

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
April 30, 2007**

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 a.m., April 30, 2007, in the Arizona State University Decision Theater, 21 E. Sixth Street, Tempe, Arizona, with the following members present: Fulton Brock, Chairman, District 1 (entered late); Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4; and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) regarding action on the following vouchers:

Ratify Voucher #218	\$282,203.05
Ratify Voucher #221	\$285,925.80
Ratify Voucher #260	\$4,538.95
Ratify Voucher #6027	\$72,600.08
Ratify Voucher #6029	\$74,739.21
Ratify Voucher #6034	\$16,600.95

There were no staff updates on regional schools' operations and finances. (ADM3814-005)

SUPERIOR COURT BUILDING AND OTHER CAPITAL IMPROVEMENT PROGRAM PROJECTS

Item: Presentation on the proposed new Superior Court Building and other Capital Improvement Program projects through remaining CIP funding. (C7007040M00) (ADM800-003)

David Smith, County Manager
Steve Conner, Director, Facilities Management
The Honorable Barbara Rodriguez Mundell, Presiding Judge
Donna Barry, Principal, Gould Evans
Robert Roble, Director, PinnacleOne

Steve Conner introduced Gary Graf, Assistant Director of the Decision Theater. Mr. Graf said that the goal of the Decision Theater is to provide a facility to link the knowledge at the University with the rest of the community. David Smith opened the presentation by saying that designing the Court Tower had been a highly collaborative effort. Steve Conner said that in January the Board asked Facilities Management

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to come up with a plan for the Court Tower, specifically where would it be located, how big it would need to be and how much would it cost.

~ Chairman Brock entered the meeting ~

Judge Mundell explained that they partnered with all the groups who would use the building, such as the County Attorney, Public Defender and Sheriff's Office as well as soliciting feedback from focus groups of victims, jurors, the media and others during the design process.

Donna Barry, Principal with Gould Evans, expanded on some of the research that was done in order to design the Court Tower. In addition to looking at the history of the court system and current court building, information from a number of sources was analyzed, such as demographic statistics, population and budget projections, and court filing information. As a result, it was determined that 15 – 22 additional criminal courtrooms were needed downtown by the year 2011, and another ten by 2020.

Ms. Barry stated that four goals were developed by the court committee after research and meetings with stakeholders as follows:

- Image –The building should look dignified, permanent, functional and business-like. It should have an enduring artistic quality, incorporate public art, be accessible to the public, and be a building that 'belongs' in Arizona.
- Function – The building should be safe, secure, user-friendly, durable and maintainable. It should also incorporate appropriate support areas.
- Time – The building should be a '100-year' building and endure as things change around it. It should have an architectural presence, anchor the County Campus and should not be transitional.
- Budget – The building should be functional, solid, and planned for the future, as well as flexible and adaptable to change. It should have a significant architectural presence and provide real value, now and in the future.

The Court Committee also identified the following key components necessary for the new building:

- 32 courts, building 22 courtrooms initially and shell out 10 more for the future
- Jury assembly area for the entire Downtown Court Complex
- Sallyport and in custody holding with secure tunnel connections
- Secure judicial parking
- Secure collegial chambers
- A restorative justice program
- Special waiting areas for victims and witnesses
- Media accommodations
- State of the art court and office technologies, such as video conferencing for inmates
- Clear entry and way-finding for the public
- Built-in flexibility for multi-use courtrooms

Ms. Barry reviewed the process and criteria used to evaluate five possible sites for the court building. She also discussed the pros and cons associated with each of the sites.

Bob Roble presented cost projections for the new building to the Board. Mr. Roble said that similar projects across the country were analyzed in order to estimate costs. From that, a cost model was developed and costs were applied based on the specifics of this building. Mr. Roble said they have determined that the \$334 million already budgeted for this project is sufficient to cover the costs

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associated with the project. However, an additional \$25 million would be needed for the costs associated with relocating the 1st Avenue Jail functions and demolishing the building.

Mr. Roble stated that in addition to the capital costs, the Office of Management and Budget and Facilities Management worked together to make the Board aware of the ongoing costs associated with this project. He said the debt service for \$334 million at 5% interest over 25 years amounts to an annual service amount of about \$23 million, and there will be a recommended budget for that amount for the 2007-2008 fiscal year. Additionally, it will take about \$10.3 million annually to maintain the new building.

Supervisor Wilson asked whether the elevation of the building conformed to FAA standards, and Mr. Conner affirmed that it did. Supervisor Kunasek asked whether the cost modeling had been adjusted to reflect local costs. Mr. Roble said that it had, and that escalation costs of about 7.2 million per year were figured into estimates.

Supervisor Wilson asked whether public art, which had been mentioned earlier, had been figured into the cost. Mr. Conner responded by saying that he was not sure but did not believe that a line item had been built into the budget for public art, but could be added at some point if the Board wanted it. Mr. Wilson asked Mr. Conner to give insight regarding the communication system for the building and whether it will be satisfactory for 20 or 30 years in the future. Mr. Conner said that while he didn't know exactly what system will look like, he does know that they will have OET looking at infrastructure and cabling as the building is designed. Supervisor Wilson expressed concern that they may be looking at significant additional costs for these items that appear to not be included in the current cost projections.

Supervisor Stapley commented that the increase in the number of courtrooms did not mean that the County would be looking to add additional judges. He then asked what the cost would be to complete the "shelled-out" courtrooms in the future. Mr. Conner replied that it would be close to \$9 million total.

Mr. Stapley asked Mr. Conner to explain the \$25 million dollar alternative that had been mentioned. Mr. Conner said that this alternative would cover the cost of relocating the 1st Avenue Jail functions such as 911 dispatch, the crime and photo labs and the Sheriff's telecom operations to the Durango location. It would relocate a number of 1st Avenue Jail functions appropriately to remodel the West Courts and demolish the 1st Avenue Jail. The \$25 million would also cover creating a connection from the East Courts to the new Court Tower and improvements to the plaza. Supervisor Stapley stated that, under the circumstances, it would be more prudent to go ahead with the \$25 million alternative now rather than wait.

Supervisor Wilcox and Chairman Brock both agreed that it would be more efficient to include the alternative plan initially, rather than wait. Sandi Wilson, Deputy County Manager, reminded the Board that since the \$25 million has not been budgeted, the funding for other areas or projects might have to be cut. She also asked the Board to wait on taking a vote regarding the \$25 million until they were able to work up some funding possibilities.

Judge Mundell expressed concern that the Board's consideration of where the \$25 million could come from would delay a vote on or cut funding from the court tower itself, and she asserted that courtrooms are badly needed now. Supervisor Stapley assured the Judge that he did not believe that they would consider cutting courtrooms but asserted that he felt it might be more cost effective to do the project in its entirety rather than delaying some essential aspects of the project.

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There was consensus among the Board that the Court Tower vote for the \$334 million would continue as scheduled at the May 2, 2007 formal meeting, but a vote on the additional \$25 million would be delayed until or unless funding proposals could be prepared for consideration.

~ Recess and reconvene at 1:30 p.m. in the Tom Sullivan Conference Room at 301 W. Jefferson,
10th floor ~

EXECUTIVE SESSION

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to recess and reconvene in Executive Session in the Tom Sullivan Conference Room to consider items listed on the Executive Agenda, pursuant to listed statutory authority, as follows.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)

Settlement Agreement with Susan Schmidt, Assistant Director, Workforce Development, Human Services Department

David Smith, County Manager
Sandi Wilson, Deputy County Manager, **did not attend**
Trish Georgeff, Deputy Director, Human Services
Elizabeth Yaquinto, Acting Deputy Director, Human Resources
Mary Cronin, Deputy County Attorney

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

Maricopa County v. Briarwood Country Club

Neil Yockey, Manager, Trip Reduction Program
Brad Hartsock, Plan Review & Monitoring Supervisor, Trip Reduction Program
Otis Smith, Deputy County Attorney

Maricopa County Trip Reduction Task Force & The Power Automotive Group

Neil Yockey, Manager, Trip Reduction Program
Brad Hartsock, Plan Review & Monitoring Supervisor, Trip Reduction Program
Otis Smith, Deputy County Attorney

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OR REAL PROPERTY – ARS §38-431.03(A)(3), (A)(4), and (A)(7)

Legal Advice concerning Sublease Amendments

Christopher Keller, Deputy County Attorney
Tom Manos, Chief Financial Officer
Dennis Lindsay, Real Estate Manager

LEGAL ADVICE; ARS §38-431.03(A)(3) CONTINUED

Legal Advice and Update on HB 2208 related to Open Meeting Law

Victoria Mangiapane, Deputy County Attorney

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LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)

Allied Waste Transfer Station, Plan of Development

Joy Rich, Assistant County Manager
Tom Irvine, Outside Counsel

~ Chris Keller left Executive Session for a MCAO conflict of interest and Dean Wolcott, Outside Counsel to the Board, entered the meeting. ~

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)

Advice regarding legal issues and options concerning County Regional School District/Accommodations School funding, financial matters, management issues/Treasurer related management, investment and financial issues.

Tom Irvine, Outside Counsel
Sandi Wilson, Deputy County Manager
Tom Manos, Chief Financial Officer
Shelby Scharbach, Deputy Chief Financial Officer
Brian Hushek, Deputy Budget Director
LeeAnn Bohn, Budget Manager
Shawn Nau, Director, General Government

MEETING ADJOURNED

At the conclusion of discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board