

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
May 7, 2008

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., May 7, 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; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. 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

Supervisor Mary Rose Wilcox, District 5, delivered the invocation.

PLEDGE OF ALLEGIANCE

Donna McHenry, Justice System, led the assemblage in the Pledge of Allegiance.

BOARD OF SUPERVISORS

1. PET SHOWCASE

Aprille Hollis, introduced Roscoe, a three-month old black lab mix puppy from Maricopa County Animal Care & Control. She indicated that Roscoe is full of puppy joy and energy and would be a good pet for a family with children that have a yard to run around in. Roscoe will be available for adoption at the new 27th Avenue facility today at noon. Call 602-506-7387 for more information on adopting a pet.

2. PROCLAMATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to proclaim May 18 - 24, 2008, as PUBLIC WORKS WEEK. The Arizona Chapter of the American Public Works Association (APWA) is asking each member organization to issue such a proclamation, including the Governor for the State of Arizona. (C6408208M00) (ADM654)

PROCLAMATION

**PUBLIC WORKS WEEK
MAY 18 – 24, 2008**

WHEREAS, Public Works Professionals provide a wide variety of public services vital to our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is important to such essential services and programs such as Facilities Management, Flood Control, Solid Waste, and Transportation; and

WHEREAS, public works personnel are among the first responders during emergencies and disasters, often working above and beyond the call of duty to maintain or restore needed services, and then working long after other first responders have departed the scene in order to ensure restoration occurs and operations resume; and

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WHEREAS, the health, safety and comfort of our county's communities and people greatly depend on these services;

WHEREAS, the quality and effectiveness of these services are dependent upon the efforts and skills of public works personnel; and

WHEREAS, the infrastructure they build, operate and maintain forms the very foundation upon which our economy and prosperity stems; and on a National level, recognition of Public Works Week enhances public awareness of the essential services and the employees who provide them.

NOW THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors does hereby proclaim May 18 through 24, 2008 as Public Works Week in Maricopa County.

DATED this 7th Day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board
/s/ Fulton Brock, District 1
/s/ Don Stapley, District 2
/s/ Max W. Wilson, District 4
/s/ Mary Rose Wilcox, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Chairman Kunasek reported his observance, yesterday, of a simulated emergency exercise that was related to severe flooding conditions and most of the public works agencies in the Valley had sent representatives for training purposes. He said it was prep work for an emergency that may never occur but the system is in place if such should happen in the Valley.

STATUTORY HEARINGS

Clerk of the Board

3. LIQUOR LICENSE APPLICATIONS

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

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

- a. Application filed by Atheer Patros Poulis for an Agent Change, Series 10 Liquor License (MCLL016AC) (AZ#10074622) (F23249):

Business Name:	Quick One Food Stop
Location:	9949 E. Apache Trail, Mesa 85208
Previous Agent:	Yousif Sada

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Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye." Supervisor Brock was absent.

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS
County Attorney

4. AMENDMENT TO AGREEMENT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order No. 1 to agreement 2007-AL-006 with the Governor's Office of Highway Safety in the amount of \$24,625. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of vehicular crimes involving driving and the misuse of alcohol and/or other drugs. This grant agreement commences on the date of authorization and was to terminate on September 30, 2007. This Change Order extends the termination date to July 31, 2008. Operationally, this grant runs from date of execution to June 30, 2008. This Change Order does not change the expenditure and revenue appropriation for the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant for FY 2007-08. No signatures are required for the execution of this Change Order. 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. (C1908023301)

5. ADMINISTRATIVE CORRECTION REGARDING REPLACEMENT UNDERCOVER REGISTRATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Administrative Correction to the action taken on March 26, 2008 (C1908042600) regarding new replacement undercover registrations, issuance of undercover non-governmental license plate including exemptions from markings, for one County Attorney vehicle, #72906. This correction changes the vehicle number for this undercover vehicle from 72906 to 72810. (C1908042601)

6. SETTLEMENT OF NOTICE OF CLAIM FILED BY RALPH ANDERSON & ASSOCIATES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement of the Notice of Claim filed by Ralph Anderson & Associates dated March 26, 2008, in the amount of \$11,900 in return for a release of claims by Ralph Anderson & Associates. This matter was discussed in Executive Session on April 21, 2008. (C1908049M00) (ADM409)

7. SETTLEMENT IN EVERGREEN-HILLCREST, LLC. V. ANA M. MENDEZ

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement in Evergreen-Hillcrest, LLC. v. Ana M. Mendez, et al. CV2008-004591, and authorize the Maricopa County Attorney's Office to execute and deliver a Disclaimer of Interest to Plaintiff. This item was discussed in Executive Session on April 21, 2008. (C1908050M00) (ADM409)

Sheriff

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8. ACCEPT MONIES ASSOCIATED WITH IGA WITH DPS FOR THE ILLEGAL IMMIGRATION PREVENTION AND APPREHENSION CO-OP TEAM

Item: Approve acceptance of approximately \$999,989 associated with the automatic renewal of the IGA (DPS 2007-072) between the State of Arizona through the Department of Public Safety (DPS) and the Maricopa County Sheriff's Office for the illegal immigration prevention and apprehension CO-OP Team (IIMPACT). This Agreement has been in effect since May 17, 2007 and reimburses 85% of actual amounts spent for 15 full-time sworn Sheriff's personnel working this duty. Automatic renewal allows this partnership to continue through May 16, 2009. When funding ceases, these position numbers will be deleted and individuals will be re-assigned according to established personnel policy.

Also, to approve per A.R.S. §42-17105 an increase to Sheriff's FY 2008-09 Grant Fund (251) of \$999,989. The Sheriff's Office indirect costs rate for FY 2007-08 is 11.7% and the unrecoverable indirect costs are estimated to be \$116,998.71.

Finally, to approve an appropriation adjustment reducing the FY 2008-09 revenue and expenditure authority of the Non-Departmental (470) General Fund (100) Other Programs (4711) "Sheriff GIITEM Match" line by \$131,000 to a total of \$150,000 to fund the required 15% GIITEM match.

These 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. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. Grant Revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5007559203)

Chairman Kunasek said there are a number of speakers on this item and asked each speaker to limit remarks to the allotted three-minute time period and that there be no repetition of points previously made.

Janet Valder, Valley Interfaith Project, requested the Board either reject this item or defer it to a future meeting saying the activities of the Sheriff this spring demand further scrutiny. She believes his actions have violated the spirit of the Impact Initiative, which she understood was to target serious and violent criminals. She contended that the sweeps that have occurred create an atmosphere of fear in the populace and prompt creation of sanctuaries for a dangerous element. She said the Sheriff must use his authority responsibly.

Mary Lunetta, American Civil Liberties Union of Arizona, (ACLU) expressed her belief that recent actions taken by the Sheriff's Office are abusive and unconstitutional. She chastised public officials who have not taken a public position against these actions and said, "The deafening silence must be taken as approval of the Sheriff." She said Sheriff Arpaio's tactics have not been adopted by most law enforcement agencies in the State or the country and the ACLU has called for a Justice Department investigation.

Annie Loyd, citizen, said Sheriff Joe Arpaio is conducting a campaign utilizing public dollars and she believed it is time for the Board of Supervisors "to request him to open up his books and provide you with an audit of how he is spending our taxpayer dollars." She added that taxpayers also need to have a clear understanding of how he is using their tax monies. She stated that ICE funds are to be used to apprehend level-one criminals and he is not doing this but is going after those committing minor offenses. She said, "We expect our County Board of Supervisors to act in due diligence and take leadership on this. The failure to do so – we understand the silence to be a condoning of his behavior."

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LaDawn Haglund, citizen and professor of sociology at ASU, said she agreed with all that had been said, adding that these kinds of measures have created a lot of fear at the University as things that are happening in other communities leak out into different areas of public life. She declared that a number of students have dropped out of school and some of them are thinking about leaving the State, saying, "the fear in our communities is driving out the soul of our communities."

Annette Sexton-Ruiz, citizen, addressed "the gross amounts of taxpayer money spent each time the Sheriff holds his sweeps." She said each sweep costs taxpayers \$20,000, adding she was not certain of that amount but felt the cost was excessive. She said, "We're paying it, you guys are doing it."

Chairman Kunasek asked if there was a representative from the Sheriff's Office who wanted to address this issue.

Loretta Barkell, Sheriff's Office, said this agenda item is for a renewal of grant monies from the Arizona Department of Public Safety (DPS). Everything is audited appropriately and all the monies are accounted for. She said there are 15 positions that are funded in this grant program and these officers are enforcing the law with the grant monies and some additional funding from the Sheriff's Enforcement Operations Account.

Chairman Kunasek asked if any concerns had been voiced by Governor Napolitano or DPS regarding the use of these grant monies.

Ms. Barkell said that the money had again been made available by the State to enforce the laws passed by the legislature. The Sheriff's Office found out last month that the funding would continue, otherwise the 15 grant positions would have been eliminated.

Supervisor Stapley said his understanding is that the grant money is primarily used to fund the 15 positions who are trained with DPS officers to make certain that policing actions are done correctly and according to the law.

Ms. Barkell agreed and said it is very important to coordinate operations and work closely with DPS in the program with an exchange of information between the two agencies. Statistical reports are provided monthly to DPS giving a full accounting of what is being accomplished, the status of the investigations and the benefits.

Supervisor Stapley asked if the funding, as it is being used, makes certain that no one's civil rights are abrogated, no one is illegally apprehended, no one is racially profiled, because of the special training these 15 sworn officers have received.

Mr. Barkell said the 15 officers have received proper training as have the 60 deputy sheriff's that may be used as back-up support. She added that the Sheriff's intent and goal is to locate illegal criminals and this has been successful in many areas and promotes the safety of the community as a whole.

Supervisor Wilcox said she believes the "climate that has been created with the Sheriff's anti-illegal immigration stance has been one that, in good conscience, I can no longer support or vote for anything dealing with the Sheriff getting funding for something that I feel will be misused." She added, "I think the climate of fear is tremendous in Maricopa County and it's been caused by Sheriff Arpaio and is affecting American citizens, legal residents, particularly those of Mexican descent, and many, many people in my area."

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve this item.

Supervisor Stapley commented that he would like the people who spoke today to understand that he also is concerned about the apprehension felt in the community, and while he did not entirely agree with some of the comments that were made he does not believe it is the Sheriff's intention to try to scare law-abiding citizens of the United States. He said the illegal immigration problem is complex and difficult and he felt it should be dealt with on a national level to eliminate unfair inequities from state to state. He acknowledged that some individuals had left the State of Arizona because of the enforcement, and he regrets that it is further damaging the economy. He added his belief that by approving this item the Board is doing something positive to enhance the quality and training for those officers making the effort to enforce existing laws. He asked those present to understand that the Board of Supervisors cannot set a policy for every single budgetary line-item spent by the Sheriff's Office.

Supervisor Stapley explained the County Attorney had looked into the issue of the sweeps and had not found any unconstitutional or illegal acts or actions being performed. He said Board Members are endeavoring to do things correctly to enforce the laws of this state and this country. He felt that working in conjunction with DPS enhances the opportunity to eliminate the very serious criminal element that is amongst and at the root of the importation of people into this community illegally. He added that from a policy perspective, to stop training these special officers would not help but would hurt the situation.

Chairman Kunasek agreed with Mr. Stapley's comments and said the State and DPS must feel these grant monies are being used properly or they would not have offered to renew them. He believes the disregard of our borders and lack of respect for the sovereignty of the United States precipitates everything having to do with this issue. He also agreed that it is most unfortunate the federal government does not deal with the problem. He explained that the Sheriff's Office must continue to do what they have to do, in their partnership with DPS and the Governor, to enforce the laws of Arizona as they have been enacted by the State Legislature.

Motion for approval of this item carried by a majority vote (3-1-1) with Supervisors Stapley, Wilson and Kunasek voting "aye" and Supervisor Wilcox voting "nay." Supervisor Brock was absent the meeting.

9. INCREASE TO SOLE SOURCE CONTRACT WITH E-APPLICATION SOLUTIONS GROUP, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an increase not-to-exceed \$20,000 to the sole source contract originally valued at \$88,000 with e-Application Solutions Group, Inc. (e-ASG) for a total contract value of \$108,000. This amount represents the support required for module conversion of the Jail Management System (JMS) from the BULL mainframe was more than originally estimated. This adjustment does not alter the duly adopted county budget for purposes of A.R.S. §42-17105, but rather reflects an internal structural adjustment necessitated by a possible shortage in the Sheriff's general fund for necessary maintenance and repairs. (C5008021M01)

10. MOU WITH THE U.S. DEPARTMENT OF VETERANS AFFAIRS POLICE FOR POLICE ASSISTANCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Memorandum of Understanding (MOU) between the U.S. Department of Veterans Affairs

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Police (VA Police) and Maricopa County for purposes of providing police assistance including emergency response and documentation of criminal incidents. Criminal cases occurring in the VA clinic will be investigated by the VA Police Department unless otherwise agreed upon by Maricopa Sheriff's Office and the VA Police. The Maricopa County Sheriff's Office will provide police assistance equivalent to that provided to non-Federal facilities located in the jurisdiction serviced by the Maricopa County Sheriff's Department. This is a non-financial agreement that is effective upon the signing of all parties and will continue until either of the participating agencies provides written notice of their intent to withdraw to the other agency. (C5008050200)

Superintendent of Schools

11. APPLY AND ACCEPT FUNDS FOR INSTRUCTIONAL SERVICES FOR ENGLISH LANGUAGE LEARNER STUDENTS AND FAMILIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the application for and the acceptance of \$216,011 from the Arizona Department of Education (ADE) for formula based Title III funds to improve instructional services for English Language Learner (ELL) students and families within the Maricopa County Educational Service Agency Title III consortium CTDS# 079999001 for 47 Local Educational Agencies (LEA). The term of the grant will be fifteen months beginning July 1, 2007, and ending September 30, 2008. This grant is non-renewable, and a new proposal will be required for the next fiscal year based upon LEA student data submitted to ADE. Indirect costs are not applicable for this grant. MCSOS indirect rate for FY 2007-08 is 14.16 percent. The restricted indirect cost rate unallowable by this grant source is 14.16 percent. Unrecoverable indirect costs on this award are \$30,587. If any funds are awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments. 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. (C3708012300)

Treasurer

12. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Pursuant to A.R.S. §11-501, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to receive the Treasurer's Statement of Collections and Investment summary reports for March 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308019700) (ADM4006)

**TRIAL COURTS
Adult Probation**

13. WAIVER TO THE PERFORMANCE-BASED SALARY ADVANCEMENT PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a waiver to the FY 2007-08 Performance-Based Salary Advancement Plan, Section VI. This waiver would allow for Salary Advancements to be retroactive to July 2, 2007, for the three Adult Probation Deputy Directors for the amounts of \$4,495.41 for Michael Goss, \$5,244.65 for Zachary Dalpra, and \$5,244.65 for Mary Tripson, as a result of a Market Range Study. The cost associated with the

approval of this retroactive salary advancement request in total is \$14,984.71. Adult Probation will absorb the financial impact of this retroactive pay increase for these three employees within the department's current budget. (C1108009800) (ADM3308-001)

Justice Courts

14. 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 five-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. 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. This item was continued from the April 23, 2008 meeting. (C2408003400)

The Clerk announced this item has been continued indefinitely.

COUNTY MANAGER
Office of the County Manager

15. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR ARIZONA METH PROJECT

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Fort McDowell Yavapai Nation for the Arizona Meth Project in an amount not-to-exceed \$300,000 for FY 2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between Fort McDowell Yavapai Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), also approve an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item titled "Meth Project," increasing FY 2008-09 revenue and expenditure budgets up to \$300,000. Indirect costs are not applicable to Tribal Gaming Grants. 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. (C2008053300)

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RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE FORT MCDOWELL YAVAPAI NATION FOR THE ARIZONA METH PROJECT AUTHORIZING ACCEPTANCE OF FUNDS.

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

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Fort McDowell Yavapai Nation in the amount of \$300,000 in FY 2008-2009.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Fort McDowell Yavapai Nation and to use these funds for the Arizona Meth Project.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation.

DATED this 7th day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

16. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR THE ARIZONA FOUNDATION FOR EYE HEALTH

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Fort McDowell Yavapai Nation for the Arizona Foundation for Eye Health AzSIGHTSAVER program in an amount not-to-exceed \$100,000 for FY 2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between Fort McDowell Yavapai Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), increasing the FY 2008-09 revenue and expenditure budgets not-to-exceed \$100,000, and the creation of an appropriate new line item in Non-Departmental (470) Non-Departmental Grant Fund (249) Pass Through Grants (4712). Indirect costs are not applicable to Tribal Gaming Grants. 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. (C2008054300)

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE FORT MCDOWELL YAVAPAI NATION FOR THE ARIZONA FOUNDATION FOR EYE HEALTH AZSIGHTSAVER PROGRAM AUTHORIZING ACCEPTANCE OF FUNDS AND PASS-THROUGH.

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

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Fort McDowell Yavapai Nation in the amount of \$100,000 in FY 2008-2009.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Fort McDowell Yavapai Nation and to pass through these funds to the Arizona Foundation for Eye Health AzSightsaver Program, a non-profit organization.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation.

DATED this 7th day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**DEPUTY COUNTY MANAGER
Management and Budget**

17. RESOLUTION ESTABLISHING AMOUNT AND DISTRIBUTION OF THE PROBATION SURCHARGE

Pursuant to A.R.S. §12-269, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt a resolution that:

1. Increases the amount of the probation surcharge from \$10.00 to \$20.00; and
2. Directs the Superior Court, Justice Courts, and all municipal courts within Maricopa County to collect the probation surcharge and transmit the proceeds to the Maricopa County Treasurer; and
3. Directs that probation surcharge revenues be equally distributed between the Adult Probation Fees Fund (201) and the Juvenile Probation Special Fee Fund (228).

The Board originally adopted a resolution on June 21, 2006 (C4006066700), setting the probation surcharge at \$10.00. The cost associated with providing probation services has risen within Maricopa County making it necessary to increase the probation surcharge. This surcharge is effective upon adoption of the Resolution. (C4906066701) (ADM1005)

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TO ESTABLISH THE RATE AND DISTRIBUTION OF PROBATION SURCHARGE FEES

WHEREAS, the Maricopa County Board of Supervisors adopted a resolution, in accordance with A.R.S. §12-269, to set the probation surcharge at \$10 on June 21, 2006 (C-49-06-066-7-00); and,

WHEREAS, the costs associated with providing probation services have risen within Maricopa County making it necessary to increase the probation surcharge.

NOW THEREFORE, BE IT RESOLVED:

1. The probation surcharge is increased to \$20 within Maricopa County.
2. Pursuant to A.R.S. §12-269, The Board of Supervisors directs the Superior Court, Justice Courts, and all municipal courts within Maricopa County to collect the probation surcharge and transmit the proceeds to the Maricopa County Treasurer.
3. Revenue collected from the probation surcharge be apportioned in equal amounts to the Adult Probation Fees Fund (Fund 201) and to the Juvenile Probation Special Fee Fund (Fund 228).

DATED this 7th day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Public Health

18. AGREEMENT FOR CLINICAL TRAINING EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Affiliation Agreement with Banner Health, an Arizona Nonprofit Corporation d.b.a. Banner Good Samaritan Medical Center to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from April 1, 2008 through March 31, 2011. (C8608074000)

19. STUDENT ROTATION TRAINING AGREEMENT FOR TRAINING EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Affiliation Agreement entitled "Student Rotation Training Agreement" between Brigham Young University and the Department of Public Health to provide training experience for BYU students in the Department of Public Health Office of Health Promotion & Education. The agreement is non-financial, and is effective from July 1, 2008 until June 30, 2013. (C8608075000)

20. GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR EXPANDING DISTRIBUTION OF CHILD SAFETY SEATS AND PROVIDING EDUCATION AND TRAINING

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the grant application to the Governor's Office of Highway Safety by Maricopa County through the Department of Public Health's Office of Health Promotion and Education Program (OHPE) for the purpose of expanding distribution of child safety seats and providing education and training on proper installation, to rural communities within Maricopa County. OHPE will request funding in an amount not-to-exceed \$23,000 from the Governor's Office of Highway Safety; \$12,000 of this amount will consist of in kind donations that are not subject to indirect cost recovery. The actual funding amount is tentative pending the approved grant award. If awarded, an agenda item will be submitted requesting grant acceptance, execution and appropriation adjustment. This non-renewable grant will begin one year from that date. This grant deviates from County policy A2505 and does not allow for indirect cost reimbursement. The indirect cost rate for FY 2008-09 is 18%. If awarded, indirect costs totaling \$1,980 will be unrecoverable. Funding for this grant will be provided by Governor's Office of Highway Safety. (C8608077300)

ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION
Community Development

21. COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS PROGRAM/AMERICAN DREAM DOWNPAYMENT INITIATIVE, AND EMERGENCY SHELTER GRANT FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following actions regarding federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME)/American Dream Downpayment Initiative (ADDI), and Emergency Shelter Grant (ESG) funds. No General Funds will be involved in this action. There will be a 9.6% indirect cost allocation that is fully recoverable. (ADM1500)

- o Adopt a Resolution for the submission of the FY 2008-09 Annual Action Plans, including any plan amendments, and amendments to the FY 2005-09 Five-Year Consolidated Plans and Citizens Participation Plan; and acceptance of CDBG, HOME/ADDI, and ESG funding for FY 2008-09 of \$7,731,726 (CDBG: \$2,203,176; HOME/ADDI: \$5,432,029; and ESG: \$96,521). The ESG funds will be administered by the Maricopa County Human Services Department.

RESOLUTION

A RESOLUTION REGARDING FY 2008-2009 ANNUAL ACTION PLANS, INCLUDING ANY PLAN AMENDMENTS, AMENDMENTS TO FY 2005-2009 FIVE-YEAR CONSOLIDATED PLANS AND CITIZENS PARTICIPATION PLAN; AND ANNUAL FUNDING RECOMMENDATIONS FOR FY 2008-2009 (July 1, 2008 – June 20, 2009) FOR \$7,731,726.

WHEREAS, the Maricopa County Community Development Department will administer the Community Development Block Grant (CDBG) in the amount of **\$2,203,176**; and

WHEREAS, the Maricopa County Community Development Advisory Committee (CDAC) and all the participating Urban County cities/towns have conducted public forums and public hearings in order to obtain input into defining the Urban County priority housing and community development needs and

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strategies, and to obtain input from Maricopa County residents regarding allocation of the FY 2008-2009 Urban County CDBG and HOME Funds; and

WHEREAS, the Maricopa HOME Consortium has been formed with the Maricopa County Community Development Department as lead agency for the purpose of accessing federal HOME Investment Partnerships Program (HOME) funds, including American Dream Downpayment Initiative Funds (ADDI), in the amount of \$5,432,029; and

WHEREAS, Maricopa County and all member cities/town of the Maricopa HOME Consortium have conducted numerous public forums to obtain input into defining the priority housing development needs and strategies; and

WHEREAS, the Maricopa County Human Services Department will administer the Emergency Shelter Grant (ESG) for Maricopa County serving the Maricopa HOME Consortium service area in the amount of \$96,521;

THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors does approve the FY 2008-2009 Maricopa HOME Consortium Annual Action Plan, including any plan amendments; the amendments to the FY 2005-2009 Maricopa HOME Consortium Consolidated Plan; the FY 2008-2009 Urban Maricopa County Annual Action Plan, including any plan amendments; and the amendments to the FY 2005-2009 Urban Maricopa County Five-Year Consolidated Plan; and appoints the County Manager or his designee as the certifying representative of the County according to the requirements of the U. S. Department of Housing and Urban Development; authorizes the certifying representative to submit the referenced plans to HUD through the Maricopa County Community Development Department; and authorizes the certifying representative to accept CDBG, HOME, and ESG funds on behalf of the County.

DATED this 7th day of May 2008.

/s/Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- o Approve the Maricopa HOME Consortium and the Maricopa Urban County Annual Action Plans for July 1, 2008 through June 30, 2009. The Annual Action Plans contain specific projects for funding to implement the FY2005-2009 Five-Year Consolidated Plan. FY 2008-09 is Year four of five under the Five-Year Consolidated Plan.

FUNDING SUMMARY TOTALS

1. Total Urban County CDBG Grant = \$2,203,176
 - (a) Urban County CDBG Allocation = \$2,167,757
 - (b) Urban County CDBG Unprogrammed Funds = \$35,419

2. Total HOME consortium grants = \$5,432,029
 - (a) Maricopa County Share HOME/ADDI Funds = \$909,823
 - (b) Urban County HOME Unprogrammed Funds = \$187,119
 - (c) Consortium City/Town Share HOME/ADDI Funds = \$3,555,260
 - (d) Consortium CHDO Share HOME Funds = \$779,827

3. Total Urban County ESG Grant = \$96,521

TOTAL ALLOCATION = \$7,731,726

Although the plans are for the period beginning July 1, 2008, which is FY 2008-09 for the County, the plans are funded with money appropriated and allocated from the federal 2008 budget. Therefore, to HUD, these plans are for FY 2007-08. (C1709001000)

22. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following actions regarding Community Development Block Grant (CDBG) funding contingent upon the approval of both the federal and Maricopa County FY 2008-09 budgets. No General Funds will be involved in this action. (C17090022ZZ)

- o Authorize the Chairman to execute agreements with each city/town/agency selected to receive CDBG funds.
- o Perform actions in accordance with the Maricopa County Procurement Code to: (a) retain consultants for design and/or management of activities; (b) approve plans and specifications, and authorize call for bids; (c) prepare contracts for award to lowest responsible bidder(s) and (d) authorize the Chairman to execute these contracts.
- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from CDBG under the terms and conditions of the executed agreements.

23. HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following actions regarding HOME Investment Partnerships Program (HOME) funding contingent upon the approval of both the federal government and Maricopa County FY 2008-09 budgets. No General Funds will be involved in this action. (C17090212ZZ)

- o Authorize the Chairman to execute agreements with each city/town/Community Housing Development Organization (CHDO) selected to receive HOME funds.
- o Perform actions in accordance with the Maricopa County Procurement Code to: (a) retain consultants for design and/or management of activities; (b) approve plans and specifications, and authorize call for bids; (c) prepare contracts for award to lowest responsible bidder(s) and (d) authorize the Chairman to execute these contracts.
- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from HOME under the terms and conditions of the executed agreements.

24. COOPERATION AGREEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Chairman to execute Cooperation Agreements for all units of local government wishing to participate in the Maricopa County Urban County Community Development Programs (CDBG & HOME) effective from July 1, 2009 through June 30, 2012 for Federal Fiscal Years 2009, 2010, 2011 (July 1, 2009 through June 30, 2012). The cities/towns of Buckeye, El Mirage, Gila Bend, Goodyear, Guadalupe, Litchfield Park, Queen Creek, Tolleson, Wickenburg, and Youngtown have elected to participate in the Cooperation Agreement. The Board of Supervisors, on June 18, 2007 (C1707093200), authorized Community Development to initiate the renewal process for the Urban County 3-Year Cooperation Agreements. (See Agenda Item C1707093200) (C17090302ZZ)

Human Services

25. DONATION OF SURPLUS FURNITURE

Pursuant to A.R.S. 11-251(9) and County Policy A2510, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the donation of surplus used furniture that is unauctionable, valued at approximately \$160.00, to St. Vincent De Paul, a 501(c)(3) charitable organization, by the Maricopa County Human Services Department. A list of the items being donated is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved Retention Schedules. (C22081370000) (ADM119)

26. NOTICE OF CLAIM FILED BY SEMPLE, MARCHAL & COOPER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement of the Notice of Claim filed by Semple, Marchal & Cooper dated March 4, 2008, in the amount of \$5,713.75 in return for an accounting attestation by Semple, Marchal & Cooper. Semple, Marchal & Cooper filed a notice of claim seeking \$5,713.75 for Audit Services performed for the Maricopa County Human Services Department Special Transportation division. This matter was heard in Executive Session on April 21, 2008. (C2208222M00) (ADM409)

CHIEF FINANCIAL OFFICER

Animal Care & Control

27. AGREEMENTS UNDER THE NEW HOPE PROGRAM TO RESCUE ANIMALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following agreements with Maricopa County 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.

- a. **Angel Haven Animal Rescue Association**, a 501(c)(3) non-profit corporation, located at 1990 N. Alma School Road #305, Chandler AZ 85284. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$1,200. The term of this agreement is from April 23, 2008 through April 22, 2009. (C7908090100)

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- b. **John Braden, d.b.a. Tundra Shepherd Rescue/Arizona**, located at 2923 E. Cannon Drive, Phoenix AZ 85028. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$1,200. The term of this agreement is from April 23, 2008 through April 22, 2011. (C7908091100)
- c. **AZ Jack Russell Rescue**, a 501(c)(3) non-profit corporation, located in Phoenix AZ, mailing address: P. O. Box 24186, Phoenix AZ 85074. Animal Care & Control estimates 18 new hope rescues over the term of the agreement, for a total of \$720. The term of this agreement is from April 23, 2008 through April 22, 2011. (C7908092100)
- d. **Caron Lorber, d.b.a. German Shepherd Rescue**, located at 1204 E. Windsor Avenue, Phoenix AZ 85006. Animal Care & Control estimates 1,000 new hope rescues over the term of the agreement, for a total of \$40,000. The term of this agreement is from April 23, 2008 through April 22, 2011. (C7908093100)
- e. **Foothills Animal Rescue**, a 501(c)(3) non-profit corporation, P.O. Box 4175, Cave Creek, AZ 85331. Animal Care & Control estimates 240 new hope rescues over the term of the agreement, for a total of \$9,600. The term of this agreement is from May 7, 2008 through April 22, 2011. (C7908096100)
- f. **R.E.S.C.U.E.**, a 501(c)(3) non-profit corporation, 4747 E. Elliot, #29-415, Phoenix, AZ 85044. Animal Care & Control estimates 180 new hope rescues over the term of the agreement, for a total of \$7,200. The term of this agreement is from May 7, 2008 through April 22, 2011. (C7908097100)
- g. **Small Paws Rescue**, a 501(c)(3) non-profit corporation, located at 3316 S. 72nd W. Avenue, Tulsa, OK 74107. Animal Care & Control estimates 25 new hope rescues over the term of the agreement, for a total of \$1,000. The term of this agreement is from May 7, 2008 through April 22, 2009. (C7908098100)
- h. **Arizona Golden Retriever Connection**, a 501(c)(3) non-profit corporation, P.O. Box 26678, Scottsdale, AZ 85255. Animal Care & Control estimates 60 new hope rescues over the term of the agreement, for a total of \$2,400. The term of this agreement is from May 7, 2008 through May 6, 2011. (C7908100100)
- i. **Citadel Bull Mastiffs and Rescue, Inc.**, a 501(c)(3) non-profit corporation, P.O. Box 300, Templeton, MA 01468-0300 with an office located at 5411 W. Becker Lane, Glendale, AZ 85304. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$1,200. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908101100)
- j. **Mid-Arizona Shetland Sheepdog Club, Inc.**, a 501(c)(3) non-profit corporation, 116 N. Pioneer Street, Gilbert, AZ 85233. Animal Care & Control estimates 45 new hope rescues over the term of the agreement, for a total of \$1,800. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908104100)
- k. **Southwest Collie Rescue Club, Inc.**, a 501(c)(3) non-profit corporation, 116 N. Pioneer Street, Gilbert, AZ 85233. Animal Care & Control estimates three new hope rescues over

the term of the agreement, for a total of \$120. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908105100)

- l. **Susan Hagen-Smith, d.b.a. Arizona Keeshond Rescue**, 7268 E. Softwind Drive, Scottsdale, AZ 85255. Animal Care & Control estimates three new hope rescues over the term of the agreement, for a total of \$120. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908106100)
- m. **Fila Rescue, Inc.**, a 501 (c)(3) non-profit corporation, 607 W. Siesta Way, Phoenix, AZ 85041. Animal Care & Control estimates three new hope rescues over the term of the agreement, for a total of \$120. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908110100)
- n. **Arizona Beagle Rescue**, a 501(c)(3) non-profit corporation, P. O. Box 36854, Phoenix, AZ 85067-6854. Animal Care & Control estimates 100 new hope rescues over the term of the agreement, for a total of \$4,000. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908111100)
- o. **Arizona Siberian Husky Rescue & Adoption, Inc.**, a 501(c)(3) non-profit corporation, 6501 E. Sharon Drive, Scottsdale, AZ 85254. Animal Care & Control estimates nine new hope rescues over the term of the agreement, for a total of \$360. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908112100)
- p. **Arizona Pug Adoption Rescue and Network**, a 501(c)(3) non-profit corporation, 1244 E. Downing, Mesa, AZ 85203. Animal Care & Control estimates 45 new hope rescues over the term of the agreement, for a total of \$1,800. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908113100)
- q. **Carrie Singer, d.b.a. Animal Guardian Network**, 10814 E. Salt Bush Drive, Scottsdale, AZ 85255. Animal Care & Control estimates 75 new hope rescues over the term of the agreement, for a total of \$3,000. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908114100)
- r. **Marilyn Bennett, d.b.a. Black and White Rescue**, 7148 W. Caribbean Lane, Peoria, AZ 85381. Animal Care & Control estimates 18 new hope rescues over the term of the agreement, for a total of \$720. The term of this agreement is from May 7, 2008 through June 30, 2011. (C7908115100)

28. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following kennel permits for the term of May 7, 2008 through May 6, 2009. The cost of each kennel permit is \$328:

- a. Angel and Tomasa Acosta, d.b.a. Acosta Kennels, located at 3807 W. Pierce Street, Phoenix AZ 85009. Permit #318 (Supervisory District 5) (C7908095C00) (ADM2304)
- b. Teri Williams, d.b.a. Williams Kennels, located at 1687 S. Villas Lane, Chandler, AZ 85248. Permit #317 (Supervisory District 1) (C7908102C00) (ADM2304)

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- c. Rochelle Shreeve, d.b.a. Mokc's Kennels, located at 11225 N. 49th Drive, Glendale, AZ 85304. Permit #296 (Supervisorial District 4) (C7908102C00) (ADM2304)
- d. East Valley Rescue Kennels, located at 8125 E. 5th Avenue, Mesa, AZ 85208. Permit #312 (Supervisorial District 1) (C7908102C00) (ADM2304)
- e. Vickie Harshman, d.b.a. Harshman Kennels, located at 3342 W. Cactus Road, Phoenix, AZ 85029. Permit #442 (Supervisorial District 4) (C7908103C00) (ADM2304)
- f. Marilyn Dormhoff, d.b.a. Shante Afghans Kennels, located at 6824 W. Karen Lee Lane, Peoria, AZ 85382. Permit #405 (Supervisorial District 4) (C7908109C00) (ADM2304)

29. DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the following:

- a. Monetary donation from PetSmart Charities of Phoenix, AZ in the amount of \$500 in honor of Sean Ardaiz 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. (C7908099700) (ADM2300-006)
- b. Non-cash donations from Ryan's Pet Supplies estimated to be 1,000 lbs of pet bath and beauty supplies, laundry and room deodorizers; and parasite control. 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. (C7908107700) (ADM2300-006)
- c. Monetary donation from Capital Group Companies of Los Angeles, CA in the amount of \$400 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. (C7908108700) (ADM2300-006)

Finance

30. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) 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.

31. REVISIONS TO POLICY FOR ADMINISTERING GRANTS A2505

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to 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. This item was continued from the April 23, 2008 meeting. (C1808045600) (ADM1608)

A. Purpose

The purpose of this policy is to serve as the framework for Maricopa County Departments and Special Districts (Flood Control District, Library District, and Stadium District) 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 or the Special District are met.

B. Definitions

Central Service Costs (2 CFR Part 225 (OMB Circular A-87)) – refers to costs, benefiting both grant and non-grant activities for inclusion as part of indirect cost in grants. The allocation is calculated in compliance with 2 CFR Part 225 (Federal Office of Management and Budget Circular A-87).

Department – refers to the department, office or agency under budgetary responsibility of the Board of Supervisors, which has direct oversight responsibility for the program(s) funded partially or totally with the grant funds. The elected official or department director of the Department shall act as the agent of the County for purposes of this policy.

Department Overhead – Departmental/Special District costs incurred for both grant and non-grant programs.

Grantor Agency – refers to a Federal, state, local, or private agency or organization, which provides the grant funding and/or grant funding oversight.

Indirect Costs – refers to those costs incurred for a common or institution-wide objective that benefits more than one grant program or project. Such costs are not readily assignable to the cost objective specifically benefited.

In-Kind – refers to contributions in the form of goods or services rather than in cash.

One-time Grants – refers to funding from a Grantor Agency which is provided for a limited duration for a specified project or program. This type of grant may be provided to start a new program or service or for a program or services which has a limited life.

Ongoing Grants – refers to funding from a Grantor Agency which is expected to be provided year after year for a specified program(s) or service(s).

Special District – Flood Control District of Maricopa County, Maricopa County Library District, Maricopa County Stadium District.

C. Policy

Maricopa County and Special Districts receive significant funding from Federal, state, and local agencies annually. The following policy statements will ensure that the County or Special District is managing grants to its optimum potential.

1. The Board of Supervisors or Board of Directors must formally accept all grant awards **prior** to any funds being expended.
2. Departments/Special Districts will consistently negotiate grant agreements to meet County or Special District goals and policies. This includes conducting a cost/benefit study to determine the appropriateness of Maricopa County or Special District pursuing a particular grant.
3. Departments/Special Districts will negotiate for advance funding financial arrangements first and only accept reimbursement funding as the final option.
4. Departments/Special Districts will clearly define any matching requirements required by Maricopa County or Special District during the application process.
5. To minimize interest expense to Maricopa County, Departments/Special Districts will try and negotiate a reimbursement schedule that is in alignment with this policy. Departments/Special Districts will closely monitor their expenditures and claim reimbursement whenever expenses exceed \$100,000, or on a monthly basis.
6. Maricopa County or Special District will utilize the County financial system to track, monitor and report all grant financial activity. All grant activity must be closed out within 150 days of the grant end date.
7. Departments/Special Districts are required to charge indirect costs on all grants unless prohibited by the grant contract, law, County Board of Supervisors approval or Special District Board of Directors approval.
 - Indirect costs will always be included (applied for) in the financial section of the grant application.
 - Indirect costs will be recovered at the maximum allowed by the Grantor or as defined on the Indirect Cost Plan that is approved by the Department of Finance.
8. Departments/Special Districts do not have the authority to negotiate a lower indirect cost reimbursement in order to increase program funding.

9. Departments will expend all grant funds prior to expending any general fund appropriations, or in the case of Special Districts, before expending other Special District revenues in relation to grant programs.

D. Guidelines

This Policy shall serve as the framework for Departments/Special Districts to follow when applying for grants and negotiating the terms and conditions of the agreements. The Policy is not intended to discourage Departments/Special Districts from seeking grant funding as a means to support various services and programs. Rather, it is intended to provide consistent guidelines for grant administration to ensure optimum financial arrangements for Maricopa County or Special District and to enhance Board of Supervisors or Board of Directors acceptance of grants conforming to this Policy. Specific information and detailed procedures are contained in the Maricopa County Grant Manual, which is located at ebc.maricopa.gov/library/finance. The Maricopa County Grant Manual may be updated by the Department of Finance, as determined necessary, to accommodate the effective administration of this policy.

1. Initial Grant Application

- a) Departments/Special Districts are not required to obtain Board of Supervisors/Board of Directors approval prior to submitting an application for grant funding if the application complies fully with this policy.
- b) Departments/Special Districts are required to obtain the approval of the Board of Supervisors/Board of Directors prior to submitting an application for grant funding for any type of deviation from this policy including full indirect cost recovery. The information on the agenda must be clear and describe the nature of the deviation(s). It must also be clearly noted the intent or non-intent to apply for further grants from this particular grantor of this nature. After this grant has been reviewed and accepted by the Board of Supervisors/Board of Directors, subsequent grants in that fiscal year from the same Grantor Agency with like provisions do not require the Board's review and acceptance during the application process.
- c) Grants for the Judicial Branch in Maricopa County will be identified by the Presiding Judge of the Superior Court in an annual presentation to the Board of Supervisors. The presentation will reference the individual grants, and whether any of the provisions of the grants deviate from this Policy. After these grants have been reviewed and accepted by the Board of Supervisors, subsequent grants for that fiscal year from the same Grantor Agency with like provisions do not require the Board's review and acceptance of the grant. Subsequent grants from a new Grantor Agency must be transmitted to the Board of Supervisors for review and acceptance.
- d) Departments/Special Districts may seek approval for both the Grant Submittal and Grant Award Acceptance at the pre-submission stage, provided that all terms of the grant are in compliance with this policy and the information presented to the Board of Supervisors/Board of Directors is consistent.
- e) Departments/Special Districts will provide to the Department of Finance a copy of all grant agreements which must specifically include the award amount, grant period dates, availability of indirect costs and the indirect cost percentage (%), distinction between reimbursement or advance funding and a complete description of the grant. The provided information will be used

to establish controls on the County financial system and will not be changed or modified (award period, grant award, etc.) without supporting documentation from the Grantor.

2. On-Going Grant Application

From year to year, Departments/Special Districts may receive grant funding from the same Grantor for the continuation of a program. In this case, Departments must notify the Board of Supervisors/Board of Directors in an annual or more frequent presentation of their intent to apply for all ongoing grants.

Grants for the Judicial Branch in Maricopa County will be identified by the Presiding Judge of the Superior Court in an annual presentation to the Board of Supervisors. The presentation will reference the individual grants, and whether any of the provisions of the grants deviate from this policy. After these grants have been reviewed and accepted by the Board of Supervisors, subsequent grants for that fiscal year from the same Grantor Agency with like provisions do not require the Board's review and acceptance of the grant. Subsequent grants from a new Grantor Agency will be transmitted to the Board of Supervisors for review and acceptance.

3. Funding

To improve cash management practices, it is the County and Special Districts' preference to receive funding on an advance basis instead of a reimbursement basis. Therefore, every effort is to be made by Departments/Special Districts to obtain advance funding from the Grantor Agency. This is especially critical for one-time grant funded programs where the County or Special District is advancing funds to nonprofit subcontractors.

The Department/Special District may be requested by the Office of Management and Budget (OMB) to present the cost/benefits of accepting a grant versus not accepting a particular grant. The cost/benefit analysis must take into account if the grant-funded services are mandated and comply with the MfR Budgeting format.

One-time Grants, which are actually start-up grants for new programs or services, will be so noted in the submittal to the Board of Supervisors/Board of Directors. Program costs, which Departments/Special Districts wish to continue once the grant funding has been depleted, will be identified and reported to the Board of Supervisors /Board of Directors at the time of submittal for consideration. The Department must present analysis and information to the Board of Supervisors/Board of Directors to assist the Board in deciding whether the County or Special District should fund expenses for the project or program from other County or Special District funds following the depletion of the grant funds.

4. Claiming Reimbursement

a) Departments/Special District will record and track grant revenues and expenditures utilizing the County financial system.

b) Departments/Special District shall submit claims to the Grantor Agency as frequently as permitted under the grant agreement. This will be no less frequent than monthly or when the expenditures reach \$100,000, unless otherwise established by the grantor.

c) At grant year-end, each Department/Special District shall close out its respective grants. This includes preparing and submitting any required final reports to the Grantor Agency and either returning excess funds or requesting final reimbursement for the grant year. All grant closing documentation will be submitted to the Finance Department to ensure the grants are accurately closed on the financial system within 150 days after the grant end date as represented on the County financial system. All unreimbursed costs must be identified and a plan of action defined to ensure an alternate funding source is identified and the grant is effectively closed within the 150 day timeframe. All unresolved grant balances/(deficits) after the 150 day timeframe will be reported to the County Manager by the Department of Finance and the Office of Management and Budget by utilizing the Fund Balance Report.

5. Indirect Costs (2 CFR Part 225 (OMB Circular A-87) Charges)

2 CFR Part 225 (Federal Office of Management and Budget Circular A-87) recognizes indirect costs as legitimate grant expenses. As such, it is the intention of Maricopa County or Special District to recover indirect costs at all opportunities. In order to do so, the Department of Finance will prepare the following plans on an annual basis:

- a) 2 CFR Part 225 (OMB Circular A-87) County-wide Central Services Cost Allocation Plan. The Department of Finance is responsible for preparing and negotiating the County-wide 2 CFR Part 225 (OMB Circular A-87) plan with Maricopa County's cognizant agency, United States Department of Housing and Urban Development (HUD). The Department of Health and Human Services is Maricopa County's assigned cognizant agency regarding audit issues.

Whenever permitted by the Grantor Agency, grants requiring County or Special District matching funds may utilize County Overhead (A-87) as a last option. All other opportunities must be exhausted to meet the inkind match before utilizing County Overhead (A-87). If the required match exceeds the amount of inkind and/or County Overhead (A-87) or Overhead is not an allowable expense by the Grantor Agency the Department must inform the Board of Supervisors/Board of Directors of the exception and estimate the relative financial inkind impact.

- b) Departmental Indirect Cost Allocation Plan(s). The County's 2 CFR Part 225 (OMB Circular A-87) indirect costs plans are used as a means of equitably recovering indirect costs from both federal and non-federal grant programs. All departments/Special Districts receiving grant funds can submit a written request to the Department of Finance to prepare a Departmental 2 CFR Part 225 (OMB Circular A-87) Indirect Cost Allocation Plan.

In some cases the grantor may limit the recovery of indirect costs to a percentage less than the combined Departmental and County-wide 2 CFR Part 225 (OMB Circular A-87) indirect rate. In these cases, the Departmental 2 CFR Part 225 (OMB Circular A-87) rate shall be satisfied first. Any remaining funds will then be applied to the County-wide 2 CFR Part 225 (OMB Circular A-87) rate.

County Departments Providing Grant Services to Outside Entities

Maricopa County Departments that are allowed to perform grant financial services for entities outside of the County and are not considered to be subrecipients may recover indirect costs and/or user charges for the administration of grants. If these outside entities are allowed by their grantors to recover indirect costs and/or charge a user fee to reimburse Maricopa County for services rendered, the monies must be

deposited back to the funding source where the support services were initially provided. For example, a General Fund Department being reimbursed for grant management activities shall remit the reimbursement back to the General Fund.

Specific accounting information and examples can be found in the County Grant Manual located at ebc.maricopa.gov/library/finance.

6. Purchase of Computing and Network Systems Relating to Grant Supported Programs

To ensure compatibility and supportability of the County computing and network infrastructure, Departments/Special Districts are to consult with and obtain approval from the Chief Information Officer prior to purchasing any desired equipment. This applies to hardware, software and communications technologies including data, voice, video, image radio telemetry and facsimile purchases under the provisions of the County's Procurement Code.

Departments/Special Districts are to utilize the Technology Financing Program unless the grant specifically does not provide for this type of activity. As an example, a grant that is Board approved for two (2) years would not allow for the purchase of computers under the Technology Financing Program as the Technology Financing Program is a 36-month program.

To ensure effective asset management and tracking, all computer-related items must be tagged with an asset number by the Technology Finance Program Coordinator and recorded in an asset database. This information is utilized for the projection of asset replacement purposes.

Departments in the Judicial Branch of Maricopa County will consult with the Chief Information Officer prior to any purchases under the Judicial Procurement Code to determine whether the purchase will require compatibility and supportability of the County computing and network infrastructure.

7. Department of Finance Responsibility

While each Department/Special District has staff assigned to monitor and report the financial activities of grants, the Department of Finance will provide general and technical oversight and monitoring of all grant funds. At a minimum, the Department of Finance will:

- a) Review and approve grant agenda items when they comply with County policy and the County Grant Manual.
- b) Establish a Board approved grant on the County financial system when all supporting documentation is provided.
- c) Prepare and provide to the Departments/Special Districts a monthly grant report (Fund Balance Report). This report will include inception to date financial activity for each individual grant. This report will be used to ensure the effective management and maintenance of grant activity.
- d) Monitor that grant expenditures do not exceed grant awards.
- e) Review individual grant balances, utilizing the Fund Balance Report, on a quarterly basis to identify departments that are not requesting reimbursement from the Grantor Agency

on a timely basis. Departments/Special Districts that are not regularly claiming reimbursements will be contacted by the Department of Finance.

- f) Communicate with the Office of Management and Budget regarding fund balance and/or deficit issues.
- g) Initiate the preparation of the Indirect Cost Allocation Plan by providing a copy of the current plan, detailed listing of expenditures and other supporting data. Provide support, guidance and direction to Departments/Special Districts to assist them in the preparation of their Indirect Cost Allocation Plan.
- h) Review Fund Balance Report for closed Grants to determine compliance with fund balance/(deficits).
- i) Review and recommend approval of proposed Grant applications when Department/Special District is not in full compliance with Grant policy.

8. Office of Management and Budget Responsibilities

- a) Review and recommend approval of grant agenda items when they comply with County policy and the County Grant Manual.
- b) Review and recommend approval of Department's/Special District's proposed grant budget.
- c) Review and recommend approval of adjustments to Department's/Special District's grant budget as necessary.
- d) Review and take action as necessary to correct any deficit in Grant Funded Budgets.
- e) Review and take action as necessary to minimize lost interest earnings to the General Fund due to negative cash positions in Grant funds.
- f) Review and take action as necessary regarding departmental indirect cost rate plans. Ensure maximum reimbursement of all allowable indirect costs.
- g) Consistent with Board policy, review departments spending to ensure that Grant Funds are used before General Fund dollars, and for Special Districts, to ensure that Grant Funds are used before other Special District revenues.
- h) Review and recommend approval of proposed Grant applications when Department/Special District is not in full compliance with Grant policy.

9. Department/Special District Responsibilities

Each Department/Special District will ensure the following general maintenance activities are completed as defined below:

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- a) Review, reconcile and certify the monthly Fund Balance Report. Any discrepancies are to be reported to the Department of Finance within two (2) weeks of receiving the Fund Balance Report. A written response must be received by the Department of Finance to report any discrepancies.
- b) Reconcile and close expired grants on the County financial system within 150 days of the grant end date (as entered on the County financial system).
- c) Communicate with the Office of Management and Budget and the Department of Finance regarding grants with a negative balance (unreimbursable expense). The Department/Special District must develop a plan of action to resolve the deficit. For departments, the plan should only consider utilizing General Funds as a last option.
- d) Prepare the Indirect Cost Allocation Plan in the format defined by the Department of Finance. Obtain Departmental/Special District approval of the Indirect Cost Allocation Plan and provide a complete copy of the plan with all supporting documenting to the Department of Finance and the Office of Management and Budget by the timeline established by the Department of Finance.
- e) Ensure that grant expenditures do not exceed grant awards.
- f) Comply with all reporting requirements as defined by the grantor and County-wide Grant Policy and Manual.
- g) Comply with all record retention requirements as defined by the grantor.

E. Related Documents:

The following documents are available at the indicated site.

Grant Manual: ebc.maricopa.gov/library/finance

2 CFR Part 225 (OMB Circular A-87): www.whitehouse.gov/omb/circulars/a087/a087-all.html

Agenda Numbers: C-18-05-013-6-00; C-18-05-014-6-00; C-18-05-015-6-00; C-18-05-016-6-00; C-18-08-045-6-00; C-18-08-046-3-00; C-18-08-047-3-00; C-18-08-048-3-00

Risk Management

32. SETTLEMENT IN DONOVAN BOWMAN AND WARREN BOWMAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve settlement in the amount of \$145,000 between Plaintiff(s) Donovan Bowman and Warren Bowman and all County entities concerning Maricopa County Superior Court No. CV 2006-009119 (GL50000030264, MM2620030510, MM9002030725) 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. (C7508033800) (ADM409)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS

Facilities Management

33. CHANGE ORDER TO CONTRACT WITH CONCORD GENERAL CONTRACTING

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 15 to contract C7004039800, Concord General Contracting, in the amount of \$419,897. This contract is for the continued design-build and related professional services for the renovation of the Security Building for Phase V, primarily – construction associated with the installation of new freight elevator, infrastructure improvements and general conditions through June 30, 2008. (C7004039810)

Transportation

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

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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)

DD-9288 Project No.: TT011 – Z99-352 – Brown Road and Crismon Road – Warranty Deed –
(GL) Parcel No.: 220-20-010A, 010B – KMC Holdings, L.L.C. – for the sum of \$10.00

DD-9288 Project No.: TT011 – Z99-352 – Brown Road and Crismon Road – Purchase Agreement
(GL) and Escrow Instructions – Parcel No.: 220-20-010A, 010B – KMC Holdings, L.L.C.

TT003.001, Project No.: TT183 – Old Stagecoach Road – Right of Way – R/W No. 16-111748 -
TT003.001- Assessor's No.: 202-06-000 – Arizona State Land Department
2 (HH) .

X-0167- Project No.: TT008 – Gilbert Road – Quit Claim Deed – APN: Portion of 141-03-005Q –
EX-1 Donita J. Cole – for the sum of \$1.00. NOT TO BE RECORDED
(SW)

35. BID AND AWARD FOR INTERSECTION IMPROVEMENTS AT 51ST AVENUE AND PECOS ROAD PROJECT

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the solicitation of bids for the Intersection Improvements at 51st Avenue and Pecos Road, MCDOT Project No. T272; 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 2008-2009 expenditures are contingent upon the Board approving the recommended FY 2008-09 budget. (Supervisory District 5) (C6408164500)

36. AGREEMENTS WITH BURLINGTON NORTHERN SANTA FE RAILROAD

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following agreements between Burlington Northern Santa Fe Railroad (BNSF) and Maricopa County regarding the establishment of Quiet Zones at the BNSF crossing locations of Meeker Boulevard and R.H. Johnson Boulevard for an estimated cost of \$32,118 and with an effective date of May 1, 2008:

1. Indefinite Term Lease For Land

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2. Exhibit "B" of the Indefinite Term Lease entitled Work Letter Agreement,
3. General Construction Agreement, and
4. Exhibit "C-1" of the General Construction Agreement. An Agreement for construction projects performed on or adjacent to BNSF property.

MCDOT maintains Meeker Boulevard and R.H. Johnson Boulevard crossings of the BNSF. MCDOT, along with the City of Surprise and Sun City West Property Owners and Residents' Association (PORA), have been collaboratively working to meet the criteria established by BNSF. With the approval of these agreements, MCDOT will be making certain improvements intended to discourage motorists and pedestrians from circumventing the crossing gates. (Supervisory District 4) (C6408182000)

37. LEASE AGREEMENT FOR OFFICE SPACE

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Lease Agreement between the Flood Control District of Maricopa County with Maricopa County Public Works regarding 9,145 sq. ft., of office space at 2801 West Durango Street at a rate of \$15.00 per gross square foot annually. Due to the consolidation of responsibilities, office equipment, and modular furniture within the District into Public Works, it is necessary to memorialize space leasing arrangements. The Flood Control District Board of Directors approved this agreement under (FCD 2007G001) C6908005M00 on August 22, 2007. The term of the lease shall be five years, with an effective date of July 1, 2007. (Supervisory Districts 1, 2, 3, 4 and 5) (C6408194M00)

38. IGA FOR IMPROVEMENTS TO INTERSECTION OF PEORIA AVENUE AND DYSART ROAD

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between the City of El Mirage (El Mirage) and Maricopa County (County), through the Maricopa Department of Transportation, (MCDOT) for improvements to the intersection of Peoria Avenue and Dysart Road (Project). The estimated total cost of the Project is \$560,500. El Mirage is providing \$460,500 and MCDOT is providing \$100,000 through the Transportation Advisory Board (TAB) Special Project Fund (SPF). (Supervisory District 4) (C6408196200)

39. DEVELOPMENT AGREEMENT WITH DB – DESERT WHISPER INVESTMENTS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Development Agreement with DB – Desert Whisper Investments, as recommended in the previously approved Development Master Plan case for Desert Whisper, DMP 2006003 as approved December 20, 2006, stipulation x.2. The Development Agreement details regional transportation issues, including roadway construction, right-of-way requirements and cost share contributions for roadway improvements associated with the approved development known as Desert Whisper. The roadways identified for improvement are in the vicinity of 371st Avenue and Indian School Road, and will be constructed by the developer, to county standards, at no cost to Maricopa County. This agreement to be recorded as required pursuant to A.R.S. 11-1101. (Supervisory District 5) (C6408201000)

40. ROAD FILE AB-130 VACATE AND ABANDON

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt Resolution AB-130 to abandon a portion of Rockaway Hills Road (align) in the vicinity of 7th Street and Rockaway Hills Road (align), per A.R.S. §28-7214, by extinguishing the easement which was

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conveyed to Maricopa County by means of an Easement on May 18, 1956 and recorded by the Maricopa County Recorder in Docket number 1902 pg. 590. (Supervisorial District 3) (C6408197000)

**RESOLUTION
ROAD ABANDONMENT AB-130**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of 7th Street and Rockaway Hills Road (align), per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement on May 18, 1956 and recorded by the Maricopa County Recorder in Docket number 1902 pg. 590.

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as

Exhibit A:

That portion of Rockaway Hills Road (align) described as follows:

The North 40 feet of the North half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 21, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. EXCEPT the West 40 feet thereof.

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket number 1902 pg. 590.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 5th day of May 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

BOARD OF SUPERVISORS

Clerk of the Board

41. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (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 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 Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) regarding action on the following voucher:

- Ratify Voucher No. 7032 \$69,189.79

SETTING OF HEARINGS

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

Clerk of the Board

42. FRANCHISES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to set the following public hearings:

- a. Pursuant to A.R.S. §40-283, set a public hearing for June 4, 2008, to solicit comments and consider a reissuance of a public service franchise requested by Water Utility of Greater Tonopah, Inc. (WUGT) for an extension to an existing public service franchise for a domestic water distribution system. This franchise was previously granted by the Board of Supervisors on October 1, 2007. The purpose of the request for reissuance is to 1) correct the legal description; and 2) extend the deadline to procure a Certificate of Convenience and Necessity (CC&N) from the Arizona Corporation Commission to the new date of December 31, 2008, and that no facilities will be installed prior to the granting of the CC&N. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608022701) (F21283)

- b. Pursuant to A.R.S. §40-283, set a public hearing for June 4, 2008, to solicit comments and consider a reissuance of a public service franchise requested by Hassayampa Utility Company (HUC) for an extension to an existing public service franchise for a domestic water distribution system. This franchise was previously granted by the Board of Supervisors on October 1, 2007. The purpose of the request for reissuance is to 1) correct the legal description; and 2) extend the deadline to procure a Certificate of Convenience and Necessity (CC&N) from the Arizona Corporation Commission to the new date of December 31, 2008, and that no facilities will be installed prior to the granting of the CC&N. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608023701) (F23217)

Clerk of the Superior Court

43. ESTABLISHMENT OF A NEW DOCKET FEE

(The Clerk made the following deletion and insertion to item #43 prior to the vote.)

Pursuant to A.R.S. §11-251.08, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to set a public hearing for June 4, 2008, to authorize the establishment of a new Docket Fee of \$5.00 to be assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases ~~effective July 1, 2008~~. The effective date of the fee increase will be decided by the Board of Supervisors at a future meeting and will not be sooner than July 1, 2008. The proposed fee proceeds will be collected and deposited by the Clerk of the Superior Court (160) in the General Fund (100) with the Maricopa County Treasurer for disbursement by the Clerk of the Superior Court. Monies collected will be used to defray the costs of personnel and related operating costs of the docketing function in non-criminal cases. (C1608004800) (ADM1005)

Public Works – Solid Waste

44. REVISED SOLID WASTE MANAGEMENT DEPARTMENT FEE SCHEDULE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to set a public hearing for June 4, 2008, to consider the adoption of a revised Solid Waste Management (SWM) Department fee schedule for transfer station services to be effective July 1, 2008. Solid Waste Management transfer station fees have not been revised since May 1996. The expansion of transfer station operations in order to accept many categories of waste, in addition to bagged household trash, necessitates the update of fees charged at transfer station facilities. (C6708002M00)

Transportation

45. ROAD FILE DECLARATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, June 4, 2008.

- a. **Road File No. A400.** In the vicinity of known as 81st Avenue from Williams Road to Patrick Lane. (C6408193000)
- b. **Road File No. A390.** In the vicinity of 11th Avenue from Irvine Road to Desert Hills Drive. (C6408195000)

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- c. **Road File No. A401.** In the vicinity of 192nd Avenue from Lewis Avenue to Thomas Road. (C6408198000)
- d. **Road File No. A402.** In the vicinity of Virginia Avenue from 193rd Avenue to 192nd Avenue. (C6408199000)
- e. **Road File No. A403.** In the vicinity of Windsor Avenue from 193rd Avenue to 191st Avenue. (C6408200000)

CONSENT AGENDA

Clerk of the Board

46. ASRS CLAIMS

No claims were submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

47. CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for approval at this meeting. (ADM4300)

48. CLASSIFICATION CHANGES

No request to change classification or reduce a valuation was received for this meeting. (ADM723)

49. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and/or ratify duplicate warrants issued to replace County warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Nicole Kime	288833130	Payroll	\$768.74
Christopher Corso	380039145	Expense	\$5,050.00
Martin Zachreson	380036467	Expense	\$300.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Rosa Cardenas	Laveen Elem SD #59	180077619	\$120.62
La-Kebra Peters	Treasurer	180144440	\$998.08
Superintendent of Schools	Murphy Elem SD #21	480098729	\$9,796.70
Carmela Calamia	Littleton Elem SD #65	180146822	\$492.77
Alexandra Felkins MS, SLP-CCC	Litchfield Elem SD #79	470106046	\$360.00
Handwriting Without Tears	Palo Verde Elem SD #49	480033289	\$668.25
FedEx Kinko's Inc.	Agua Fria Union High SD #216	480086279	\$428.08
One Map Place	Arlington Elem SD #47	480085594	\$49.80
Melissa Pethe	Queen Creek Unified SD #95	470114171	\$280.00

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50. MARKET RANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (List of additional and/or replacement market ranges are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3308-006)

Market Range Title	Minimum	Midpoint/Hiring Maximum	Maximum
Pilot	\$24.43	\$27.86	\$31.28

51. MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held November 14, 2007, February 4, 2008, February 6, 2008, February 13, 2008, February 14, 2008, February 21, 2008, February 22, 2008, March 6, 2008, March 10, 2008, March 13, 2008, March 24, 2008, March 25, 2008, April 7, 2008, and April 28, 2008.

52. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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 May 7, 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)

53. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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
2002	20491	20491	\$0.00
2004	16625	16648	-\$43,326.16
2005	20201	20646	-\$15,329.36
2006	15321	16069	-\$60,569.44
2007	32398	34563	-\$44,333.98
2007	34699	34748	-\$34,107.80
2006	16087	20823	-\$213,899.06
2005	20719	20772	-\$32,839.36
2004	20664	20717	-\$35,910.12

54. SETTLEMENT OF PROPERTY TAX CASES

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of tax cases dated May 7, 2008. (ADM704)

2007	2008
TX2006-000242	ST2007-000129
	ST2007-000167
	ST2007-000169
	TX2007-000656

55. STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Gina Langston	\$297.35
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56. TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

PARCEL NO.	YEAR	AMOUNT
108-06-031E	2002	\$1,246.07
108-06-031E	2003	\$1,247.42
108-06-031E	2004	\$1,382.89
108-06-031E	2005	\$1,299.01
108-06-031E	2006	\$904.99
108-06-021H	2004	\$1,797.96
108-06-021H	2005	\$1,691.72
108-06-021H	2006	\$1,178.46
108-06-021H	2007	\$853.63
900-67-879	1995	\$33,431.00
304-90-438A	2005	\$1,896.31
304-90-438A	2006	\$2,002.56
300-02-001G	2005	\$1,693.21
300-02-001G	2006	\$2,881.51

SUPPLEMENTAL

Management & Budget

S-1. LEASE AND LOAN REPAYMENT RELATED TO REGIONAL SCHOOL DISTRICT OFFICE AND PAPPAS ELEMENTARY/MIDDLE SCHOOLS

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the request that the Board of Supervisors forego billing the Maricopa County Regional School District in FY 2007-08 for leases on the County property used for the District Office and the Pappas Elementary/Middle schools (reference parcels 111-41-178 and 111-41-179).

Also, request that the Board of Supervisors delay billing for the loan associated with start-up costs for the Tempe Pappas campus (C4905016800). This action will save the District \$239,512 this fiscal year, and is expected to help facilitate the District ending the year without a deficit. The Phoenix properties will revert to County occupancy by July 1, 2008, given the closure of the Pappas schools at the end of FY 2007-08.

This action will result in a loss of revenue to the General (100) and County Improvement Debt Service (320) funds of \$160,157 and \$79,355, respectively, in the current fiscal year. These amounts include the payments due on January 1, 2008, and July 1, 2008 which are applicable to fiscal year 2008. (C4908034M00)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

57. PUBLIC COMMENT ON MATTERS PERTAINING TO MARICOPA COUNTY GOVERNMENT

Chairman Kunasek asked Board Attorney Victoria Mangiapane for a public explanation on rights and restrictions of the Board during public comment portions of board meetings. (ADM605)

Ms. Mangiapane said that during an open call to the public, Board Members are not permitted to respond to comments made because the matters are not specifically on the agenda, However, under the Open Meeting Law, the following three options are available to Members: 1) Ask staff to review the matter; 2) Place something on a future agenda; 3) An individual member may briefly respond to criticism, but this is without discussion amongst the full board.

Chairman Kunasek called the first speaker forward.

Joan Koerber-Walker, CEO of the Arizona Small Business Association, said she spoke on behalf of the 2,300 small business owners in Maricopa County who support the jobs of more than 200,000 Arizona employees. Ms. Walker first thanked and commended the Maricopa County Sheriff's Office (MCSO) and all public safety agencies across the State for their efforts in law enforcement and helping to build strong, vibrant communities. She said that, as a nation of laws, all laws must be respected, or in some cases corrected. She expressed concern not over enforcement of the law but the manner in which it is being enforced in recent weeks by the MCSO in targeting residents of Hispanic descent. She said that national media coverage of these acts portray a city/county/state that could be considered unfriendly to new business locators and she cited the loss of many small businesses from Maricopa County. She acknowledged that the Board of Supervisors does not set policy for the Sheriff's Office but asked that Members review the current situation and potential long term consequences and "offer counsel to MCSO leadership."

Dan Peitzmeyer, citizen, said he had addressed the Board four-months ago on issues concerning the Sheriff's Office that were documented in the notes of that meeting (January 16, 2008). He was disappointed that nothing has been done since that time to rectify these issues. He felt Board Members do not have a clear understanding of the issues involved but instead are "blindly supporting the Sheriff." He asked if Members had read attorney Michael Manning's March 14th article on "Arpaio vs the Law" wherein he documented alleged 13-14 years of violations of the U.S. Constitution. He asked that

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Members speak out against the wrong being done by the Sheriff and expressed his keen disappointment in the supervision provided by the Board, with the exception of Supervisor Wilcox who has spoken out against these tactics.

Rabbi Maynard Bell, American Jewish Committee, said he would “speak very specifically to the issue of the sweeps...in neighborhoods with large Latino populations.” He asked the Board to scrutinize where the resources for conducting these sweeps comes from. He said he understood, from the Governor’s Office, that no federal Homeland Security ICE funds had been dispersed to the MCSO and speculated that local taxpayer dollars are being used. He felt the Board should exercise due diligence to ask for greater transparency in ascertaining where the funding for these operations come from. He also asked what the sweeps accomplished in terms of value for public dollar spent. He questioned statistics given by Sheriff Arpaio on the number of serious criminal felons apprehended. He also questioned the Sheriff’s interpretation of his enforcement powers and the legality of his use of public funds.

58. SUPERVISORS’/COUNTY MANAGER’S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox said a program she, Deanne Poulos and others in the County initiated several years ago has been able to finalize the “adoption” of a middle school, Lowell School, and she showed slides of a series of County presentations that were given to students on such things as, what happens at the Election’s Department and the importance of voting. Other topics covered included Drug Courts, Juvenile Court and Probation; the Human Services Campus and the homeless; dirty air and the AZ Meth Project. Supervisor Wilcox recently sponsored the annual D-Back Jam, when children living near Chase Field are admitted to a D-Back’s game free after earning “points” by doing community service, special projects. She encouraged each Supervisor to adopt a middle school in his district to have similar programs introduced and demonstrated there. She related that 7th and 8th graders have no idea what the County does and this project gave them a better understanding of the many services provided. (ADM606)

Supervisor Stapley commented on the Immigration issue as a topic he is stressing now as president-elect of the National Association of Counties (NACo), and will intensify after assuming the presidency in July. He said his primary issue for NACo members is to focus on what counties can do for the environment, conserving energy, reducing their carbon footprint, building green and other methods that have already been put in motion in Maricopa County. He felt if all 3,000 counties in America would follow the lead of Maricopa County the energy problems we now experience would begin to dissipate. He also is challenging the national leaders in NACo to take part in a second and equally important initiative, “To create a civil opportunity for dialogue relative to immigration and the need for this nation to address this problem at the federal level.” He said that having to deal with it locally is creating a very difficult situation across the entire country. He felt the federal government should create guest-worker programs and other programs and that, as a group, NACo could bring strong influence on newly elected national leaders next November. He stated that until the border is adequately secured any programs that are created will not work.

Mr. Stapley said, “I believe that we need to enforce our laws and I believe we need to create a secure border to the best that we possibly can.” He expects NACo to unite behind such changes and help push federal legislation to get this done. He repeated that borders must be more secure so that local worker programs and the need for a legal immigration policy can be met and dealt with in a humane and just way. He also recognized the importance of giving individuals and families that have lived here for years and are a part of our society a satisfactory way to become legal citizens. He said he will challenge the various large associations of cities and towns and other large local governing bodies across the country to join together with NACo to get legislation passed that will bring a solution that is workable for everyone.

PLANNING AND ZONING AGENDA

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).

CONSENT AGENDA

1. **Z2007-128 District 1**
 Applicant: Bues Gilbert, PLLC for Air Park Investments
 Location: Northwest corner of Riggs Road and St. Andrews Boulevard (in the Chandler area)
 Request: Precise Plan of Development for an Off-site Advertising Sign (Billboard) in the IND-2 zoning district (approximately 0.2 acres site) – Off-site Advertising Display

Commissioner Pugmire moved to recommend approval of Z2007-128, subject to stipulations “a” through “n”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled, “Offsite Advertising Display”, consisting of one (1) full-size sheet, dated revised January 25, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled, “American Outdoor Advertising Offsite Advertising Display Z2007128 Precise Plan of Development”, consisting of three (3) pages, dated revised February 7, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.
- c. The owner shall remove all heavy industrial equipment and unpermitted structures existing on the property or apply for a precise Plan of Development within thirty (30) days after Board of Supervisor’s approval. If the property is not in compliance within thirty (30) days after BOS approval, a violation will be opened through the Code Enforcement Division.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulation shall apply:
 - Driveway shall be paved in County right-of-way.
- 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.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- i. Development and use of the site shall comply with the 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.
- j. 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.
- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Major changes to the site plan and narrative report 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.
- 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 Chapter 3 (Conditional Zoning).
- n. 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 the background of this Precise Plan of Development for an off-site advertising sign and said the recommendation is for approval. He said Supervisor Brock had met with the applicant and an agreement was reached to delete stipulations "h" "i" and "k" and that staff concurs with these changes.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "n" and with the deletion of stipulations "h" "i" and "k" and renumbering the stipulations, as follows:

- a. Development of the site shall comply with the site plan entitled, "Offsite Advertising Display", consisting of one (1) full-size sheet, dated revised January 25, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.

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- b. Development of the site shall be in conformance with the narrative report entitled, "American Outdoor Advertising Offsite Advertising Display Z2007128 Precise Plan of Development", consisting of three (3) pages, dated revised February 7, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.
- c. The owner shall remove all heavy industrial equipment and unpermitted structures existing on the property or apply for a precise Plan of Development within thirty (30) days after Board of Supervisor's approval. If the property is not in compliance within thirty (30) days after BOS approval, a violation will be opened through the Code Enforcement Division.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulation shall apply:
 - Driveway shall be paved in County right-of-way.
- 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.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- ~~h. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.~~
- ~~i. Development and use of the site shall comply with the 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.~~
- j. h. 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.
- ~~k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.~~
- l. i. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the

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Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

- ¶ j. 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 Chapter 3 (Conditional Zoning).
- ¶ k. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

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