

**SPECIAL SESSION
December 13, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 3:45 p.m., December 13, 2007, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3 and Max W. Wilson, District 4. Absent: Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

1. AMEND CONTRACT WITH ADP, INC. FOR COMPREHENSIVE HOSTED HUMAN RESOURCE INFORMATION SYSTEM

Motion was made by Supervisor Kunasek and seconded by Supervisor Wilson to approve Amendment No. 1 to contract number C-45-08-006-8-00 (bid serial 07087-RFP) with ADP, Inc. the amendment changes (section 6.3) limitation of liability to the following:

Delete Section 6.3 entirely and replace with the following:

6.3 Limit on Monetary Damages. Notwithstanding anything to the contrary contained in this Agreement, ADP's liability under this Agreement for damages (monetary or otherwise) under any circumstances for claims of any type or character arising from or related to a particular Service will be limited in each instance to the amount of actual damages incurred by County, provided, however, that ADP's aggregate liability hereunder in any calendar year (other than and subject to Sections 5.2 and 7.2 of this Contract) will not exceed the previous six (6) months of processing paid by County to ADP during such calendar year. If County continues to receive Services, any such monetary damages shall be paid to County by way of a credit against future fees payable. The Exhibits attached to this Agreement may contain provisions further addressing the liability of ADP for monetary damages.

Motion unanimously carried (3-0-2) to approve Amendment No. 1.

SETTING OF HEARINGS

All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted

Clerk of the Board

2. GILBERT COUNTY ISLAND FIRE DISTRICT

Pursuant to A.R.S. § 48-851, motion was made by Supervisor Wilson and seconded by Supervisor Kunasek to receive the signed formation petitions for the proposed Gilbert County Island Fire District located in the Town of Gilbert municipal planning area and set a hearing on the petition for 9:00 a.m., Wednesday, December 19, 2007.

At the hearing on December 19th, the Board will order the formation of the district if the petitions are valid and appoint the three members of the initial governing board of the district. The order of the Board shall be final and the proposed district will be formed as of January 18, 2008. The signed petitions are on file in the Office of the Clerk of the Board. (ADM4450-001)

Victoria Mangiapane briefed the Members on the process carried out for the Gilbert County Island Fire District to date and informed them that 664 signatures were needed to proceed with the

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formation and 783 were received on the petitions. She explained how annexations into Gilbert will be handled once the district is formed. She explained that the legislature has been briefed and are current with the process and legislators have expressed their approval of how the Board has handled the intent of the legislation. She added that the signatures will be verified in time for this item to appear on the December 19, 2007, open agenda for consideration.

Motion unanimously carried (3-0-2) to receive the signed petitions for verification.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to recess and reconvene in Executive Session for the purpose of obtaining legal advice from the Board's attorney in reviewing matters listed below, pursuant to the listed statutory references. All members remained in session when the meeting reconvened at 3:55 p.m. Chris Keller, Chief Counsel, Civil Division replaced Ms. Mangiapane as counsel to the Board.

E-1. LEGAL ADVICE – ARS §38-431.03(A)(3)

Provide legal advice regarding Maricopa County's pending application with ADEQ for an Arizona Pollutant Discharge Elimination System (AZPOES) Storm Water Phase II Individual Permit.

Sandi Wilson, Deputy County Manager
Joy Rich, Assistant County Manager
Diane Sikokis, Director, Government Relations
John Power, Director, Environmental Services
Stan Snitzer, Maricopa County Storm Water Coordinator
Christopher Keller, Chief Counsel
Matt Joy, Outside Counsel
Julie Lemmon, Outside Counsel
Kevin Chadwick, Environmental Services
Kevin Costello, Deputy County Attorney
Chiefs of Staff Latto, Candland, Bloom, Isham

MEETING ADJOURNED

After considering the item listed above and there being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Lori Pacini, Deputy Clerk of the Board