



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

Board Members

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

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, January 28, 2009
9:00 AM**

1. **INVOCATION**

Chris Pinuelas, County Manager's Office, gave the invocation.

2. **PLEDGE OF ALLEGIANCE**

Shelby Scharbach, Finance Department, led the assemblage in the Pledge.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, January 28, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5; Fulton Brock, District 1 (entered late). Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis introduced today's pet, a Chihuahua--Dachshund mix that she had named, Spud, but because Arizona Cardinal representatives were at the meeting, and in honor of the Arizona Cardinals playing in this year's Super Bowl, she renamed him Little Red. She said Little Red likes to snuggle and that he is good on a leash and he would make a very nice pet. There are many animals at AC&C who want to be adopted, call 602-506-PETS if you are interested.

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

~ Supervisor Brock entered the meeting ~

a.

SPECIAL EVENT LIQUOR LICENSE FOR RISEN SAVIOR LUTHERAN CHURCH

Approve a Special Event Liquor License Application for Lori Salazar Newham, Risen Savior Lutheran Church and School, 23914 S. Alma School Road, Chandler, AZ 85248, on February 14, 2009 at 5:00pm-12:00am. (SELL #869) ~~(Approval is contingent upon issuance of Special Use Permit (SUP) by Planning and Development)~~ (Planning and Development recommends denial) (C-06-09-248-L-00)

Daniel Newham, for the applicant, said this denial is based on a long-term issue regarding a Special Use Permit. He met with MCDOT yesterday to clear up a misunderstanding on traffic flow at the church's school, and he felt that they could now move forward on the SUP. He said their request for a Special Event Liquor License had also been denied by Planning last year over the same issue, which he believed had finally been resolved and he believed the SUP was not related to the liquor license.

He said this was the church's second annual gala event and that \$20,000 had been

collected at last year's gala, which they used to send youths on a mission for the church. They would use the money collected this year for a similar youth mission. He said the tickets for this year's gala had sold out within three hours and there were 200 people on a waiting list. They just want to serve wine at this one-time event.

Joy Rich, Assistant County Manager, Planning and Development Director, explained the recommendation for denial. The day school at the church is operating under a zoning violation. The church is in the process of applying for a Special Use Permit, but there is neighborhood opposition that they are working through. The SUP is scheduled to be heard in March.

Motion was made by Supervisor Wilcox to approve 5b through 5d and to recommend denial for item 5a. Motion died for lack of a second.

Supervisor Kunasek said he did not see a connection between the two issues - that it was not the school having a gala and serving alcohol. He said he would support a recommendation to the State for approval.

Daniel Newham explained the SUP would be for the school that is operated at the church. The gala and liquor license would raise money for the teens who go to the church but are not in the school and who would go on the mission trip. He said they are working on expediting the Special Use Permit for Planning.

Supervisor Wilcox stated that she is supporting Planning and Development because we need some type of a hammer to force people to do what they are supposed to do.

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Wilcox
Absent: Brock

b. SPECIAL EVENT LIQUOR LICENSE FOR ST. KATHERINE GREEK CHURCH

Approve a Special Event Liquor License Application for LaDane Edwin Vandenberg, St. Katherine Greek Orthodox Church at 2716 N. Dobson Road, Chandler, AZ 85224 on February 21, 2009 from 11:00am-9:00pm. (SELL #870) (C-06-09-250-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

c. SPECIAL EVENT LIQUOR LICENSE FOR WISCONSIN DAY CLUB

Approve a Special Event Liquor License for John A. Groff, Wisconsin Day Club, 10748 W. Claire Drive (Sun Bowl), Sun City, AZ 85351 on March 5, 2009 from 9:00am to 3:00pm. (SELL #871) (C-06-09-251-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

d. SPECIAL EVENT LIQUOR LICENSE FOR ARTS COUNCIL OF THE NORTH VALLEY

Approve a Special Event Liquor License for Becky N. MacMillan, Arts Council of the North Valley, Inc., 41703 N. Gavilan Peak Pky., Anthem, AZ 85086 on April 25, 2009 from 6:00pm to 10:00pm. (SELL #872) (C-06-09-252-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Absent: Brock

6. TONTO HILLS DOMESTIC WATER IMPROVEMENT DISTRICT

Convene the scheduled public hearing for the petition to organize the Tonto Hills Domestic Water Improvement District. The District intends to purchase an existing domestic water delivery system that provides domestic water to all properties within the district. (Supervisor District No. 2)

Petitions with the requisite number of signatures have been presented requesting the formation of Tonto Hills Domestic Water Improvement District. (C-91-09-090-M-00)

William Victor, a petitioner for the district, asked the petition be amended to remove the name of Ralph Spurgin from the Board of Directors as he was informed that Mr. Spurgin does not meet the statutory qualifications. He asked the name of Robert Swan be substituted.

Ralph Spurgin, resident of Tonto Hills subdivision, spoke in favor of the district. He gave background information on the current water company serving Tonto Hills that is owned by a group of water committee residents who decided to sell the water company in 2005. Residents formed a water committee to look at alternative solutions. The group decided to purchase the water company and continue running it after a majority of residents signed a petition in favor. He asked for approval of the district.

Gabriel Dluzansky, resident of Tonto Hills subdivision, said he supports the district, believing it to be the best and least expensive way to supply water to residents living there.

Curt Blik, resident, spoke in opposition to the district, saying he did not favor an additional tax to the people living there in these economic times. He also did not like it that the district would be purchasing the assets of an old system that needs updating. He would have liked the petitions to be mailed so signers could read the petition before making a decision. He said he could not support approval of this district.

~ Supervisor Brock entered the meeting ~

Supervisor Kunasek said he had to leave to go to the legislature and item A-6 needed a unanimous roll-call vote and a full quorum would be required. The hearing for the water district was suspended at this time and item A-6 was taken out of order for the vote.

A-6. AGREEMENT WITH MARICOPA REGIONAL SCHOOL DISTRICT NO. 509 FOR USE OF COUNTY-LEASED OFFICE SPACE

Approve a Facilities Use Agreement (G-30118) between Maricopa County and Maricopa Regional School District No. 509 for use of County-leased office space located on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona. This item was discussed in Executive

Session on January 26, 2009. THIS ITEM REQUIRES A UNANIMOUS APPROVAL OF THE BOARD OF SUPERVISORS.

The subject Intergovernmental Lease Agreement (G-30118) is a facility use agreement allowing the Maricopa County Regional School District No. 509 to use current vacant office space in the County-leased premises on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona. The effective date of the agreement is on, or about, March 1, 2009, and will terminate on June 30, 2011, unless terminated earlier as provided for in the Agreement. The Maricopa County Regional School District No. 509 is taking the subject office space "as is" and the Maricopa County Regional School District No. 509 will be responsible for the financial cost of any alterations necessary to make the vacant space suitable for its occupancy. (C-18-09-039-1-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson on a roll call vote.

Following the vote on item A-6, the hearing resumed. Joy Rich, Assistant County Manager, replaced Sandi Wilson, Acting County Manager for the remainder of this meeting.

~ **Supervisor Kunasek left the meeting and would not return** ~

Frank Soto, circuit rider for the Arizona Rural Water Association, said he travels the State to visit the different water companies. He explained it is getting tougher to make a living with a water company and consequently many smaller companies are being sold. Many times residents have decided to form a district, to control their community's water. He had met with the residents of Tonto Hills and felt their research had given them a good idea of what it means in terms of responsibility to form a district. He said any problems with an aging water system would have to be addressed no matter who owned it. Mr. Soto felt the district would be well-managed and encouraged the Board to approve it.

Supervisor Stapley said there seems to be substantial support of the residents, and after meeting with the applicant and the group he felt the district would flourish and it had his support.

Motion to approve with the modification to the petition to change one board member, which adds Bob Swan to the board of directors, by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

-Public Works

7. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. **ROAD FILE NO. A414** said alignment is also known as Calle Lejos from 95th Avenue to 93rd Avenue, lying within Supervisor District No.4. (C-91-09-083-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Planning and Development

8. FEE SCHEDULE FOR THE DRAINAGE REGULATIONS FOR MARICOPA COUNTY

Pursuant to A.R.S. §11-251, convene the scheduled public hearing to solicit comments and consider the adoption of TA2008010, a proposal to amend the Fee Schedule for the Drainage Regulations of Maricopa County. The amended Drainage Regulation Fee Schedule is to be effective upon Board approval.

This amendment is to modify the existing fee structure for Precise Plans of Development to add an additional category that would allow minor accessory construction on existing properties, developed in substantial conformance with the Drainage Regulations, to be assessed a reduced flat fee rather than the existing parcel-based fee. This item was continued from the January 14, 2009 meeting. (C-44-09-064-M-00)

William Haas, Drainage Engineering Supervisor for Planning and Development, said this item would authorize a minor fee change to the schedule. It provides for a lower flat drainage plan review fee for accessory work on previously developed sites. The reduction provides for cost recovery for the County.

Board attorney, Victoria Mangiapane, asked that the full text amendment be read into the record and the Deputy Clerk read changes to the language in chapter 16 and in section 301.

“SITES MUST HAVE AN ESTABLISHED PRIMARY USE, BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE DRAINAGE REGULATIONS, AND THE CONSTRUCTION ACTIVITY MUST DISTURB LESS THAN ONE ACRE. MINOR ACCESSORY CONSTRUCTION INCLUDES, BUT IS NOT LIMITED TO, SIGNS, ADA ACCESSIBILITY RAMPS, PROPANE TANKS, TRASH ENCLOSURES, NON-LIVABLE AND ACCESSORY BUILDINGS, AS DEFINED IN SECTION 301.”

Robert Pizorno had registered to speak but, other than to say he fully approved of the revision, there was no dialogue.

Supervisor Wilcox said this is the commercial revision that reduces administrative costs and red-tape for commercial applications and would be very productive for businesses.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Sheriff

9. RESCIND TERMINATION OF AGREEMENT FOR LAW ENFORCEMENT SERVICES WITH TOWN OF GUADALUPE

Rescind action taken by the Board of Supervisors on September 17, 2008 (C-50-08-005-2-01) that authorized the Sheriff to terminate the agreement for law enforcement service with the Town of Guadalupe according to terms of the agreement. Upon approval of this item, the Sheriff will issue a letter of reinstatement of the Agreement for the period of July 1, 2007 through June 30, 2010 to the Town of Guadalupe. Also rescind related action taken by the Board of Supervisors on September 17, 2008 (C-50-08-005-2-01) that authorized an appropriation adjustment and restore the Sheriff's FY 2009 appropriation as follows: per A.R.S. 42-17106 increase the Sheriff's Office FY 2009 general fund (100) recurring (0000) revenue appropriation by \$348,858, \$1,205,046 annualized, and the Sheriff's Office FY 2009 general fund (100) recurring (0000) expenditure appropriation by \$280,559, \$975,772 annualized. (C-50-08-005-2-02)

Martha Payan expressed her gratitude for this action and the fact that Guadalupe would again have security as she felt crime had increased since the Sheriff removed his protection in September. She also expressed approval for the residents having elected a mayor who was interested in upholding the immigration laws in working with sheriff's deputies. She lauded Sheriff Arpaio for being diligent in fulfilling his sworn duties to uphold the laws on illegal aliens.

Supervisor Wilcox said she was happy to move this forward for the sake of Guadalupe. She corrected the misconception that law enforcement had been terminated with the Board's earlier action. This item assures that the Sheriff will provide services to the town until 2010.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

10. SHERIFF'S OFFICE GRANT FUND (251) MID YEAR RECONCILIATION

Pursuant to A.R.S. 42-17106, approve appropriation adjustments decreasing revenue by \$672,940 and decreasing expenditures by \$1,462,223 in the FY 2008-09 Sheriff's Office (500) Grant Fund (251) Recurring (0000) budget. Approval of this item will result in an overall grant fund appropriation of \$6,085,927 in revenues and expenditures. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is 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. Sheriff's grant awards are processed and approved according to County policy throughout the year and this annual mid-year reconciliation provides a more realistic alignment with the forecast which is based on actual awards.

The Sheriff's Office FY 2008-09 indirect costs rate is 12.2%. These cumulative changes result in decreases in unrecoverable indirect costs totaling \$(248,980.04). (C-50-09-050-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Superintendent of Schools

11. APPLY AND ACCEPT GRANT FOR THE 2009 AZ ESA PROFESSIONAL DEVELOPMENT PROJECT

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE) 2009-AZ ESA Professional Development Project No. 09FAAAZE-970696-02A, by the Maricopa County Superintendent of Schools, in the not-to-exceed amount of \$112,909.20 for the purpose of targeting teachers of middle schools in Maricopa County, to provide these teachers with professional development to help them gain the necessary credentials, with emphasis in Mathematics and Science. The grant award begins on July 1, 2008 and ends on August 31, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools composite indirect cost rate at 19.50%, or \$22,017.29. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$22,017.29. 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. 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.

This 14-month grant from the Arizona Department of Education (ADE) will provide training for teachers in Maricopa County who do not, or will not by the state-imposed deadline, have the appropriate credentials to teach the subject and grade level to which they are assigned. It is the objective of this grant program to provide these teachers with professional development to help them gain those credentials, with an emphasis on middle school Mathematics and Science. Also, this grant program will provide some content instruction expenses. (C-37-09-003-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
 Ayes: Stapley, Brock, Wilcox, Wilson
 Absent: Kunasek

Treasurer

12. TAX DEEDED LAND SALE

Pursuant to A.R.S. §42-18303(E) accept the cash offer of \$500.00 by Juan Cruz on the following tax deed land parcel, 120-30-023, for which the following conditions apply:

1. Both the property offered for sale and the contiguous property were at one time under common ownership, or the property offered for sale is part of a common area maintained by a homeowners' association as determined by the County Assessor.
2. The property offered for sale cannot be separately used for residential purposes pursuant to applicable building codes and ordinances of the jurisdiction in which the property is located due to its size, configuration or recorded common area restrictions.

Date Previously Offered	Parcel No.	Purchaser / Name for the Deed	Amount of Offer	Amount of charges against the parcel
N/A	120-30-023	Juan Cruz	\$500	\$2,156.82

Direct that the Treasurer's Office accept payment and prepare the deed to convey the property sold and deliver to the Clerk of the Board for further processing. Pursuant to A.R.S. §42-18262(A), the proceeds from the sale in the amount of \$500 will revert to the County General Fund. The Treasurer recommends to the Board of Supervisor that the offer be accepted. (C-43-09-009-8-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

TRIAL COURTS

Superior Court Judges and Commissioners

13. SUPERIOR COURT ADMINISTRATION GRANTS FOR FY 2008-09

Accept the FY 2008-09 grants and associated revenue for Superior Court Administration of the Judicial Branch in the amount of \$1,412,709 total. The indirect costs (based upon a rate of 38.6% certified by the Dept of Finance) of \$543,900 are not fully recoverable from the funding, as most of the grants for FY 2008-09 do not allow for indirect cost recovery. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and, therefore, expenditure of these revenues is not prohibited by the budget law.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy, identical in form and substance to policy A2505 "Policy for Administering Grants" and all revisions adopted by the Board of Supervisors for all County departments, states that the Presiding Judge will make a presentation to the Board of Supervisors on an annual basis of the Judicial Branch's grants. A summary of each grant has been prepared in accordance with the provisions of the policy. The amount of the grants and associated revenue for Superior Court Administration for FY 2008-09 is \$1,412,709 total. The amount of the indirect cost recovery is \$543,900 total. The amount of unrecoverable indirect costs is \$540,259 total. One grantor (the Office of the Governor) allows for cost recovery of a maximum of 5% (\$3,641)--the other grants for FY 2008-09 do not allow for indirect cost recovery, as reflected in the funding agreements (copies of the agreements have been provided to Dept of Finance staff). (C-80-09-005-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

DEPUTY COUNTY MANAGER

Public Health

14. PROCUREMENT CHANGE ORDER FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WOMEN AND CHILDREN COMMUNITY HEALTH GROUP

Approve Procurement Change Order No.1 to Purchase Order (E9H28550) which provides funding for Grant Award (HG754060-005) from the Arizona Department of Health Services to Maricopa County through its Department of Public Health (MCDPH) for the Women and Children Community Health Group. The Purchase Order total encumbrance amount is

\$587,768 for budget period starting January 1, 2009 through December 31, 2009. All other terms and conditions shall remain in effect. The Department of Public Health indirect rate for FY 2008-09 is 18%. The grant indirect costs are estimated at \$76,694 all of which are fully recoverable, subrecipient expenses in the amount of \$85,000 are not subject to indirect.

An appropriations adjustment is not required at this time as these funds were included in the FY 2008-09 adopted budget. Funding for this agreement is provided by a grant from ADHS and does not increase the County general fund. (C-86-07-041-3-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

15. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICE FOR TOBACCO USE PREVENTION PROGRAM

Approve Amendment No. 10 to the Intergovernmental Agreement (IGA) between the Arizona Department of Health Services (HG354361) and Maricopa County through its Department of Public Health for its Tobacco Use Prevention Program. This amendment increases funding in the amount of \$122,378 bringing the grant's new total to \$2,183,500 for the budget term November 1, 2008 through June 30, 2009. This Amendment also includes administrative changes to the Uniform Terms and Conditions and the Scope of Work. The Department of Public Health's indirect rate for FY2008-09 is 18%. Arizona Department of Health Services only allows for 15% of Personnel Services and Employee Related Expenses. The full indirect costs are estimated at \$18,667, of which \$15,490 is recoverable and \$3,177 is not recoverable. Also, approve a revenue and expenditure appropriation adjustment to the Department of Public Health (860) Grant fund (532) Operating Budget (0000) associated with the aforementioned grant in an amount of \$122,378 for FY 2008-09 as these funds were not included in the FY 2008-09 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funds for this IGA are provided by ADHS and do not increase the County's general fund. (C-86-03-159-2-10)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

16. RESIDENT ROTATION AGREEMENT WITH MAYO CLINIC FOR LEARNING EXPERIENCES

Approve the Resident Rotation Agreement and Addendum as Attachment A with Mayo Clinic through its Mayo School of Graduate Medical Education to allow residents to participate in learning experiences at the Maricopa County Department of Public Health (MCDPH). The term of this non-financial agreement is from October 1, 2008 and expires June 30, 2013. (C-86-09-044-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

17. AGREEMENT WITH CRANDALL & ASSOCIATES CONSULTING DIETITIANS, INC. FOR CLINICAL NUTRITION TRAINING

Approve the non-financial Affiliation Agreement with Crandall & Associates Consulting Dietitians, Inc. to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is from January 1, 2009 through December 31, 2013. (C-86-09-045-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

18. AMENDMENT TO MEMORANDUM OF AGREEMENT WITH PARADISE VALLEY COMMUNITY COLLEGE FOR DIETETIC INTERNSHIPS

Approve Amendment No. 2 to the Memorandum of Agreement between Paradise Valley Community College through The Office of Service Learning/Project Ayuda and Maricopa County through its Department of Public Health (MCDPH). This amendment extends the length of the Memorandum of Agreement for a third year term from December 9, 2008 through December 31, 2009. (C-86-07-062-0-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

19. AMENDMENT TO IGA WITH THE AVONDALE FIRE DEPARTMENT FOR CHILDHOOD IMMUNIZATIONS

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) by and between The City of Avondale by and through The Avondale Fire Department (Avondale Fire) and Maricopa County through its Department of Public Health's Community Health Nursing Program (CHN). This amendment will delete and replace the Expiration Date, February 31, 2011 with February 28, 2011 on the Coversheet, Line 6. This amendment also makes additional administrative changes to the Section I, General Provisions. Funding for this IGA is provided by a grant from Arizona Department Health Services, and will not affect the County general fund. (C-86-08-045-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

20. SOLE SOURCE CONTRACT WITH THE ARIZONA IMMUNIZATION PARTNERSHIP FOR IMMUNIZATION (TAPI) FOR BILLING IMMUNIZATIONS

Approve the Sole Source Contract between The Arizona Partnership for Immunization (TAPI) and Maricopa County through its Department of Public Health (MCDPH). This contract will establish a program that would coordinate public health clinics so that Maricopa County could be compensated for immunizations administered to clients with current health insurance. This contract will generate revenue for MCDPH is a projected amount of \$200,000 between the funding period of January 1, 2009 through December 31, 2009. Appropriation adjustment to fund (265) in FY 2008-09 is not necessary. This additional funding will be offset by a reduction of Family Planning program fee fund budget for both revenue and expenditures in the amount of \$100,000. Therefore, the net impact to Public Health fee fund is zero. Administrative adjustment is required to shift funding and line item

budget from Family Planning activity to Childhood Immunization activity within Public Health fee fund.

Budget for indirect cost recovery is posted in object 812, current FY 2009-10 indirect rate for fee fund is 19.10%. (C-86-09-046-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Workforce Management and Development

21. IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE RYAN WHITE PART A PROGRAM

Approve Intergovernmental Agreement HG952236 between Arizona Department of Health Services (ADHS) and Maricopa County through the Workforce Management and Development, in the not-to-exceed amount of \$1,000,000. The purpose of this Intergovernmental Agreement is to provide AIDS Pharmaceutical Assistance, administered by the Ryan White Part A Program. This Intergovernmental Agreement is effective from January 28, 2009 until January 27, 2010. (C-31-09-008-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

22. AGREEMENT WITH ARIZONA POODLE RESCUE FOR NEW HOPE PROGRAM

Approve an Agreement between Lou Murphy, d.b.a. Arizona Poodle Rescue, 43448 W. Rio Bravo Drive, Maricopa AZ 85238, and Maricopa County to allow Arizona Poodle Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 100 new hope rescues over the term of the agreement, for a total of \$4,000. The term of this Agreement is from January 28, 2009 through June 30, 2011. (C-79-09-065-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

23. DONATION

Accept the monetary donation from **Richard Clayton** of Paradise Valley, AZ in the amount of \$5,000 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. (C-79-09-064-D-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Human Services

24. IGA WITH STATE OF ARIZONA, DEPARTMENT OF COMMERCE, ENERGY OFFICE

Approve Amendment No. 2 to Intergovernmental Agreement between the State of Arizona, Department of Commerce, Energy Office (C056-08) and Maricopa County administered by its Human Services Department in the not-to-exceed amount of \$1,274,936. This is an increase of \$658,268 for the purpose of providing additional funding to the Low-Income Weatherization Assistance Program. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the original Intergovernmental Agreement remain in full force and effect. Expenditure contracts for LIHEAP weatherization will need to be amended timely to utilize additional funding. The weatherization contractors receive the administration dollars to execute the weatherization services which is part of the \$658,268.00. There are no indirect funds to recoup on the additional \$658,268.00. Also approve revenue and expenditure appropriation adjustments to Human Services Department (220) Grant Fund (222) Operating Budget (Function/Project 0000) associated with the aforementioned grant in an amount of \$658,268.00 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a grant from the State of Arizona, Department of Commerce, Energy Office C056-08 and will not impact the County general fund budget. The Department of Human Services indirect rate is 15.2 % for FY 2008-09. The total grant funds of \$658,268.00 are directed toward sub-recipient pass-through, which are not subject to indirect charges. Therefore, the estimated indirect cost is \$0. (C-22-09-022-3-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

25. MARICOPA COUNTY HEAD START ZERO-FIVE PROGRAM POLICY COUNCIL NEW HIRE PROCEDURE

Approve the Maricopa County Head Start Zero-Five Program Policy Council New Hire Procedure, No. 11.02, as required by Head Start Performance Standards. This Procedure outlines the steps required to involve the Head Start Policy Council in the hiring process. It has been approved by the Maricopa County Head Start Zero-Five Policy Council and program staff. Effective upon approval. (C-22-09-126-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

CHIEF FINANCIAL OFFICER

Finance

26. FUNDS TRANSFERS; WARRANTS

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.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

27. ANNUAL ADJUSTMENT TO INMATE BOOKING AND HOUSING FEES

Approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2009. The inmate booking fee will decrease from \$199.35 to \$192.26 per inmate booked; the inmate housing fee will decrease from \$73.46 to \$71.66 per day.

As directed by the Board of Supervisors, the Department of Finance, in conjunction with the Sheriff's Office and the Office of Management and Budget, has completed the annual fee review for adult detention services and has developed new per diem rates for Board approval. The new per diem rates will be effective July 1, 2009. These per diem rates help cover the County's cost of operating and maintaining the jail system. The rates are calculated based on the FY 2008-09 budget. (C-18-09-036-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Materials Management

28. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. 08095-C, MSCO CANTEEN FOOD ITEMS

RECOMMENDATION FOR AWARD: 08095-C, MSCO Canteen Food Items (\$7,000,000 estimate/three years with three one-year renewal options until January 31, 2012). Three year multiple-award price agreement for the purchase of various food products for MCSO Canteen. Items on this agreement are made available for purchase by MCSO inmates. Awardee: Food Express USA Jenny Service Co. JNS Foods Inc. Keefe Supply Company Kellogg Supply, Inc. Snackers Delight Inc. Vistar/Vend Source Arizona (C-73-09-048-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Equipment Services

29. IGA WITH MORRISTOWN ELEMENTARY SCHOOL DISTRICT #75 FOR FUEL

Approve an Agreement between Maricopa County Equipment Services and the Morristown Elementary School District #75. This agreement allows Maricopa County to sell fuel from the County Fueling Stations to this agency. The term of this agreement begins on July 1, 2008 and ends on June 30, 2009, with the option to renew for four additional one-year terms. (C-74-09-002-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Planning and Development

30. SETTLEMENT AGREEMENT REGARDING CODE ENFORCEMENT VIOLATION CASE NO. V200301459

Approve the settlement agreement in the matter of Allan and Heidi Sherman, Code Enforcement Case No. V200301459, in the amount of \$5,042. This matter was discussed in Executive Session on November 6, 2008.

The settlement amount shall be paid immediately by the property owners to the Maricopa County Planning and Development Department. Upon Payment, Case No. V200301459 shall be closed. The settlement agreement shall be considered effective and in force when signed by both parties and upon approval by the Board of Supervisors. If the settlement amount remains unpaid within 30 days of the effective date of this settlement agreement, the matter will be turned over to a collection agency. (C-44-09-072-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

31. DONATION OF THIRTY SEVEN COMPUTERS TO THE HUMAN SERVICES CAMPUS

Pursuant to A.R.S. §11-251(9), approve the donation of thirty seven computers to the Human Services Campus, a 501(c)(3) organization, and authorize the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and cannot be auctioned.

The thirty seven computer systems are surplus computers previously utilized by the Regional Development Services Agency that have been replaced by newer models. These computers were purchased through the Technology Leasing Program. The loans were fully paid on or before September 30, 2008, so there is no financial obligation. As per Board action C-44-09-044-M-00 item authorizing the RDSA IT to conduct a Pilot program, the computers have hard drives that have had all data purged using the National Institute of

Standards and Technology, NIST Secure Erase utility or the Department of Defense DOD 5220.22-M standard, formatted and as per Microsoft standard licensing agreements and have been re-imaged with the operating system as delivered from Dell and in accordance with the affixed Windows Certificate of Authorization, COA. (C-44-09-065-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

32. ADJUSTMENT TO FY 2008-2009 MAJOR MAINTENANCE BUDGET

Approve the following FY 2008-2009 Major Maintenance budget adjustments in Year 1, Non-Departmental (470), General Fund (100):a) Decrease Equipment Services (EQSV) by \$900,000b) Create a project entitled "1st Ave Jail" (FSVJ), in the amount of \$900,000c) Decrease Emergency Services Administration Improvements (ESAI) by \$158,000d) Decrease Southport Adult Probation (SPAP) by \$67,000e) Increase Southeast Regional Infrastructure Improvements (SICU) by \$225,000These adjustments have a net zero impact on the overall County budget. (C-70-09-020-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

33. ADJUSTMENTS TO FY 2008-2009 MAJOR MAINTENANCE BUDGET

Approve the following FY 2008-2009 Major Maintenance budget adjustments in Year 1, Non-Departmental (470), Detention Fund (255):a) Decrease Inmate Court Holding (INSC) by \$100,000b) Add a new project entitled "Estimating Program" (PPFE), in the amount of \$100,000c) Decrease Towers jail Infrastructure Improvements (TIJU) by \$100,000d) Add a new project entitled "Durango Juvenile Infrastructure Improvements" (DDII) in the amount of \$100,000These adjustments have a net zero impact on the overall County budget. (C-70-09-021-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Public Works

34. SETTLEMENT AGREEMENT IN RAMIREZ V. MARICOPA COUNTY AND FLOOD CONTROL DISTRICT

Approve a settlement agreement that resolves two lawsuits filed by a Flood Control District employee against the Flood Control District of Maricopa County and Maricopa County. The parties have agreed to terms and this agreement will settle all claims between the two parties. The agreement was negotiated by outside counsel and reviewed by the Maricopa County Attorney's Office.

Board approval is requested of a settlement agreement which will resolve two pending lawsuits brought by a Flood Control District employee. The parties have agreed to the terms as set forth in the attached proposed agreement. The primary elements of the proposed agreement are that the employee will dismiss both lawsuits with prejudice, each party to bear its own costs and fees, and will provide the County and the Flood Control District with a full release, in exchange for no money, but for a market study involving his position and like positions. The employee has signed the agreement, in which he acknowledges that the County budget crisis will make any salary or position adjustment unlikely or impossible. The employee has also agreed he has no right to appeal the review. This item impacts all Supervisory Districts. (C-91-09-094-S-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

35. CONTRACTS FOR ON CALL TRAFFIC ENGINEERING SERVICES

Approve five Fiscal Year Contracts for the purpose of pending and new projects requiring On-Call Traffic Engineering Services.

Each contract is effective for 730 calendar days with the option for a one year renewal following the Board of Supervisors approval or until the expenditure of \$400,000 whichever occurs first. Contracts are as follows: Contract No. 2008-032 – CK Group Contract No. 2008-033 – AZTEC Contract No. 2008-034 –PBS&J Contract No. 2008-044 – SouthWest Traffic Contract No. 2008-045 – Y. S. Mantri & Associates. The services provided under the on call traffic services typically include traffic impact studies, traffic/transportation engineering research and operational analysis, and safety improvement studies regarding traffic engineering issues. The services under this contract were procured in accordance with Article 5, MC1-504 of the Maricopa Procurement Code. The services performed under these contracts may encompass all Supervisory Districts. Supervisory District No(s). (C-91-09-100-5-ZZ) All

C-91-09-095-5-00
C-91-09-096-5-00
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C-91-09-098-5-00
C-91-09-099-5-00

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

**36. ~~CONSENT TO ASSIGNMENT WITH HASSAYAMPA RANCH DEVELOPMENT AGREEMENT~~
~~CONSENT TO TWO ASSIGNMENTS OF HASSAYAMPA RANCH DEVELOPMENT AGREEMENT~~**

~~Approve the Consent to Assignment with Hassayampa Ranch Ventures A, B, C, & D, LLC, each a Delaware limited liability company (Assignors), and Maricopa County through the Transportation Department, for the purpose of consenting to transferring rights and responsibilities associated with the Hassayampa Ranch Development Agreement Number C-64-08-220-0-00 to Hassayampa Ranch (Phoenix) ASLI V, L.L.L.P., a Delaware limited liability limited partnership (“Assignee”). The Consent to Assignment is non-financial and is effective from January 28, 2009 and with the same termination terms as the Development~~

Agreement.

~~On June 18, 2008 (C-64-08-220-0-00), the Board of Supervisors approved the Hassayampa Development Agreement with the Hassayampa Ranch Ventures A, B, C, & D, LLC for the Hassayampa Ranch Development Master Plan (Assignors). The Assignors are conveying the subject property to the Assignee and is requesting that they be released from all rights and responsibilities associated with the Development Agreement, and that such rights and responsibilities be assigned to the Assignee, including those contained in Development Agreement. C64-08-220-0-00. Supervisory District No. 4~~

Approve the Consents to Assignment by Hassayampa Ranch Ventures, LLC, to Hassayampa Ranch Ventures A, B, C & D, LLC, each a Delaware limited liability company, and by Hassayampa Ranch Ventures A, B, C & D, LLC, to Hassayampa Ranch (Phoenix) ASLI V, L.L.L.P., a Delaware limited liability partnership ("Assignee"), for the purpose of consenting to transferring of rights and responsibilities associated with the Hassayampa Ranch Development Agreement Number C-64-08-220-0-00, between Hassayampa Ranch Ventures, LLC, and Maricopa County through the Department of Transportation. The Consent to Assignment is non-financial and is effective from January 28, 2009, and with the same termination terms as the Development Agreement.

On June 18, 2008 (C-64-08-220-0-00), the Board of Supervisors approved the Hassayampa Development Agreement with Hassayampa Ranch Ventures, LLC, the managing entity for Hassayampa Ranch Ventures A, B, C & D, LLC (collectively, the "Assignors"). The Assignors are conveying the subject property to the Assignee and are requesting that they be released from all rights and responsibilities associated with the Development Agreement, and that such rights and responsibilities be assigned to the Assignee including those contained in the Development Agreement (C-64-08-220-0-00) (Supervisory District 4). (C-64-08-220-0-01)

Prior to the vote the Clerk explained that this item was amended after the agenda was published requiring the strike-out and insertion of the new language.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

BOARD OF SUPERVISORS

Clerk of the Board

37. APPOINTMENT TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARDS

Pursuant to A.R.S. §38-847 and §38-893, approve the appointment of Kathleen M. Hobbs as a citizen member to the following local boards:

- County Attorney Investigator's Public Safety Personnel Retirement System Local Board
- Park Police Public Safety Personnel Retirement System Local Board
- Sheriff's Office Public Safety Personnel Retirement System Local Board
- Corrections Officer Retirement Plan Local Board

Ms. Hobbs was elected Chairman of the Merit System Commission on January 7, 2009. She will fill the unexpired terms of the former Chairman effective as of the date of Board approval

through December 31, 2009. (C-06-09-247-9-00)

Supervisor Wilcox congratulated Kathleen Hobbs and thanked her for her past and future service on the issues of the various boards of directors she has worked on.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

38. APPOINTMENT TO THE EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

Approve the appointment of Margarita Leyvas, Assistant Director of the Maricopa County Human Services Department, Community Services Division as the Maricopa County representative on the Emergency Food and Shelter Local Board (EFSP). Ms. Leyvas will serve a one-year term or for the duration of Phase 27 (EFSP program year). The term of appointment will be effective as of the date of Board approval through October 31, 2009 or until the current Phase is officially ended at which time a new Board will be seated. (C-22-09-127-9-00)

Supervisor Wilcox congratulated the appointee to this board which was created under the auspices of FEMA and thanked her for her service to the residents of Maricopa County.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

SETTING OF HEARINGS

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

Planning and Development

39. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the February 11, 2009 meeting. (C-44-09-076-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

CONSENT AGENDA

Clerk of the Board

40. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-09-265-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

41. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-266-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

42. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-263-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

43. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls 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. Resolutions on file in the Clerk of the Board's Office. (C-06-09-267-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

44. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated January 28, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-269-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

45. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-268-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

BOARD OF SUPERVISORS ADDENDUM

Sheriff

A-1. AMENDMENT TO IGA WITH THE CITY OF GOODYEAR FOR LAW ENFORCEMENT SERVICES

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) between City of Goodyear and Maricopa County through the Sheriff's Office to reduce the level of contracted law enforcement service resulting in a new annual contract value of \$175,594. The original contract began July 1, 2007 following the City's annexation of the Sonoran Valley. This amendment is effective from February 1, 2009 to June 30, 2010. All other terms and conditions of the Law Enforcement Intergovernmental Agreement remain in full force and effect. Also approve per A.R.S. §42-17106 reductions in Sheriff's Office FY 2009 recurring 0000 general fund (100) revenue and expenditures as follows, (\$197,947), (\$472,673) annualized. Approval of this item will result in the abolishment of four deputy positions. Intergovernmental Agreement revenues are not local revenues for purposes 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.

The original contract level of one full beat was established upon annexation of the Sonoran Valley by the City of Goodyear. The plans for an extraordinarily large residential development that would fund this service have not materialized, thus the demand is considerably less than originally anticipated. (C-50-07-068-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

A-2. DONATION FROM AND AGREEMENT WITH EDUCATIONAL OPTIONS, INC. REGARDING HARD KNOCKS HIGH

Approve an agreement between Educational Options, Inc. and Maricopa County on behalf of the Maricopa County Sheriff's Office that provides middle school, high school, and GED preparation courses to the students of Hard Knocks High and documents the success of the Stars Suite™ educational software in Maricopa County Sheriff's Office secure facilities. Also accept the donation of Educational Options' Stars Suite™ of products, including the Novel™ middle and high school courses, GED Duo™, High School Prep courses and TestPak by Educational Options valued at \$81,250 in software licenses, training and support. This amount includes a \$1,000 cash donation to fund 12 months of a required internet connection. This term of this agreement is 12 months, unless terminated by either party without penalty with 60 days written notice, and it is effective February 1, 2009. (C-50-09-051-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Adult Probation

A-3. ACCEPT FY 2008-09 GRANTS FOR THE ADULT PROBATION DEPARTMENT

Accept the FY 2008-09 grants and other associated revenues for the Adult Probation Department of the Judicial Branch. The indirect cost rate as of July 2008 is 9.1% as approved by the Department of Finance. Most of the grants for FY 2008-09 do not allow the indirect cost recovery, as reflected in the funding agreements. The status of indirect costs for each grant is noted on the attached summary sheets. For FY 2008-09 we anticipate accepting 17 new awards for Grants Fund revenue of \$4,651,627 and carrying over Grants Fund revenue balances of \$260,064 on five previously accepted awards. On the new awards, indirect costs on eligible expenditures are estimated to be \$420,072.17 with \$37,189.85 of indirect costs recoverable and \$382,882.32 unrecoverable. In addition, approve an increase to the Adult Probation Grant Fund (211) revenue and expenditure appropriation in the amount of \$375,222. This increase is necessary because actual grant funding to be received is more than anticipated and budgeted. 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.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy is identical in form and substance to policy A2502 "Policy for Administering Grants" and all revisions adopted by the Board of Supervisors for all County departments. The policy states that the Presiding Judge will make a presentation to the Board of Supervisors on an annual basis of the Judicial Branch's grants. A summary of each grant has been prepared in accordance with the provisions of the policy. All supporting documents are electronically attached to this agenda. (C-11-09-002-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Management and Budget

A-4. REVISIONS TO POLICIES REGARDING GRANT BUDGETS

Adopt the revised Budgeting for Results Policy Guidelines (B1006) and the revised Budgeting for Results Accountability Policy (B1001). These revisions will:

- 1) Clarify and streamline the process for developing and amending budgets for grant funds; and
- 2) Specify that department audit findings that cause a negative financial liability to the County may result in line-item budget review; and
- 3) Make technical corrections and updates.

These revised policies are effective upon Board approval.(C-49-09-046-6-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Finance

A-5. AMENDMENT TO INTERGOVERNMENTAL LEASE AGREEMENT WITH MARICOPA REGIONAL SCHOOL DISTRICT NO. 509

Approve Amendment No. 1 to the Intergovernmental Lease Agreement (G-30110) entered into between Maricopa County and Maricopa Regional School District No. 509 for use of County-owned property located at 358 N. 5th Avenue in Phoenix, Arizona 85003. This item was discussed in Executive Session on January 26, 2009. (C-18-08-059-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

A-6. AGREEMENT WITH MARICOPA REGIONAL SCHOOL DISTRICT NO. 509 FOR USE OF COUNTY-LEASED OFFICE SPACE

(NOTE: This item was taken out of order and heard prior to item #7.)

Approve a Facilities Use Agreement (G-30118) between Maricopa County and Maricopa Regional School District No. 509 for use of County-leased office space located on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona. This item was discussed in Executive Session on January 26, 2009. THIS ITEM REQUIRES A UNANIMOUS APPROVAL OF THE BOARD OF SUPERVISORS.

The subject Intergovernmental Lease Agreement (G-30118) is a facility use agreement allowing the Maricopa County Regional School District No. 509 to use current vacant office space in the County-leased premises on the 11th Floor of 4041 N. Central Avenue in Phoenix, Arizona. The effective date of the agreement is on, or about, March 1, 2009, and will terminate on June 30, 2011, unless terminated earlier as provided for in the Agreement. The Maricopa County Regional School District No. 509 is taking the subject office space "as is" and the Maricopa County Regional School District No. 509 will be responsible for the financial cost of any alterations necessary to make the vacant space suitable for its occupancy. (C-18-09-039-1-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson, on a roll call vote

Parks and Recreation

A-7. AGREEMENT AND ACCEPT FUNDS FOR THE GENERAL JOE FOSS SHOOTING COMPLEX AT BUCKEYE HILLS

Approve the Collection Agreement and accept the funding from Arizona Game and Fish Department in the amount of \$20,000 for the operation and enhancement of the General Joe Foss Shooting Complex at Buckeye Hills which will be in effect until June 30, 2009. The department's indirect cost rate for FY2009 is 19.5%. Indirect costs are not recoverable and calculated to be \$3,900. Also authorize the Parks and Recreation Department to sign necessary reporting and reimbursement paperwork to administer the grant.

Under authorization of the Intergovernmental Agreement approved on December 3, 2008 (C-30-09-015-3-00), the Parks and Recreation Department applied for funding with the Arizona Game and Fish Commission to enhance, operate and the General Joe Foss Shooting Complex at Buckeye Hills. The subsequent award is \$20,000. (C-30-09-019-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

Public Works

A-8. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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. The list is on file in the Clerk of the Board's Office. (C-06-09-272-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to convene the Boards of Directors of various districts.

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, January 28, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; Joy Rich, Assistant County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. SETTLEMENT AGREEMENT IN RAMIREZ V. MARICOPA COUNTY AND THE FLOOD CONTROL DISTRICT

Approve a settlement agreement that resolves the lawsuit filed by a Flood Control District employee against the Flood Control District of Maricopa County (District). The parties have agreed to terms and this agreement will settle all claims between the employee and the District. The agreement was negotiated by outside counsel and reviewed by the Maricopa County Attorney's Office.

This is a settlement for Case No. CV08-981-PHX-SRB filed against the District and CV2007-011053 filed against Maricopa County. A separate action to accept the settlement for Maricopa County was submitted under C-91-09-094-S-00. Board approval is requested of a settlement agreement which will resolve two pending lawsuits brought by a Flood Control District employee. The parties have agreed to the terms as set forth in the attached proposed agreement. The primary elements of the proposed agreement are that the employee will dismiss both lawsuits with prejudice, each party to bear its own costs and fees, and will provide the County and the Flood Control District with a full release, in exchange for no money, but for a market study involving his position and like positions. The employee has signed the agreement, in which he acknowledges that the County budget crisis will make any salary or position adjustment unlikely or impossible. The employee has also agreed he has no right to appeal the review. This item impacts all Supervisory District's. (C-69-09-041-S-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

F-2. ADJUSTMENT #2 TO FY 2008-09 CIP BUDGET

Approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2009-2013 Five-Year Capital Improvement Program (CIP), which result in a net change of \$0:

Decrease Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Number	Name	Amount
F022	City of Chandler	\$100,000
F117	South Phoenix Drainage Improvements	\$45,000
F121	East Maricopa Floodway	\$633,000
F211	Buckeye/Sun Valley ADMP	\$300,000
F420	Spook Hill ADMP	\$420,000
F442	East Mesa ADMP	\$1,086,000
F470	White Tanks ADMP	\$200,000

F480	Queen Creek ADMP	\$54,000
F620	Maryvale ADMP	\$333,000
F625	Metro ADMP	\$256,000
Reserve (FCPR)		\$435,000

Increase Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Number	Name	Amount
F026	City of Phoenix	\$185,000
F118	Arizona Canal Diversion Channel	\$560,000
F126	Salt/Gila River	\$40,000
F201	White Tanks Dam No. 4	\$14,000
F300	Spook Hill FRS	\$9,000
F371	Upper New River	\$13,000
F450	Glendale/Peoria ADMP	\$3,041,000

Primary factors associated with forecast expenditure **decreases**:

F022Design delayed awaiting project partner alternative selection – funding reallocated to accelerate other projects. F117Construction estimate reduced during design refinement – funding reallocated to accelerate other projects. F121Construction slowed due to logistical work stoppage – funding reallocated to accelerate other projects. F211Design delayed awaiting project partner alternative selection – funding reallocated to accelerate other projects. F420Construction delayed – funding reallocated to accelerate other projects. F442Construction delayed – funding reallocated to accelerate other projects. F470Design delayed for IGA finalization – funding reallocated to accelerate other projects. F480Construction scope reduced by project partner (lead agency) due to lack of funding – funding reallocated to accelerate other projects. F620Construction cost estimate reduced – funding reallocated to accelerate other projects. F625Design completion by project partner (lead agency) delayed – funding reallocated to accelerate other projects. FCPR Funding reallocated to accelerate other projects.

Primary factors associated with forecast expenditure **increases**:

F026Construction cost estimate by project partner (lead agency) increased. F118Accelerated to utilize available funding. F126Accelerated to utilize available funding. F201Accelerated to utilize available funding. F300Increase in projected legal costs associated with condemnation settlement; net revenue anticipated. F371Updated land management cost projection higher than previous projection. F450Accelerated to utilize available funding. This Agenda Item impacts all Supervisory Districts. (C-69-09-039-2-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
 Ayes: Stapley, Brock, Wilcox, Wilson
 Absent: Kunasek

F-3. CONTRACT WITH OLSSON ASSOCIATES FOR CAMELBACK ROAD STORM DRAIN - FINAL DESIGN

Award Contract FCD 2008C024, Camelback Road Storm Drain (59th to 75th Avenues) Final Design (Project [#620 – Maryvale Area Drainage Master Plan]) to Olsson Associates. The contract is for a lump sum of \$654,311.33, plus a not-to-exceed amount of

\$306,077.29 for optional items. The optional items, which include additional design, survey, plans, meetings, utilities potholing, and geotechnical investigation, and will only be implemented if required. The total contract amount, including the optional items, will not exceed \$960,388.62. The contract performance is 378 calendar days effective the date of the Notice to Proceed.

This Project is for 10-year-level-of-protection storm drain system along Camelback Road from 59th Avenue to 57th Avenue. The storm drain system will outfall to the existing Bethany Home Outfall Channel system. Both completed systems will combine to provide a 100-year level of protection for many homes in the area, while eliminating a large 100-year floodplain to the south of Camelback Road. The Flood Control District of Maricopa County (District) is the lead agency for the design of the Project. The Cities of Glendale and Phoenix will share in the cost of the design in accordance with Intergovernmental Agreement FCD 2000A013 approved by the District Board of Directors on March 21, 2001 (C-69-01-054-2). This is a qualification-based selection in accordance with Maricopa County Procurement Code, Article 5, Paragraph 504. The Project is located in Supervisor District 5. (C-69-09-043-5-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

F-4. IGA WITH CITY OF AVONDALE FOR AGUA FRIA RIVER LEVEE SAFETY MITIGATION

Approve Intergovernmental Agreement (IGA) FCD 2008A009 Agua Fria River Levee Safety Mitigation between the Flood Control District of Maricopa County (District) and the City of Avondale (City). This IGA is for cost sharing and construction of safety enhancements on the District's existing Agua Fria River Levees (Project). The Project cost is estimated at \$440,000, and will be shared equally between the District and the City up to \$50.00 per linear foot, with the District's share capped at \$25.00 per linear foot. The City will be responsible for operation and maintenance for the Project and for any and all public use. This Agreement shall become effective as of the date it has been executed by all parties. This Agreement shall expire 10 years from the date of recording with the County Recorder or upon completion of the PROJECT. The target date for completion for all phases is November 1, 2018.

The District has begun to evaluate existing facilities such as the Agua Fria Levees based on the City of Avondale's request for Regional Levee Safety Mitigation in the FY 2004/2005 CIP Prioritization Procedure. These investigations indicated that although portions of the Agua Fria Levees have barriers, there are approximately six miles of the levees that do not. The use of District facilities along the Agua Fria River for recreational purposes, as indicated in the 221 Agreement (IGA FCD 77001) between the District and the U.S. Army Corps of Engineers, is an essential component of the Maricopa County Regional Trail System. As such, the District may develop cost sharing opportunities that reduce the District's capital and operation and maintenance costs for the installation of safety enhancements on District facilities. This project is located in Supervisory District 5. (C-69-09-036-3-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

FLOOD CONTROL DISTRICT ADDENDUM

FA-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-271-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, January 28, 2009, in the Supervisors' Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; Joy Rich, Assistant County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. AMENDMENT TO IGA WITH SPECIAL HEALTH CARE DISTRICT FOR LIBRARY AUTOMATION

Approve Amendment No. 3 to an Intergovernmental Agreement between Special Health Care District and Maricopa County through the Library District in the not-to-exceed amount of \$11,500. The purpose of this amendment is to continue providing Health Care District library automation. This amendment is effective from January 1, 2009 to December 31, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The Library District has provided the Health Care District with library automation of the public catalog, acquisitions, cataloging and circulation operations since calendar year 2006. The current agreement expires December 31, 2008. The Health Care District wishes to continue receiving the service. The Health Care District shall pay the Library District \$11,500.00 for calendar 2009. (C-65-06-018-2-03)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

46. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart, citizen, alleged the Board treats members differently than citizens, saying she has not seen the Board take seriously any complaint made by a citizen that is against any County department, claiming the Board is adversarial to citizens who do that.

47. Supervisors'/County Manager's summary of current events.

Chairman Wilson read a proclamation supporting the Arizona Cardinals in its first Super Bowl game - to be played in Tampa, Florida on Sunday, February 1st. He encouraged everyone to 'wear red' in support of Arizona's big red team. All the Board members donned a Cardinal's team hat for a photo shoot with Cardinal representatives who were present.

Steve Ryan, Vice President of Business Development for the Cardinals, thanked the Board for proclaiming Friday, January 30, 2009, as Arizona Cardinals Day on behalf of the owners, staff, coaches and players. He also thanked the community for the incredible outpouring of support for the team, and said the players and coaches were surprised and gratified at the sendoff they received Monday at the airport as they left for Tampa.

Luis Zendejas, Sr., Director of Community Relations for the Arizona Cardinals said, "Thank you for your support of the Arizona Cardinals, for they are your Arizona Cardinals."

Supervisor Wilcox said the Joe Foss Shooting Range had been dedicated 10 days ago and people in the area had turned out for the event and were pleased at having a brand new shooting range for public use. She and Supervisor Kunasek attended and the Foss family was there, longtime residents of the Valley of the Sun. She said in expressing their appreciation, many people were volunteering to help out with various kinds of things.

Supervisor Wilcox also commented on the inauguration of President Obama, which she was happy to attend. She said it was amazing and a very emotional and historic day that would change America forever.

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

PLANNING AND DEVELOPMENT ITEMS

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 Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

CODE ENFORCEMENT REVIEW

PZ-1. BUTTERNUT TRUST NO. 9707

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V20081189, Butternut Trust No. 9707. (Supervisor District 2) (C-44-09-075-M-00)

Darren Gerard reported on the background of this case that was opened July 17, 2008, on a citizen complaint of property having junk, trash and debris plus the abandoned shell of a mobile home. A hearing was held on December, 2, 2008, the respondent was found to be responsible and a fine of \$300 plus \$30 per diem was set. The property was found to be in compliance on January 6, 2009. Mr. Gerard asked the Board to uphold the Hearing Officers Order, to include the accrued fines of \$1,440.

Motion to uphold Hearing Officer's Order of Judgment by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

PZ-2. GUSTAVO AND ROSALINDA GARCIA - V200700808

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Case No. V200700808. (Supervisor District 3) (C-44-09-074-M-00)

Darren Gerard reported on the background of this case which opened on a citizen's complaint on April 11, 2007, of an established motorcycle track with dirt mounds in various locations on the southern portion of the property. Some areas of the track had powdery, loose dirt - respondents were ordered to obtain a grading permit on the property. Mr. Gerard said the case was also referred to Flood Control and Air Quality. A grading permit was applied for in September 2007 but was never completed or signed-off. He said the track remains in place but does not appear to have been used recently. A hearing was held December 9, 2008, but the respondent did not attend. He was found to be responsible and a fine set at \$300 and \$30 per diem. Accruing fines now total \$1,800. He asked that the order of judgment be upheld. The applicant was not present.

Motion to uphold Hearing Officer's Order of Judgment and, as requested by Supervisor Kunasek, to waive all fines and accruals if Drainage permit is granted and a final inspection is passed by June 1, 2009. If not, the \$300 fine will be instituted, and the \$30 per diem will accrue from the hearing date of December 9, 2008. He said, in short, they have five-months to comply, by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

REGULAR AGENDA

1. ARIZONA OLYMPIAN GYMNASTICS

Case Number: Z2007003
Supervisorial
District: 1
Applicant: Beus Gilbert, PLLC for Lyle Guthrie
Location: West of Gilbert Road and north of Brooks Farm Road (in the Chandler area)
Request: Special Use Permit (SUP) with 24-hour emergency vesting for the Arizona Olympian Gymnastics Facility in the Rural-43 zoning districts (approx. 2.38 ac.)
Commission Action: Unknown – scheduled for action by the Commission on 01/15/2009 with staff recommendation for approval as listed above.

The applicant has requested this case be heard at the January 28, 2009 Board of Supervisor hearing. The case has been double advertised, however the minutes of the January 15, 2009 P&Z Commission hearing are not available at this time. (C-44-09-077-7-00)

Motion to continue to the February 25, 2009, meeting by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Stapley, Brock, Wilcox, Wilson
Absent: Kunasek

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:15 a.m.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board