

Board of Supervisors  
October 26, 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, Victor Gabilondo, Mary Dahl, Sheriff Estrada, Bruce Pheneger, Raul Osete, Kim Etherington, Gabriel Romero, Bo Whitly.

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

**ADOPTION OF AGENDA:** County Manager, Greg Lucero, requested that Action Item E-6 (Wi-Vod Corp. Contract) be tabled for 1 week.

Vice-Chairman Ruiz made a motion to adopt the Agenda, tabling Action Item E-6 for 1 week and to deviate from Agenda sequence as necessary; second by Chairman Damon; motion carried unanimously.

**CALL TO THE PUBLIC:** Raul Osete read the following letter from Osete International Builders addressed to the Board into the record: I am a licensed, bonded and insured General contractor. I have been doing underground work for the past 6 years here in Santa Cruz County and have had the pleasure to have worked under our past Health Services Director Mr. Ben Stapleton and now Sanitarian & director Mr. Kevin Irvine. My visit this morning is in regards to some of the changes that have started to take place, as our new Director seems to guide us into a new and more professional way of working and I congratulate him for doing good work. This letter is to serve as a positive action complainant to help the Health Services Department provide us with more supervision in the construction area that pertains to this department as we are facing a fast growing Santa Cruz County. Health Services is involved in food safety, health food inspections and violations, permitting restaurants, food establishment approvals, influenza, west nile virus mosquito research, bioterrorism, problems that we start to have now this day and age, percolation tests and designing for on water site waste water facilities, etc. If I forgot something please accept my apologies. I feel that you as Board Members and the Governing Party as stated in the ADEQ/Santa Cruz County Agreements, signed years ago make you the ruling authority of many Santa Cruz County Departments. Lately we have seen many changes take place in this department and I repeat this is for a better Santa Cruz County, as we have many different soil conditions in our county and as some do affect the construction of homes. We as builders suffer as we are truncated. I have more that 20 letters that I can attach to this one, that agree with me in concerning the contents of this letters, and feel that we should give this department all the support that they need. I do not know what door we have to knock to get the funding necessary to do this but this has to be done. We have never in the past seen these millions of dollars pour into this county pertaining to construction fees and I feel they should be spent where we need it. We should not have to hire outside Geologists for our clients to decide if the lot is accepted or not, a license, a Surety Bond and in my case a million dollar liability policy stands behind my work and me. Decisions and septic designs and installations should be the contractor's duties. Our company does over 70% of the work in Santa Cruz County and we visit the Health Services department on a daily basis. The problems that I am looking at is that we professionals should be given the opportunity to act in our field and if we are wrong in analyzing, installing or any decision that we take in our field, should be held liable and responsible for our work, but we should be given the chance to do it. What good does all those seminars and soil classes do if our director disagrees with us or why did the past director approve what is now disapproved, we are still responsible for the systems proper function and when signing any document that pertain to the health department issues, its all under oath and to the best of our knowledge to terms of the Aquifer Protection Permit 4.02 (AAC R-18-9-E302. this stated that we have our name in any system and could lose a license for many reasons. We are the smallest county in Arizona yet we are the ones with the most stumps in the road. The bigger counties do not spend as much time and effort in testing, the contractor opens up a bore, analyzes it and designs according to his knowledge, yet he is liable for his work and his license, bond and skin is attached to the work. Please consider this as we run over 3 tests daily for our clients and have started to have friction and we have been shut the door to the directors office or he might be too busy with something

else. I do see that some of my competitors are well received by him and I should have the same professional treatment. Respectfully, Raul Osete.

Rafael Maytorena, Lorenia Bojorquez, Miguel Elias, Cecilia Valenzuela, Rene Berrellez, Cecilia Berrellez, Loli Luna, Mrs. Robles, Chula Vista residents, expressed their concern regarding the following issues as they affect Chula Vista residents: increased traffic, increased taxes, dogs running at large, the County no longer picking up garbage/debris, sewage in the arroyo, drug usage, safety of the children, flooding, poor street conditions.

County Manager, Greg Lucero, suggested holding a meeting in Chula Vista to address concerns of Chula Vista residents.

**REPORTS:**

**BOARD OF SUPERVISORS:** Supervisor Maynard reported that held Town Hall Meetings recently in Canelo and in Tubac.

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$8,210,675 in the General Fund, of which \$7,705,133 are invested; \$1,465,567 in the Road Fund, of which \$1,021,362 are invested; \$818,224 in the Flood Control District Fund, of which \$588,599 are invested; \$12,598,368 total for all funds, of which \$11,488,472 are invested; \$9,179,625 estimated end of month balance, compared to \$7,003,090 cash at October 2004, a difference of \$2,176,535.

**SHERIFF:** Sheriff Estrada suggested a neighborhood watch program in the Chula Vista subdivision and stated that he will attend the meeting.

Sheriff Estrada reported that the current jail population is 92, 84 males and 8 females; 20 inmates have been sentenced to the County jail and 7 to the Arizona Department of Corrections; 88 have been charged with felonies and 4 with misdemeanors; 37 (40%) are undocumented aliens; 2 have been committed to the County jail on a daily basis. 51 persons were booked in during the past week.

Sheriff Estrada further reported a drug seizure in Rio Rico and at the checkpoint; the local City of Nogales/Santa Cruz County SWAT Team has been participating in a 3-day Homeland Security training for weapons of mass destruction; the Red Ribbon Luncheon was held on Monday; a domestic violence conference was held last week at the Esplendor; the Governor will be here on 11/2 to meet with law enforcement and government officials to discuss the emergency funding that she provided; the United Way Kick-Off luncheon will be held on 11/2 at the Esplendor from 12 – 1:30 p.m.

**ACTION ITEMS:**

**JUDGE PRO TEMPORE REAPPOINTMENT:** Vice-Chairman Ruiz made a motion to reappoint Kimberly A. Corsaro as a part time Judge Pro-Tempore from January 1, 2006 through December 31, 2006, as requested by the Honorable James a. Soto; second by Supervisor Maynard; motion carried unanimously.

**LICENSING AGREEMENT AMENDMENT FOR ENCROACHMENT ON COUNTY RIGHT OF WAY:** Public Works Director, Victor Gabilondo, stated that the County currently has a licensing agreement in place with the Tubac Chamber of Commerce for an entrance sign; the Chamber is seeking an amendment to the Licensing Agreement to include the construction of a ramada, seating area, fountain and parking on the County's parcel; this construction will be donated to the Chamber by the Burns family at no cost to the County; the Chamber submitted a site plan which has been reviewed and approved by the Public Works Department; the amendment provides for maintenance of the area as well as the proper insurance, naming the County as co-insured.

Mr. Gabilondo recommended approval of the Amendment.

Bruce Pheneger, architect, displayed the design plan for the project.

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

**ON CALL ENGINEERING CONTRACTS:** Public Works Director, Victor Gabilondo, informed the Board that the Public Works Department requested a Statement of Qualification for On-Call Engineering services; 7 responses were received; a selection panel consisting of engineering staff from Pima County, City of Nogales and staff from Santa Cruz County reviewed and evaluated the proposals.

Mr. Gabilondo stated that the Public Works Department is requesting that the top 3 ranked engineering firms be awarded the on call contract, which are MMLA, Castro Engineering and C.L. Williams Consulting at a cap of \$250,000; the County has no contractual obligation to guarantee that amount of work.

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

**GRANT AGREEMENT WITH U.S. ENVIRONMENTAL PROTECTION AGENCY FOR WETLANDS PROTECTION DEVELOPMENT PROJECT:** Community Development Department Director, Mary Dahl, explained that last winter, the County submitted a pre-application package to the U.S. Environmental Protection Agency for assistance in doing riparian mapping and other work along the Santa Cruz river; with the assistance of the Friends of the Santa River and the Sonoran Institute, a full application was submitted in March; notification that the project was to be funded was received in late summer; the award is over \$85,000 with a local match of \$31,750; the local match is to be met by using the value of the aerial photos, staff in-kind time and volunteer hours; the scope of work entails developing vegetative maps of the main stem of the Santa Cruz River and preparing a Native Plant Ordinance.

Ms. Dahl recommended approval of the grant agreement.

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

**RELEASE AND ASSIGNMENT OF REMAINING CERTIFICATE OF DEPOSIT FOR TUBAC GOLF RESORT HOMES SUBDIVISION:** Community Development Department Director, Mary Dahl, informed the Board that the developers have built a large capacity wastewater treatment and disposal system, which has been approved by the AZ Department of Environmental Quality (ADEQ); Phase I and II of their wastewater treatment system have been completely taken offline; Phase I has been successfully closed and received a "clean closure" notification from ADEQ.

Ms. Dahl recommended that the remaining certificate of deposit be released.

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

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

**REQUEST APPROVAL OF 11/8/05 POLLING PLACES:** Vice-Chairman Ruiz made a motion to approve the polling places for the 11/8/05 Special Election as follows, noting that voting Precinct #12 has been temporarily relocated from the Nogales Fire Department to the V.F.W. Hall due to renovation; second by Supervisor Maynard; motion carried unanimously:

<u>PRECINCT NAME/NUMBER</u>	<u>POLLING PLACE LOCATION</u>
Nogales 1	Mary Welty School 1050 W. Cimarron Street, Nogales
Nogales 2	V. F. W. Hall 653 N. Grand Ave., Nogales
Nogales 3	1904 Courthouse Court St. & Morley Ave., Nogales
Nogales 4	Knights of Columbus Hall 718 N. Perkins Ave., Nogales
Coronado 5	St. Andrew's Church Hall 969 W. Country Club Dr., Nogales
Elgin 6	Elgin Community Hall 475 Elgin Road, Elgin
Rio Rico 7	Christus Rex Lutheran Church 282 Rio Rico Drive, Rio Rico
Nogales 8	Challenger School 901 E. Calle Mayer, Nogales
Nogales 9	Assembly of God Church 1380 E. Patagonia Hwy., Nogales

Nogales 10	Nogales Suburban Fire Dist. 80 Old Tucson Rd., Nogales
Tubac 11	Santa Cruz County North Facility 50 Bridge Road, Tubac
<b>** Nogales 12</b>	V. F. W. Hall 653 N. Grand Ave., Nogales
Santa Cruz 13	Nogales Suburban Fire Station A 558 Highway 82, Nogales
Patagonia 14	Cady Hall 346 Duquesne Ave., Patagonia
Sonoita 15	Sonoita Firehouse Hwy 82/Hwy 83, Sonoita
Nogales 16	Wade Carpenter School 595 W. Kino Street, Nogales
Calabasas 17	Rio Rico V.I.T. Building 275 Rio Rico Drive, Rio Rico
Nogales 18	Assembly of God Church 1380 E. Patagonia Hwy., Nogales
Baca 19	Christus Rex Lutheran Church 282 Rio Rico Drive, Rio Rico
Nogales 20	V. F. W. Hall 653 N. Grand Ave., Nogales
Peck Canyon 21	Tubac-Peck Canyon Fire Station 1360 W. Frontage Rd., Rio Rico
Potrero 22	Nogales Suburban Fire Dist. 80 Old Tucson Road, Nogales
Mountain 23	Cady Hall 346 Duquesne Ave., Patagonia
Lake Patagonia 24	Cady Hall 346 Duquesne Ave., Patagonia

**11/8/05 ELECTION BOARD WORKERS:** Supervisor Maynard made a motion to appoint board workers for the 11/8/05 election as requested by the Elections Director and to allow the Elections Director to fill vacancies as needed; second by Vice-Chairman Ruiz; motion carried unanimously.

**BOND FOR DUPLICATE WARRANT #2-197974,** payable to SWCA, Inc., dated 6/15/05 in the amount of \$512.50 was approved as submitted. (MR/JM; c.u.)

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

The Meeting adjourned at 10:25 a.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman

Board of Supervisors  
October 31, 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: Jennifer St. John, Louis Chaboya, Raul Mavis.

**MOBILE SUMMIT SOFTWARE PURCHASE AGREEMENT WITH SPILLMAN TECHNOLOGIES, INC.:** Raul Mavis, Information Technology Director, informed the Board that the Sheriff's Department currently utilizes Spillman Summit program for their dispatching, jail and records management; the proposed software will provide patrol officers immediate access to patrol tasks that previously were only available via radio communications; laptop units are included; it will initially be tested via the state's wireless corridor on I-19 with the plan to implement the technology county-wide in the future.

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

**NETWORK EQUIPMENT CONTRACT FOR WIRELESS CONNECTIVITY PROJECT WITH WI-VOD CORP.:** Attorney Hawn stated that the remaining issue regarding this matter is whether the State could provide the County with a confirmation that this equipment is appropriate for sole source procurement. Vice-Chairman Ruiz asked if the Board could approve the Contract contingent upon it being sole source; Attorney Hawn responded yes, but she doesn't know what would happen with the availability of funds as they are supposed to be encumbered as of today.

Raul Mavis, Information Technology Director, explained that Wi-Vod is a private company in charge of the wireless corridor and is working under a Council set up by the State for the Spillman project.

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

Meeting adjourned at 9:45 a.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman

Board of Supervisors  
November 2, 2005  
9:00 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; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John and John Hays.

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

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

**CALL TO THE PUBLIC:** None

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.

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

**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. (MR/JM; c.u.)

**REPORTS: BOARD OF SUPERVISORS:** Supervisor Maynard reported that the Board will attend a meeting with the Governor today.

Chairman Damon reported that he held a meeting with Chula Vista residents at the Nogales Suburban Fire Station to discuss their concerns.

**COUNTY MANAGER:** County Manager, Greg Lucero, reported that issues discussed with Chula Vista residents included garbage, street conditions, Chula Vista Wash Project, Old Tucson Road Project, City sewer issues; crews will be sent out as soon as possible to clear weeds and debris in the wash and along Old Tucson Road.

**FINANCE:** Jennifer St. John, Administrative Services Department Director, reported \$8,501,859 in the General Fund, with \$7,727,923 invested; \$1,421,447 in the Road Fund, with \$1,024,808 invested; \$886,352 in the Flood Control District Fund, with \$590,395 invested; \$12,889,675 total for all funds, with \$11,523,217 invested; \$9,652,599 estimated end of month balance, compared to \$7,647,670 cash at November 2004, a difference of \$2,004,929.

**SHERIFF:** None

**ACTION ITEMS:**

**COURTHOUSE PRESERVATION COMMISSION APPOINTMENTS, DISTRICT 3:** Supervisor Maynard made a motion to reappoint Sam Jones and Posey Piper to the Courthouse Preservation Commission for District #3 for another term; second by Vice-Chairman Ruiz; motion carried unanimously.

**BOND FOR DUPLICATE WARRANT #2-109145,** payable to the Arizona Family Care Associates, dated 6/15/05 in the amount of \$1,547.00 was approved as submitted. (JM/MR; c.u.)

**DEMANDS** were approved in the total amount of \$591,640.90 of which \$294,259.56 are 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:** \$294,259.56; **Prosecution HIDTA (Pima):** \$31,307.32; **Retrieval Conversion Fund:** \$8,381.21; **GEPC Grant FY 2001-2002:** \$9,042.00; **Assessor's Ret & Conversion:** \$8,356.40; **2004 Grant (2004-GE-T4-005):** \$15,640.99; **2005 Grant:** \$6,456.55; **Case Management:** \$1,365.70; **School Forest Fees Fund:** \$1,483.84; **Commissary Fund:** \$1,490.26; **Law Library:** \$1,265.00; **Old Courthouse Fund:** \$2,161.15; **Road:** \$60,825.33; **Animal Control:** \$4,526.49; **Anti-Racketeering #2:** \$6,161.09; **HIDTA 16:** \$14,830.91; **PIC-ACT:** \$1,143.24; **Community Punishment Program:** \$1,844.00; **Jail Enhancement:** \$1,296.68; **Gear Up:** \$3,099.00; **Bio-Terrorism Grant:** \$5,859.22; **Drug Treatment & Education:** \$10,269.00; **Flood District:** \$1,736.43; **Cultural Youth At Risk:** \$3,600.00; **W.I.A. Youth Program:** \$5,144.66; **W.I.A. Adult:** \$9,950.76; **W.I.A. Dislocated Worker:** \$8,945.13; **Weed & Seed (WIA):** \$2,812.50; **C.D.B.G. Projects:** \$6,250.20; **Old Tucson Road Construction:** \$35,309.48; **Landfill:** \$19,866.62

To review these demands for this date, refer to Binder #13 which accompanies this book.  
Meeting adjourned at 9:15 a.m.

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors

November 9, 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 of the Board. Also present: Mayra Ochoa, Suzie Sainz, George Silva, Sheriff Estrada, Ruben F. Fuentes, Ramon Romo, Cynthia Rose, Kathleen Vandervoet, Karl Moyers and Doris Whitley.

The Meeting was called to order and the Pledge of Allegiance was recited, led by County Attorney, George Silva.

**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:** Cynthia Rose requested that the Board make arrangements to change the Tubac Historical Board Members; she stated that the same people are on the Historical Board and the Chamber of Commerce is ruling the area with little diversification; for eleven months she has been requesting changes in the Historical Board; she voiced her concerns of the changes that Tubac is going through; she requested a response from the Board or to be placed on the Agenda.

Chairman Damon stated the Board cannot respond to her concerns because of the open meeting law, but she can be placed on the Agenda.

Supervisor Maynard suggested that she meet with County Manager Lucero.

Kathy Vandervoet thanked the Board and the people in charge of the County's website; the election results were thorough and informative; the City of Nogales has not posted the elections results and their website has not been updated since July.

County Recorder, Suzie Sainz, presented the Board with a plaque on behalf of The United Way of Santa Cruz County. Vice-Chairman Ruiz stated that the plaque is for the employees because they are the ones that contribute to United Way. Supervisor Maynard stated that it is an honor for the County to receive the United Way award; he thanked Sheriff Estrada for supporting United Way.

**CURRENT EVENTS AND ACTIVITIES REPORT:**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz reported he attended the Border Counties Coalition Meeting in San Diego this past weekend; he was elected to the Executive Board representing the Arizona group for the Arizona Counties Coalition.

Supervisor Maynard thanked all the voters in Nogales and throughout the County for participating in the election.

The Board congratulated Sheriff Estrada for the passage of the jail district tax issue.

**MANAGER:** County Manager Lucero reported that Governor Napolitano came to Nogales last week to check how the \$1.7 million dollars, allocated for emergency purposes dealing with border security was being used; the City of Nogales and Santa Cruz County made a presentation on how the funds are being distributed; the City is upgrading its communication systems with cities in Sonora, Mexico and the County is using the money towards dealing with criminal illegal aliens at the jail; Governor Napolitano was given a tour of the border.

**FINANCE:** Sr. Accountant, Mayra Ochoa, reported \$9,262,239 in the General Fund of which \$8,727,923 is invested; \$1,389,993 in the Road Fund of which \$1,024,808 is invested; \$946,510 in the Flood Control District Fund of which \$590,395 is invested; \$13,666,224 total for all funds of which \$12,523,217 is invested; \$9,987,239 estimated end of the month balance, compared to \$7,647,670 cash at November 2004, a difference of \$2,339,569.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 84, 78 males and 6 females; 20 inmates have been sentenced to the County jail and 2 to the Arizona Department of Corrections; 81 have been charged with felonies and 3 with misdemeanors; 34 (40%) are undocumented aliens; 1 has been committed to the County jail on a daily basis. 58 persons were booked in during the past week.

Sheriff Estrada thanked the Board of Supervisors for stressing the need for a new jail and the community for their continuous support.

**ACTION ITEMS:**

**REQUEST APPROVAL OF INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF NOGALES FOR: A. ANIMAL CONTROL SERVICES PROVIDED BY COUNTY TO THE CITY OF NOGALES; B. LIBRARY SERVICES PROVIDED BY CITY OF NOGALES TO COUNTY; C. LANDFILL SERVICES PROVIDED BY COUNTY TO CITY OF NOGALES:**

Attorney Hawn stated that tentatively, the IGAs will be acceptable to the Mayor and City Council but the City has not yet placed the items on their agenda for approval; the prisoners IGA is still pending because the Board was waiting for the outcome of the jail district election; all three IGAs have been updated and some of the language that was added required provisions dealing with workmen's compensation and anti-discrimination; the shift in the percentage is the major change in the Animal Control IGA, the City was paying 57% of the Animal Control budget and the County 43% and because there has been a shift in population and calls for service that reflected that the split should be even, 50% for the City and 50% for the County; the Library Services IGA split stayed the same in terms of money, 60% for the City and 40% for the County; the Landfill Services IGA for services provided by the County to the City currently has the City paying \$26.00 per ton and will remain in effect through December 2005 and will change as of January 2006 to \$32.00 per ton through 2006 excluding recycle material.

Vice-Chairman Ruiz questioned the dead animal pick-up service; Attorney Hawn explained that the agreement provides that the fee would be waived at the landfill but does not provide the County to do the dead animal pick-up.

Supervisor Maynard asked Attorney Hawn if for some reason recyclable material was delivered to the landfill for disposal and not for recycling, would the \$32.00 per ton apply; Attorney Hawn replied yes and the material would not be treated as recyclable items.

Vice-Chairman Ruiz made a motion to approve the following IGAs with the City of Nogales: A. Animal Control Services; B. Library Services; C. Landfill Services as presented by staff; second by Supervisor Maynard; motion carried unanimously.

**REAPPOINTMENT TO THE COURTHOUSE PRESERVATION COMMISSION, DISTRICT 2:** Chairman Damon made a motion to reappoint Rosa Elvira Padilla to the Courthouse Preservation Commission District 2 from 11/09/05 to 11/09/07; second by Supervisor Maynard; motion carried unanimously.

**REQUEST APPROVAL TO PURCHASE VEHICLE FOR COUNTY ATTORNEY'S OFFICE FROM HIDTA X FUNDS:** Attorney Hawn stated that monies were left over from one of the HIDTA grants; approval was obtained to reprogram the left over funds to purchase a vehicle for the County Attorney's Office; the reprogrammed funds total \$27,000; there is no financial impact to the County.

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

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Maintenance Worker position. (JM/MR;c.u.)

**REQUEST APPROVAL TO CHANGE ROAD NAME FROM FRANKLIN LANE TO BENEDICT'S LANE OFF HIGHWAY 82, NEAR PATAGONIA, AZ:** Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

**REQUEST APPROVAL OF RESOLUTION #2005-26 SUPPORTING SERVICES OF CARE GIVERS:** Vice-Chairman Ruiz made a motion to adopt Resolution #2005-26 supporting services of care givers; second by Supervisor Maynard; motion carried unanimously. Resolution on file in the Clerk of the Board's Office.

The Board recessed the Regular Meeting at 10:15 a.m. until 2:00 p.m., at which time they convened the Public Hearing published for 2:00 p.m. (JM/MR;c.u.)

**PUBLIC HEARING**

2:00 p.m.

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: David Parsons, Eric Pigati, Adam Bliven, Rebecca Martinez, Carlton Allderice, Sam Hubbell, Denny Hubbell and Lawrence V. Robertson, Jr.

**RESOLUTION #2005-25: AN ORDER OF THE BOARD OF SUPERVISORS PROVIDING FOR THE ESTABLISHMENT OF THE THREE CANYONS DOMESTIC WATER IMPROVEMENT DISTRICT:**

Attorney Hawn stated a petition was filed requesting the formation of a Domestic Water Improvement District associated with a proposed subdivision development in the Patagonia area; part of the formation process, requires the Board of Supervisors to hold a Public Hearing and hear the proponent's testimony or presentation, entertain any comments, objections from the members of the public that want to address the Board and once the Public Hearing portion is concluded then the Board would decide whether or not the convenience, necessity and welfare of the proposed district would be served by this formation; she addressed Mr. Robertson who is representing the proponents of the district on the amendment to the petition he is presenting, substituting the name of another individual as a member of their proposed Board of Directors; Attorney Hawn stated that the amendment would not delay the proceedings.

Supervisor Maynard stated that he met with Ms. Dahl and discussed the process and implications both positive and negative; he acknowledged the effort by the developer to manage ground water withdrawal in a more responsible way and have the foresight to market and present a very important commodity to potential clients.

Chairman Damon asked Attorney Hawn about the financial implications; Attorney Hawn replied that she recommended not discussing it at this point but stated that the improvements in the district for the water delivery system would be covered through bonding or fees associated with the improvements, there

are indirect costs which the County would be involved but not in the construction and maintenance of the water system.

David Parsons, proponent of the district and part of a larger subdivision, stated that the subdivision consists of 1,760 acres of land located north of Patagonia on the west side of Highway 82 and about 1 mile north of the Patagonia town limits, 189 units are being proposed for the subdivision, 60 lots would go through the Planned Area Development and 129 would be regular subdivision lots; the southern most border to the northern most border is about 3 miles long, the system will include about 11 miles of pipeline and a total of 198 connections; their intent is to provide the highest quality product in the market, including providing a water system subject to the laws of the State of Arizona, Dept. of Environmental Quality and Dept. of Water Resources, including periodic water treatment testing done by qualified licensed staff.

Attorney Lawrence V. Robertson Jr., explained the purpose for the creation of the Domestic Water Improvement District and which type of organization would be most appropriate to select for the project; the project could be established as a public service corporation approved by the Arizona Corporation Commission, a homeowner's association or a special domestic water improvement district; the project consists of approximately 11 miles of water system pipelines with 198 connections; a centralized system enables the developer to improve management and utilization of the available ground water, minimizing waste; he explained to the Board the different options that can be taken and the most advantageous to this project; in conclusion, the use of the Domestic Water Improvement District structure would enable the construction, operation and maintenance of a centralized water system for The Three Canyons Community on lower per lot rates, charges, operation and maintenance in the same centralized water system with either a regulated public service corporation or non-regulated homeowners association.

Supervisor Maynard stated that he is concerned that if the project is not completed, would the County have to intervene and become financially involved; Mr. Roberts replied that the Board of Supervisors, under Title 48, Sections 48-1015 and 48-1016, has the ability to veto any financial decisions that are made by the Board of Directors, revoke their authority and schedule an election.

Attorney Hawn stated that in the Statute, the County does have the authority to intervene if the bonds are not being paid, the properties are not being sold, or whoever bought the property is not paying the assessments.

Chairman Damon asked Mr. Roberts if the district received the 100-year water supply approval; Mr. Robertson replied that according to the hydrologic report submitted to the AZ Dept. of Water Resources, total demand for the entire development, 200 homes, would be 61,200 gallons per day or 68.6 acre-feet per year, equating to an average supply of about 43 gallons per minute; the demand is proposed to be met by groundwater pumped from wells constructed on the property.

Mr. Robertson requested that Carlton Allderdice be replaced by Sam Hubbell as the initial Board of Directors of the District along with David Parsons and Denny Hubbell.

Carlton Allderdice, CPA, stated that the system will cost approximately \$3.3 million dollars divided by 198 customers; a lien of approximately \$16,000 would be assessed to each lot when the building permit goes up to secure the payment of the system; every well will be tested and read, the pipelines will be maintained regardless of how many customers are in the system; every lot owner will be charged a base fee of \$25.00 for the connection to the system; the water usage fee is projected to be \$2.65 per 1,000 gallons and the overall monthly water bill for each customer is estimated to be between \$35.00 or \$50.00; by assessing a \$25.00 monthly fee on each lot from day one, there will be sufficient money to pay all of the operating costs.

Chairman Damon asked Mr. Allderdice if they have a time frame to sell the lots; he replied that on the Financial Feasibility Analysis required by ADEQ, it's estimated that in five years about 80% of the project would be completed.

Public Comment: No response

The Board adjourned the Public Hearing to reconvene the Regular Meeting at 2:45 p.m. (JM/MR;c.u.)

**ACTION ITEMS (CONTINUED):**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION #2005-25 AN ORDER OF THE BOARD OF SUPERVISORS PROVIDING FOR THE ESTABLISHMENT OF THE THREE CANYONS DOMESTIC WATER IMPROVEMENT DISTRICT:** Supervisor Maynard made a motion to approve Resolution #2005-25 and establish the Three Canyons Domestic Water Improvement District; second by Vice-Chairman Ruiz.

Under discussion, Vice-Chairman Ruiz thanked David Parsons, Lawrence Robertson and Carlton Allderdice for their presentation; he stated the Board of Supervisors will not have to take any subsequent action to dissolve, become land owners or water service operators; he commended them in obtaining the start up money upfront before any building permit is issued and securing a certified water operator.

Attorney Hawn instructed the Board to amend the motion to reflect the substitution of a member of the Board of Directors.

Motion was withdrawn.

Supervisor Maynard made a motion to approve Resolution #2005-25 an Order Establishing The Three Canyons Domestic Water Improvement District of Santa Cruz County, Arizona with the following correction: 3-C substituting Carlton Allderdice with Sam Hubbell; second by Vice-Chairman Ruiz; motion carried unanimously. Resolution on file in the Clerk of the Board's Office.

Meeting adjourned at 2:50 p.m. (JM/MR;c.u.)

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman

Board of Supervisors  
November 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; Carlos Rivera, Deputy County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Sheriff Estrada, John DeStefano, Cynthia Rose, Gabriel Romero, Kathleen Vandervoet.

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

**ADOPTION OF AGENDA:** Vice-Chairman Ruiz made a motion to adopt the Agenda, tabling Action item E-2 (Recorder's Office New Lease Purchase of 2 copiers) for 1 week and to deviate from Agenda sequence as necessary; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** None

**REPORTS: BOARD OF SUPERVISORS:** None

**MANAGER:** None

**FINANCE:** Jennifer St. John, Administrative Services Department Director, reported \$9,855,825 in the General Fund, with \$9,227,923 invested; \$1,349,901 in the Road Fund, with \$1,124,808 invested; \$1,049,822 in the Flood Control District Fund, with \$740,395 invested; \$14,259,813 total for all funds, with \$13,703,217 invested; \$10,499,769 estimated end of month balance, compared to \$7,906,479 cash at November 2004, a difference of \$2,593,290.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 86, 82 males and 4 females; 20 inmates have been sentenced to the County jail and 6 to the AZ Department of Corrections; 81 have been charged with felonies and 5 with misdemeanors; 37 (43%) are undocumented aliens; 2 have been committed to the County jail on a daily basis. 57 persons were booked in during the past week.

**ACTION ITEMS:**

**NAMING OF THE RIO RICO PEDESTRIAN PATHWAY:** Chairman Damon made a motion to name the Rio Rico Pedestrian Pathway - The John DeStefano Pathway in recognition of his contributions to the Rio Rico community and the Pathway; second by Vice-Chairman Ruiz; motion carried unanimously.

**RESOLUTION NO. 2005-27:** Vice-Chairman Ruiz made a motion to approve Resolution No. 2005-27 as it appears in the Board's packet and that it be signed by the Chairman on and behalf of the Santa Cruz County Board of Supervisors; second by Supervisor Maynard; motion carried unanimously. Resolution on file in the Clerk of the Board's Office.

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Office Assistant position and Appraiser Assistant position in the County Assessor's Office. (MR/JM)

**TAX VALUATION ADJUSTMENTS #9950059-01-2-** PUC – Colonial Pacific Leasing Corp, Resolution No: M20050900005; 0380045-01-9-PUC – Echostar Satellite LLC, Resolution No: M20050900004; 0580086-01-2-PUC – Hitachi Data Systems Corporation, Resolution No: M20050900001; 0580176-01-0-PUC – State Farm Mutual Auto Ins. Co., Resolution No: M20050900002 and 0380120-01-3-PUC – Varilease Technology Finance Group, Inc., Resolution No: M20050900003 were approved as submitted by the County Assessor's Office. (MR/JM; c.u.)

**CANVASS OF THE RESULTS OF THE 11/8/05 SPECIAL ELECTION:** Vice-Chairman Ruiz made a motion to approve the Canvass of the Results of the 11/8/05 Special Election as presented; second by Supervisor Maynard; motion carried unanimously.

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

**DEMANDS** were approved in the total amount of \$522,553.88 of which \$311,055.91 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:** \$311,055.91; **Circles of Peace:** \$2,500.00; **School Forest Fees Fund:** \$2,070.20; **Law Library:** \$1,951.28; **Old Courthouse Fund:** \$3,444.63; **Road:** \$56,278.76; **Animal Control:** \$2,826.23; **Anti-Racketeering #2:** \$4,324.78; **HIDTA 16:** \$3,929.95; **Jail Enhancement:** \$4,566.03; **Gear Up:** \$12,021.17; **Bio-Terrorism Grant:** \$4,122.22; **T.B. Grant Fund:** \$16,813.54; **Flood District:** \$21,599.87; **Flood Reserve:** \$1,922.59; **W.I.A. Youth Program:** \$5,537.93; **Land Management-WIA:** \$3,139.27; **WIA/TANF Set A Side:** \$14,495.22; **W.I.A. Adult:** \$4,014.69; **W.I.A. Dislocated Worker:** \$8,270.43; **W.I.A. Administration:** \$1,098.16; **Ronald Morriss Park:** \$1,500.00; **Landfill:** \$26,256.67

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

Meeting adjourned at 9:50 a.m.

*Melinda Meek*  
Clerk of the Board

*Robert Damon*  
Chairman

Board of Supervisors  
November 16, 2005  
2:00 p.m.

The Board met as the Board of Equalization 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; Gloria S. Gonzalez, Deputy Clerk of the Board. Also present: Felipe Fuentes Jr. Miguel Carrillo, Pablo Ramos, Edmo Acuña, Monica Garland, Luis M. Gonzalez, Lee Sims, Gary Hendrickson, Cristina Yubeta, William Cameron, Margaret Edwards, Wayne Dexter and Dora Dexter.

The Meeting was called to order at 2:00 p.m.

Proceedings were as follows: **SIMS, LEE L. & DEANNA J:** Parcel #109-37-003 Board's recommendation FCV \$190,000 (MR/JM;c.u.); **CIRCLE 5 RANCH, INC:** Parcel #112-43-007 F Assessor's recommendation FCV \$2,344 (JM/MR;c.u.); **DEXTER, WAYNE & DORA:** Parcel #105-22-001 F Board's recommendation FCV \$150,000 (MR/RD;c.u.); **YUBETA, CRISTINA:** Parcel #105-20-232 Assessor's recommendation FCV \$75,000 (MR/JM;c.u.); **CAMERON, WILLIAM V. & EDWARDS, MARGARET N:** Board's recommendation FCV \$71,748 (MR/JM;c.u.); **LOMA MARIPOSA II LP:** Parcel #102-03-005 C Assessor's recommendation FCV \$4,920,611 (JM/MR;c.u.); **CHRISTENFELD, LOREN B. TR:** Parcel #109-24-004 B Assessor's recommendation FCV \$800 (JM/MR;c.u.); **CHRISTENFELD, LOREN B.:** Parcel #109-24-004 C Assessor's recommendation FCV \$106,686 (JM/MR;c.u.)

Meeting adjourned at 3:00 p.m. (MR/JM;c.u.)

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman