

Board of Supervisors
July 6, 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, Sarah Wright, Carol DeFazio, Beth Daley, Daniel Doyle, Cynthia Rose, Gary Rose, Louis Chaboya, John Hays, John DeStefano, Sheriff Estrada, Kathleen Vandervoet, Ramon Romo, Ruben F. Fuentes, Charles Dean Miller, James A. Soto, and Lupita Salazar.

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

ADOPTION OF AGENDA: County Manager, Greg Lucero, requested that the Board table Action Items F-1 ((Memorandum of Understanding for New York University and PPEP Behavioral Health Services), F-2 (Health Point Educational Consulting Service professional services contract) and F-11 (Minutes of 5/18/05) for 1 week.

Vice-Chairman Ruiz made a motion to adopt the Agenda tabling Action Items F-1, 2 & 11 for 1 week and to deviate from Agenda sequence as necessary; second by Supervisor Maynard; motion carried unanimously.

CALL TO THE PUBLIC: Cynthia Rose informed the Board that Tubac had several 4th of July events this past weekend and expressed concern regarding the requirement for event permits; she stated that Gary Brasher held a 4th of July event but was not required to obtain a permit.

Mrs. Rose also addressed the Board concerning the proposal for the beautification and park area by the Tubac Chamber of Commerce. She stated that a letter requesting authority to maintain the area by the Tubac Chamber of Commerce was written to Planning & Zoning on 6/21/05; the Tubac Historic Advisory Board met on and approved the plans for the area on 6/27/05; the presenter of the proposal stated that it had already been approved between the Tubac Chamber of Commerce and Supervisor Maynard; several months ago, Supervisor Maynard held a Tubac Public Meeting regarding the water issue in the surrounding area; at the Public Meeting, Supervisor Maynard said he wanted to clarify rumors about the areas in Tubac that were being considered for environmental improvements such as the area near the sign and the Plaza; the Tubac people agreed that the area needed to be cared for and improved upon, however, expressed that it was imperative that the entire town be allowed to participate in the project and that a committee be appointed; she expressed concern that these issues are being ignored.

Mrs. Rose requested that another Town Meeting be held and allow anyone who wants to participate to do so; she requested that the Tubac Chamber of Commerce not be given the sole rights to maintain and create this project; she requested that a committee be created to work on the project with a united front with the sincerity of improving the Tubac Village.

Gary Rose expressed the need for everyone to work together to improve the situation in Tubac.

Chairman Damon recognized former Mayors of the City of Nogales, Dr. Marcelino Varona and Daniel Doyle.

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

FLOOD CONTROL:

DIRECTOR'S/PROJECT REPORT: Submitted in writing.

MONTHLY REPORT FROM CITY OF NOGALES: Barbara Johnson, City of Nogales, provided the Board with an acknowledgement by the U.S. Department of Homeland Security, FEMA, to the City of Nogales for best practices commendation for the Monte Carlo project; she stated that the City is complete with the project with the exception of hydroseeding, which will go before the City Council at their August meeting; the rip-rap is complete; the gates are up; Challenger and Chihuahua are complete; reimbursements have been filed; the preliminary audit came back with no findings.

Vice-Chairman Ruiz stated that he has yet to see any project that has been hydroseeded, actually take hold and he suggested an alternate process; Ms. Johnson stated that hydroseeding was part of the engineering plans.

Mrs. Johnson also stated that the City Council is scheduled to hold a study session regarding the flood insurance program, after the conclusion of budget hearings.

MONTHLY REPORT FROM THE TOWN OF PATAGONIA: None

PUBLIC COMMENT: None

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

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Ruiz reported that he, Chairman Damon, Supervisor Maynard and Mr. Lucero attended Congressman Kolbe's meeting in Tubac to address the non-movement of the Border Patrol Inspection Station and the proposed immigration reform legislation.

Supervisor Maynard reported that he attended 2 Planning & Zoning meetings earlier this week and he thanked the Planning & Zoning Commission for their hard work; he met with Rio Rico residents last week; he met with representatives from the Tubac Chamber of Commerce the week before and they showed him a proposed plan for landscaping on an area of land that the County owns near the flags at the Tubac entrance; he and the County Manager both agreed that a Tubac Town Meeting should be held to allow for community input before the Public Works Department issues a right-of-way permit for construction in the area; he spent time in Patagonia on the 4th of July.

MANAGER: County Manager, Greg Lucero, reported that he and staff continue to work on the budget; the final budget will be presented to the Board for consideration the end of July or beginning of August.

FINANCE: Chief Accountant, Mayra Ochoa reported \$9,533,497 in the General Fund, of which \$8,991,273 is invested; \$1,355,967 in the Road Fund, of which \$1,013,859 is invested; \$755,058 in the Flood Control District Fund, of which \$584,084 is invested; \$12,699,520 total for all funds, of which

\$12,743,554 is invested; \$8,993,848 estimated end of month balance compared to \$6,906,260 cash at July 2004, a difference of \$2,087,588.

SHERIFF: Sheriff Estrada reported that the current jail population is 100, 91 males and 9 females; 22 inmates have been sentenced to the County jail and 4 to the AZ Department of Corrections; 93 have been charged with felonies and 7 with misdemeanors; 44 are undocumented aliens; 2 have been committed to the County jail on a daily basis and 2 on a weekly basis. 53 persons were booked in during the past week.

Sheriff Estrada further reported that 60 calls for service were received over the 4th of July weekend; 19 arrests were made; 4 domestic violence calls were received which resulted in 2 arrests; 147 traffic stops were made, 108 citations were issued which resulted in 14 arrests; 8 individuals were identified as designated drivers; 3 juveniles were arrested for being under the influence. A 15-year old Tucson boy drowned on 7/3 at Patagonia Lake; on 7/4 a 38-year female from Guadalajara, died after crossing the border; a former Nogales Police Officer was involved in a dirt bike accident in Washington Camp.

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

PUBLIC HEARING

10:00 a.m.

RESOLUTION #2005-13 PROPOSING THE ESTABLISHMENT OF THE SANTA CRUZ COUNTY JAIL DISTRICT: County Manager, Greg Lucero, stated that several working sessions were held with staff to look at the needs of the jail and courts infrastructure; a consultant was retained to prepare a master planning analysis for the county; a series of public hearings were held throughout the County; numerous meetings have been held with civic groups and organizations throughout the County and presentations were made by elected officials, staff and the consultant; the public is aware that a problem exists and is supportive of the County's efforts to move forward; the recommendation being presented to the Board is that a Resolution be adopted calling for the creation of a jail district and setting a tax rate of ½¢ on the excise tax.

PUBLIC COMMENT:

Marcelino Varona, Jr. complimented the County Manager for handling the issue so well; he stated that hiring an impartial consultant to work on the issue was a good idea; the presentations were informative, clear, not ambiguous, and no consideration was given to increase property taxes. Mr. Varona spoke in favor of funding the Jail district through a sales tax; he complimented the Sheriff on his presentations on the issue; he commended the County Manager for proposing the use of existing County-owned property rather than purchasing new property; he commended the professional job done by all those involved; he spoke in support of the issue because of how well the Board has handled its financial structure; he commended the County Manager's conservative approach to finances; he requested that consideration be given to make sure that the public is not forced to wait in long lines to go through security when entering the facility.

Daniel Doyle echoed Dr. Varona's remarks and spoke in support of Sheriff Estrada's efforts.

Kathleen Vandervoet, Tubac resident, stated that she attended 2 jail district presentations in Tubac and requested clarification regarding what the tax would fund and what happens to the ½¢ sales tax at the end of the 15-year bond term; Mr. Lucero responded that if voters approve the creation of the jail district, it becomes its own entity and revenue generated by the sales tax would fund construction, maintenance and operation of the facility; Mr. Lucero also responded that there is a 15-year term on the bonds and once the bonds are retired, the Board has the option to reduce the sales tax to an amount that would cover maintenance and operation of the jail district; the County is required to continue to maintain the current maintenance of effort through the general fund.

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

ACTION ITEMS:

RESOLUTION #2005-15 ORDERING THE FORMATION OF THE SANTA CRUZ COUNTY JAIL DISTRICT CONTINGENT UPON VOTER APPROVAL OF AN EXCISE TAX AND DIRECTING THAT THE APPROVAL OF THE EXCISE TAX BE PLACED ON THE BALLOT FOR THE ELECTION TO BE HELD ON 11/8/05: Supervisor Maynard made a motion to approve Resolution #2005-15 as presented in the Board's packet; second by Vice-Chairman Ruiz; motion carried unanimously.

IGA WITH NUSD #1 FOR PLACEMENT OF SCHOOL RESOURCE OFFICER AT DESERT SHADOWS MIDDLE SCHOOL: Sheriff Estrada explained that approval of this IGA will continue the position of a School Resource Officer to be stationed at Desert Shadows Middle School; NUSD #1 pays 100% of the salary and benefits of the officer.

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

CHANGE ORDER #1: ANNUAL ROAD STRIPING BID NO. B-13-04-013: County Manager, Greg Lucero, stated that the Change Order form has not been submitted and requested that the Board table the item for 1 week.

Vice-Chairman Ruiz made a motion to table the item until next week; second by Supervisor Maynard; motion carried unanimously.

CHANGE ORDER #1 AND #2 ADEQ WRA GRANT: County Manager, Greg Lucero, informed the Board that this is part of the grant-funded household hazardous waste project; the Change Orders total \$850.70; the grant will cover \$124 and the remaining \$726.70 would be considered the County's cash contribution to the project, through the landfill enterprise fund; the change Orders address the construction of the canopy and concrete slab.

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

AFFIDAVIT FOR TAX EXEMPTION for Patricia D. Castro (disabled) was approved as submitted. (MR/JM; c.u.)

TAX VALUATION ADJUSTMENTS #115-13-358-1 – Castro D Manuel & Patricia, Resolution No: S20020000158; 115-13-358-1 – Castro D Manuel & Patricia, Resolution No: S20030000147 and 115-13-358-1 – Castro D Manuel & Patricia, Resolution No: S20040000229 were approved as submitted by the County Assessor's Office. (JM/MR; c.u.)

PERSONNEL: The Board waived the hiring freeze to fill a vacant Juvenile Detention Officer position. (MR/JM; c.u.)

BONDS FOR DUPLICATE WARRANTS #2-196495 payable to Vanessa Duarte, dated 5/4/04, in the amount of \$40 and #4-556797 payable to DeConcini McDonald Yetwin & L, dated 2/6/04 in the amount of \$9,311.50 were approved as submitted. (JM/MR; c.u.)

MONTHLY REPORTS for the Recorder's Office for the months of April & May, 2005, were approved as submitted. (JM/MR; c.u.)

DEMANDS were approved in the total amount of \$338,139.56 of which \$89,648.48 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:** \$89,648.48; **Exercises:** \$1,107.00; **Early Learn-Learning Together:** \$7,863.86; **Carol M White-Phys Ed Grant:** \$3,600.00; **Road:** \$68,204.64; **Waste Tire Grant (ADEQ):** \$3,525.06; **Anti-Racketeering #2:** \$10,775.16; **Sheriff A.C.J.C. Grant:** \$3,762.04; **HIDTA 13:** \$12,701.14; **Juvenile Probation Fees:** \$4,704.42; **Adult Probation Fees:** \$3,848.07; **Health Services Fund:** \$4,367.02; **Federal Seizure Fund:** \$1,086.00; **T.B. Grant Fund:** \$5,531.08; **Flood Reserve:** \$4,859.63; **Cultural Youth At Risk:** \$11,206.07; **W.I.A. Youth Program:** \$4,138.22; **W.I.A. Adult:** \$7,978.64; **W.I.A. Dislocated Worker:** \$6,329.94; **Projects with Industries:** \$3,816.03; **Work Incentive Grant:** \$1,700.00; **Signage Upgrade:** \$22,100.00; **Ronald Morriss Park:** \$5,310.00; **E3S10-Drainage Signage Ero:** \$29,700.00; **Landfill:** \$13,716.34

To review these demands for this date, refer to Binder #13 which accompanies this book.
Meeting adjourned at 10:27 a.m. (MR/JM; c.u.)

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors

July 13, 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; Mike Masee, Attorney; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Victor Gabilondo, Louie Chaboya, Lt. Gerardo Castillo, Nancy Valentine, Lt. Manuel A. Cota, Mary Helen Maley, James A. Soto, Steve Murray, Guy Tobin.

The Meeting was called to order and the Pledge of Allegiance was recited, led by the Honorable James A. Soto.

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: None

ACTION ITEMS:

MEMORANDUM OF UNDERSTANDING FOR SANTA CRUZ COUNTY, NEW YORK UNIVERSITY AND THE PORTABLE PRACTICAL EDUCATIONAL PREPARATION INC/PPEP BEHAVIORAL HEALTH SERVICES: Justice of the Peace, Precinct #1, Mary Helen Maley, explained to the Board that this Contract will enable the Court to move forward with a domestic violence treatment program and requested the Board's approval.

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

CONTRACT FOR PROFESSIONAL SERVICES WITH HEALTH POINT EDUCATIONAL CONSULTING SERVICE LLC: Justice of the Peace, Precinct #1, Mary Helen Maley, explained to the Board that this Contract is for the Program Coordinator for the Constructing Circles of Peace program for domestic violence treatment in cases from the Santa Cruz County Courts and requested the Board's approval.

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

Under discussion, Vice-Chairman Ruiz asked if the contract amount of \$30,000 will be paid from the General Fund; Judge Maley responded no, it is grant-funded through the Arizona Supreme Court, JCEF funds.

Motion carried unanimously.

REPORTS:

BOARD OF SUPERVISORS: None

MANAGER: County Manager, Greg Lucero, requested that the Emergency Management Director, Louie Chaboya, provide an update on the Aztec fire.

Emergency Management Director, Louie Chaboya, informed the Board that homes in Madera Canyon have been evacuated strictly for structural protection; the fire is currently transitioning to a type 1 incident which allows for federal resources.

Mr. Lucero reported that there will not be a Board of Supervisors Meeting next week (7/20/05), due to out of town travel by the Board of Supervisors.

FINANCE: Administrative Services Department Director, Jennifer St. John, reported \$10,160,463 in the General Fund, of which \$8,941,273 is invested; \$1,268,014 in the Road Fund, of which \$1,013,859 is invested; \$748,643 in the Flood Control District Fund, of which \$584,084 is invested; \$12,866,088 total for all funds, of which \$12,693,554 is invested; \$10,120,463 estimated end of month balance, compared to \$7,176,392 cash at July 2004, a difference of \$2,944,071.

SHERIFF: Lt. Manuel Cota informed the Board that the Santa Cruz County Search & Rescue Team has been activated and is on stand-by ready to assist with the Aztec fire.

Lt. Cota reported that the current jail population is 101, 94 males and 7 females; 19 inmates have been sentenced to the County jail and 4 to the Arizona Department of Corrections; 97 have been charged with felonies and 5 with misdemeanors; 39 are undocumented aliens; 2 have been committed to the County jail on a daily basis and 2 on a weekly basis. 43 persons were booked in during the past week.

Lt. Cota further reported that the body of a 20-year old female, border crosser was found last night by the Spear X Ranch on Duquesne Rd. it is suspected that the individual died of exposure.

ACTION ITEMS CONTINUED:

APPROVAL OF ACJC GRANT #AC-200-06 IN THE AMOUNT OF \$248,760: Lt. Gerardo Castillo, Santa Cruz County Sheriff's Office, explained that this grant funds the following positions: 2 Investigators, 1 Intelligence Analyst and a Legal Secretary; matching funds in the amount of \$38,501 are funded by the County Attorney's Office, Anti-Racketeering fund.

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

APPROVAL FOR THE ACCEPTANCE OF THE ACJC BYRNE/JAG 10K GRANT #JAG-06-113: Lt. Gerardo, Castillo, Santa Cruz County Sheriff's Office, explained that this grant is for \$1,476 and funds personnel overtime; matching funds in the amount of \$369 are funded by the County Attorney's Office, Anti-Racketeering Fund.

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

RESOLUTION #2005-17: Public Works Director, Victor Gabilondo, stated that this Resolution authorizes the submission of an Application for Round 13 of the Arizona Transportation Enhancement program to landscape the median on Rio Rico Drive from the existing bridge to Pendleton Drive; he provided the Board with a conceptual drawing of the Rio Rico Drive Landscaping and Safety Project; the Resolution commits the County to provide a 5.7% match; the grant is capped at \$500,000; Guy Tobin has agreed to partner in this program.

Mr. Gabilondo recommended approval of the Resolution.

Vice-Chairman Ruiz made a motion to approve Resolution #2005-17; second by Supervisor Maynard; motion carried unanimously.

RESOLUTION #2005-16: Attorney Mike Masee informed the Board that Vereda Antigua in Tubac, AZ, is a short road (190 feet long) that goes north from Calle Iglesias to 2 privately owned parcels; both historic properties have encroached into the platted width right of way; in order to resolve clouds on the title of these 2 historic properties, it is being proposed that the public right of way be vacated subject to making a private easement of at least 24 feet wide that would serve the 2 northern parcels and 1 other that has an easement.

Mr. Masee requested that the Board approve the Resolution that would make Vereda Antigua, an unimproved public road into a private easement.

Supervisor Maynard asked the stakeholders present if they are satisfied with the County's proposal; Nancy Valentine responded that she is satisfied with the proposal and thanked everyone involved; Steve Murray responded that he is satisfied.

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

APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH CATHOLIC COMMUNITY SERVICES OF SOUTHERN ARIZONA, INC. FOR PROVISION OF ADOPTION SOCIAL STUDIES: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

APPROVAL OF ACJC DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT AGREEMENT NUMBER PC-150-06: Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

APPROVAL OF ACJC CRIME VICTIM ASSISTANCE GRANT AGREEMENT VA-06-029: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

APPROVAL OF 2005-2006 CASE MANAGEMENT GRANT: Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

APPROVAL OF TERMS OF ENGAGEMENT FOR LEGAL SERVICES WITH GUST ROSENFELD P.L.C. RELATED TO THE SANTA CRUZ COUNTY JAIL DISTRICT: County Manager, Greg Lucero, stated that this is a professional services agreement to retain a bond attorney to assist initially with the Jail District bond election issue and if successful, bond financing; the cost for the first component is \$10,000 and is reimbursable to the County if the Jail District is successful, if not, it will come from the County's General Fund.

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

APPROVAL OF MEMORANDUM OF UNDERSTANDING/CONTRACT FOR HELP AMERICA VOTE ACT (HAVA): Chairman Damon made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

BOND FOR DUPLICATE WARRANT #3-147200 payable to Omar Rivas, dated 6/3/05 in the amount of \$451.79 was approved as submitted. (JM/MR; c.u.)

MINUTES of 5/18/05 were approved as submitted. (MR/JM; c.u.)

Meeting adjourned at 10:02 a.m.

Melinda Meek
Clerk of the Board

Robert Damon
Chairman