

**Informal Meeting Agenda  
Monday, March 16, 2009  
10:00 AM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control District,  
Library District, Stadium District, Improvement Districts,  
and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

Agendas are available at least 24 hours prior to each meeting in the Office of the Clerk of the Board, 301 West Jefferson, Tenth Floor, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at [http://www.maricopa.gov/Clk\\_board/Agendas.aspx](http://www.maricopa.gov/Clk_board/Agendas.aspx). One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, (602) 506-3766, Fax (602) 506-6402, TDD (602) 506-2348. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

## **BOARD OF SUPERVISORS**

### **PRESENTATION AND ACTION**

#### **Management and Budget**

#### **1. BUDGET BALANCING ADJUSTMENTS FOR FISCAL YEARS 2008-09 AND 2009-10**

Pursuant to A.R.S. §42-17106(B), approve budget-balancing adjustments for Fiscal Years 2008-09 and 2009-10 in accordance with the "Maricopa County Budgeting for Results Budget Balancing Guidelines" approved by the Board of Supervisors on November 17, 2008 (C-49-09-036-2-00) as detailed in Exhibit A on file in the Office of the Clerk of the Board:

1. Transfer appropriated expenditure authority from the General Fund (100) Operating (0000) budgets of the departments listed in the General Fund section of Exhibit A to Non Departmental (470) General Fund (100) Operating (0000), to the contingency item "Reserve for Revenue Shortfall" as listed in the Non Departmental Detail section of Exhibit A.

2. Transfer appropriated expenditure authority from the Detention Fund (255) Operating (0000) budgets of the departments listed in the Detention Fund section of Exhibit A to Non Departmental (470) Detention Fund (255) Operating (0000), to the contingency item "Reserve for Revenue Shortfall" as listed in the Non Departmental Detail section of Exhibit A.

3. Transfer appropriated expenditure and revenue authority between the Operating (0000) budgets of the departments and funds listed in the Other Special Revenue Funds section of Exhibit A and Non Departmental (470) Non Departmental Grants Fund (249) Operating (0000), with the net adjustment to contingency as listed in the Non Departmental Detail section of

Exhibit A.

4. Adjust budgeted Eliminations according to the Eliminations section of Exhibit A.

These adjustments have a net impact of zero to the FY 2008-09 County budget, but increase contingency reserves that will allow Maricopa County to offset forecasted revenue shortfalls.

Also, direct the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A.

In accordance with the Budgeting for Results Budget Balancing Guidelines approved by the Board of Supervisors on November 17, 2008, elected, appointed and judicial branch departments developed budget-balancing proposals and submitted them to the Office of Management and Budget (OMB). OMB has reviewed the proposals, and, after conferring with the affected departments, recommends the approval of the budget adjustments for FY 2008-09 and FY 2009-10 per Exhibit A. (C-49-09-036-2-01)

## **2. POST EMPLOYMENT HEALTH PLAN ENHANCEMENT PROGRAM**

Presentation regarding the Post Employment Health Plan Enhancement Program.

At the conclusion of the presentation, approve the "Post Employment Health Plan Enhancement Program" per the Post Employment Health Plan Enhancement Program document as on file in the Office of the Clerk of the Board.

The Post Employment Health Plan Enhancement Program allows Maricopa County employees who are eligible for normal retirement to take advantage of a unique opportunity to receive an enhanced Post Employment Health Plan (PEHP) Benefit Contribution for accrued Family/Medical Leave (FML).

The Post Employment Health Plan Enhancement Program is in addition to the current \$10,000 Post Employment Health Plan (PEHP) Benefit provided to retirees who have at least 1,000 hours of accumulated FML at retirement. The \$30,000 cap applies only to the Post Employment Health Plan Enhancement Program specific payout; the PEHP Benefit is not subject to the cap.

The total cost of this program is estimated to be not-to-exceed \$20 million (all funds). This program will be funded as follows:

### **General Fund and Detention Fund Departments**

- The Non-Departmental Non-Recurring budget will absorb the cost of the additional Post Employment Health Plan Enhancement Program contribution.
- The Department will absorb the cost of any Personal Leave accrual payout and the established Post Employment Health Plan Benefit.
- If the Department's budget is unable to absorb the additional cost, the Department may request assistance from the Non-Departmental Budget through their OMB Budget Analyst.

### **Non-General Fund and Non-Detention Fund Departments**

- The Department will absorb the cost of the additional Post Employment Health Plan Enhancement Program, as well as the cost of any Personal Leave accrual payout and normal PEHP Benefit provided to the retiree.
- If the Department's budget and fund balance is unable to absorb the additional cost, the Department may request assistance from the Non-Departmental Budget through their OMB Budget Analyst.

Department budgets will be adjusted for the vacancies created through employee participation in the Post Employment Health Plan Enhancement Program and positions will be inactivated due to vacancies created through retirement. Departments may request a critical position be reactivated, a lower level position be created, or a re-organization that results in a reduction-in-force, and request funding for these positions through their OMB and Compensation Analyst. These actions will require Board of Supervisors approval.

If a position is reestablished through Board approval, it must be recruited internal to the County for at least 10 business days. The recruiting range will be the minimum of the market range, with the maximum being either the mid-point of the market range or 10% below the position's prior incumbent's rate, whichever is less. The hiring rate of the successful candidate must be within the recruiting range.

Employees retiring under this program are eligible for re-employment with Maricopa County. In addition to the rules related to returning to employment as specified in an employee's retirement system, the following rules will also be applied to employees receiving a retirement incentive:

- The hire rate will be the minimum of the pay range, regardless of market range title or relevant experience. This rule applies for classified, unclassified, contract, and temporary employment situations.
- Leave Accrual rates will be set at the minimum level, regardless of past service. This rule applies to classified and unclassified employment situations. Contract employees do not accrue paid leave of any kind, but may receive a stated amount (not to exceed the minimum level accrued by a merit covered employee in a calendar year) to be used for vacation, sick or other personal reasons..

*Sandi Wilson, Deputy County Manager*

*Brian Hushek, Deputy Budget Director*

(C-49-09-050-6-00)

## **ACTION**

### **Management and Budget**

#### **3. CREATION OF GENERAL LITIGATION DEPARTMENT**

Approve the creation of a new department entitled General Litigation (Department 330). Approve the transfer of expenditure appropriation authority in the amount of \$527,530 from County Attorney-Civil Department (280) General Fund (100) Operating (0000) and the transfer of \$194,341 from Non-Departmental (470) General Fund (100) Consultants (4724) Operating (0000) to the General Litigation Department (Department 330, Fund 100).

On December 23, 2008 the Board of Supervisors withdrew its delegation of litigation services from the County Attorney. This action reallocates funding for outside legal services from the existing County Attorney - Civil budget in keeping with the December, 2008 action. This action also allocates funds from Non-Departmental Consultants to allow for the creation of positions to support litigation services, and necessary general supplies. Overall costs of litigation are expected to decline over time. (C-49-09-051-M-00)

#### **4. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider items on the Executive Agenda dated Monday, March 16, 2009, pursuant to statutory authority listed for each item.

Chairman's Statement regarding County Attorney Conflict:

For the record, the Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. In light of these concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.