \$100 was approved as submitted. (MR/JM; c.u.)

Attorney Hawn requested that the Board recall Agenda Item #3. Vice-Chairman Ruiz made a motion to reconsider Agenda Item #3 already approved by the Board; second by Supervisor Maynard; motion carried unanimously.

**SERVICE CONTRACT WITH GANSON ENGINEERING, INC. FOR (2) TALLY T6212 PRINTERS IN THE TREASURER'S OFFICE:** Attorney Hawn informed the Board that she had proposed language to the printer company to address certain issues; she requested that if the Board desires to approve the Contract that it do so contingent upon making changes to the contract as recommended by the County Attorney's Office.

Vice-Chairman Ruiz made a motion to amend the approved motion to add that the company needs to meet the stipulations that will be added in order for approval; second by Supervisor Maynard; motion carried unanimously.

**MINUTES** of 6/1/05, 6/7/05, 6/10/05, 6/15/05, 6/22/05, 6/29/05 and 7/1/05 were approved as submitted. (JM/MR; c.u.)

**DEMANDS** were approved in the total amount of \$695,048.22 of which \$358,925.48 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:** \$358,925.48; **Exercises:** \$9,027.83; **School Forest Fees Fund:** \$2,461.52; **Community Technology CTR Program:** \$11,547.90; **Carol M White-Phys Ed Grant:** \$2,500.00; **Law Library:** \$1,265.00; **Road:** \$95,341.92; **Animal Control:** \$4,271.42; **Anti-Racketeering #2:** \$1,086.30; **HIDTA 14:** \$5,301.00; **Sheriff A.C.J.C. Grant:** \$3,955.00; **Jail Enhancement:** \$2,758.70; **Health Services Fund:** \$1,669.40; **B.J.A. Bullet Proof Vest:** \$2,246.67; **Federal Seizure Fund:** \$1,675.00; **Gear Up:** \$10,347.80; **Bio-Terrorism Grant:** \$11,609.15; **Flood District:** \$9,792.06; **Cultural Youth At Risk:** \$22,000.00; **W.I.A. Youth Program:** \$34,980.75; **W.I.A. General:** \$22,957.69; **Land Management-WIA:** \$5,968.03; **WIA/TANF Set A Side:** \$1,437.73; **WTW Competitive Grant:** \$6,674.00; **W.I.A. Adult:** \$12,218.10; **W.I.A. Dislocated Worker:** \$12,013.21; **W.I.A. Administration:** \$1,340.10; **Projects with Industries:** \$18,616.99; **Landfill:** \$16,535.21

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

The Meeting adjourned at 10:43 a.m. (MR/JM; c.u.)

2:00 p.m.  
Study Session

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: Victor Gabilondo, Chuck Williams, Gary & Cynthia Rose, Kathleen Vandervoet, Carol Cullen and Kim Etherington.

**C.L. WILLIAMS CONSULTING, INC. STUDY FINDINGS REPORT FOR RIGHT OF WAY ENCROACHMENT FOR TUBAC, AZ:** Public Works Director, Victor Gabilondo, informed the Board that on April 27, 2005, he provided C.L. Williams with a notice to proceed to prepare the study; the results of the study will be used as methodology on a countywide basis.

Chuck Williams, C.L. Williams, stated that the evaluation was conducted without bias to individuals and is an engineering-based traffic safety study; air photos from the drainage study and plat maps were used, property surveys were not conducted; only encroachments on county-maintained roadways and recovery zones were addressed; warning levels were assigned to applicable encroachments and mitigation actions were recommended.

Attorney Hawn suggested that a plan of action be presented to the Board for its consideration and action.

Mr. Gabilondo will place an action item on the Board's Agenda in 2 weeks.  
The Study Session adjourned at 2:28 p.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman