

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 23, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., April 23, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, 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.

INVOCATION

Dr. Rodrigo Silva, Director, Animal Care and Control, delivered the invocation.

PLEDGE OF ALLEGIANCE

Wes Baysinger, Director, Materials Management, led the assemblage in the Pledge of Allegiance.

BOARD OF SUPERVISORS

1. PET SHOWCASE

April Hollis brought two, two-month old kittens to introduce at the bi-monthly Pet Showcase. She said these two, well-behaved brothers would be available for adoption from the shelter for cats and kittens on 35th Avenue, several blocks north of Camelback Road, at noon today. She added that 60 cats and kittens were brought into the Maricopa County Animal Care & Control center yesterday to join the facility's many other long-term felines. She urged residents to come in and adopt a feline pet – or two, as there are always plenty to choose from with record numbers being dropped off during spring and summer months. Maricopa County continues its two-year commitment for no euthanizations of healthy, adoptable animals.

PRESENTATIONS

2. PRESENTATION BY UNITED WAY

A presentation by Twyla Marcum, Vice President, Development and Leigh Wales, Development Officer, Valley of the Sun United Way, recognized Maricopa County employee contributions of \$585,358 to United Way, saying these dollars will help improve lives and deliver results that matter to those in need. Ms. Marcum said the County employee contributions have increased 44% over the past five-years. She also remarked on the County's efforts and success in conceiving and establishing the Human Services Campus and the exceptional help it is to the community as a whole as well as to those homeless and disadvantaged residents who need this kind of trust and help to bring change into their lives. (ADM650-001)

Supervisor Brock thanked Harry Courtright for his role as chairman of the County's most recent Combined Charitable Campaign that raised a record amount of contributions for other charities as well as for United Way. Mr. Brock said that many worked long and hard to make this year's lofty goal, as set by Mr. Courtright and other organizers, possible.

3. LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)

David Smith, County Manager, explained that the presentation of the Leadership in Energy and Environmental Design (LEED) certification was for Maricopa County's Downtown Justice Center located

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at 620 West Jackson Street. The Center was completed last year and achieved LEED certification for New Construction. LEED certification identifies the Downtown Justice Center as a pioneering example of sustainable design and demonstrated leadership in transforming the building industry into a "green" industry. (ADM650-001)

Abe Thomas, Sr., Capital Facilities Manager, Facilities Management, explained that the LEED rating system is based on four certification levels: certified – silver – gold – platinum. New buildings are judged in five design categories: sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality.

He said the more features included in a facility the higher the category of certification. In order to get to the silver level the County would have had to incorporate additional design/construction features into the building. Some cities/agencies have set a goal of reaching "GOLD Certification" as a standard for all of their new facilities. Mr. Thomas said that Facilities Management responded to challenges issued by David Smith in building this "green" building – green because it was designed to be energy efficient. The LEED glass plaque of designation presented to the County will be placed on the wall of the new Center's lobby.

Some of the items incorporated in the Downtown Justice Center include:

- Reuse of an existing site.
- Native landscaping ideas.
- Use of existing parking.
- Bicycle parking in the Jackson street garage (nearby facility)
- Separating construction waste for disposal.
- Recycled carpeting was used in the office areas.
- Energy efficient lighting fixtures were used.
- No windows on the west face of the building.
- Double pane high energy efficient window glazing was utilized.
- Building HVAC system designed to utilize outside air more efficiently.
- Waterless urinals were used to reduce the water usage.
- Building systems were commissioned and tested by a third party entity to insure performance meets the design criteria.
- Motion sensors were used on some conference room lighting to turn- off the lights when the rooms were not occupied.

Chairman Kunasek commented on incoming National Association of Counties (NACo) president, Supervisor Don Stapley's 2008-09 agenda for NACo counties that will, in part, emphasize going "smart green." He added that Maricopa County is already a leader in saving energy and up-front money by being smarter about what we build and drive as new "green" policies are put in place here.

~ Supervisor Wilcox entered the meeting ~

STATUTORY HEARINGS

Clerk of the Board

4. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- a. Application filed by Bonnie Revelle for a Special Event Liquor License: (SELL833) (F23249)

Business Name: Corte Bella Rally for a Cancer Cure
Location: 22131 N Mission Drive, Sun City West, 85375
Date/Time: May 17, 2008, 5:00 p.m. to 11:00 p.m.

- b. Application filed by John Finan for a Special Event Liquor License: (SELL834) (F23249)

Business Name: Knights of Columbus Council 12851
Location: 14818 W Deer Valley Drive, Sun City West, 85375
Date/Time: February 14, 2009, 5:00 p.m. to 10:30 p.m.

- c. Application filed by Jose Luis Sedano for a New Series 12 Liquor License: (MCLL6265) (AZ#12077551)

Business Name: Don Luis' Fine Mexican food
Location: 9624 E. Apache Trail, Mesa, 85207

- d. Application filed by Brandon Michael Valero for New Series 12 Liquor License: (MCLL6264) (AZ#12077546)

Business Name: Joe Jo's Restaurant & Lounge
Location: 10262 E. Apache Trail #5 & 6, Mesa, 85220

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

5. LITCHFIELD PARK SERVICE COMPANY PUBLIC UTILITY FRANCHISE

Chairman Kunasek called for a public hearing to solicit comments on the application filed by Litchfield Park Service Company for a public service franchise for a domestic sewage system. The Board considered whether the applicant is able to adequately maintain facilities in county rights-of-way. The franchise is granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. The public utility franchise is granted to construct, maintain and operate a domestic sewage system consisting of lines, connections, manholes, and all necessary equipment for a period not to exceed twenty-five (25) years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of water for domestic use along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

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Parcel 1:

That portion of the East half of the Southwest quarter of Section 11, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Center of said Section 11; THENCE South 00°01'43" East, along the East line of said quarter, a distance of 1450.82 feet; THENCE South 89°58'09" West, a distance of 1301.90 feet to the West line of said East half; THENCE North 00°02'38" West, along said line, a distance of 1470.76 feet to the North line of said quarter; THENCE South 89°09'12" East, along said line, a distance of 1302.45 feet to the Point Of Beginning. Said parcel containing 43.67 acres gross.

Parcel 2:

a parcel of land lying in the southeast quarter of the southwest quarter of section ii, township 2 north, range 1 west of the Gila And Salt River meridian, Maricopa County, Arizona, more particularly described as follows: commencing at the south quarter corner of said section ii, from which the southwest corner thereof bears north 89 degrees 01 minutes 47 seconds west, a distance of 2603.69 feet, and the true point of beginning; thence north 89 degrees 01 minutes 47 seconds west, along the south line of said southwest quarter, a distance of 1301.79 feet; thence north 00 degrees 02 minutes 38 seconds west, a distance of 1157.29 feet; thence north 89 degrees 58 minutes 9 seconds east, a distance of 1301.90 feet to a point on the north south mid section line of said section ii; thence south 0 degrees 01 minutes 43 seconds east, a distance of 1180.04 feet to the true point of beginning. said parcel contains 1,521,306 square feet (34,924 acres) gross area.

Parcel 3:

That portion of the Northeast quarter of Section 11, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of said section; Thence north 89°18'03" west, along the north line of said section, a distance of 1303.39 feet to the northeast corner of the west half of said northeast quarter; Thence south 00°01'27" east, along the east line of said west half, a distance of 658.54 feet to the point of beginning; Thence continuing south 00°01'27" east, along said east line, a distance of 1975.62 feet to a point on the south line of said quarter; Thence north 89°10'20" west, along said south line, a distance of 651.16 feet to a point on the west line of the east half of said west half; Thence north 00°02'10" west, along said west line, a distance of 1974.53 feet; Thence south 89°16'08" east, a distance of 651.56 feet to the point of beginning. Said parcel containing 29.53 acres gross.

Parcel 4:

that portion of the southeast quarter of section 11, township 2 north, range 1 west of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows: commencing at the east quarter corner of said section 11 said point being the true point of beginning; thence south 00 degrees 00 minutes 32 seconds east along the east line of said section 11 a distance of 1318.56 feet; thence north 89 degrees 06 minutes 15 seconds west a distance of 1301.91 feet; thence north 00 degrees 01 minutes 39 seconds west a distance of 1317.01 feet to a point on the east-west midsection line of said section 11; thence south 89 degrees 10 minutes 20 seconds east along said midsection line a distance of 1302.32 feet; to the point of beginning. the above described parcel contains 1,715,709.41sq. ft. (39.39 acres) more or less.

parcel 5:

that portion of the sw 1/4 of section 11, t 2n, r1 w of the G&SRB&M, Maricopa County described as follows: beginning at the west 1/4 corner of said section 11 thence: s 89° 05' 41" e along the east-west mid-section line of said section 11 a distance of 1302.50 feet to the ne corner of the nw 1/4 of the said section 11 thence: s 0° 00' 54" w a distance of 985.53 feet to the se corner of the n 1/2 of the s 1/2 of the nw 1/4 of the sw 1/4 of said section 11 thence: n 89° 02' 59" w a distance of 1302.26 feet to the sw corner of the n 1/2 of the s 1/2 of the nw 1/4 of the sw 1/4 of said section 11 thence: n 0° 00' 19" e along the west boundary of said section 11 a distance of 984.50 feet to the point of beginning.

parcel 6:

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the east 300 feet of the north 464 feet of that part of the northeast quarter of section ten (10), township two (2) north, range one (1) west of the Gila and Salt River base and meridian, Maricopa County, beginning at the northeast corner of said section 10; thence south 0 degrees 01 minutes 45 seconds west along the east line of said section 10, a distance of 708.00 feet, to a point from which the east quarter corner of said section 10 bears south 0 degrees 01 minutes 45 seconds west a distance of 1,917.52 feet; the point of beginning. thence north 89 degrees 10 minutes 45 seconds west, a distance of 905.16 feet; thence south 0 degrees 01 minutes 45 seconds west, a distance of 441.93 feet to a point on the north line of Ranchos De Loma unit one, as recorded in book 106 of maps, page 39 of Maricopa County, records, said point being the centerline of 132nd Avenue; thence south 89 degrees 10 minutes 45 second east, a distance of 25 feet to a corner of said Ranchos De Loma unit one; thence south 0 degrees 01 minute 45 seconds west, a distance of 205.60 feet; thence along the arc of a curve to the left, said curve having a central angle of 89 degrees 03 minutes 55 seconds, a radius of 15.25 feet, a distance of 23.70 feet; thence south 89 degrees 02 minutes 10 seconds east, along the north right-of-way line of Ocotillo Road as shown on the plat of said Ranchos De Loma, a distance of 865.19 feet; thence north 0 degrees 01 minutes 45 seconds east parallel to and 55.00 feet west of the east line of the northeast quarter of said section 10 a distance of 664.72 feet to the point of beginning.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to grant the said franchise as applied for, and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (C0608075700) (F22953)

Transportation

6a. PUBLIC HEARING – ROAD FILE DECLARATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408151000)

RESOLUTION ROAD DECLARED – ROAD FILE NO. 5800

WHEREAS, A.R.S. § 28-6701 authorizes the Board to establish County highways;

WHEREAS, A.R.S. § 28-6705(A) authorizes the Board to spend public monies for the maintenance of public roads and streets other than legally designated state and county highways located without the limits of an incorporated city or town;

WHEREAS, in accordance with A.R.S. § 28-6705(A), the following public roads and streets have been laid out, opened, constructed and completed at no cost to the County in accordance with the County's

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standard engineering road specifications and have been found acceptable to the county, said roads legally described as follows:

All streets consistent with the rights-of-way, as depicted in Fitzpatrick Rand Unit 2, a subdivision as Shown in Book 801 of Maps, Page 42, M.C.R., General Vicinity: Deer Valley Drive and 151st Avenue.

WHEREAS, A.R.S. § 11-806.01(M) authorizes and directs the Board to accept such streets and roads into the County maintenance system;

WHEREAS, the Board believes that accepting into the County maintenance system the public streets and roads more fully set forth hereinabove is in the County's best interests;

NOW, THEREFORE, BE IT RESOLVED that the public streets and roads more fully set forth hereinabove are hereby established, opened and declared a county highway, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

DATED this 23rd day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

6b. PUBLIC HEARING – ROAD FILE DECLARATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C-64-08-155-0-00)

RESOLUTION
ROAD DECLARED – ROAD FILE NO. A126

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway known as Latham Street, together with all appurtenances and easements of record, lying within the Southwest quarter of the Northeast quarter (SW4NE4) of Section 4, T1N, R2W, of the G&SRB&M, Maricopa County, Arizona, said roadway being more particularly described as follows:
PARCEL 1

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The South 25 feet of North half of the Southwest quarter of the Northeast quarter of said Section 4,
EXCEPT: the West 40 feet and the East 30' thereof.
PARCEL 2
Latham Street from 191st Avenue to 189th Avenue, as shown on "Hills Desert Estates" a subdivision of the SW4NE4 of said Section 4, recorded in Book 093 of Maps, Page 44, Maricopa County Recorder.
(Said alignment is also known as Latham Street from 191st Avenue to 189th Avenue, in Supervisor District No. 4)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 23rd day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

6c. PUBLIC HEARING – ROAD FILE DECLARATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations,

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rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C-64-08-156-0-00)

**RESOLUTION
ROAD DECLARED – ROAD FILE NO. A295**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway known as Melvin Street, together with all appurtenances and easements of record, lying within the South half of the Southwest quarter (S2SW4) of Section 4, T1N, R2W, of the G&SRB&M, Maricopa County, Arizona, said roadway being more particularly described as follows:

Melvin Street from 195th Avenue to 191st Avenue, as shown on "Orangewood Farms" a subdivision of the S2SW4 of said Section 4, recorded in Book 140 of Maps, Page 36, Maricopa County Recorder.

(Said alignment is also known as Melvin Street from 195th Avenue to 191st Avenue, in Supervisor District No. 4)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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DATED this 23rd day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

6d. PUBLIC HEARING – ROAD FILE DECLARATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C-64-08-157-0-00)

**RESOLUTION
ROAD DECLARED – ROAD FILE NO. A296**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway known as Taylor Street, together with all appurtenances and easements of record, lying within the South half of the Southwest quarter (S2SW4) of Section 4, T1N, R2W, of the G&SRB&M, Maricopa County, Arizona, said roadway being more particularly described as follows:

Taylor Street from 195th Avenue to 191st Avenue, as shown on "Orangewood Farms" a subdivision of the S2SW4 of said Section 4, recorded in Book 140 of Maps, Page 36, Maricopa County Recorder.

(Said alignment is also known as Taylor Street from 195th Avenue to 191st Avenue, in Supervisor District No. 4)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 23rd day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

County Attorney

7. **COUNTER-CLAIM FOR TRESPASS AND VIOLATION OF THE ARIZONA NATIVE PLANT LAW IN VERTES & MEAD V. MARICOPA COUNTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the filing of a counter-claim for trespass and violation of the Arizona Native Plant Law in CV2007-017716 Vertes & Mead v. Maricopa County. The County has claims against the Plaintiffs for trespass to the Spur Cross Ranch Conservation Area and destruction of native plants. This matter was discussed in Executive Session on March 10, 2008. (C1908044M00) (ADM413)

8. **LEASE RENEWAL OPTION FOR LEASE WITH WELLS FARGO BANK, NATIONAL ASSOCIATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a five-year lease renewal option, and authorize the County's Real Estate staff to give written notice of approval, for Lease No. L7278 with Wells Fargo Bank, National Association, the Landlord, for 31,250 square feet of space on the 20th and 21st floors in the Wells Fargo Building at 100 W. Washington Street, Phoenix. The five year renewal term will be at the Fair Market Rent of \$21.60 per square foot per year. The County, as Tenant, will reimburse the Landlord for increases in operating expenses above the base year based upon 36,092 square feet. The lease renewal term will expire on November 30, 2013. The County retains a termination right with 36 months written notification of intent to terminate and payment of a termination fee of 12 months rent. (C1908047100)

Sheriff

9. SALE OF REDLINED VEHICLES TO THE COLD CASE POSSE

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) by a roll call vote, with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the sale of two redlined vehicles (#11337 and #11393) to Cold Case Posse in consideration of \$1.00. These vehicles will be used by posse volunteers for prisoner transports and off duty jail wagon details. (C5008049M00) (ADM3104-001)

10. DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation in the amount of \$5,000 to the Sheriff's Office from Roger and Patricia Schmitz Trust for use by the MCSO Animal Safe Hospice (MASH) Unit. (C5008051M00) (ADM3900-003)

Superintendent of Schools

11. APPLY AND ACCEPT FUNDS FOR PROFESSIONAL DEVELOPMENT PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application for and acceptance of \$173,457 from the Arizona Department (ADE) by the Maricopa County Superintendent of Schools (MCSOS) for the Title II-D, Statewide Instructional Technology grant for a professional development program targeting teachers in Maricopa County. The term of the grant will be one year beginning July 1, 2007 and ending June 30, 2008. This grant is renewable and a new proposal will be required for the next fiscal year. Indirect costs are not applicable for this grant. The indirect rate for FY 2007-08 is 14.16%. The restricted indirect cost rate unallowable by this grant source is 14.16%. Unrecoverable indirect costs on this grant award are \$24,562. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C3708016300)

TRIAL COURTS

Justice Courts

12. NEW FACILITY USE IGA WITH THE TOWN OF GILBERT – CONTINUED

Item: Approve a new facility use Intergovernmental Agreement (IGA) with the Town of Gilbert for an 11,186 square foot Justice Court facility at the Gilbert Public Safety complex located at 55 East Civic Center Drive in Gilbert to accommodate the facility requirements resulting from the new growth precinct. The term of the IGA commences on January 1, 2009, and expires on December 31, 2013. The agreement provides two one-year renewal options beyond the initial 5-year term. The annual facility use fee for the first three years of the agreement is \$257,280 per year plus tax. The annual facility use fee for the fourth year of the agreement is \$265,668 plus tax. The annual facility use fee for the fifth year of the agreement is \$274,056 plus tax. The annual facility use fee during the two options years, if exercised by the County, is \$285,240 per year plus tax. Either party may terminate the IGA after the third year by giving 180-day written notice. As part of the IGA, Gilbert shall provide to the County three secured parking spaces for the County use. The County shall reimburse Gilbert for 2/5 of the building's on-going security costs. The County's reimbursement to Gilbert for security costs is estimated at \$98,500 annually.

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Also, direct the Office of Management and Budget to include funding for this item in the FY 2008-09 Final Budget. Expenditures will be subject to prior review and approval by the Office of Management and Budget. This new Intergovernmental Agreement with the Town of Gilbert will provide a justice court facility to accommodate the requirements of the new growth precinct until an owned facility is built or acquired. (C2408003400)

The Clerk announced that this item has been continued to the May 7, 2008, meeting.

Juvenile Probation and Detention

13. APPLY AND ACCEPT FUNDS FROM THE JUVENILE ACCOUNTABILITY BLOCK GRANT AND IGA WITH CITY OF PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the application for and the acceptance of funding from the Governor's Office For Children, Youth & Families, Division For Children for the Juvenile Accountability Block Grant (JABG) 2007, Year 10, program in the amount of \$350,177. The project period of this award is from October 1, 2007 to September 30, 2009.

Also, authorize Maricopa County to serve as the fiscal agent and project administrator of a partnership involving the County and the City of Phoenix, with contributing city allotments from Affiliated Members Avondale, Chandler, and Peoria, and waived State allocations.

In addition, authorize Maricopa County Juvenile Probation Department to enter into an Intergovernmental Agreement with the City of Phoenix to accomplish the goals and objectives of this partnership.

In Year 10, the JABG funds will support the furtherance of one program: Expansion of Safe Schools. This grant requires a 10% cash match of all parties, totaling \$38,909. Overall fiscal administration of the total project costs of \$389,086 will be the responsibility of Maricopa County.

It has been agreed that Maricopa County and the City of Phoenix will contribute any recovered indirect costs to the pool of funds to sustain four established JABG Safe School teams. Avondale, Buckeye, Chandler, Fort McDowell Mohave-Apache Indian Tribe, Glendale, Goodyear, Paradise Valley, Peoria, Surprise, Tolleson, Wickenburg and Youngtown will transfer funds to the established "pool" for combination with the County match. Juvenile Probation Department funds will provide the 10% County match - \$28,355 – and that required for Affiliated Members (\$2,455) totaling \$30,810. The City of Phoenix will provide the required City match - \$8,099. Juvenile Probation's Indirect Cost Rate for FY 2007-08 (established upon original Board of Supervisor Agenda Number C2708008300 approval dated February 6, 2008) is 38.70% (\$77,505.55). The federal JABG grant limits and caps indirect cost recovery at 10% of the total allotments. \$129,877 will be passed through to sub-recipients and \$259,209 will be retained by the County resulting in \$20,027 as allowable indirect costs and \$57,478 as unrecoverable indirect costs. (C2708011300)

Superior Court Judges and Commissioners

14. APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

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a. Pursuant to A.R.S. §12-141, approve the appointment of Attorneys as Superior Court Judges Pro Tempore. This serves the interests of judicial economy and promotes sound case flow management. The attorneys would serve as Judges Pro Tempore without any compensation. The appointment will be for the period commencing July 1, 2008 through June 30, 2009. (C3808016700) (ADM1001)

Last Name	First Name	Middle	Last Name	First Name	Middle
Abraham	Andrew		Lane	Clair	William
Abramsohn	Judith	Elaine	Lauritano	Sheri	
Adelman	Bette		Lavelle	Deryck	
Adornetto	Charles	Joseph	Leshner	Stephen	
Ahern	Kevin	Timothy	Levy	Dana	Michelle
Alongi	Thomas		Lieberman	Amy	Lynn
Ambrose	Scott		Lindstrom	Monica	
Appel	Marlene		Lohr	John, Jr.	
Armendarez	Theresa		Lopez	Bernard	
Astrowski	Brad		Lopez	Julia	
Balitis, Jr.	John	James	Ludwig	Aaron	
Ballecer	Danilo		Lugosi	Karen	
Bartee	Holly		MacEachern	Kimberly	Weedon
Baumann	Robert	Leo	Mahrle	Richard	K.
Beale	Michael	Addis	Malody	Daniel	
Beethe	Michael		Mandell	Michael	
Behm	Douglas		Mann	Jay	
Beltz	Robert	Roy	Margolis	Roger	
Berk	Robert	Richard	Marhoffer	David	
Berman	Judith	Ann	Marks	Lawrence	Jeffrey
Berman	Michael	Paul	Marks	Stanley	J.
Bernstein	Irwin	Leonard	Markson	Barry	Matthew
Berry, Jr.	Frederick	Curtis	Matheson	David	Paul
Best	Cynthia		Mattern	Paul	
Bizzozero	Gregory		Matz	Theodore	
Blake, III	Ralph	James	McCarthy	Daniel	William
Blanchard	John		McDonald	Mary	Catherine
Bohlman	Herbert	McCaul	McEachern	Janelle	Annette
Bookspan	Neal		McGarry	Joseph	Edward
Borum	Joy	Beth	McGoldrick	Paul	Joseph
Bowen	James		McGuire	Eileen	
Bowey	Lisa		McKirgan	Robert	Howard
Boyer-Wells	Valerye	Lynn	Mehrens	Craig	
Bregman	Sandra	Kaye	Meiser	Rita	A.
Brekke	Dean		Mercado	Teresita	
Brnovich	Mark	Marko	Messing	Jeffrey	Bruce
Brody	Barry	Lee	Micuda	Kip	Michael
Brown	Bruce	Douglas	Mied	Amber	
Brown	Harvey		Miller	Jeffrey	
Brownlee	Joseph	Lee	Miller	Judy	Marie
Bruemmer	Florence	Margaret	Miller, Jr.	Michael	David
Buri	Charles	E.	Molever	Loren	Evan

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Last Name	First Name	Middle	Last Name	First Name	Middle
Buric	John	Adam	Morse	Judith	Anne
Butler	Jeremy	Edward	Muchmore	Charles	Jeffers
Cabot	Howard	Ross	Mueller	Brian	
Callahan	Christopher	Lee	Munoz	Vera	
Cannata, Jr.	Frank	Richard	Myers	Robert	D.
Capra	Shari	Magdalane	Naughton	Dennis	
Carpenter	Scott	Brian	Neale	Ian	
Causey	Joseph	Francis	Nelson	Elmo	Miles
Cavaletto	Dean		Norris	Raymond	Michael
Cavness	Marc	Cleburne	Northup	Douglas	
Coffey	Rodrick		Novak	Edward	
Cohen	Larry	Jay	O'Connor	Daniel	Joseph
Cohen	Michael	Jay	Oladiran	Tajudeen	
Comitz	Edward		O'Neal	John	
Condo	James		Onofry	Charles	
Cooke	Reginald		Osborn Popp	James	Stanley
Cooper	Katherine		Owen	Rebecca	
Coulter	Lisa	Marie	Paine	Dorothy	Quimby
Coury	Christopher		Palmer	Janice	
Craven	David		Palumbo	Anthony	
Crawford	Janice		Palumbo	Michael	R.
Crawford	Vaughn		Paul	Patrick	Joseph
Crossman	Avery	Naomi	Pearlstein	Susan	Vanderzell
Crotty, III	John	Thomas	Perkins	Michelle	
Cuccurullo	Josephine		Perry	Sherynn	
Cummings	Frederick	Michael	Peters	Rich	
Curran	James	P.	Phillips	Janet	
Dallimore	Suzanne		Pidgeon	Kathryn	Ann
Damron	David	James	Pilch	Caroline	Ann
Davis	Helen	Renee	Pillinger	Terry	H.
Davis	Kiilu		Pohlman	Robert	James
De Respino	Laurence	Joseph	Polk	Jay	Michael
Dessaules	Jonathan	A.	Pollitt	Jeffrey	Gene
Dickerson	Barry	Charles	Pontrelli	Marlene	
Dodge	Franklin	Delano	Poster	Rick	
Donaldson	Monica		Poulos	Shelli	
Donison	Pamela		Pozefsky	Daniel	
Dosek	Edwin	Scott	Prost	Michael	Gerald
Ellsworth	Steven		Ramras	Ari	
Ellwell	Jerome		Rich	Stephen	
Erickson	Douglas		Richard, III	Leonce	Armand
Estrella	Cynthia		Richards	William	August
Evans, Jr.	Booker	Travis	Riggs	Paul	
Everts	Steven		Righi	Richard	Louise
Fadell	Gary	Allen	Robberson	Deborah	Warzynski
Fairbourn	William	Gregory	Robberson	Foster	William
Feeney	Michele	Marie	Roberts	Edwin	Ray

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Last Name	First Name	Middle	Last Name	First Name	Middle
Feuerhelm	Jodi		Rose	David	Llewellyn
Finley	Jeffrey	R	Rosenthal	David	S.
Fleming	Edwin	Donald	Rosenthal	Jay	Philip
Folks	Larry		Ross	Jeffrey	David
Foote	Roger	Robert	Rowley	Paul	Silas
Forrest	Stephen		Royal	Robert	
Foster	Troy	Patrick	Runbeck	Debra	
Francone	Don		Russo	Brian	
Franks	Todd	Howard	Ryan	John	Geoffrey
Friedeman	John	Walker	Ryan	Michael	James
Friedman	Paul	David	Salmon	Scott	
Friedman	Steven	Michael	Sanchez	Elda	
Fromm	Sandra	Jeanette	Sandweiss	David	
Fruchtman	Hope	E.	Sandweiss	Kathi	
Fuller	Donald	Orin	Sargeant	William	
Gadow	Jennifer	Griesemer	Schade, Jr.	George	August
Gallagher	Micheal	L.	Schexnayder	Chad	Lee
Gallios	Aris	John	Schneider	Jonathan	David
Garner	Lauren	Louise	Schulman	Brian	
Garner	Yancey	Arnold	Schwartz	Howard	
Gass	David		Schwartz	Ira	Michael
Gibson	Scott	Franklin	Schwartz	Robert	L.
Goldsmith	Richard	Norman	Segal	Natalee	
Goodale	Roy	Austin	Segal	Richard	Allen
Goodnow Jr	Gordon	James	Seletos	Louis	T.
Gorman	Arthur	Neil	Serrano	Steven	Michael
Gottfried	Alona	Melanie	Shein	David	Edward
Grant	Jolyon		Sheldon	William	
Grasso	Robert		Shew	Michael	
Gray	Alisa	Jane	Shively	Sharon	Brook
Greer	Robert		Silver	Leon	Benjamin
Griggs	Thomas	Jay	Silverman	Louis	
Gullette	Richard	A.	Simpson	Alan	Matthew
Guttell	Steven	Michael	Skiff	Kenneth	Gilbert
Guttilla	Nicholas	Carl	Slack	Keith	Thomas
Hackett	Stephanie	Vithoukas	Smith	Leslie	Ann
Hadley, Jr.	David		Smith	Roger	Douglas
Hall	Cody		Smith	Stephen	Roy
Halpern	Barry		Snyder	Howard	Mark
Hammond	Kent	Jeffrey	Sorensen	Peter	William
Hammond	Kurt	E.	Southern	Edward	Reid
Harmer	Sheila	Eilizabeth	Spaw	Peter	Scott
Harris	Irwin		Spector	Brian	
Harrison	Mark		Stapleton	Warren	
Harvey	Paul		Staudenmaier	Heidi	McNeil
Hassett	Myles	P.	Stein	Maria	
Hauff, Jr.	Charles	Frederick	Steiner	Ronee	

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Last Name	First Name	Middle	Last Name	First Name	Middle
Hawkins	Mark		Sternberg	Melvin	
Heap	David	Norman	Sterns	Patricia	Margaret
Heller	Donna		Stevens	Don	
Hendricks	Keith	Lorin	Stewart	Richard	
Hendricks Jr	Ed		Stewart	Robert	
Hendricks Sr	Ed		Stipe	James	Michael
Hendrickson	Deborah	Sue	Stoller	Paul	
Henry	Robert		Stone	Lisa	Johnson
Hensley	Michael		Strickland	Gary	
Herf	Charles	William	Strouss, Jr.	Charles	
Herold, Jr.	Richard	Henry	Swartz	Bridget	O'Brien
Herzog	Michael	Warren	Swenson	Ruth	Mariam
Hess	Mary Ann		Swick	Susan	
Hirsch	Iva	Sari	Swift	Thomas	
Hock	Alan		Tellier	John	Robert
Hofmann	Leroy	William	Thomason	Timothy	Jay
Holliday	Denise		Thomson, III	William	Charles
Hopkins	Stephen	Matthew	Toone	Thomas	Lee
Horowitz	David		Torrens	Daniel	
House	Mark		Trachtenberg	Geoffrey	
Huser	Ronald		Traulsen	Richard	
Jacobowitz	Henry		Troy	Denise	
Jantsch	Daniel		Turk	Andrew	Borders
Jardine	Bradley	Ray	Tuskai	Les	
Jewett	Donna		U'Ren	Stephen	Ames
Johnson	Rosann	Kay	Van Wyck	Robert	
Johnson	Stacey		Venable	Lance	Christopher
Johnston	Bradley		Ventrella	Robert	
Jones	Fredrick	Martin	Vose	William	George
Jones	William		Wees	James	
Judiscak	Kevin		Weiner	Gilbert	Bernard
Kahn	James	Francis	Weiss	Stephen	
Kane	Lynn	D.	Whiteman	Blake	
Keist	Steven		White-Steiner	Janet	
Kelly, Jr.	Joseph	Sylvester	Wilson, Jr.	Donald	
Kelly	Matthew		Wilson, Jr.	Wendell	Gail
Kennedy	Mark	William	Wingard	William	
Kersting	Zalena	Moccio	Winter	Elizabeth	Ann
Keyt	Norman		Wirken	Charles	William
Kiley	Daniel	Joseph	Wolf	Guy	Paul
King	Thomas	S.	Wolf	Judith	
Kleifield	Matthew	David	Wolfson	Steven	Dana
Kolsrud	Russell	Alan	Wood	Michelle	
Kramer	Steven		Wright	Matthew	
LaCorte	Brian		Yurk	Russell	Robert
LaMar	Steven	Arthur	Zarzynski	John	Raymond
Landau	Jerry	G.	Zukowski	Mark	Daniel

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Last Name	First Name	Middle	Last Name	First Name	Middle
			Zweig	Jay	Alan

b. Pursuant to A.R.S. §12-141 and §22-121, approve the appointment of the Court Commissioners as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from July 1, 2008 through June 30, 2009, to serve in the various programs in the Justice Courts to reduce trial delay. (C3808017700) (ADM1001)

Last Name	First Name	Initial	Last Name	First Name	Initial
Albrecht	Richard		Madden	Shelia	Anne
Anderson	William	David	McCoy	Michael	Scott
Arnold	Patricia		Mead	Kathleen	Hagglund
Barth	Michael	L	Mendez	Mina	Elizabeth
Benny	Margaret		Miller	Pheмония	Lyvette
Bernstein	Jerry		Morrow	James	
Blomo	James	Thomas	Mulleneaux	Christine	
Bodow	Keelan		Newcomb	Casey	John
Brain	Mark		Newell	Julie	Phyllis
Brame	Veronica		Nothwehr	Richard	Loren
Brnovich	Susan	Marie	Owens	Bernard	C.
Colosi	Robert	Anthony	Palmer	David	Jesse
Cunanan	David	Oscar	Passamonte	Carolyn	Kay
Davis	Jay	Lee	Peterson	Wesley	Eric
Donofrio, III	Charles		Porter	Gerald	Joseph
Ellexson	Randy	Laurence	Rees	Brian	S.
Ellis	Lindsay	Best	Richter	Virginia	Laura
French	Colleen	Louise	Roberts	Lisa	Mari
Hamner	Barbara	Ann	Rueter	Jeffrey	
Hintze	Michael		Sinclair	Joan	M
Holding	Steven	Kim	Smith	Shellie	Freeman
Holguin	Jamie		Spencer	Barbara	L.
Ireland	Jacki		Svoboda	Pamela	Hearn
Johnson	Frank	A.	Thompson	Peter	
Kongable	Kirby	D.	Vandenberg	Lisa	Ann
Kupiszewski	Stephen	Patrick	Vatz	Benjamin	Earl
Lynch	Steven	Potter	Woodburn	Randall	Jeffrey

c. Pursuant to A.R.S. §12-141, approve the appointment of law-trained Municipal Court Judges Ted Armbruster, Robert Doyle, Karl Eppich, Lynda Howell, Kevin Kane, Richard Lynch, Mary Anne Majestic, Lori Metcalf, Wendy Morton, Richard Smith and Gloria Ybarra as Judges Pro Tempore in the Maricopa County Superior Court in hearing administrative appeals for a term beginning July 1, 2008 through June 30, 2009, to enhance the ability to process cases in lower court appeals. (C3808018000) (ADM1001)

COUNTY MANAGER
Office of the County Manager

15. **ECONOMIC DEVELOPMENT LETTER OF AGREEMENT FOR WICKENBURG CHAMBER OF COMMERCE**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the FY 2007-08 non-profit economic development Letter of Agreement for Wickenburg Chamber of Commerce for \$3,000. The Letter of Agreement contains performance goals and reporting requirements. The Wickenburg Chamber of Commerce will provide a report to the County no later than May 15, 2008, indicating how the funds were used and the return on investment by the organization. The Community Solutions and Innovation Constellation will administer this contract. (C2008051100)

16. REIMBURSEMENT OF MOVING EXPENSES RELATED TO RECRUITMENT PACKAGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a reimbursement of \$7,000 in moving expenses for Janet Palacino. The County Manager recommends that the Board approve a payment reimbursing \$7,000 in moving expenses for Ms. Palacino, who assumed the position of Director, Facilities Management Department (FMD) on February 4, 2008. The facilities management responsibilities associated with an organization as large and as complex as Maricopa County require that the FMD Director have extensive experience and qualifications. Due to the difficulty associated with recruitment of an appropriate, qualified candidate for this highly specialized position, the County Manager determined that reimbursement of moving expenses up to the authorized amount was an essential component of a recruitment package. Although this top management position for FMD was advertised extensively within the State of Arizona, Ms. Palacino was identified as the most qualified candidate for the position. This expense will be paid from the FMD department budget. (C2008052M00) (ADM800-001)

**DEPUTY COUNTY MANAGER
General Government**

17. NOTICE OF APPEAL IN SCOTTSDALE MEMORIAL HEALTH SYSTEMS, INC., ET AL., V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize counsel to prepare and file a Notice of Appeal of the Superior Court's decision in the matter of Scottsdale Memorial Health Systems, Inc., et al., v. Maricopa County, Case No. 1997-021512. This matter was discussed in Executive Session on April 2, 2007, October 29, 2007 and February 20, 2008. (C4508014M00) (ADM413)

Public Health

18. NOTICE OF GRANT AWARD FOR HEALTHCARE FOR THE HOMELESS PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Notice of Grant Award (H80CS00044) from the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County through its Department of Public Health. This grant provides funding to Healthcare for the Homeless (HCH) Program to support healthcare to homeless individuals. This award provides additional funds to the HCH in the amount of \$39,496 for a total funding amount of \$2,378,023. These funds are for the grant budget period from November 1, 2007 through October 31, 2008.

The Department of Public Health's indirect rate for FY 2007-08 is 18%. This grant allows for indirect reimbursement at a rate of 15.16%. Total indirect expenses are estimated to be \$6,173 of which \$5,199 is recoverable and \$974 is not recoverable.

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Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$26,648 for FY 2007-08 and \$12,848 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this contract is provided by a grant from HRSA, and will not affect the County general fund. (C8602073216)

19. AMENDMENT TO IGA FOR WELL WOMAN HEALTHCHECK PROGRAM SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) (HG761266) between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide Well Woman Healthcheck Program services to uninsured or underinsured women for breast and cervical cancer screening and diagnostic services. The budget term is July 1, 2008 to June 30, 2009. This IGA does not specify a total dollar amount but provides for services in two line items for sub recipients to be authorized by Purchase Order. Based on prior year estimates, total costs are estimated at an amount not-to-exceed \$590,140.

This IGA is amended as follows:

1. In accordance with Special Terms and Conditions, page 10, item 2, this contract is extended through June 30, 2009.
2. Replace existing Scope of Work in contract, pages 12-19, with updated Scope of Work in Amendment #1, pages 2-10 to cover period of July 1, 2008 – June 30, 2009.
3. Replace existing Price Sheet, page 20, with updated Price Sheet in Amendment #1, page 11 for period July 1, 2008-June 30, 2009.

All other terms and conditions of the original IGA shall remain in full force and effect.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. The IGA allows for indirect costs at a rate of 10% of Personnel Services and Employee Related Expenses only. Full indirect costs are estimated at \$34,400 of which \$19,111 is recoverable and \$15,289 is unrecoverable. Sub recipient costs in the amount of \$378,416 are not subject to indirect charges; operating costs of \$1,500 are also not subject to indirect charges.

Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$590,140 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608001302)

20. AMENDMENT TO IGA FOR WOMEN, INFANTS AND CHILDREN (WIC) NUTRITIONAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 Intergovernmental Agreement (IGA) Contract No. HG861080 between the

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Arizona Department of Health Services (ADHS) and the Department of Public Health to provide Women, Infants and Children (WIC) nutritional services. This amendment will replace the current price sheet with a revised price sheet, moving the funds from T1 Data Line Expense to Other Operating Expenses. All other provisions of this agreement remain unchanged. (C8608025201)

21. IGA FOR PRENATAL BLOCK GRANT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) No. HG861386 between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide Prenatal Block Grant services. This IGA is budgeted in the amount of \$272,024 for the budget period July 1, 2008 until June 30, 2009. This IGA is effective from July 1, 2008 until June 30, 2013. The current Department of Public Health's indirect rate is 18%. Indirect costs are estimated at \$41,495 and are fully recoverable.

Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$272,024 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608066200)

22. GRANT AWARD FOR CYCLE TO CARE TREATMENT PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve grant award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure to the Department of Public Health to provide the Cycle to Care Treatment Project. The term of the contract is from April 1, 2008 to March 31, 2009, in an amount not-to-exceed \$75,000.

The Department of Public Health's indirect rate is 18% for FY 2007-08. Total indirect costs are estimated at \$13,500 all of which is unrecoverable. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs.

Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$56,250 for FY 2008-09. The appropriations adjustment in the amount of \$18,750 is not necessary for FY 2007-08 because these funds were included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this grant is provided by the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure and will not impact the County general fund. (C8608069300)

23. FACILITY USE AGREEMENT WITH THE CATHOLIC HEALTHCARE WEST

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this Facility Use Agreement (FUA) between the Catholic Healthcare West, a California non-profit public benefit corporation d.b.a. Chandler Regional Medical Center and the Department of Public

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Health, Women, Infants and Children (WIC), Chandler WIC Clinic. The Chandler Regional Medical Center immunization staff will provide free vaccinations, at the Chandler WIC location, to infants and children of the WIC clients. The term of this agreement is April 1, 2008 to December 31, 2008, and is effective upon execution by both parties. (C8608071000)

24. IGA FOR PUBLIC HEALTH PHYSICAL ACTIVITY PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA), Contract No. HG854371, between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health. The purpose of this IGA is to provide the Public Health Physical Activity Program. The Public Health Physical Activity Plan program components are the Promoting Lifetime Activity for Youth program and the Walk Everyday Live Longer (W.E.L.L.) Arizona program. This IGA is budgeted in the amount of \$160,000 for the budget period of April 1, 2008 through March 31, 2009. The term for this IGA is April 1, 2008 through March 31, 2013.

The Department of Public Health's FY 2007-08 indirect rate is 18%. Grant indirect costs are reimbursed at a rate of 10%. Full indirect costs are estimated at \$26,182 of which \$14,545 is recoverable and \$11,637 is unrecoverable.

Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$120,000 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C8608073200)

**ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION
Public Fiduciary**

25. SOLE SOURCE CONTRACT WITH COMPUTRUST SOFTWARE CORPORATION

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a Sole Source contract with CompuTrust Software Corporation to provide data migration, implementation, and design services for the Public Fiduciary's Case Management and Trust Accounting applications. CompuTrust Software Corporation is the original provider for the existing applications currently used by the Public Fiduciary. The Public Fiduciary's intent is to upgrade the existing CompuTrust applications to the newest available version. The contract will begin immediately and usage fees have been approved and budgeted through 2013. Research has proven that there are very few case management and trust accounting providers available that were able to meet the business requirements of the Public Fiduciary. This contract has been advertised in accordance with the sole source procedures. (C3408002100)

**CHIEF FINANCIAL OFFICER
Animal Care & Control**

26. IGA WITH CITY OF EL MIRAGE FOR ANIMAL CONTROL FIELD SERVICES

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA), between Maricopa County through Maricopa County Animal Care & Control and the City of El Mirage, for Animal Control Field Services. This IGA is effective from July 1, 2008, through June 30, 2010. The City of El Mirage agrees to pay full cost recovery for field services for Fiscal Year 2008-2009 estimated to be \$58,500 based on historical levels of service for this jurisdiction. (C7908084200)

27. AMENDMENT TO IGA WITH CITY OF EL MIRAGE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) C7908084200 between City of El Mirage and Maricopa County Animal Care and Control, for the purpose of extending the term of the agreement in the amount of \$9,800. This amendment is effective from May 1, 2008 until June 30, 2010. The City of El Mirage has requested to increase the approved contract for two (2) months with Maricopa County Animal Care & Control for enhanced animal control field services. The City of El Mirage agrees to pay full cost recovery for field services for Fiscal Years 2007-2008 estimated to be \$9,800 based on historical levels of service for this jurisdiction. All other terms and conditions of this IGA shall remain in full force and effect. (C7908084201)

28. APPLY AND ACCEPT FUNDS FOR KENNEL COUGH (BORDETELLA) VACCINE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application and acceptance of grant funds from Petfinder.com Foundation of Tucson, AZ, in the amount of \$35,000. These grant funds are to fund a kennel cough (Bordetella) vaccine program. Authorize the Chairman to sign all documents related to these grant funds. The term of the grant is from March 28, 2008, through March 27, 2009. This grant is non-renewable.

Also, to approve a revenue and expenditure budget increase to the Animal Care and Control (790) Animal Care and Control Grant Fund (573) in the amount of \$35,000. The Maricopa County Department of Finance has calculated MCACC's composite indirect cost rate at 11.08%. The recoverable indirect cost of administering this grant is \$3,491.18. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908085300)

29. AGREEMENTS UNDER THE NEW HOPE PROGRAM TO RESCUE ANIMALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. Agreement between Arizona Border Collie Rescue, Inc., a 501(c)(3) non-profit corporation, located at P O Box 10717, Tempe, AZ 85284, and Maricopa County to allow Arizona Border Collie Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 150 new hope rescues over the term of the agreement, for a total of \$6,000. The term of this agreement is from April 23, 2008 through April 6, 2010. (C7908087100)

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b. Agreement between Almost Home Arizona Rescue, a 501(c)(3) non-profit corporation, located at 15025 S. 9th Place, Phoenix, AZ 85048, and Maricopa County to allow Almost Home Arizona Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 300 new hope rescues over the term of the agreement, for a total of \$12,000. The term of this agreement is from April 23, 2008 through April 6, 2011. (C7908088100)

30. DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the following monetary donations:

a. PETCO Foundation of San Diego, CA in the amount of \$3,657 collected from their Tree of Hope fundraiser in the Phoenix, AZ area for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908082700) (ADM2300-006)

b. Jeff Pederson of Phoenix, AZ in the amount of \$500 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908083700) (ADM2300-006)

31. KENNEL PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve kennel permit #436 pursuant to A.R.S. §11-1009 for Sotero Avila, d.b.a. **Avila Kennels**, located at 2917 N. 193rd Avenue, Litchfield Park, AZ 85340, for the term of April 23, 2008 through April 22, 2009. The cost of a kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (C7908086C00) (ADM2304)

Finance

32. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

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33. AMENDMENT TO IGA WITH THE SUPERIOR COURT FOR REASONABLE COLLECTION COSTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement between the Superior Court and Maricopa County. The purpose of this amendment is to provide for reasonable collection costs under A.R.S. §12-116.03. Maricopa County Department of Finance Collections Unit (CCU) provides proactive collection services for the departments of Maricopa County. The purpose of the CCU Fee is to recover the costs associated with collecting court ordered payments. The accounts assigned to the CCU have been deemed delinquent and it is the CCU's responsibility to take additional action to ensure the court order is enforced. The delinquent accounts are entered into a specialized collections database which generates letters, billing notices and sets accounts up for outbound phone calls. When allowed by statute, liens are placed on property and State Tax refunds are intercepted. When accounts become delinquent within the CCU they are outsourced to a contracted private collection agency for further collection efforts. The effective date of this amendment is upon recording with the Secretary of State. Upon the effective date of this amendment, the County shall initiate the collection of reasonable costs for the County Collections Unit (CCU) services. (C1804020201)

34. LEASE WITH FRIENDS OF ANIMAL CARE AND CONTROL FOR OFFICE SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute new Lease No. MC10179 with Friends of Animal Care and Control (FACC's), an Arizona non-profit organization, Lessee, for approximately 115 square feet of office space located at 2500 South 27th Avenue, Phoenix, AZ. The term of the lease is for one-year commencing on or about May 1, 2008, and will automatically renew for subsequent one-year terms unless terminated in writing by either party prior to the renewal date. The annual rental rate is \$10.00. The Lessee shall use the office space solely for the purpose of raising funds to support Maricopa County Animal Care & Control (MCACC). This lease contains a 90-day termination provision. This lease is subject to and conditioned upon compliance with the provisions of A.R.S. §11-256.01 requiring publication of notice of the proposed lease. (C1808044400)

35. REVISIONS TO POLICY FOR ADMINISTERING GRANTS A2505 – CONTINUED

Item: Approve the revisions to policy A2505 – Policy for Administering Grants. The purpose of this policy is to serve as the framework for employees to follow when applying for grants and negotiating the terms and conditions of the agreements and/or contracts to ensure optimum financial and administrative arrangements for Maricopa County and Special Districts. (C1808045600) (ADM1608)

Motion was made by Supervisor Stapley and seconded by Supervisor Brock to approve this policy revision.

Supervisor Wilcox expressed concern that this item might prohibit departments in pursuing government grants and asked for additional time to be briefed on it before considering it.

Supervisor Stapley and Supervisor Brock amended their motion and second to continue this item for two weeks to the May 7, 2008, meeting. Amended motion carried unanimously (5-0).

Materials Management

36. SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Renewals/Extensions:

Renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until April 30, 2009

03007-SData Processing, Computer and Software Services (\$1,750,000 estimate/one year) Price agreement that provides qualified IT Consultants for ICJIS.

- AMBA Solutions, Inc.
- Consultants In Data Processing
- Coplan and Company
- Cyberbest Technology, Inc.
- Digital Bridge
- Ecorridor, Inc.
- Enterprise Technology Services
- Kelly Services
- MQSoftware, Inc.
- OAO Technology Solutions, Inc.
- Pragmatica LLC
- QuantumPM LLC
- Quovadx, Inc.
- Rose Solutions
- Serenity Infotech, Inc.
- Spherion
- Staff Tech, Inc.
- Stilwell Software, Inc.
- Systems Technology Group, Inc.
- Tech One Staffing
- Torus Business Group LLC
- Triple I Software Services
- URL Integration

Parks and Recreation

37. AMENDMENT TO THE USE MANAGEMENT AGREEMENT WITH FORT ADOBE PAINTBALL, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 2 to the Use Management Agreement between Maricopa County and Fort Adobe Paintball, LLC ("Concessionaire") (C3007028100) entered into April 18, 2007, in order to remove

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reference to the parking of recreational vehicles and revise payment schedules due to permitting and construction delays not the fault of the Concessionaire. Due to increased permitting costs and additional time required to recoup these expenses, the first of three five-year renewal options are requested to be approved. Total term of this agreement would be April 18, 2007 through April 17, 2017, with two five-year renewal options remaining. The overall term of this agreement with renewal options has not changed. The amendment is effective upon Board approval. (C3007028102)

38. AGREEMENT FOR OPERATION, MANAGEMENT, AND MAINTENANCE OF THE PARADISE VALLEY CONCESSION SITE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a new Agreement between Maricopa County and Casey at the Bat Inc. (Concessionaire) to continue operation, management, and maintenance of the Paradise Valley Concession Site known as Casey at the Bat. The term of this agreement is from July 1, 2008 through June 30, 2013, with two five-year renewal options. Guaranteed income to County over the period of this agreement is \$18,000. The previous agreement (C3004015100) will expire on June 30, 2008. (C3008027100)

39. AMENDMENT TO THE SPECIAL USE AGREEMENT WITH PHOENIX KART RACING ASSOCIATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 2 to the Special Use Agreement between Maricopa County and Phoenix Kart Racing Association ("PKRA") (C3098017B) entered into March 4, 1998, in order to exercise the last renewal option through March 3, 2018, and to amend the administrative fee payment schedule. After this amendment there will be no renewal options remaining. The request is desired in order to perform facility improvements. (C3098017B02)

Risk Management

40. OFFER OF JUDGMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve filing an Offer of Judgment in the amount of \$300,000 between MCSHD and Plaintiff(s) concerning Maricopa County Superior Court (or U.S. Federal District Court) No. CV 2007-000857 (Claim No. MM ~~2652028786~~ 9002030982) and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 7, 2008. The Clerk announced the above change prior to the vote. [Clerk's note, not part of the minutes: Offer of Judgment was filed in the matter of Daniel Torrez, et al., against Maricopa County Special Health Care District alleging negligence on the part of named County defendants.] (C7508031800) (ADM413)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS

Facilities Management

41. ACCEPT ART GLASS PIECE DONATION

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of art glass piece donation titled "Aquatic Environment" created by Phoenix-area artist BJ Katz. The piece will be installed in the basement elevator vestibule/lobby of the Chambers Building (Building 4052). The art piece has an approximate value of \$4,000. (C7008038M00) (ADM103)

42. CONSTRUCTION MANAGER AT RISK CONTRACT WITH LAYTON INTERIORS OF ARIZONA, INC

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk (CMR) GMP #3 Contract No. FMD-08-044 with Layton Interiors of Arizona, Inc, of Phoenix, Arizona, in a Guaranteed Maximum Price (GMP) amount not to exceed \$1,569,069, to provide construction services for the tenant improvements to the Chambers Building for the Public Information Office and the Employee Health Initiatives department (Project No. 4052-08-507). At this time, it is anticipated that no additional GMPs or contracts will be presented at future dates. Completion of this contract is scheduled for not later than July 28, 2008. The Chambers Building is located in District 5. (C7008044500)

43. REDUCE REVENUE APPROPRIATION AND FUND TRANSFER AND AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

1. Reduce the FY 2007-08 Parks and Recreation (300) Grants Fund (230) revenue appropriation by \$1,600,000.
2. Reduce the approved FY 2007-08 fund transfer from the Parks and Recreation (300) Grants Fund (230) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund for the Buckeye Hills project from \$1,600,000 to \$0. This requires reducing the FY 2007-08 Parks and Recreation (300) Grants Fund (230) expenditure appropriation by \$1,600,000 and the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund FY 2007-08 revenue appropriation by \$1,600,000 with offsetting adjustments in the Eliminations (980) Eliminations Fund (900).
3. An FY 2007-08 fund transfer of \$864,366 from the Parks & Recreation (300) Enhancement Fund (241) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) for the Buckeye Hills Shooting Range (BBHS) project. This requires appropriation adjustments increasing the FY 2007-08 expenditure appropriation for the Parks & Recreation (300) Enhancement Fund (241) and the FY 2007-08 revenue appropriation for the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) by \$864,366, with offsetting eliminations in the Eliminations (980) Eliminations Fund (900).
4. Amend the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) Fund:
 - a. Decrease the Buckeye Hills Shooting Range (BBHS) project revenue budget by \$735,634 in Year 1 (FY 2007-08) and by \$1,600,000 in Year 2 (FY 2008-09). Also, decrease the Buckeye Hills Shooting Range (BBHS) project expenditure budget by \$2,335,634 in Year 1 (FY 2007-08).
 - b. Transfer expenditure appropriation of \$2,335,634 from the Appropriated Fund Balance (480) Intergovernmental Capital Projects (422) to the Non-Departmental (470) Non-Departmental Grants Fund (249).

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5. Amend the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) General Fund County Improvement Fund (445):
 - a. Decrease the Visitor Centers and Amphitheaters (VAMP) project expenditure budget by \$373,634 in Year 1 (FY 2007-08).
 - b. Decrease the Restroom Projects Phase 3 (REST) project expenditure budget by \$162,000 in Year 1 (FY 2007-08).
 - c. Increase the Buckeye Hills Shooting Range (BBHS) project expenditure budget by \$535,634 in Year 1 (FY 2007-08).
6. Amend the scope of the Visitors Center and Amphitheaters (VAMP) project, previously approved in C3007032100, to build three visitor centers and amphitheaters instead of four; one each at Cave Creek Regional Park and Utery Mountain Regional Park; a visitor center only will be built at Estrella Mountain Regional Park and an amphitheater only will be built at Lake Pleasant Regional Park. (C7007008801) (ADM800-003)

Transportation

44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A385.008 Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed –
(LS) Parcel No.: 200-08-023K – Les Christopher Hillis – for the sum of \$2,556.00.

A385.008 Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Purchase
(LS) Agreement & Escrow Instructions – Parcel No.: 200-08-023K – Les Christopher Hillis.

45. DELEGATION OF AUTHORITY TO ENTER INTO AGREEMENTS OR CONTRACTS WITH UTILITY PROVIDERS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to delegate to the Director of Transportation the authority to enter into agreements or contracts with utility providers to relocate conflicting utility facilities from, or provide services to, previously-approved construction projects in the Maricopa County Transportation Capital Improvement Program. This delegation of authority is limited to \$1,000,000 for each utility provider in a previously approved construction project. (C6408158M00) (ADM2000)

46. CONTRACT FOR THE EL MIRAGE ROAD IMPROVEMENT PROJECTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. 2007-044, with Michael Baker Corporation for Maricopa County Department of Transportation project T167, El Mirage Road (Northern Avenue to Bell Road) for the lump sum of \$1,996,435. The Contract Completion date shall be 630 days after the Notice to Proceed has been issued. (C6408159100)

47. SALE OF SURPLUS PROPERTY

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the sale of surplus property of the completed MCDOT Project #68957, Gilbert Road Widening, McDowell Road to State Route 87, known as MCDOT Parcel Number X-0170-EX by signing the escrow documents and Special Warranty Deed. The parcel is being sold to Andrew Iwuajoku for \$320,000. This 1,906 sq. ft. single family home on a 0.811 acre parcel is a remnant parcel from the Gilbert Road Widening at McDowell Road to State Route 87, approved by the Board to sell on agenda item C6407105B00 on November 15, 2006. (C6408160M00) (ADM2005)

48. IGA FOR IMPROVEMENTS TO MC 85 FROM 91ST AVENUE TO 75TH AVENUE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, (MCDOT) and the City of Tolleson authorizing MCDOT to acquire right-of-way within Tolleson and to work within Tolleson right-of-way to make improvements to MC 85 from 91st Avenue to 75th Avenue. (C6408162200)

49. IGA FOR IMPROVEMENTS TO MC 85 FROM 107TH AVENUE TO 91ST AVENUE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, (MCDOT) and the City of Tolleson authorizing MCDOT to acquire right-of-way within Tolleson and to work within Tolleson right-of-way to make improvements to MC 85 from 107th Avenue to 91st Avenue. (C6408163200)

50. REIMBURSEMENT TO APS FOR ENGINEERING AND CONSTRUCTION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Arizona Public Service Company (APS) for engineering and construction services provided by APS contracted forces for the relocation of the APS owned electrical facilities in conflict with Maricopa County Department of Transportation Project TT243, Gavilan Peak Pkwy: Cloud to Joy Ranch. The cost may not exceed the current estimate of \$92,910 by more than 10 percent. MCDOT has verified that APS has prior rights. This approved reimbursement will be in effect for two years from the date of Board approval. (C6408171M00)

51. BID AND AWARD FOR MC 85: COTTON LANE TO ESTRELLA PARKWAY, MCDOT PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for MC 85: Cotton Lane to Estrella Parkway, MCDOT Project No. T083; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. FY 2008-09 expenditures are contingent upon the Board approving the recommended FY 2008-09 budget. (C6408181500)

52. JOB ORDER CONTRACTS FOR ROADWAY STABILIZATION AND PAVING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. Award of Job Order Contract (JOC) No. 2008-001 with Nesbitt Contracting Company, Inc. for a total sum amount of \$3,000,000 for Roadway Stabilization and Paving Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (C6408188500)
- b. Award of Job Order Contract (JOC) No. 2008-002 with Cactus Asphalt for a total sum amount of \$3,000,000 for Roadway Stabilization and Paving Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (C6408189500)

53. JOB ORDER CONTRACT FOR CHIP SEAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the award of Job Order Contract (JOC) No. 2007-024 with Cactus Asphalt for a total sum amount of \$3,000,000 for Chip Seal Services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This Job Order Contract shall be effective for a period of one year from the Board award date. The JOC projects will be funded by the Department's Capital Improvement Program fund under various work order numbers. (C6408190500)

54. ANNEXATIONS

- a. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Phoenix of County right-of-way within 35th Avenue and Baseline Road, in accordance with Ordinance No. G-5076. (C6408179000) (ADM4213-002)

Legal Description – Ordinance No. G-5076

That part of the Southeast quarter of Section 34 and the Southwest quarter of Section 35, Township 1 North, Range 2 East, G&SRB&M, described as follows:

BEGINNING at the intersection of the North line of the South half of the Southeast quarter of the Southeast quarter of said Section 34 and the West line of the East 55 feet of said South half of the Southeast quarter of the Southeast quarter of Section 34, being also a point in the boundary of the area annexed to the City of Phoenix by its Ordinance No. G-4460, recorded in Document No. 2002-940785, records of Maricopa County, Arizona;
thence Easterly along said North line to the East line of said South half of the Southeast quarter of the Southeast quarter of Section 34;
thence continuing Easterly along the Easterly prolongation of said North line to the East line of the West 33 feet of said Southwest quarter of Section 35;
thence Southerly along said East line to the North line of the South 33 feet of said Section 35;
thence Westerly along last said North line to the West line of said Section 35;
thence continuing Westerly (South 89° 56' 03" West basis of bearings) along the Westerly prolongation of last said North line and the North line of the South 33 feet of said Section 34 to the West line of the East 205 feet of said Section 34;
thence North 00° 46' 44" East, along last said West line, to the North line of the South 65 feet of said Section 34;

thence North 89° 56' 03" East, along last said North line, a distance of 115.00 feet;
thence North 45° 21' 23" East a distance of 49.86 feet to said West line of the East 55 feet of said South half of the Southeast quarter of the Southeast quarter of Section 34;
thence Northerly along last said West line to the POINT OF BEGINNING.

- b. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Phoenix of County right-of-way within Happy Valley Road and 13th Avenue, in accordance with Ordinance No. G-5088. (C6408180000) (ADM4213-002)

Legal Description – Ordinance No. G-5088

That part of the Southeast quarter of Section 6, Township 4 North, Range 3 East, G&SRB&M, and the Northeast quarter of Section 7, in said Township and Range, described as follows:

BEGINNING at the intersection of the South line of said Section 6, being also the North line of said Section 7, and the East line of the West half of the West half of the Southeast quarter of said Section 6, being also a point in the boundary of the area annexed to the City of Phoenix by its Ordinance No. G-4883, recorded in Document No. 2007-407604, records of Maricopa County, Arizona;

thence Southerly along the Southerly prolongation of said East line to the South line of the North 40 feet of the Northeast quarter of said Section 7; thence Easterly along said South line to the East line of the East half of the Northeast quarter of the Northwest quarter of the Northeast quarter of said Section 7;

thence Northerly along last said East line to the North line of said Section 7, being also the South line of said Section 6;

thence continuing Northerly along the East line of the East half of the Southeast quarter of the Southwest quarter of the Southeast quarter of said Section 6 to the North line of the South 40 feet of said Section 6;

thence Westerly along last said North line to the West line of the East half of the Southeast quarter of the Southwest quarter of the Southeast quarter of said Section 6;

thence Southerly along said West line to the North line of the South 33 feet of said Section 6;

thence Westerly along last said South line to the East line of the West half of the West half of the Southeast quarter of said Section 6;

thence Southerly along last said East line to the POINT OF BEGINNING.

- c. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Mesa of County right-of-way within Ellsworth Road from Adobe Road to Princess Drive, in accordance with Ordinance No. 4796. (C6408183000) (ADM4210-002)

Legal Description – Ordinance 4796 - 8.90± Acres

BEGINNING at the Northwest corner of the Southwest Quarter of Section 10, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE south along the West line of Section 10 to a point of intersection with a line that is one thousand two hundred ninety feet (1290') south of and parallel to the North line of the Southwest Quarter Section 10;

THENCE east along said parallel line that is one thousand two hundred ninety feet (1290') south of and parallel to the North line of the Southwest Quarter Section 10 to a

point of intersection with a line that is fifty-five feet (55') east of and parallel to the West line of Section 10, said point also being the POINT OF BEGINNING;
THENCE south along said parallel line that is fifty-five feet (55') east of and parallel to the West line of Section 10 to a point of intersection with a line that is forty feet (40') north of and parallel to the South Line of the Northwest Quarter of Section 15 Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE west along said parallel line that is forty feet (40') north of and parallel to the South Line of the Northwest Quarter of Section 15 to a point of intersection with a line that is fifty-five feet (55') west of and parallel to the East Line of the Northeast Quarter of Section 16 Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE north along said parallel line that is fifty-five feet (55') west of and parallel to the East Line of the Northeast Quarter of Section 16 to a point of intersection with a line that is one thousand two hundred ninety feet (1290') south of and parallel to the North line of the Southeast Quarter of Section 9 Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE east along said parallel line that is one thousand two hundred ninety feet (1290') south of and parallel to the North line of the Southeast Quarter of Section 9 to a point of intersection with a line that is fifty-five feet (55') east of and parallel to the West line of Section 10, said point also being the POINT OF BEGINNING.

- d. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Mesa of County right-of-way within Ellsworth Road from Elliot Road to Portobello Avenue, in accordance with Ordinance No. 4797. (C6408184000) (ADM4210-002)

Legal Description – Ordinance 4797 – 7.11± Acres

BEGINNING at the Southwest corner of the Northwest Quarter of Section 10, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE north along the West Line of the Northwest Quarter of Section 10 to a point of intersection with a line that is one thousand eighty-one feet (1081') north of and parallel to the South Line of the Northwest Quarter of Section 10;
THENCE east along the said parallel line that is one thousand eighty-one feet (1081') north of and parallel to the South Line of the Northwest Quarter of Section 10 to a point of intersection with a line that is fifty feet (50') east of and parallel to the West Line of the Northwest Quarter of Section 10, said point also being the POINT OF BEGINNING;
THENCE south along said parallel line that is fifty feet (50') east of and parallel to the West Line of the Northwest Quarter of Section 10 to a point of intersection with a line that is sixty feet (60') north of and parallel to the South Line of the Southwest Quarter of Section 10;
THENCE west along said parallel line that is sixty feet (60') north of and parallel to the South Line of the Southwest Quarter of Section 10 to a point of intersection with a line that is fifty five feet (55') west of and parallel to the East Line of the Southeast Quarter of Section 9, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE north along said parallel line that is fifty-five feet (55') west of and parallel to the East Line of the Southeast Quarter of Section 9 to a point of intersection with a line that is one thousand eighty-one feet (1081') north of and parallel to the East Line of the Northeast Quarter of Section 9;

THENCE east along said parallel line that is one thousand eighty-one feet (1081') north of and parallel to the South Line of the Northeast Quarter of Section 9 to a point of intersection with a line that is fifty feet (50') east of and parallel to the West Line of the Northwest Quarter of Section 10, said point also being the POINT OF BEGINNING.

- e. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Mesa of County right-of-way within Ellsworth Road from Ray Road (Alignment) to Warner Road, in accordance with Ordinance No. 4798. (C6408185000) (ADM4210-002)

Legal Description – Ordinance 4798 – 11.66± Acres

BEGINNING at the Southeast corner of Section 21, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE west along the South Line of Section 21 to a point of intersection with a line that is fifty-five feet (55') west of and parallel to the East Line of Section 21, said point also being the POINT OF BEGINNING;

THENCE north along said parallel line that is fifty-five feet (55') west of and parallel to the East Line of Section 21 to a point of intersection with a line that is thirty-three feet (33') south of and parallel to the North Line of Section 21;

THENCE east along said parallel line that is thirty-three feet (33') south of and parallel to the North Line of Section 21 to a point of intersection with a line that is fifty feet (50') east of and parallel to the West Line of Section 22, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE south along said parallel line that is fifty feet (50') east of and parallel to the West Line of Section 22 to a point of intersection with the South Line of Section 22;

THENCE west along the South Line of Section 22 to a point of intersection with a line that is fifty-five feet (55') west of and parallel to the East Line of Section 21, said point also being the POINT OF BEGINNING.

- f. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Mesa of County right-of-way within Ellsworth Road from 363 feet North of University Drive to 659.68 feet North of University Drive, in accordance with Ordinance No. 4799. (C6408186000) (ADM4210-002)

Legal Description – Ordinance 4799 – 0.80± Acres

BEGINNING at the Southwest corner of Section 15, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE north along the West Line of Section 15 to a point of intersection with a line that is three hundred sixty-three feet (363') north of and parallel to the South Line of Section 15;

THENCE east along said parallel line that is three hundred sixty-three feet (363') north of the South Line of Section 15 to a point of intersection with a line that is sixty-five feet (65') east of and parallel to the West Line of Section 15, said point also being the POINT OF BEGINNING;

THENCE north along said parallel line that is sixty-five feet (65') east of the West Line of Section 15 to a point of intersection with a line that is six hundred fifty-nine point six eight feet (659.68') north of and parallel to the South Line of Section 15;

THENCE west along said parallel that is six hundred fifty-nine point six eight feet (659.68') north of and parallel to the South Line of Section 15 to a point of intersection with a line

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that is fifty-five feet (55') west of and parallel to the East Line of Section 16 Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE south along said parallel line that is fifty-five feet (55') west of the East Line of Section 16 to a point of intersection with a line that is three hundred sixty-three feet (363') north of and parallel to the South Line of Section 16;

THENCE east along said parallel line that is three hundred sixty-three feet (363') north of the South Line of Section 16 to a point of intersection with a line that is sixty-five feet (65') east of and parallel to the West Line of Section 15 said point also being the POINT OF BEGINNING.

- g. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Mesa of County right-of-way within Ellsworth Road from Germann Road to 1012.29 feet South of Pecos Road, in accordance with Ordinance No. 4800. (C6408187000) (ADM4210-002)

Legal Description – Ordinance 4800 – 11.72± Acres

BEGINNING at the Southeast corner of Section 4, Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE west along the South Line of Section 4 to a point of intersection with a line that is fifty-five feet (55') west of and parallel to the East Line of Section 4;

THENCE north along said parallel line that is fifty-five feet (55') west of and parallel to the East Line of Section 4 to a point of intersection with a line that is fifty-five feet (55') north of and parallel to the South Line of Section 4, said point also being the POINT OF BEGINNING;

THENCE north along said parallel line that is fifty-five feet (55') west of and parallel to the East Line of Section 4 to a point of intersection with a line that is one thousand twelve point two nine feet (1012.29') south of and parallel to the North Line of Section 4;

THENCE east along said parallel line that is one thousand twelve point two nine feet (1012.29') south of and parallel to the North Line of Section 4 to a point of intersection with a line that is fifty feet (50') west of and parallel to the East Line of Section 4;

THENCE north along said parallel line that is fifty feet (50') west of the East Line of Section 4 to a point of intersection with a line that is two hundred fifty feet (250') south of and parallel to the North Line of Section 4;

THENCE east along said parallel line that is two hundred fifty feet (250') south of and parallel to the North Line of Section 4 to a point of intersection with a line that is fifty-five feet (55') east of and parallel to the West Line of Section 3 Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE south along said parallel line that is fifty-five feet (55') east of and parallel to the West Line of Section 3 to a point of intersection with a line that is six hundred feet (600') south of and parallel to the North Line of Section 3;

THENCE west along said parallel line that is six hundred feet (600') south of and parallel to the North Line of Section 3 to a point of intersection with a line that is fifty feet (50') east of and parallel to the West Line of Section 3;

THENCE south along said parallel line that is fifty feet (50') east of and parallel to the West Line of Section 3 to a point of intersection with a line that is seven hundred feet (700') south of and parallel to the North Line of Section 3;

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THENCE east along said parallel line that is seven hundred feet (700') south of and parallel to the North Line of Section 3 to a point of intersection with a line that is fifty-five feet (55') east of and parallel to the West Line of Section 3;
THENCE south along said parallel line that is fifty-five feet (55') east of and parallel to the West Line of Section 3 to a point of intersection with a line that is fifty-five feet (55') north of and parallel to the South Line of Section 3;
THENCE east along said parallel line that is fifty-five feet (55') north of and parallel to the South Line of Section 3 to a point of intersection with a line that is seventy-three feet (73') east of and parallel to the West Line of Section 3;
THENCE southwesterly along a line to a point of intersection at seventy-nine feet (79') east and forty-nine (49') north of the Southwest Corner of Section 3;
THENCE east along a line that is 49' north of an parallel to the South Line of Section 3 to a point of intersection with a line that is eighty-nine feet (89') east of and parallel to the West Line of Section 3.
THENCE south along said parallel line that is eighty-nine feet (89') east of and parallel to the West Line of Section 3 to a point of intersection with a line that is fifty-five feet (55') south of and parallel to the North Line of Section 10 Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE west along said parallel line that is fifty-five feet (55') south of and parallel to the North Line of Section 10 to a point of intersection with a line that is eighty-three feet (83') west of and parallel to the East Line of Section 9 Township 2 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE northeasterly along a line to a point of intersection at eighty feet (80') west and fifty-five feet (55') north of the Southeast Corner of Section 4;
THENCE west along a parallel line that is fifty-five feet (55') north of and parallel the South Line of Section 4 to a point of intersection with a line that is fifty-five feet (55') west of and parallel to the East Line of Section 4, said point also being the POINT OF BEGINNING.

- h. Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Phoenix of County right-of-way within 107th Avenue from the North Boundary of the Gila River Indian Reservation to 607 feet North of Vineyard Road, in accordance with Ordinance No. G-5089. (C6408191000) (ADM4213-002)

Legal Description – Ordinance No. G-5089

That part of the West half of Section 32, Township 1 North, Range 1 East, G&SRB&M, and the East half of Section 31 of said Township and Range, described as follows:
COMMENCING at the West quarter corner of said Section 32, being also the East quarter corner of said Section 31;
thence East along the East-West mid-section line of said Section 32 to the East line of the West 40.00 feet of said Section 32, being also a point in the boundary of the area annexed to the City of Phoenix by its Ordinance No. G-1591, recorded in Docket 11759, pages 437-439, records of Maricopa County, Arizona, and the POINT OF BEGINNING;
thence Southerly along said East line to the North line of G.L.O. Lot 4 in said Section 32;
thence Westerly along said North line to the East line of the West 33.00 feet of said Section 32;
thence Southerly along last said East line to the existing centerline of the Salt River, being also a point in the Northerly boundary of the Gila River Indian Reservation as now established;

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thence Northwesterly along said centerline and said Northerly boundary to the West line of said Section 32, being also the East line of said Section 31;
thence Southwesterly along said centerline and said Northerly boundary to the West line of the East 33.00 feet of said Section 31;
thence Northerly along last said West line to Westerly prolongation of the North line of said G.L.O. Lot 4;
thence continuing Northerly along last said West line to the East-West mid-section line of said Section 31;
thence continuing Northerly along last said West line a distance of 606.52 feet to the North Levee Property Line;
thence Northeasterly along said North Levee Property Line to the East line of said Section 31;
thence continuing Northeasterly along said North Levee Property Line to the East line of the West 33.00 feet of said Section 32;
thence Southerly along last said East line to the East-West mid-section line of said Section 32;
thence Easterly along last said East-West mid-section line to the POINT OF BEGINNING.

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Clerk of the Board

55. APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following appointments:

- a. Industrial Development Authority Board of Directors – Appoint Gary M. Sundberg, nominated by Supervisorial District 1, whose term is effective from the date of Board approval through December 17, 2013. (C0608082900) (ADM4500-001)
- b. Community Development Advisory Committee – Appoint Queen Creek Councilmember Toni Valenzuela as the Alternate Representative for the remaining FY 2007-08 term which expires June 30, 2008. (C1708039900)
- c. Board of Health – Appoint Michael P. Kearns, as a member at-large, whose term is effective from the date of Board approval through December 31, 2008. (C0608081900) (ADM2101-001)

56. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

Item: 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 (except for payroll vouchers) 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 (except for payroll vouchers) 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

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County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (5-0) regarding action on the following vouchers:

- | | | |
|---|-------------------------|-------------|
| • | Ratify Voucher No. 7030 | \$78,587.71 |
| • | Ratify Voucher No. 7031 | \$38,193.65 |

SETTING OF HEARINGS

All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted

Transportation

57. ROAD FILE DECLARATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for Wednesday, May 21, 2008.

- a. **Road File No. A393.** In the vicinity of Gordon Way from 205th Avenue to Bradley Road, Gordon Court from 203rd Avenue to Cul-de-Sac, 203rd Avenue from Hunter Drive to Highway US 60 (Wickenburg-Phoenix Highway), Bradley Road from 205th Avenue to Gordon way and from Gordon Way to 203rd Avenue. (C6408165000)
- b. **Road File No. A394.** In the vicinity of Gordon Way from 193rd Avenue to Jomax Road, 191st Avenue from Gordon Way to Highway US 60 (Wickenburg-Phoenix Highway) and Jomax Road from 189th Avenue to Highway US 60 (Wickenburg-Phoenix Highway) (C6408166000)
- c. **Road File No. A395.** In the vicinity of Happy Valley Road from 183rd Avenue to Highway US 60 (Wickenburg-Phoenix Highway) and Citrus Road from Happy Valley Road to Surprise City Limits. (C6408167000)
- d. **Road File No. A396.** In the vicinity of Gompers Court from Cul-de-Sac to 243rd Avenue and from London Road to Cul-de-Sac, Gompers Way from 243rd Avenue to End of Maintenance, 243rd Avenue from Gompers way to Highway US 60 (WICKENBURG-PHOENIX HIGHWAY) and London Road from Gompers Court to Highway US 60 (Wickenburg-Phoenix Highway) (C6408168000)
- e. **Road File No. A397.** In the vicinity of Dove Valley Road from 223rd Avenue to US 60 (Wickenburg-Phoenix Highway) (C6408169000)
- f. **Road File No. A398.** In the vicinity of Gordon Way from 215th Avenue to 211th Avenue and from 211th to Montgomery Road, 215th Avenue from Gordon Way to US 60 (Wickenburg-Phoenix Highway), 211th Avenue from Wildcat Drive to Gordon Way and

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from Gordon Way to US 60 (Wickenburg-Phoenix Highway), and Montgomery Road from Gordon Way to US 60 (Wickenburg-Phoenix Highway). (C6408170000)

- g. **Road File No. A101.** In the vicinity of Sun Valley Lane, from 119th Avenue to 118th Avenue. (C6408173000)
- h. **Road File No. ~~A101~~ 183** In the vicinity of Gumina Avenue from 47th Avenue to 45th Avenue. (C6408174000)
- i. **Road File No. A184.** In the vicinity of Crivello Avenue from 47th Avenue to 45th Avenue. (C6408175000)
- j. **Road File No. A181.** In the vicinity of Shawnee Drive from 37th Avenue to 35th Avenue. (C6408176000)
- k. **Road File No. A182.** In the vicinity of Calle Poco from 45th Ave. to 43rd Ave. (C6408177000)
- l. **Road File No. A153.** In the vicinity of Mariposa Grande from 95th Avenue to 93rd Avenue. (C6408178000)

The Clerk announced the change to "h" above prior to the vote.

Environmental Services

58. REVISIONS TO CHAPTERS I, II, VI, AND VIII OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing for May 21, 2008 to adopt revisions to Chapters I, II, VI, and VIII of the Maricopa County Ordinance P-14 Environmental Health Code (MCEHC). Proposed amendments clarify bathing place, solid waste and food processor text, incorporate state and federal regulatory updates and add One-Stop-Shop plan review fees. (C8808009700) (ADM2102) (C8808009700)

CONSENT AGENDA

Clerk of the Board

59. ASRS CLAIMS

No claims were filed for approval at this meeting. (ADM3309-001)

60. ARIZONA METH PROJECT DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the acceptance of cash donations and in-kind contributions received for the month of March 2008, for the purpose of the Arizona Meth Project. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining

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the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (ADM639-006)

Cash Donation \$100.00

Supervisor Stapley said the donations are coming in for this Project at a brisk rate and thanked those who care enough to support it in this way.

61. ARIZONA POLLUTION CONTROL CORPORATION

Pursuant to A.R.S. §35.721B, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a Resolution approving the Proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$63,500,000 Maricopa County, Arizona, Pollution Control Corporation, Pollution Control Revenue Refunding Bonds, 2008 Series A (El Paso Electric Company Palo Verde Project), and \$37,100,000 Maricopa County, Arizona Pollution Control Corporation, Pollution Control Revenue Refunding Bonds, 2008 Series B (El Paso Electric Company Palo Verde Project). (ADM5134)

62. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)

DISTRICT	ADM NO.
Electrical District No. 7	4470-001
Salt River Project Agricultural Improvement and Power District	4306-001
Adaman IWDD No. 36	4373-001

63. CLASSIFICATION CHANGES

No change of classification was presented for approval at this meeting. (ADM723)

64. DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the donation reports received from county departments for March 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810)

Sheriff's Office \$1,156.73

65. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and/or ratify duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

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COUNTY

NAME	WARRANT	FUND	AMOUNT
Elyssa Schneider	280000918	Payroll	\$421.64
Matty Myers	280026776	Payroll	\$165.00
Alamo Rent a Car	380022375	Expense	\$3,096.76

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
ABM Janitorial	Agua Fria Union High SD #216	480079121	\$31,394.00
Nora Carver-Kubik	Osborn SD #8	180056596	\$971.73
Superintendent of Schools	Murphy Elem SD #21	480091052	\$50.00
Sick Saver Barf Bags	Queen Creek Unified SD #95	480011739	\$160.00
Jill Sandstedt	Queen Creek Unified SD #95	480034043	\$32.57

66. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated April 23, 2008, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

67. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

YEAR	FROM	TO	AMOUNT
2004	16632	16646	-\$16,007.76
2005	20580	20637	-\$19,190.88
2006	15936	16037	-\$65,551.26
2007	31941	34309	-\$1,282,019.76

68. SETTLEMENT OF PROPERTY TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases dated April 23, 2008. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704)

2005	2008
TX2004-001054	ST2007-000047
	ST2007-000074
2006	ST2007-000093

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TX2005-000058	ST2007-000101
TX2005-050168	ST2007-000120
TX2005-050186	ST2007-000124
	ST2007-000125
2006/2007	ST2007-000135
ST2005-000114	ST2007-000147
	ST2007-000175
2007	ST2007-000177
TX2006-000224	ST2007-000191
TX2006-000322	ST2007-000203
TX2006-000447	ST2007-000229
ST2007-000111	TX2006-000276
	TX2007-000443
2007/2008	TX2007-000457
ST2007-000228	TX2007-000461

69. STALE DATED WARRANTS

No warrants were presented for approval at this meeting. (ADM1816)

70. TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
941-27-231	1999	\$39,277.41	501-76-924	2006	\$500.39
941-27-231	2000	\$43,604.58	501-76-924	2007	\$502.75
941-27-231	2001	\$41,416.40	156-37-063B	2001	\$3,311.20
941-68-225	2004	\$15,940.71	156-37-063B	2002	\$3,880.78
501-68-913	2005	\$10,967.72	156-37-063B	2003	\$4,060.79
501-68-913	2006	\$11,017.80	156-37-063C	2001	\$1,134.88
501-68-913	2007	\$10,464.35	156-37-063C	2002	\$1,805.82
501-68-914	2005	\$1,591.08	156-37-063C	2003	\$2,242.21
501-68-914	2006	\$1,957.55	206-18-009A	2004	\$1,315.64
501-68-914	2007	\$2,002.45	205-02-010F	2001	\$72.10
501-68-915	2005	\$1,790.73	205-02-010F	2002	\$35.48
501-68-915	2006	\$2,180.82	205-02-010F	2003	\$39.14
501-68-915	2007	\$2,280.63	205-02-010F	2004	\$35.55
501-68-916	2005	\$2,702.45	205-02-010F	2005	\$31.54
501-68-916	2006	\$3,178.45	205-02-010F	2006	\$153.19
501-68-916	2007	\$3,828.37	205-02-010F	2007	\$172.99
501-68-917	2005	\$1,865.64	205-02-017D	2003	\$538.80
501-68-917	2006	\$2,260.06	205-02-017D	2004	\$1,164.06
501-68-917	2007	\$3,081.91	205-02-017D	2005	\$1,066.56
501-68-918	2005	\$492.81	205-02-017D	2006	\$1,011.83

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PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
501-68-918	2006	\$669.25	205-02-017D	2007	\$954.18
501-68-918	2007	\$693.84	300-36-707	2003	\$3,503.94
501-76-918	2005	\$11,596.71	300-36-707	2004	\$3,072.47
501-76-918	2006	\$9,485.09	300-36-707	2005	\$2,963.44
501-76-918	2007	\$8,914.83	300-36-707	2006	\$2,610.08
501-76-919	2005	\$2,507.09	300-36-707	2007	\$2,829.61
501-76-919	2006	\$2,413.96	300-36-707	2002	\$3,512.52
501-76-919	2007	\$2,345.96	501-76-921	2005	\$493.18
501-76-920	2005	\$2,196.21	501-76-921	2006	\$535.79
501-76-920	2006	\$2,119.19	501-76-921	2007	\$534.87
501-76-920	2007	\$2,062.88	101-38-009N	1996	\$1,071.66
501-76-925	2005	\$317.45	101-38-009N	1997	\$987.79
501-76-925	2006	\$359.80	101-38-009N	1998	\$670.04
501-76-925	2007	\$360.96	101-38-009N	1999	\$597.46
501-76-922	2005	\$7,886.28	101-38-009N	2000	\$884.86
501-76-922	2006	\$7,109.16	101-38-009N	2001	\$1,084.67
501-76-922	2007	\$8,037.90	101-38-009N	2002	\$1,231.35
501-76-923	2005	\$560.78	101-38-009N	2003	\$1,506.25
501-76-923	2006	\$609.88	101-38-009N	2004	\$1,313.72
501-76-923	2007	\$652.91	101-38-009N	2005	\$1,355.86
501-76-924	2005	\$538.06			

SUPPLEMENTAL

Office of the County Manager

S-1. REWARDING IDEAS PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$5,653 and present awards on May 5, 2008. The Rewarding Ideas Merit Award Board met on April 16, 2008, and approved and recommended the employee awards. (C2008055000) (ADM3333-002)

General Government

S-2. SETTLEMENT AGREEMENT WITH UNIVERSITY PHYSICIANS HEALTHCARE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement agreement between University Physicians Healthcare (UPHI) and Maricopa County that settles a certain claim, controversy and dispute related to correctional healthcare issues in litigation: Cause No. C2007-1282 (UPHI v. Maricopa County), consistent with the terms of the respective Settlement Agreement, as discussed in Executive Session on April 21, 2008. (C4508013100) (ADM409)

Justice System Planning

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S-3. IGA AMONG THE U.S. PROBATION OFFICE FOR THE DISTRICT OF ARIZONA, THE U.S. PRETRIAL SERVICES OFFICE FOR THE DISTRICT OF ARIZONA AND MARICOPA COUNTY THROUGH INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize an Intergovernmental Agreement among the U.S. Probation Office for the District of Arizona, the U.S. Pretrial Services Office for the District of Arizona ("Recipients") and Maricopa County through Integrated Criminal Justice Information System (ICJIS) by which ICJIS will provide Recipients with ownership of JWI Application and Software. ICJIS has developed the Justice Web Interface (JWI) Application which consists of a browser application used for data entry, server application, reporting module and database schema, the corresponding source code and support documentation, (Software). ICJIS desires to furnish a copy of the JWI Application and Software to the Recipients. ICJIS shall provide the Recipients with the JWI Software within 15 days upon completion of this IGA. This IGA shall become effective on the date of Board approval and shall expire on June 30, 2020. (C4208020200)

Risk Management

S-4. SETTLEMENT BETWEEN MARICOPA COUNTY AND RICO ROSSI

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Settlement in the amount of \$800,000 between Maricopa County and Rico Rossi, concerning Claim No. MM2622661032982 & GL5000032638 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 21, 2008. (C7508029800) (ADM409)

S-5. SETTLEMENT BETWEEN MARICOPA COUNTY, MARICOPA COUNTY SPECIAL HEALTHCARE DISTRICT AND CHRISTINA SARDINAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Settlement in the amount of \$800,000 between Maricopa County, Maricopa County Special Healthcare District and Christina Sardinas concerning Case No. CV2008-005367 Claim No. MM9002032922 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on April 21, 2008. (C7508030800) (ADM409)

S-6. SETTLEMENT BETWEEN MARICOPA COUNTY AND NICK TARR

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Settlement in the amount of \$125,000 between Maricopa County and Nick Tarr concerning Case No. CV2003-020880 Claim No. GL5000026657 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed with the Board in Executive Session on April 21, 2008. (C7508032800)

Air Quality

S-7. SETTLEMENT FROM RELIANCE METALCENTER FOR VIOLATION OF THE MARICOPA COUNTY TRIP REDUCTION ORDINANCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the proposed settlement offer of \$5,000 from Reliance Metalcenter to resolve a violation of the

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Maricopa County Trip Reduction Ordinance as discussed in Executive Session on April 21, 2008; and further, to authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (C8508023800) (ADM2356)

Facilities Management

S-8. SETTLEMENT OF CLAIM OF SCHUFF STEELS CLAIM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of the claim of Schuff Steel against the County in exchange for payment by Schuff to the County in the amount of \$339,840.00. This claim arises out of the County's sale of 1,240 tons of steel originally purchased for the suspended Southeast Justice Center project, under the contract with Holder Construction Company, C7006047502 and C7006047503 and, authorize the Chairman to execute all documents necessary to effectuate the settlement. This matter was discussed in Executive Session on April 21, 2008. (C7008039100) (ADM409)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

71. PUBLIC COMMENT ON MATTERS PERTAINING TO MARICOPA COUNTY GOVERNMENT

Janet Valder, Valley Interfaith Project, asked that the public be informed of how much the Sheriff's actions are costing the taxpayers in enforcing the immigration law and from lawsuits arising from inmate incidents at the jail. (ADM605)

72. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilson said the State passed an early budget and he felt the County had a double taxation as it is set up – with the State receiving tax revenue and sending the shared portion of sales and license plate tax revenue to Maricopa County and then coming to Maricopa County to take part of the money back when they have budget problems. He said the County has a pay-as-you-go policy that works and that keeps the County in the black – until the State budget is in trouble. He suggested this fiscal policy is one reason Maricopa County was named the best-run county in the nation several years ago and he asked Mr. Smith to see that the Board continues to be kept informed so budgetary conditions are carefully studied before expenditure decisions are made. (ADM606)

Supervisor Brock spoke on the County Wellness Programs as part of a prevention medical plan developed to keep employees well. He commended Health Initiatives and all who took part in establishing this biometric testing concept, which will be carried to other U.S. counties through our participation in NACo. He said that Maricopa County is leading the country by example in this and several other areas.

Supervisor Stapley reported on the recent conference on health care held in Phoenix for representatives from NACo's Large Urban County Caucus, saying members had participated in many interesting workshops on health care. However, he said the highlight of the three-day event was taking delegates to visit the Human Services Campus (for homeless and destitute residents). He said he has since received letters from County leaders in other counties, i.e. Cook County, Miami Dade County and Dallas County, "who were just blown away by what we have there and are very interested in pursuing a similar model in their counties relative to bringing private sector and the public agencies of government together" to produce a single concept and eventually a united facility to fund and provide aid. He added that the visit had provided him a first time opportunity to see the work being done in the new dental unit on the

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campus, "and it's unbelievable." He said there is not another public facility for indigents like this Campus anywhere else in the nation – or in the world.

Supervisor Wilcox said the Robotics Team at Carl Hayden High School had recently won a national award in a competition held in Atlanta, Georgia. She said the science and math team worked hard to put their difficult project together and it had amazed her when she saw it. She was proud they had won a national award. The Chairman suggested she ask the Team to bring their project to a Board meeting to demonstrate it to the Board.

~ **Supervisor Brock left the meeting** ~

PLANNING AND DEVELOPMENT ITEMS

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEW

PLEASE NOTE: The following Code Enforcement Review is of a quasi-judicial nature. The Board will review the Hearing Officer's decision to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

PZ-1 CODE ENFORCEMENT REVIEW – DARREN AND JEANETTE LASKY

Darren Gerard reviewed the history of this case that was opened in 2006 on a citizen complaint. It led to the 2008 Hearing Officer's Order of Judgment in Zoning Code Violation Case No.V2006-0917 against respondents Darren and Jeanette Lasky. He said Darren Lasky is a licensed contractor who has had extensive backyard construction at his home of a 120,000 gallon pool, 25 foot high cave/grotto, a fire pit, bridge, boulders, spa, etc., without obtaining any permits prior to construction and that permits have still not been issued. Mr. Gerard said Mr. Lasky had exhibited a blatant disregard for Maricopa County building codes and ordinances in starting and completing construction without permits or a drainage review. The per diem fine imposed by the Hearing Officer has currently accrued to \$2,250.00.

Mr. Gerard showed photos of the yard pre, during and post construction – construction that continued after a stop-work order had been posted. An administrative hearing was held on February 19, 2008 where Mr. Lasky was found responsible and fined \$300 plus \$30 per diem to accrue until compliance is verified by the department. April 18, 2008, photos showed the completed pool filled with water.

~ **Supervisor Brock returned to the meeting** ~

Mr. Gerard said that some as-built permits were received in September 2006, they were returned to Mr. Lasky with review comments, to which he has not responded or resubmitted revised plans. The Flood Control District has not signed off on a drainage review and Mr. Gerard said that this is important as the Rio Verde area has very complicated drainage issues. He added that Planning requires a property owner to demonstrate that drainage is being accommodated and Mr. Lasky has not done so and he needs to demonstrate that to the Flood Control District's satisfaction.

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Supervisor Stapley summed up by asking Mr. Gerard if Mr. Lasky had ignored everything and everybody and refused to get permits or comply with the stop work order although he had received warnings and had spoken with representatives from Planning many times. Mr. Gerard said, "That's correct."

David Lasky, a licensed contractor in 46 states, testified that there was misinformation in Mr. Gerard's report to the Board. He said the original investigator, Gary Schwartz, had signed off on the grading and drainage. He did not produce any copy of a sign-off. He explained that his property is the highest in the area and is one of four lots not in the 100 year flood plain and asked why he should pay \$20,000 for information Flood Control already had and for plans that had already been signed off.

Supervisor Stapley asked why he built without obtaining a permit. Mr. Lasky said he had applied for building permits twice and was waiting to receive one, as he had been told to do. Discussion ensued on what had happened and what had allegedly been said by all parties in various discussions on the issue.

Supervisor Stapley asked if Mr. Lasky had continued to build to complete his construction after receiving warnings. Mr. Lasky admitted he had because the County wouldn't respond. Supervisor Stapley said he felt the Board had to uphold the Hearing Officer's decision and to uphold the law as it stands today. Chairman Kunasek explained that the Planning Department expects to issue building permits and have them approved before construction begins. (ADM3417-058)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0-1) to uphold the Hearing Officer's Order of Judgment.

PLANNING AND ZONING AGENDA

CONSENT AGENDA

1. **S2007-064** **District 4**
 Applicant: Stardust Companies on behalf of the Cortessa Homeowners Association
 Location: Southwest corner of Citrus Road and Peoria Avenue (in the west Glendale area)
 Request: Replat for Cortessa Tract T, Parcels 15 & 16

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this replat.

REGULAR AGENDA

2. **CPA2007-09** **District 4** (Continued from 02/20/08)
 Applicant: Withey Morris, PLC for BVPG Holdings, LLC
 Location: Southwest corner of 227th Avenue and Grand Avenue (in the Wittmann/Surprise area)
 Request: Change the White Tank/Grand Avenue Area Plan land use designation from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and High Density Residential (15+ d.u./ac.) (approximately 157.2 acres) – Grand Oasis

COMMISSION ACTION: Commissioner Aster moved to recommend approval of CPA2007-09, subject to stipulations "a" through "m". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled "Grand Oasis – A Residential Subdivision", a bound document, dated October 19, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Grand Oasis Major Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Grand Oasis Major Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat for this project has not been approved within seven (7) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac.) and the High Density (15+ d.u./ac) back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 1,176 dwelling units.
- f. Not less than 8% of open space shall be provided for mini-parks, parks or other open space uses. A description of the types of recreational amenities that will be included in the open space and mini-park areas shall also be submitted with all zone change applications and with all preliminary plats to the Maricopa County Planning and Development Department.
- g. Prior to any zoning change, the master developer shall enter into a pre-annexation service agreement with the City of Surprise. Further, prior to any rezoning approval this pre-annexation service agreement shall be signed by both the Master Developer and the designated City of Surprise representatives and provided to the Maricopa County Planning and Development Department for public record.
- h. The following MCDOT stipulations shall apply:
 1. The Developer shall provide a new Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning

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- (rezoning) and/or plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT shall require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
 4. The Applicant shall provide right-of-way for all public roadways as follows:
 - a) Arterials: 65 Feet Half-width; 130 Feet Full-width
 - b) Collectors: 40/30 Feet Half-width; 80/60 Feet Full-width
 - c) Residential/Locals: 25 Feet Half-width; 50 Feet Full-width
 5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where 'half' of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.
 6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.

7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicants contribution referred to in item 2.
 8. The Developer shall provide all-weather access to all parcels and lots.
 9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
 10. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not “back up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
 11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated.
 12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
 13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
 14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 16. The Developer shall coordinate with the City of Surprise and provide written documentation of the City’s comments.
 17. The Developer shall coordinate with ADOT and provide written documentation of ADOT’s review and requirements.
- i. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat. Approval is predicated on water and sewer services being provided by the City of Surprise.

- j. The following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- k. The following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- l. The following SHPO stipulation shall apply:
- Prior to zone change application, the applicant submit to SHPO the proposed treatment plan for AZ T:2:50 (ASM) as recommended in the cultural resources survey [An Archaeological Survey of 158 Acres for the Grand Oasis Development Located Approximately 1.5 Miles Northwest of Wittmann in Northern Maricopa County, Arizona] by SWCA Environmental Consultants.
- m. The following LAFB stipulation shall apply:
- The master developer shall notify future homeowners that they are located within the state-defined "Luke AFB Auxiliary Field #1" with the following language:
- "You are buying a home or property near the Luke AFB Auxiliary Field #1. Aircraft flying in this auxiliary field are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.
- Luke Air Force Base executes over 13,000 flight operations per year over the auxiliary field. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the base to the auxiliary field and other flight areas.
- Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.
- Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

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For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department.”

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

Darren Gerard reported on background information and activities on this land-use designation change from Rural Residential to Small Lot Residential and High Density Residential. He said the recommendation is for approval.

Bill Lally, representing the applicant, said they have done considerable ‘polishing’ on this request since it was first brought before the Board and spoke of transportation issues and findings of a Surprise study group that will analyze all access to the Grand Avenue Corridor. He cited neighborhood approval and needs of the Morristown School District for the site and reported on the designated use of open space and gullies. He said the changes in housing designation led them to justify and define housing needs close to the Luke Air Force Base’s AUX 1 landing area and also near the Chrysler proving grounds. There are a number of new commercial and housing developments planned that should eventually provide for an expected 80,000 new jobs and corresponding families in the West Valley.

Supervisor Wilson complimented Mr. Lally on accomplishing the needed improvements to their plan since their first submission, mentioning the school site although he said they had no obligation to provide the schools with anything – that decision is left to the developer.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations “a” through “m.” Approval is by Resolution, as follows:

RESOLUTION OF AMENDMENT
Eye to the Future 2020, Maricopa County Comprehensive Plan

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

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WHEREAS, Case number CPA200709 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

NOW, THEREFORE, BE IT RESOLVED that the comprehensive plan amendment application for case number CPA200709, is hereby approved.

DATED this 23rd day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 3. Z2007-147 District 4**
Applicant: Litchfield Park Service Company
Location: West of El Mirage Road and south of Maryland Avenue (in the west Glendale area)
Request: Special Use Permit (SUP) for a Arsenic Treatment Facility in the R1-10 RUPD zoning district (approximately 2.7 acres) – Airline Reservoir Arsenic Treatment

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-147, subject to stipulations “a” through “o”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled “Airline Reservoir Arsenic Treatment Facility Site Plan” consisting of one (1) full-size sheet dated February 1, 2008 and stamped received February 7, 2008 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “LPSCO Airline Reservoir Arsenic Treatment Facility Site Plan” consisting of four (4) pages, dated February 1, 2008 and stamped received February 7, 2008 except as modified by the following stipulations.
- c. Prior to any development or construction, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- d. Prior to the construction of the arsenic treatment facility, the applicant shall obtain an Approval to Construct from Maricopa County Environmental Services Department (MCESD).
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be

screened with landscape material where possible. All HVAC units shall be ground-mounted.

- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
- Pave driveway in County right-of-way.
 - Ultimate half-width improvements on El Mirage Road by developer (Riverside Estates).
 - Remove not for construction from plan.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and 20 years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 23, 2008

- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on basic background information on this facility that will remove arsenic from wastewater. He said the recommendation is for approval.

Discussion ensued on possible risk factors and it was learned that noise should not be a problem because it is in a distant location and bounded by an eight-foot perimeter wall. He said the only noise might be if generators kick in during a thunderstorm. Control of odors will be consistent with EPA guidelines. He said the arsenic is reduced to a powder and is removed from the facility as a solid and taken to a landfill.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "o."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board