



"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' Conference Room
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)

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**Wednesday, June 17, 2009
9:00 AM**

1. INVOCATION

Dr. Rodrigo Silva, Assistant County Manager, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Joy Rich, Assistant County Manager, led the assemblage in the Pledge of Allegiance to the flag.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, June 17, 2009, in the Supervisors Auditorium with the following members present: Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Max Wilson, Chairman, District 4. Also present: Constance Copeland, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis introduced Rocky, an eight-year-old part Chihuahua mix who is leash trained for easy strolls with an owner, and ready for a new home. Since Rocky is an older dog his cost is \$50 if he is adopted today and this includes his license, shots and spay costs.

The following item, A-14, was taken out of order and heard at this time.

Air Quality

A-14. FIRST ANNUAL AIR QUALITY CONFERENCE

Presentation regarding the FIRST ANNUAL AIR QUALITY CONFERENCE. At the conclusion of the presentation, approve and authorize the Air Quality Department to hold its first annual Air Quality Conference.

Lawrence Odle, Director
Holly Ward, Public Information Officer

Approve and authorize the Air Quality Department to hold its first annual air quality conference. (C-85-09-020-P-00)

Holly Ward, Air Quality Public Information Officer, explained the department wants the Board's support for the department's plans to hold the first annual Air Quality Conference. She indicated the date had not yet been set but it will possibly be held in October. This Conference will fit within the department's 95% plan commitment, the first measure being public outreach and awareness.

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

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

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.

a. SPECIAL EVENT FOR FOUNTAIN OF LIFE LUTHERAN CHURCH

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Joanne Devries for the Fountain of Life Lutheran Church at 15630 N. Del Webb Boulevard, Sun City, AZ 85351 to be held on October 25, 2009 from 4:00 p.m. to 9:00 p.m. (Supervisorial District 4) (C-06-09-441-L-00)

Motion to continue to the next formal meeting on July 22, 2009, by Supervisor Wilcox,
Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

b. NEW LICENSE FOR DUNERS PIZZA

Pursuant to A.R.S. § 4-201, approve an application filed by Tracie Marie Acevedo for a New Series 12 Liquor License for Duners Pizza at 7707 SW Highway 85 #133, Buckeye, AZ 85326. (AZ 12078001) (Supervisorial District 4) (C-06-09-442-L-00)

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

c. ACQUISITION OF CONTROL FOR ANACAPA GRILL AT CORTE BELLA

Pursuant to A.R.S. § 4-203(F), approve an application filed by Robert Eddie Rials for Acquisition of Control of the Anacapa Grill at Corte Bella at 22135 N. Mission Drive, Sun City West, AZ. 85375. (AZ 12077469) (Supervisorial District 4) (C-06-09-443-L-00)

Ryan Anderson and Bob Rials were present to speak in favor of this item and to answer any question, as necessary. There were no questions forthcoming from Board Members.

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

Superintendent of Schools

6. HEARING REGARDING OVEREXPENDITURE REQUEST BY SADDLE MOUNTAIN UNIFIED SCHOOL DISTRICT #90 FOR FY 2008-09

Conduct a hearing to determine whether to approve the petition from the School Governing Board of the Saddle Mountain Unified School District #90 requesting the authority to incur liabilities in excess of the budget pursuant to A.R.S. § 15-907 in the amount of \$98,052.41. These legal fees were not originally accounted for in the school district's budget for FY 2008-09 as they were unexpectedly incurred due to unique circumstances, which exist at the school district. (C-37-09-024-M-00)

Sandra Wilkins, Saddle Mountain School District, addressed the Board to explain the circumstances of the funding shortage. This is due to legal expenses incurred in the current fiscal year and she added that Saddle Mountain is in receivership because of the mismanagement of funds by the prior administration over the past five years. The District is in litigation to try to recover capital funding for taxpayers and has to use operating budget funds to pay the legal expenses, which are currently more than \$98,000. Additional legal fees are expected to be incurred before the encumbrance period ends in August.

Chairman Stapley recognized Dr. Covey, County Superintendent of Schools, who was in the audience, and said he knew Dr. Covey and his department had provided assistance and expertise to the school district in this crisis.

Supervisor Kunasek said it had been years since the Board had even contemplated taking this type of action. He felt there are compelling reasons in this unique circumstance for the Board to take action to help in the district's recovery, and said he was happy to support approval of this item.

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

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Court

7. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR CLERK OF THE COURT

Approve exceptions to the Technology Finance Program (TFP) for applicable equipment items and their related components acquired outright by the Clerk of the Superior Court (160) during FY 2008-09. Technology acquired for eFiling / Electronic Court Record projects included servers, filing counter receipt printers, and scanner replacements. Approval is necessary because one-time use of special revenue funds requires one-time purchases.

The Board has previously approved technology funding for various eFiling / Electronic Court Record projects. As directed in the Budgeting for Results Memo 09-07, Hiring and Capital

Freeze Continuation, the Clerk's Office requested and received exemption from the freeze policy to purchase the equipment. This action is necessary to ensure alignment and compliance with new policies concerning procurement of equipment and technology. (C-16-09-009-M-00)

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

County Attorney

8. ACCEPT FUNDING FROM STATE OF ARIZONA

Pursuant to Laws 2008, Chapter 285, 48th Legislature, 2nd Regular Session, House Bill 2209, approve the receipt of \$1,430,000 by the Maricopa County Attorney's Office from the State of Arizona to enforce immigration related matters and the provisions of Laws 2008, Chapter 152, 48th Legislature, 2nd Regular Session, House Bill 2745. This funding is effective July 1, 2008, and is exempt from the provisions of A.R.S. 35-190, relating to lapsing of appropriations.

This funding is a direct appropriation received from the State of Arizona through the Arizona Department of Administration. The Department of Finance has established an indirect cost recovery rate of 14% for the County Attorney's Office. In accordance with Maricopa County grant policy, the County Attorney will recover 14% in indirect costs from this funding, totaling \$200,200.

This funding does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

House Bill 2209 appropriates money from the state general fund to be distributed to all county attorneys to enforce the state laws that imposes sanctions on employers who knowingly or intentionally hire unauthorized aliens. The Legal Arizona Workers Act, originally passed in 2007, was amended in accordance with House Bill 2745. House Bill 2209 provides that the Maricopa County Attorney's Office receive the sum of \$1,430,000.00. It is anticipated that a portion of these funds will be transferred to the Sheriff's Office on a reimbursement basis to fund investigation and enforcement efforts in connection with violations of A.R.S. 23-212. (C-19-09-052-2-00)

Supervisor Wilcox explained that she would not support this item, noting that the federal government is just beginning a comprehensive look at immigration reform that could impact such funding. She questioned how these monies would be used citing previous patterns of use of similar funds, which has been contrary to the rule of law that she believes should be enforced.

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

Chairman Stapley said the vote is two and two so the motion failed for lack of a majority vote. Counsel explained that because there was not a full Board present for the vote it may be brought back for reconsideration.

Chairman Stapley noted that his "no" vote was also over concern on previous misuse in the application of similar grant enforcement monies. Chairman Stapley said he has

received no response from the County Attorney to his request for a briefing on the projected use of these funds. Since there is an alleged unwillingness on the County Attorney's part to brief the Board on the way these new funds will be used, the Chairman felt he could not vote affirmatively. He added that he would be open to reconsideration of the item if he receives a satisfactory explanation on use of the funds.

9. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT THROUGH THE ARIZONA CRIMINAL JUSTICE COMMISSION

Approve the application for and the acceptance of an award of American Recovery and Reinvestment Act of 2009 grant funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) – State Formula from the Arizona Criminal Justice Commission in the amount of \$1,908,589 to Maricopa County, through the County Attorney. This grant will fund the prosecution of drugs, gang, and violent crime offenders. The term of the grant is from July 1, 2009 through June 30, 2010. The grant allows a 0% rate for indirect costs, or \$0 that may be incurred by the County Attorney's Office of Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 14.4%, or \$274,836. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$274,836. This grant does not require Maricopa County to provide any matching funds, nor does it require any on-going continuation of effort after termination of the grant program.

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 grant application and award is for \$1,908,859.00 and will be used to support fourteen FTE Prosecutors, two FTE Detectives, four FTE Paralegals, five Legal Support Specialists, and one FTE Victim Advocate. These positions will be used to enhance the prosecution of drug, gang, and violent crime cases. This grant will expire at the end of the award period unless prior written approval for an extension has been obtained from the Arizona Criminal Justice Commission. Payment of grant funds is contingent upon receipt of federal funds during the term of this agreement. This grant may automatically renew in FY 2010-2011 without need for future application. Beyond that, there is no long term expectation of continued funding for this grant; however, funds have been awarded by the Arizona Criminal Justice Commission for this purpose since FY 1994-1995, with the most recent funding for the period of July 1, 2008 through June 30, 2009 in the amount of \$1,498,720.00.

Because of the urgency surrounding the implementation and use of Recovery funds, the Board of Supervisors will be asked to sign the grant agreements at a later date. This action will authorize the acceptance of the funds and authorize the grant documents to be signed at a later date and will enable Maricopa County and the grantor to avoid delays in the implementation of the use of the funds. (C-19-09-055-G-00)

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

Sheriff

10. SALE AND TRANSFER OF EQUIPMENT TO TACTICAL SUPPORT POSSE

Pursuant to A.R.S. 11-251 (9), approve the sale for \$3,628 of County vehicle #31434, a 2004 Ford Expedition that is designated to go to auction to the Tactical Support Posse. The amount is the average auction value of two like vehicles sold at auction in the last eight months. Unanimous consent of the Board is required. This item was continued from the

March 18, 2009 and April 1, 2009 meetings. (C-50-09-057-M-00)

This item requires a unanimous vote of the Board and was continued until it is reposted.

11. AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT WITH STADIUM DISTRICT FOR SECURITY SERVICES AT CHASE FIELD

Approve Amendment No. 4 to the Intergovernmental Agreement (IGA) for Law Enforcement Services between the Maricopa County Stadium District and Maricopa County. The original IGA was effective March 18, 1998 to enable Maricopa County through the Maricopa County Sheriff's Office to provide law enforcement and security services to the Maricopa County Stadium District for Diamondbacks baseball games and Stadium District events held at Chase Field. This amendment increases the hourly billing rates for various ranks of officers that would be assigned to an event and is effective June 1, 2009. All other terms and conditions remain the same.

Approval of this agenda item will allow the Sheriff's Office to recover its personnel costs associated with enforcement services to Chase Field during Diamondbacks baseball games and events scheduled by the Stadium District. Hourly rates and benefits have increased since 2006 and this amendment reflects the impact of those changes. A corresponding agenda item is listed on the Stadium District Agenda under C-78-98-040-2-01. (C-50-98-065-0-04)

Supervisor Kunasek said he had not been briefed on this matter and asked that it be continued to the next meeting. The Chairman declared the item continued.

12. RESOLUTION TO APPLY AND ACCEPT FUNDING FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR PROJECTS IN ARIZONA'S 2010 HIGHWAY SAFETY PLAN

Adopt a Resolution approving application and acceptance of up to \$505,545 in reimbursable grant funding from the Governor's Office of Highway Safety (GOHS). This funding will be used for projects relating to all aspects of highway safety. The anticipated term of the funding is October 1, 2009 through September 30, 2011.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this grant are estimated to be \$83,920.47. (C-50-09-078-G-00)

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

13. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY

Approve the Intergovernmental Agreement (IGA) between the Maricopa County Board of Supervisors acting on behalf of the Maricopa County Sheriff's Office (MCSO) and the Arizona Department of Public Safety (DPS), for reimbursement of overtime expenses relating to the High Intensity Drug Trafficking Area (HIDTA), Maricopa County Meth Task Force. The term of this Agreement is June 1, 2009 through September 30, 2010.

The DPS is a subrecipient of funds therefore indirect costs are not applicable. MCSO will reimburse DPS overtime, related to the HIDTA Maricopa County Meth Task Force, not to exceed \$40,000. (C-50-09-079-3-00)

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

14. REIMBURSEMENT AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES (OCDETF)

Approve the Agreement and acceptance of up to \$10,000 in overtime reimbursement funding from the Drug Enforcement Administration, Organized Crime Drug Enforcement Task Force (OCDETF). The term of this Agreement is from March 1, 2009 through September 30, 2009.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this Agreement are estimated to be \$1,660. (C-50-09-080-3-00)

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

15. CHANGE ORDER FOR ADDITIONAL FUNDING FOR THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS), EAST AND WEST VALLEY DUI TASK FORCE

Approve Change Order Number 2009-121 and acceptance of an additional \$40,000 in grant funds from the Governor's Office of Highway Safety (GOHS), East and West Valley DUI Task Force. Term of Agreement #2008-410-028 is through September 30, 2009.

This increase will bring the total award from \$40,000.00 to \$80,000.00. The Sheriff's Office indirect cost rate for FY09 is 12.2%. Unrecoverable indirect costs associated with this increase are estimated to be \$4,880.00. This funding was approved by the Board of Supervisors on June 4, 2008 (C-50-08-557-3-00). (C-50-08-557-3-01)

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

16. AGREEMENT WITH THE ARIZONA AUTO THEFT AUTHORITY FOR THE 2009/2010 PUBLIC AWARENESS PROGRAM

Approve the agreement and acceptance of \$7,682 in grant funding from the Arizona Automobile Theft Authority, 2009/2010 Public Awareness Grant Number: 2010-PA.AZ0070000.01. The term of this agreement is July 1, 2009 through June 30, 2010.

Also, approve an exception to the Technology Finance Program (TFP) for the one-time purchase of VIN Etching Equipment, estimated cost \$2,282.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this grant are estimated to be \$1,275.21. (C-50-09-082-G-00)

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

17. CHANGE ORDERS TO AMEND GRANT FOR AGGRESSIVE DRIVER VEHICLE PROGRAM

Approve Change Order Number 2009-041 extending the expiration date of the Highway Safety Contract with the Governor's Office of Highway Safety (GOHS) for the Aggressive Driver Program from April 30, 2009 to September 30, 2009.

Approve Change Order Number 2009-127 to amend the Aggressive Driver Vehicle type from a sedan to a truck.

Also, approve an exception to the Technology Finance Program for the one-time purchase of necessary equipment to outfit this vehicle to include but not limited to: radio, radar unit and in-car video equipment.

The Highway Safety Contract between GOHS and the MCSO, (C-50-07-560-3-01) was approved by the Board of Supervisors on September 17, 2008. There is no increase in grant funds because of these Change Orders. (C-50-07-560-3-02)

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

18. AGREEMENT WITH ARIZONA AUTO THEFT AUTHORITY FOR THE 2009/2010 LAW ENFORCEMENT PROGRAM

Approve the Agreement and acceptance of \$11,500 in grant funding from the Arizona Automobile Theft Authority, 2009/2010 Law Enforcement Grant Number: 2010-LE.AZ0070000.01. The term of this agreement is July 1, 2009 through June 30, 2010.

Also, approve exception to the Technology Finance Program (TFP) for the one-time purchase of a BSM Stinger for the Bait Vehicle, estimated cost \$3,300.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this grant are estimated to be \$1,909. (C-50-09-083-G-00)

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

19. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Sheriff's Office for April 2009. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-459-7-00)

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

Superintendent of Schools

20. APPORTIONMENT OF NATIONAL FOREST FEES

Pursuant to A.R.S. § 11-497, approve the apportionment of \$566,444 of National Forest Fees for FY 08-09. The Superintendent of Schools (370) Fund (100) will receive 84%, the

Superintendent of Schools (715) School Grant Fund (715) will receive 9%, and the Emergency Management Department (151) Emergency Management Fund (215) will receive 7% to be used for Title III programs.

The Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act), Public Law 106-393, was enacted to provide five years of transitional assistance to rural counties affected by the decline in revenue from timber harvests on federal lands. The last payment authorized under P.L. 106-393 was for FY 2006.

On May 25, 2007, the Iraq Accountability Appropriations Act of 2007, P.L. 110-28, was signed into law. It included a provision for payments to States and counties for FY 2007 and extended provisions of Title II and Title III of the SRS Act.

On October 3, 2008, P.L. 110-343 (H.R. 1424, Emergency Economic Stabilization Act of 2008, Energy Improvement and Extension Act of 2008, and Tax Extenders and Alternative Minimum Tax Relief Act of 2008) was signed into law. Section 601 of Division C of P.L. 110-343 amends and reauthorizes the SRS Act (P.L. 106-393). The SRS Act, as amended, retains the original title.

The Secure Rural Schools and Community Self-Determination Act of 2000 indicates that if the County share of the State payment (or State transition payment) is \$350,000 or greater, the County must allocate a total of 15% to 20% of its share to Title II and Title III projects, except that the allocation for Title III projects may not exceed 7%, or return 15% of its share to the Treasury. The total allocation percentage amounts distributed to Title II and Title III combined must be no less than 15% and no greater than 20%.

The Secure Rural Schools and Community Self-Determination Act of 2000 indicates that Title III funds may be used to:

- 1) Carry out activities under the Firewise Communities Program to provide homeowners in fire sensitive ecosystems education and assistance with implementing techniques in home sitting, home construction, and home landscaping that can increase the protection of people and property from wildfires;
- 2) Reimburse the participating county for search and rescue and other emergency services, including firefighting that are performed on Federal land after the date on which the use was approved and paid for by the participating county; and
- 3) Develop community wildfire protection plans in coordination with the Secretary of Agriculture.

Also, counties that elect to allocate funds for Title III projects must submit certification that the funds were used in accordance with Title III to the Secretary of Agriculture no later than February 1 of the year after county funds were expended.

The county is eligible to utilize Title III funds for the purposes specified above. However, if funds cannot or have not been used as indicated by the Secure Rural Schools and Community Self-Determination Act of 2000, funds must be returned to the Treasury.

It is the intention of the Superintendent of Schools to use the National Forest Fees for recovery to the General Fund for the purchase of a new financial software system which was purchased in March 2004 and technology purchases; small schools educational programs; and county roads.

Further, it is the intention of the Emergency Management Department to utilize the funds they receive in compliance with the requirements of Title III by expanding the scope of the Community Wildfire Protection Plan (CWPP) to incorporate northern and eastern Maricopa County; provide funding for the projects identified in the completed plan by the CWPP Committee (i.e. community education/outreach and fuels reduction); and assist in local wildfire mitigation projects.

The County Treasurer's Office has on deposit National Forest Fees for FY 08-09 in the amount of \$566,444. This amount represents Maricopa County's share of the National Forest Fees apportionment. These fees are allocated as described below:

Superintendent of Schools (370) General Fund (100): \$475,813
Superintendent of Schools (370) Grant Fund (715): \$47,532
Emergency Management Department (151) Emergency Management Fund (215): \$43,099
(C-37-09-010-M-00)

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

21. AMENDMENT TO TITLE III CONSORTIUM (ENGLISH LANGUAGE ACQUISITION ENHANCEMENT AND ACADEMIC ACHIEVEMENT) GRANT

Approve Amendment No. 2 to the Title III Consortium – English Language Acquisition Language Enhancement and Academic Achievement grant from the Arizona Department of Education (ADE) changing the amount from \$82,616.00 to \$150,147.20. The purpose of this formula-based grant is to improve instructional services for English Language Learner students and families of Local Educational Agencies (LEAs) within the Maricopa County Educational Service Agency (ESA) Title III Consortium CTDS#079999001. The term of the contract has changed beginning July 1, 2008, through September 30, 2009. This grant is non-renewable.

MCSOS's indirect cost rate for FY2009 is 19.50 percent. The indirect cost rate that is allowed with this grant is 0.00 percent. Unrecoverable indirect costs on this award are \$29,278.70.

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. (C-37-09-014-G-01)

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

22. APPROVE AMENDED IDEA BASIC ENTITLEMENT GRANT

Approve Amendment No. 1 to the IDEA Grant from the Arizona Department of Education (ADE) changing the amount from \$12,992.45 to \$16,503.03. The grant provides Special Education Classroom Materials and Services for Mobile Elementary School District #86 and Sentinel Elementary School District #71. The term of the contract remains unchanged from July 1, 2008, through June 30, 2009. This grant is non-renewable.

MCSOS's indirect cost rate for FY09 is 19.50 percent. The indirect cost rate that is allowed with this grant is 0.00 percent. Recoverable indirect costs are \$0. Unrecoverable indirect costs on this award are \$3,218.09.

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. (C-37-09-017-G-01)

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

23. AMENDMENT TO TITLE IV, SAFE & DRUG FREE BASIC GRANT

Approve Amendment No. 2 to the Title IV, Safe & Drug Free Basic Grant from the Arizona Department of Education (ADE) changing the amount from \$10,533.00 to \$20,177.35. This grant provides services for Small and Rural School Districts within Maricopa County through approved programs and professional counseling that will enhance the safe school concept. The term of the contract has been changed beginning July 1, 2008, through September 30, 2009. This grant is non-renewable.

MCSOS's indirect cost rate for FY09 is 19.50 percent. The indirect cost rate that is allowed with this grant is 0.00 percent. Recoverable indirect costs on this award are \$0. The restricted indirect cost rate unallowable by this grant source is 19.50 percent. Unrecoverable indirect costs on this award are \$3,934.58.

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. (C-37-09-008-G-01)

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

24. AMENDMENT TO THE STATE CHEMICAL ABUSE GRANT

Approve Amendment No. 1 to the State Chemical Abuse Grant from the Arizona Department of Education (ADE) changing the amount from \$5,000.00 to \$6,000.00. This grant provides services for Small and Rural School Districts within Maricopa County through approved programs and professional counseling that will enhance the safe school concept. The term of the contract remains unchanged from July 1, 2008, through June 30, 2009. This grant is non-renewable.

MCSOS's indirect cost rate for FY09 is 19.50 percent. The indirect cost rate that is allowed with this grant is 0.00 percent. Recoverable indirect costs on this award are \$0. Unrecoverable indirect costs on this award are \$1,170.00.

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. (C-37-09-007-G-01)

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

COUNTY MANAGER

Communications

25. INCREASE TO COMMUTER BENEFIT SUBSIDY

Approve an increase to the employee commuter benefits maximum subsidy amount from \$68 per employee per month to \$85.00 per employee per month in order to maintain the current levels of employee subsidies for the Platinum Pass Card Program and the Vanpool Subsidy Program. This change is a result of the Valley Metro fare structure increases which go into effect on July 1, 2009.

Valley Metro is increasing the maximum monthly fare structure for the local and lightrail trips from \$45 to \$55 and the express and rapid trips from \$68 to \$85.00. Maricopa County has been subsidizing 100% of the cost of the Platinum Pass Card Program as a measure of the Trip Reduction Program to reduce employee single occupancy vehicle trips to 60% pursuant to the goals established by County ordinance. An equal subsidy amount is provided to employees participating in the Valley Metro Vanpool Program. In order to maintain the 100% subsidy level, the Board of Supervisors is requested to increase the maximum employee monthly subsidized amount from \$68 per month to \$85.00 per month. The Platinum Pass program is a pay-as-you-go program and the County is only charged for actual trip charges when an employee uses the Platinum Pass Card. All monthly charges are capped at the monthly maximum and once the cap is reached, additional trips are free of charge.

The 100% subsidy program began June 17, 1996, as a three-month trial period and was extended on October 16, 1997, until June 25, 1997, directing departments to absorb any additional expenses within their allocated budgets. On May 28, 1997, the Board of Supervisors approved the 100% subsidy program indefinitely or until rescinded or modified by the Board of Supervisors. On July 15, 1998, the BOS approved an increase from \$51.00 to \$56.00 per month per rider effective August 1, 1998; and on November 14, 2007, the BOS approved an increase from \$56 per month to \$68 per month effective December 1, 2007.

The BOS action and subsidy program are in support of the Maricopa County Trip Reduction Program.

Actual charges for the subsidy program are part of department budgets and will be absorbed within their current appropriation amount. (C-71-09-006-2-00)

Supervisor Brock felt approval of this item would contribute to the County's continuing efforts to reduce traffic congestion.

Supervisor Wilcox agreed and added that with the economy worsening and all the changes in the workforce of the County it was good to increase the employee commuter benefits subsidy.

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

26. REDISTRIBUTION OF DONATED FUNDS

Authorize the Department of Finance to redistribute donated funds, in a not-to-exceed amount of \$40,000 (plus interest), that were received from Mr. Max Wilson (Agenda C-62-07-003-M-00, dated June 20, 2007) for the purpose of capital improvements at the Maricopa

County Events Center, to the Banner Olive Branch Senior Center by the end of FY 09. These donated funds, which have been held in an interest-bearing account and have not been expended, are being redirected in accordance with the directions of the original donor, Mr. Max Wilson.

On June 20, 2007, the Maricopa County Board of Supervisors accepted a personal donation in the amount of \$40,000 from Mr. Max Wilson (C-62-07-003-M-00). These funds were donated for capital improvements at the Maricopa County Events Center; these funds have been held in an interest-bearing account and have not been expended. In January 2009, the Maricopa County Events Center was returned to the Arizona Board of Regents. In accordance with the wishes and the direction of Mr. Max Wilson, these funds are to be redirected to the Banner Olive Branch Senior Center in Sun City, Arizona, by the end of fiscal year 2009. (C-71-09-007-2-00)

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

Crime Prevention - Meth Program

27. IGA WITH CITY OF PHOENIX FOR HEALTH AND SAFETY EVENTS

Approve an Intergovernmental Agreement (IGA) in an amount not-to-exceed \$6,000 with the City of Phoenix to support two summer community safety and health events focusing on South Mountain youth and their families. These events, sponsored jointly by Maricopa County and the City of Phoenix, will be held at Hermoso Park and South Mountain Community Center and will enhance the County's youth- and family-focused initiatives associated with the Crime Prevention Plan approved by the Board of Supervisors in March 2008. These funds will reimburse the City of Phoenix for unbudgeted staff salaries, recreational activities, refreshments and participant incentives.

The City of Phoenix Parks and Recreation Department, in collaboration with Maricopa County and community providers, will implement two health and safety community events at Hermoso Park and the South Mountain Community Center. The event objectives include: 1) promoting community health and safety opportunities; 2) showcasing the County's youth and adult crime prevention and intervention programs and encouraging community participation; 3) strengthening collaborative efforts among stakeholders, such as adult and juvenile probation, community-based service providers, law enforcement, and faith-based organizations; and 4) advancing positive community messaging. (C-42-09-012-3-00)

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

Justice System Planning and Information

28. APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2009 LOCAL SOLICITATION

Approve application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009 Local Solicitation (CFDA #16.738), funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The grant purpose is to improve or enhance criminal justice programs. The grant beginning date is October 1, 2008; ending date is September 30, 2012. Awards are made to various partner groups based on a formula; partners for this grant include Maricopa County; the cities of Avondale, Chandler, El

Mirage, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Surprise, and Tempe; and the town of Gilbert. The award amount is \$2,429,831. The grantor limits administrative funds to 10% of the award. (C-42-09-013-G-00)

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

Office of the County Manager

29. CONTINUE "LINE ITEM BUDGET CONTROL" FOR THE TREASURER'S OFFICE

Approve the continuation of "line item budget control" for the Treasurer's Office for FY 2009-10.

Board approved Budgeting for Results Accountability Policy section D.12 states the following: "if there is a significant risk that a department will exceed its appropriated budget, the Board of Supervisors/Board of Directors may adopt appropriated budgets for that department at the level of program/activity and/or object of expenditure."

The Treasurer's Office has provided no significant signs that without OMB oversight of the Treasurer's Office budget, they would be able to meet their budget commitments. OMB's recommended action plan is to continue the Treasurer's Office on a line item budget control plan at both the program/activity and at the object code level. (C-20-09-017-2-01)

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

30. CONTRACT WITH WESTMARC FOR NONPROFIT ECONOMIC DEVELOPMENT FUNDING

Approve a Contract between WESTMARC, the appointed administrator for the Western Maricopa Enterprise Zone (WMEZ) and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$15,000. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the Western Maricopa Enterprise Zone (WMEZ) for purposes to include enhancing and strengthening the employment base of Western Maricopa County by promoting enterprise zone benefits to agencies and groups within the area as well as groups looking to relocate to the area. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-063-3-00)

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

31. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR MARICOPA INTEGRATED HEALTH SYSTEM

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Maricopa County Special Health Care District's "Transforming Patient Care by Implementing Electronic Medical Records" program in an amount not-to-exceed \$92,100. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental

Agreements (IGA) between the Gila River Indian Community 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), if funds are approved, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$92,100.

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. (C-20-09-064-G-00)

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

32. RESOLUTION TO APPLY FOR AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR FRIENDLY HOUSE

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Friendly House Capital Campaign in an amount not-to-exceed \$300,000. Friendly House is undertaking a capital campaign to construct a multi-purpose community center, as well as support much-needed capital improvements to their Comprehensive Youth Services campus. The grant period is July 1, 2009-June 30, 2012. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community 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), if funds are approved, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$100,000, the FY 2010-11 revenue and expenditure budgets not-to-exceed \$100,000t, and the FY 2011-12 revenue and expenditure budgets not-to-exceed \$100,000.

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. (C-20-09-066-G-00)

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

33. RESOLUTION TO APPLY FOR ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR THE D-BACKS JAM

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the D-Backs Jam in an amount not-to-exceed \$5,000. The grant period is July 1, 2009-

June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community 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), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$5,000.

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. (C-20-09-067-G-00)

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

DEPUTY COUNTY MANAGER

Employee Health Initiatives

34. AMEND THE MARICOPA COUNTY HEALTH CARE PLAN

Approve amending The Maricopa County Health Care Plan (the "Plan"), which amending is effective as of July 1, 2008, to allow military reservists who are called or ordered to active military duty, on or after July 1, 2008, to elect receipt of a Qualified Reservist Distribution ("QRD") for health care expenditures from the reservist's Health Care Account; these reservists' health care accounts are under the auspices of Maricopa County.

Under Section 6.1 of the Plan, the Board of Supervisors is allowed to amend the Plan, which amending is needed to assure the Plan's successful operation and administration.

Currently, the Plan does not allow military reservists who are called or ordered to active military duty and are participants in a Health Care Account to receive a distribution of certain funds from his or her Health Care Account for a Plan Year. Amending the Plan is required to allow these military reservists to elect a distribution (i.e., a QRD) from their respective Health Care Accounts. Also amending the Plan allows it to comply with necessary federal and state regulations.

A military reservists is defined as a member of the Army National Guard, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service. A reservist who is ordered or called to active military duty for a period of 180 days or for an indefinite period may elect to receive a QRD from his or her Health Care Account. However, the reservist must have been called or ordered to active duty on or after July 1, 2008, and to qualify for the QRD election the reservist must submit the necessary paperwork of his or her active duty to a review committee. After receiving the necessary paperwork, the review committee will determine within 60 days whether to honor the reservist's election for a QRD. As a general rule, a reservist who elects a QRD and receives it will forfeit the right to receive reimbursement for Covered Health Expenses incurred during the Plan Year. (C-35-09-011-3-00)

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

Management and Budget

35. FY 2009-10 HIRING FREEZE

Approve the FY 2009-10 hiring freeze Process to be implemented in all judicial branch, elected and appointed departments and special districts effective immediately upon Board approval.

On January 14, 2008, the Board of Supervisors approved a hiring freeze for FY 2007-08. The FY 2007-08 hiring freeze expired on June 30, 2008. The Board then approved the continuation of the Hiring Freeze for FY 2008-09 on July 23, 2008. Due to the continued ominous outlook of our revenue forecasts, the Office of Management and Budget recommends that the Board continue the Hiring Freeze.

The FY 2009-10 Hiring Freeze Process will be as follows:

All positions currently vacant or that become vacant in the future will be subject to a hiring freeze conforming to the budget Furlough policy. This freeze will be in effect until the end of the fiscal year.

If a position becomes vacant which affects public health or safety, the elected office, department, agency, or district will contact the Office of Management and Budget (OMB). Only positions that provide direct and critical public health and/or safety services, are essential to revenue collection, or are grant-funded and required to maintain compliance with the grant may be considered for exemption. In collaboration with the requesting elected office, department, agency, or district OMB will make a determination whether a recruitment is necessary in order to alleviate a critical public health or safety issue. If OMB and the elected office, department, agency, or district are in disagreement, the elected office, department or agency may appeal the decision to the County Manager. If still unresolved, the Elected office, department, agency or district may bring the item to the BOS on an agenda.

Elected offices, departments, agencies and districts are required to meet or exceed the budgeted salary savings as indicated in their budget(s). In order to meet this requirement, positions authorized for recruitment during this hiring freeze may need to be held vacant for a period of time until budgeted salary savings is met. Elected offices, departments, agencies or districts that are over-budget year-to-date are not eligible for hiring freeze exemptions of any kind. (C-49-09-004-6-04)

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

36. FY 2009-10 CAPITAL PURCHASING FREEZE

Approve the FY 2009-10 Capital Purchasing Freeze Process to be implemented in all judicial branch, elected and appointed departments and special districts effectively immediately upon Board approval.

On March 12, 2008, the Board of Supervisors approved a Capital Purchasing Freeze for FY 2007-08. The FY 2007-08 Capital Purchasing freeze expired on June 30, 2008, The Board then approved the continuation of the Capital Purchasing Freeze for FY 2008-09 on July 23, 2008. Due to the continued ominous outlook of our revenue forecasts, the Office of Management and Budget recommends that the Board continue the Capital Purchasing Freeze.

The FY 2009-10 Capital Purchasing Freeze Process will be as follows:

All procurements, including those made with the P-Card or any other procurement mechanisms, which meet any of the following, will be subject to a freeze:

- Non-Capital Equipment (Object Code 804)
- Furniture (All applicable Object Codes)
- Computers, servers, printers, monitors, peripherals and other like items including the Desktop Refresh, Laptop Refresh and all other items covered under the Technology Financing Program, (All applicable Object Codes)
- Capital Equipment not purchased as part of an approved Major Maintenance or Capital Improvement Project (All applicable Object Codes)

This freeze applies to all funds and will be in effect until the end of the fiscal year.

There will be NO EXEMPTION PROCESS. However, if a purchase affects the health or safety of Maricopa County citizens, or is deemed necessary, the elected office, department or agency will contact the Office of Management and Budget (OMB). In collaboration with the requesting elected office, department or agency, OMB will make a determination whether the purchase is appropriate. If OMB and the elected office, department or agency are in disagreement, the elected office, department or agency may appeal the decision to the County Manager. If still unresolved, the elected office, department or agency may bring the item to the BOS on an agenda. (C-49-09-004-6-03)

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

37. DIRECT PAYMENT OF FY 2008-09 MANDATED STATE CONTRIBUTIONS

Direct the Department of Finance to pay the amounts encumbered pursuant to C-49-09-037-2-01 to the State Treasurer.

The purpose of this agenda item is to direct payment to the State of Arizona pursuant to Laws 2008 Chapter 288, Section 10. On November 17, 2008 (C-49-09-037-2-00) the Board of Supervisors approved the "FY 2008-09 State Contribution Funding Guidelines." On February 9, 2009 (C-49-09-037-2-01) the Board of Supervisors amended the budget and encumbered funds for future payment to the State.

Subsection B of this law states as follows: "Notwithstanding any other law, a county may meet any statutory funding requirements of this section from any source of county revenue designated by the county, including funds of any county wide special taxing district in which the board of supervisors serves as the board of directors." (C-49-09-037-2-02)

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

38. ONE-TIME FUNDING TO COVER LEGAL SERVICES EXPENDITURES

Pursuant to A.R.S. §42-17106(b), transfer FY 2008-09 expenditure authority in an amount not-to-exceed \$2,400,000 from the Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Contingency line to a new line in Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Other Programs entitled "Legal Services." This action provides funding for potential cost overruns in the County Attorney Civil and General Litigation departments. (C-49-09-068-2-00)

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

39. FY 2009-10 SCHEDULE OF PREMIUM PAY RATES

Authorize the FY 2009-10 Schedule of Premium Pay Rates applicable to all employees paid through the Maricopa County payroll system. This action is consistent with the Maricopa County Compensation Plan and Administrative Policy and Procedure Pay Differentials HR2416.

The FY 2009-10 Schedule of Premium Pay Rates is Employee Compensation's recommendation for premium pay to begin June 29, 2009. This recommendation to the Board is based on a market review; adjustments were made where warranted by market conditions and/or budgetary constraints. Additional premium pay rate options are necessary to give departments greater flexibility in handling the County's current economic crisis. (C-49-09-069-6-00)

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

40. TRANSFER OF EXPENDITURE AUTHORITY FOR THE POST RETIREMENT HEALTH PLAN ENHANCEMENT PROGRAM

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$1,357,290 from the FY 2008-09 Non-Departmental (470) General Fund (100) Unreserved Contingency (4711) Non-Recurring/Non-Project (0001) to the existing line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring/Non-Project (0001) entitled "Post Retirement Health Plan Enhancement Program." This action authorizes the transfer of contingency funds to provide assistance for Department's unable to absorb the additional costs of this program and provides funding as outlined in the program.

Also, pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$204,714 from the FY 2008-09 Non-Departmental (470) Detention Fund (255) Unreserved Contingency (4711) Non-Recurring/Non-Project (0001) to a new line item in Non-Departmental (470) Detention Fund (255) Other Programs (4712) Non-recurring/Non-Project (0001) entitled "Post Retirement Health Plan Enhancement Program." This action authorizes the transfer of contingency funds to provide assistance for Department's unable to absorb the additional costs of this program and provides funding as outlined in the program.

Also, pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$35,655 from FY 2008-09 Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) line item "potential use of Fund balance" to

the Emergency Management Department (150) Emergency management Fund (215) Non-recurring/Non-Project (0001). This action authorizes the transfer of expenditure authority for the Emergency Management Department to use fund Balance to fund the additional cost of this program. Also, this action requires a decrease in the FY 2008-09 revenue budget for Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001).

These transfers of expenditure authority do not alter the County's duly adopted budget pursuant to A.R.S. §14-17105.

These actions provide funding to pay for the Post Retirement Health Plan Enhancement Program costs for those One Hundred (100) persons who retired on May 1, 2009 through May 29, 2009. (C-49-09-066-2-01)

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

41. FUND TRANSFERS FY 2008-09

In accordance with A.R.S. Section 42-17106(B), authorize the following fund transfers:

Approve an FY 2008-09 non-recurring fund transfer of \$375,030 from Solid Waste Management Fund (580) to General Fund (100). This action requires increasing revenue in Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) in the amount of \$375,030 and increasing expenditures in Public Works (910) Solid Waste Management Fund (580) Non-Recurring/Non-Project (0001) in the amount of \$375,030 with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001).

Rescind the FY 2008-09 Non-Recurring budgeted fund transfer in the amount of \$1,881,148 from Schools Indirect Cost Fund (795) to General Fund (100).

Approve an FY 2008-09 non-recurring fund transfer in the amount not-to-exceed \$50,000 from Events Center Fund (376) to General Fund (100). This action requires increasing revenue in Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) in the amount of \$50,000 and increasing expenditures in Communications (710) Events Center Fund (376) Non-Recurring/Non-Project (0001) in the amount of \$50,000 with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001).

Authorize and approve a non-recurring fund transfer moving \$6,791,341.93 from General Fund County Improvements Fund (445) to Financing Series 2007 Fund (440). This action requires increasing expenditures in Non-Departmental (470) General Fund County Improvements Fund (445) Non-Recurring/Non-Project (0001) and increasing revenue in Non-Departmental (470) Financing Series 2007 Fund (440) Non-Recurring/Non-Project (0001) with offsetting expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001). This action moves funds to Fund 440 to pay for expenses related to the Southeast Consolidated Justice Court (SEJC) project suspended by previous Board action (C-49-08-024-8-00).

Authorize and approve a non-recurring fund transfer moving \$924,837.52 from General Fund County Improvements Fund (445) to Financing Series 2007 Fund (440). This action requires increasing expenditures in Non-Departmental (470) General Fund County Improvements Fund (445) Non-Recurring/Non-Project (0001) and increasing revenue in

Non-Departmental (470) Financing Series 2007 Fund (440) Non-Recurring/Non-Project (0001) with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001). This action moves funds to Fund 440 to pay for expenses related to the Southwest Consolidated Justice Court (SWJC) project suspended by previous Board action (C-49-08-024-8-00).

Authorize and approve a non-recurring fund transfer moving \$395,578.06 from General Fund County Improvements Fund (445) to Financing Series 2008 Fund (441). This requires an expenditure increase to Non-Departmental (470) General Fund County Improvements Fund (445) Non-Recurring/Non-Project (0001) and a revenue increase to Non-Departmental (470) Financing Series 2008 Fund (441) Non-Recurring/Non-Project (0001) with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001). This action moves funds to Fund (441) to pay for expenses related to the expenses already incurred in the Durango/911 Crime Lab (DCRM) Project suspended by previous Board action (C-49-08-024-8-00). (C-49-09-071-2-00)

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

42. FUND TRANSFER FROM SCHOOLS INDIRECT COST FUND FY 2008-09

Authorize and approve a non-recurring fund transfer moving \$291,715 from Schools Indirect Cost Fund (795) to General Fund (100). This action transfers \$291,715 to the General Fund to recover the indirect costs for the support provided by the Superintendent of Schools Office for FY 2008-09. (C-49-09-070-2-00)

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

43. MEDPRO CONTRACT EXTENSION FOR 2010

Approve an extension to the contract between MedPro and Maricopa County in the not-to-exceed amount of 1,000,000.00. The purpose of this amendment is to extend the current agreement for one additional year. This extension is effective from July 1, 2009 to June 30, 2010. All other terms and conditions of the contract remain in full force and effect. (C-39-05-033-1-04)

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

Supervisor Brock declared a conflict with item #44 and was excused from participation.

44. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR MENTAL HEALTH SERVICES - SMI

Approve an Intergovernmental Agreement (IGA) between Maricopa County (the County) and the Arizona Department of Health Services (ADHS) which in effect extends the existing arrangement for the County's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$37,603,330 for FY2009-10. This increases the level of County funding based on medical inflation for services to the seriously mentally ill by \$1,790,635 over the funding paid under the previous IGA in FY2008-09. The FY2009-10 IGA also requires the County to fund non-

SMI services in the amount of \$3,366,705 and substance abuse services in the amount of \$1,489,871 (LARC) for the one-year term which is equal to the FY2008-09 level. The IGA will be in effect upon filing with the Arizona Secretary of State and shall remain in effect until June 30, 2010. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total County funding for behavioral health services in FY2009-10 under the IGA will be \$42,459,906 for a one-year term.

Pursuant to the judgment in *Arnold v Sarn* and the subsequent March 10, 1994 court order, the County is required to enter into an Intergovernmental Agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS) under which the County contributes funding for behavioral health services for seriously mentally ill (SMI) indigent residents of the County. The County also contributes funding for non-SMI services under the IGA in order to integrate the behavioral health system in Maricopa County. The IGA requires the County to adjust its SMI contribution annually. Through FY04, the adjustment was calculated by using a base amount established in the FY96 IGA, as adjusted in subsequent IGA's. Since FY01, the amount has been determined by multiplying the base amount for each year by an inflation factor derived from the Bureau of Labor Statistics medical market basket cost index. Program: State Withholdings and Contract Management Activity: State Mental Health Programs Activity. This IGA will provide financial management and oversight for County Administration of funds that are paid to, or withheld by, the State and/or the Maricopa Integrated Health System so they can ensure accurate and proper distribution of funds to health programs. The activity will provide financial oversight of funds that are paid to the State under court order for mental health programs for County Administration so that they can limit their liability while ensuring that their court-ordered obligations are met in an efficient and effective manner. (C-49-09-072-3-00)

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

45. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR MENTAL HEALTH SERVICES - REMANDED JUVENILES

Approve an Intergovernmental Agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS) authorizing ADHS or its contracted Regional Behavioral Health Authority (RBHA) to provide mental health services to remanded juveniles (of a screening agency, an evaluation agency and mental health treatment agency) when evaluation is ordered by the Maricopa County Superior Court pursuant to Arizona Revised Statutes, (A.R.S.) Title 36, Chapter 5, Article 4 and treatment is ordered by the Superior Court pursuant to Arizona Revised Statutes, Title 36, Chapter 5, Article 5.

The IGA authorizes ADHS or its RBHA to expend up to \$200,000 from the "Non-SMI" payment funds that the County already provides to ADHS pursuant to the IGA executed in connection with *Arnold vs. Sarn* for behavioral health services as referenced in agenda item C-49-09-072-3-00. This IGA is in effect upon filing with the Arizona Secretary of State's office and is coterminous with the IGA between the Maricopa County Board of Supervisors and ADHS executed in connection with the parties' statutory duties to provide mental health services to the Seriously Mentally Ill and which is identified as Maricopa County IGA # (C-49-09-072-3-00) ("the SMI IGA"). This Agreement shall remain in effect until June 30, 2010, unless further amended, extended, or terminated pursuant to the provisions of this Agreement.

A "remanded juvenile" means a person under the age of eighteen who has been transferred to the criminal division of the Superior Court pursuant to A.R.S. § 8-327 or who has been charged with an offense pursuant to A.R.S. § 13-501; and has not been sentenced, pursuant to A.R.S. § 13-701 on the charges pending against the juvenile in the criminal division of the Maricopa County Superior Court pursuant to A.R.S. § 8-327 or A.R.S. § 13-501. The Department of Health Care Mandates and ADHS, in conjunction with the Superior Court, previously negotiated to provide evaluation services for remanded juveniles using funds that are not part of the County's mandated obligations under *Arnold v. Sarn*.

Funding for this IGA is capped at \$200,000 and is included in the \$3,366,705 "Non-SMI Payment" amount noted in the behavioral health services IGA between Maricopa County and ADHS executed under agenda item C-49-09-072-3-00. Executing this IGA will not increase the County's cost for SMI and Non-SMI treatment under the agreement executed in connection with *Arnold v. Sarn*. This IGA will remain in effect until June 30, 2010. (C-49-09-073-3-00)

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

Public Health

46. CHANGE ORDER TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR DENTAL SEALANT PROGRAM

Approve Procurement Change Order No. 1 to Purchase Order (E9H30073), to Intergovernmental Agreement (IGA) Contract No. HG861344 between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide grant funding for the Dental Sealant Program and Prevention Dental Services. This Procurement Change Order increases the grant by \$31,700 for the total grant funding in the amount of \$373,400 for the budget period January 1, 2009 through December 31, 2009. In addition, this amendment will also include changes in the accounting instruction as per purchase order no E9H30073 dated April 24, 2009. All other terms and conditions of the original IGA will remain unchanged.

The Department of Public Health's FY 2008-09 indirect rate is 18%. This grant allows for 10% indirect cost reimbursement, therefore; of the \$5,187 in total indirect expense, \$2,882 is recoverable and \$2,305 is unrecoverable.

Funds for this IGA are provided by ADHS and do not increase the County's general fund. (C-86-08-057-2-02)

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

47. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR COUNTY PRENATAL BLOCK GRANT SERVICES

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) No. HG861386 between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health for Prenatal Block Grant services. Amendment No. 2 replaces the Price Sheet of Amendment No. 1 and reduces funding by \$59,203, from \$244,822 to a new not to exceed amount of \$185,619. The contract period end date is revised to March 31, 2009 due to reductions in state funding. This amendment also makes administrative

changes to the Scope of Work.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect costs are fully recoverable, however the estimated indirect expense amount is reduced from \$37,346 to \$28,315.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. (C-86-08-066-2-02)

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

48. ADMINISTRATIVE CORRECTION TO AN INCREASE TO EXPENDITURE AUTHORITY

Approve Administrative Corrections to the action taken on May 6, 2009 (C-86-09-068-M-00) that approved the transfer of expenditure authority to allow the utilization of the Department of Public Health's fee fund balance to support a onetime expenditure necessary to move telecommunication equipment and support the absorption of the cost of rental space located at 4041 N. Central Avenue in the amount of \$300,000. This action will cause agenda item to read:

Per A.R.S. § 42-17106(b), approve the transfer of expenditure authority, from Non Departmental (470) Non Departmental Grant Fund (249) Non Recurring Non Project (0001) Reserved Contingency item "Potential Expenditures from Fund Balance" to Public Health (860) Public Health Fee Fund (265) Non Recurring Non Project (0001).

This action will require an expenditure appropriation adjustment decreasing the FY 2008-2009 Non Departmental (470) Non Departmental Grant Fund (249) Non Recurring Non Project (0001) expenditure budget by \$300,000 and increasing the FY 2008-2009 Public Health (860) Public Health Fee Fund (265) Non Recurring Non Project (0001) expenditure budget by \$300,000.

Approval of this action will allow the utilization of the Department of Public Health's fee fund balance to support one time expenditure necessary to move telecommunication equipment and support the absorption of the cost of rental space located at 4041 N. Central Avenue in the amount of \$300,000.

These adjustments will result in a County-wide net impact of zero.

This correction does not change the direction or intent of the previous actions. (C-86-09-068-M-01)

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

49. AMENDMENT TO CONTRACT WITH DELTA DENTAL PLAN OF ARIZONA FOR DENTAL INSURANCE SERVICES

Approve Amendment No. 3 to Contract No. C-86-08-054-1, between the Delta Dental Plan of Arizona and Maricopa County through its Department of Public Health, Office of Oral Health for the provision of dental insurance services to individuals affected by HIV/AIDS. This amendment extends the expiration date of contract to February 28, 2010. This amendment also increases the contract amount by \$871,028, bringing the new total to

\$1,221,028 for the budget term March 1, 2009 through February 28, 2010. Bringing the aggregate total of this contract not to exceed \$1,986,028 for the term March 1, 2008 through February 28, 2010. All other terms and conditions of the original contract shall remain in full force and effect.

Funding for this contract is provided by a grant from the federal Department of Health and Human Services, Health Resources and Services Administration (HRSA), the Ryan White (RW) Comprehensive HIV/AIDS Treatment Modernization Acts of 2006 and the Maricopa County General Government Department, Ryan White Part A Program and will not affect the County general fund.

Delta Dental is a successful respondent to a Request For Proposals (08-007) issued by the Department of Public Health on January 2, 2008.

This is to reflect total award to the sub-recipient only. Budget is included in the IDA between Ryan White and Public Health for FY10. (C-86-08-054-1-03)

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

50. EXCEPTION TO THE CAPITAL ASSET POLICY FOR THE PURCHASE OF LAPTOP COMPUTERS

Approve an exception to the Technology Finance Program (TFP), Capital Asset Policy A2507 Section C 4 H to allow Department of Public Health (860) fund (532) operating budget (0000) to purchase outright 20 laptop computers with an estimated amount of \$35,475. The 20 laptops will be used in the Incident Command Center and in the field by the Office of Preparedness and Response.

The grantor has authorized the outright purchase of 20 laptops in FY09 using FY09 grant award ending in August 9, 2009. Funding for TFP may not be available in future grant awards.

This purchase is 100% grant funded and will be absorbed within OPR's budget for the grant year ending August 9, 2009. (C-86-09-076-M-00)

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

51. DEPARTMENT OF PUBLIC HEALTH - HEALTH SERVICES AIDE POSITION REQUEST

Approve an exemption to the Post Employment Health Enhancement (Retirement) Program (PEHEP) requirement of deleting a position which is being vacated as a result of employee participation. The Department of Public Health, Office of Nutrition Services WIC Division will need to rehire for the Health Services Aide (#30250) due to the fact that the department cannot operate without this position.

Also, approve an exemption to the PEHEP in order to recruit for (#30250) Health Services Aide with the hiring range of \$11.75/Hour to \$14.98/Hour.

Position #30250, in The Department of Public Health Office of Nutrition Service WIC Division, was vacated as a result of the previous incumbents participation in the 2009 Retirement Health Enhancement Program. The position attributes are as follows:

MRT: Health Services Aide – Community Nutrition Worker
Status: Classified
Budgeted Rate: \$17.05

Due to the nature of this position, the Department of Public Health, Office of Nutrition Services WIC Division feels it necessary to replace the incumbent in position #30250 with the following attributes:

MRT: Health Services Aide – Community Nutrition Worker
Status: Classified
Budgeted Rate: \$14.98

Due to the impending retirement of a Health Services Aide the department will achieve additional budgeted savings for FY 2009-10. This will result in at least \$2.07 per hour in savings as required under the 2009 Retirement Health Enhancement Program. Since The Department of Public Health has already achieved \$2,054,838 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-86-09-077-M-00)

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

52. AMENDMENT TO THE IGA WITH ARIZONA BOARD OF REGENTS BY AND THROUGH THE UNIVERSITY OF ARIZONA FOR EPIDEMIOLOGICAL LEARNING EXPERIENCE

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) with Arizona Board of Regents by and through The University of Arizona (UofA) and Maricopa County through its Department of Public Health (MCDPH) to provide UofA public health and epidemiology students with experimental learning opportunities with MCDPH. This amendment will increase funding in the amount not-to-exceed \$63,000 for new aggregate amount not-to-exceed \$126,000; extends the term of the IGA for an additional one year period from August 1, 2009 through July 31, 2010. This amendment also makes changes to the Special Provisions. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged.

This IGA is exempt from procurement procedures pursuant to Section MC1-1003 of the Maricopa County Procurement Code. (C-86-09-017-3-01)

Supervisor Brock said the County's relationship with colleges and universities is crucial to the students' experimental learning process through Department of Public Health opportunities.

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

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

53. IGA WITH THE CITY OF TOLLESON FOR ANIMAL CONTROL FIELD SERVICES

Approve Intergovernmental Agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the City of Tolleson for Animal Control Field Services. This IGA is effective from July 1, 2009 through June 30, 2012. The City of Tolleson agrees to pay full cost recovery for field services for Fiscal Year 2009-10 estimated to be \$17,640 based on historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2010-11 and FY 2011-12, based on service levels. (C-79-09-101-3-00)

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

54. TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY FOR ANIMAL CARE AND CONTROL

Pursuant to A.R.S. 42-17106(B), approve the transfer of revenue and expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Animal Care and Control Department (790) Animal Care and Control License/Shelter Fund (572). This increase is due to the repairs required on the West Shelter's Air Conditioning system as well as an increase in revenue and expenditures due to high capacity of animals and increased licensing activity. This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470), Non-Departmental Grants Fund (249), Operating (0000) by \$2,079,345 and increasing the FY 2008-09 Animal Care and Control Department (790) Animal Care and Control License/Shelter Fund (572) Operating (0000) by \$2,079,345.

This adjustment will result in a County-wide net financial impact of zero and will allow the Animal Care and Control Department to have sufficient budget authority to meet its expenditure commitments.

Also, approve a revenue and expenditure budget increase to the Animal Care and Control (790) Animal Care and Control Donation Fund (573) Operating (0000) in the amount of \$1,227,899. This adjustment will allow the Animal Care and Control Department to have sufficient budget authority to meet its expenditure commitments from the donations it has received this fiscal year. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Also, approve a revenue and expenditure budget increase to the Animal Care and Control (790) Animal Care and Control Donation Fund (574) Operating (0000) in the amount of \$221,327. This adjustment will allow the Animal Care and Control Department to have sufficient budget authority to meet its expenditure commitments from the intergovernmental agreements it has received this fiscal year. Intergovernmental revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-102-2-00)

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

55. AGREEMENT WITH LOVE A BULL RESCUE, INC. FOR NEW HOPE PROGRAM

Approve an Agreement between Love A Bull Rescue, Inc., a 501 (C) 3 corporation, 23844 S. Power Road #102-309, Queen Creek, AZ 85242, and Maricopa County to allow Love A Bull Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 20 new hope rescues over the term of the agreement, for a total of \$800. The term of this Agreement is from June 17, 2009 through June 30, 2010. (C-79-09-103-3-00)

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

56. AGREEMENT WITH ANGELS OF ARIZONA RESCUE WITH NEW HOPE PROGRAM

Approve an Agreement between Rachel Nunez, d.b.a. Angels of Arizona Rescue, 5426 W. Osborn Road, Phoenix, AZ 85031, and Maricopa County to allow Angels of Arizona Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 20 new hope rescues over the term of the agreement, for a total of \$800. The term of this Agreement is from June 17, 2009 through June 30, 2010. (C-79-09-104-3-00)

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

57. DONATION TO ANIMAL CARE AND CONTROL FROM AMANDA CHILCHER

Accept the monetary donation from Amanda Chilcher of Mesa, AZ in the amount of \$505 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-79-09-105-D-00)

Supervisor Brock thanked Mesa resident Amanda Chilcher for her donation.

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

Community Development

58. GRANT FOR HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Accept the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant award in the amount of \$900,303 from the U. S. Department of Housing and Urban Development (HUD) to be administered by the Maricopa County Human Services Department. Also, authorize execution of an agreement with HUD for the receipt of the HPRP funds.

The HPRP funds will provide financial assistance and/or services to help persons gain housing stability. The intent is to serve persons who would be homeless but for this assistance who can remain stably housed after the temporary assistance ends.

The grant begins on receipt of funds from HUD and ends on September 30, 2012.

The HPRP grant allows a 5% rate for indirect costs. The Maricopa County Human Services Department FY 2009/2010 indirect cost rate is 15.2%. Therefore, the maximum potential recoverable indirect cost of administering the grant is \$42,872 and the potential non-recoverable indirect cost is at least \$87,458. (C-17-09-060-G-00)

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

59. AGREEMENTS WITH THE TOWN OF YOUNGTOWN AND THE TOWN OF GUADALUPE FOR COMMUNITY DEVELOPMENT BLOCK GRANT - RECOVERY

Approve two Management and Implementation Agreements (MIA) between the Town of Youngtown and the Town of Guadalupe, and Maricopa County by and through the Human Services Department, Community Development Division, as subrecipients of CDBG-R funds under the American Recovery and Reinvestment Act (ARRA) for Federal FY 2009-10 through FY 2011-2012.

These two CDBG-R agreements are for the following infrastructure projects:

Youngtown Alleyway Paving \$450,000
Guadalupe Gastelo Neighborhood Sidewalks \$138,782

ARRA will provide Maricopa County a total of \$588,782 in a one-time allocation of Community Development Block Grant (CDBG-R) funds. (C-17-09-059-3-ZZ)

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

60. DONATION OF EQUIPMENT TO THE CHILD CRISIS CENTER EAST VALLEY

Approve the donation of a Konica Minolta BIZHUB C350 copier from the Community Development (CD) Department to the Child Crisis Center East Valley (CCCEV), a 501(c)(3) charitable organization.

Donating this office equipment would provide assistance to the Child Crisis Center East Valley. The donation of this equipment is consistent with federal funding requirements of the U. S. Department of Housing and Urban Development's Community Development Block Grant Program; the funding source for the original purchase of the copier. The copier is

deemed to be of no significant value. (C-17-09-061-D-00)

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

Human Services

61. ADMINISTRATIVE CORRECTION TO APPLICATION AND ACCEPTANCE OF LTAF II GRANT

Approve an Administrative Correction to the action taken on September 3, 2008 (C-22-09-095-G-00) whereby the Board approved the application and acceptance of grant funds from Local Transportation Assistance Fund II, in the not-to-exceed amount of \$449,463 for Special Transportation Services for the grant award period of July 1, 2008 through June 30, 2009.

The grant allows for a 15.2% rate for indirect costs, or \$59,304 which may be incurred by the Humans services Department or Maricopa County for the administration of this grant.

This correction states the funds will be available for the grant period of July 1, 2008 to June 30, 2010 for a two year period instead of a one year period as incorrectly stated in the initial Board of Supervisor agenda action.

This is an administrative correction only on the time frame of the grant period, nothing else was incorrect or missing from the original agenda item.

The administrative correction is to the time period only as outlined in the grant . The amount of the funding is unchanged; however, it will now be distributed over two fiscal years. (C-22-09-095-G-02)

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

62. ADMINISTRATIVE CORRECTION TO FY 2008-2009 HUMAN SERVICES GRANT BUDGET

Approve Administrative Correction to action taken on March 18, 2009 (C-22-09-115-M-00) regarding the Human Services Grant Budget Appropriation Adjustments. This action clarifies that the affected Function in the appropriated budget adjustment is the addition of the Operating Budget Code (0000) to the Final True-Up document in the amount of \$674,361 as identified on the Fiscal Year 2008-09 Grant Summary Worksheet on file in the Office of the Clerk of the Board. This corrective action reflects information previously excluded from the original approved Budget True-Up document and does not have a financial impact. This action does not change the direction or intent of the previous approved action. (C-22-09-115-M-01)

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

63. GRANT BUDGET APPROPRIATION ADJUSTMENTS

Approve revenue and expenditure appropriation adjustments to the Human Services Department (220), Grant Fund (222), Operating Budget (0000) in the amount of \$915,137 as identified on the Fiscal Year 2009 Grant Summary Worksheet on file in the Office of the Clerk of the Board. The appropriation adjustment is necessary because the carry forward amounts of prior year grants and award amounts of new grants differ from the amount approved in the FY 2008-09 Budget Appropriation. This action is in accord with the action plan developed by the Office of Management and Budget and Human Services to ensure compliance with the Board approved Budgeting for Results Accountability Policy. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenue 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. The indirect cost rate is 15.2%, as calculated by the Department of Finance. Most of the grants for FY 2008-09 allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the Grant Summary Worksheet on file in the Office of the Clerk of the Board. (C-22-09-152-G-00)

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

64. MEMORANDUM OF UNDERSTANDING WITH EMMANUEL CHURCH OF GOD IN CHRIST, INC.

Approve the Memorandum of Understanding (MOU) between Emmanuel Church of God In Christ, Inc. and Maricopa County administered by its Human Services Department to establish Emmanuel Church of God In Christ, Inc. as an Access Point.

An Access Point is defined as a faith-based or community based organization that will provide community residents with a location where job seekers can access abbreviated One Stop Career Center services.

This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. (C-22-09-149-3-00)

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

65. MEMORANDUM OF UNDERSTANDING WITH NORTH PHOENIX BAPTIST CHURCH FOR DEVELOPMENT OF AN ACCESS POINT

Approve the Memorandum of Understanding (MOU) between North Phoenix Baptist Church and Maricopa County administered by its Human Services Department to establish North Phoenix Baptist Church as an Access Point.

An Access Point is defined as a faith-based or community based organization that will provide community residents with a location where job seekers can access abbreviated One Stop Career Center services.

This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. (C-22-09-150-3-00)

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

66. IGA WITH THE CITY OF EL MIRAGE FOR SPECIAL TRANSPORTATION SERVICES

Approve an Intergovernmental Agreement (IGA) between The City of El Mirage and Maricopa County Human Services Department (HSD), for the provision of Special Transportation Services (STS). This Agreement is effective from July 1, 2008 until June 30, 2009. This purpose of this Agreement is for the provision of van transportation to City of El Mirage eligible residents for an amount not-to-exceed \$12,000. The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County.

Reimbursement to HSD will be made on a per trip rate as detailed in the Agreement. The HSD FY 2008-09 indirect rate is 15.2%. Indirect expenses are fully recoverable and are estimated at \$1,824. Appropriation adjustment is not requested at this time as these funds are included in the 2008-09 Adopted Budget. (C-22-09-151-3-00)

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

67. IGA WITH EAST VALLEY INSTITUTE OF TECHNOLOGY FOR HEAD START/EARLY HEAD START CLASSROOM SPACE

Approve an Intergovernmental Agreement (IGA) between East Valley Institute of Technology (EVIT) and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$16,000. This IGA is funded by a grant from U.S. Department of Health and Human Services (DHHS)/Administration for Children and Families (ACF), Office of Head Start (OHS), (C-22-09-134-G-00) by and through the Department of Human Services. The purpose of this IGA is to obtain the use of four classrooms and the fenced playground at EVIT for the Maricopa County Head Start Zero-Five Program to serve up to 80 Head Start eligible children ages three to four and up to 24 Early Head Start eligible infants and toddlers. This IGA is effective from July 1, 2009 until June 30, 2010.

EVIT has a desirable facility, which is designed to provide early childhood services for children from birth through five-years of age and a lab-experience for its students studying child development. The Department desires to conduct Head Start and Early Head Start services at EVIT's facility and provide an on-site lab experience for EVIT students that are studying child development. The Department and EVIT have had a successful partnership for the past seven years. Both EVIT and the Department believe that the Program is valuable and that it benefits both Parties and the surrounding community, and both wish to have the Department continue to conduct services at the EVIT facility. This agreement does not include any Maricopa County General Funds. (C-22-09-148-3-00)

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

68. AMENDMENT TO CONTRACT WITH NEW LIFE CENTER FOR EMERGENCY SHELTER SERVICES

Approve Amendment No. 2 to the Contract between New Life Center and Maricopa County administered by its Human Services Department in the amount of \$27,000. The purpose of

this Amendment is to fulfill option year 2 of 2 one-year options. The contract period is July 1, 2009 through June 30, 2010. (C-22-08-078-01-00)

This Amendment represents the County's option to renew the Contract for an additional 12-month period and fulfills option year 2 of 2 one-year options. The funds are provided to Maricopa County on a formula based allocation by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. Funding for this item has been approved under agenda item C-17-09-051-G-00. Continued funding is contingent upon the availability of funds from HUD. New Life Center was the successful proposer to a request for Proposal No. 2008-007 issued January 17, 2007. The procurement process was conducted in accordance with Maricopa County Procurement Code Section MCI-329. The contract is not subject to indirect charges and does not include any County general funds. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-078-1-02)

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

69. AMENDMENT TO IGA WITH STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve Amendment No. 11 to Intergovernmental Agreement (IGA) between Arizona Department of Economic Security (ADES IGA E6306005) and Maricopa County administered by its Human Services Department (C-22-06-016-3-00) to ADD the attached "Revised" Itemized Service Budget for the period July 1, 2008 to June 30, 2009.

This amendment includes the following:

ADD: the attached "Revised" Itemized Service Budget (ISB) for the period July 1, 2008 to June 30, 2009, for Case Management services (Attachment A) and Community Services (Attachment B) as identified in Amendment No. 10.

This is a non-financial action since the budget was added to Amendment No. 10 therefore, there is no financial impact to Amendment No. 11. (C-22-06-016-3-11)

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

70. AMENDMENT TO IGA WITH CITY OF PHOENIX, COMMUNITY & ECONOMIC DEVELOPMENT FOR JOINT PROJECTS PARTNERSHIP

Approve Amendment No. 4 to an Intergovernmental Agreement (IGA) between City of Phoenix, Community & Economic Development Department (119284) and Maricopa County administered by its Human Services Department, Maricopa Workforce Connections (MWC). The amendment amount not-to-exceed \$100,000. The amendment is funded by a Federal grant under Workforce Investment Act (WIA) of 1998 (C-22-09-008-3).

The purpose of this amendment is to extend the term and the funding for another year. The amendment is effective from July 1, 2009 to June 30, 2010. All other terms and conditions of the IGA remain in full force and effect. This amendment does not contain any County General funds. (C-22-07-065-2-05)

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

71. AMENDMENT TO CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES FOR EMERGENCY SHELTER SERVICES

Approve Amendment No. 2 to the Contract between Catholic Charities Community Services and Maricopa County administered by its Human Services Department in the amount of \$27,000. The purpose of this Amendment is to fulfill option year two of two one-year options. The contract period is July 1, 2009 through June 30, 2010. (C-22-08-077-1-00)

This Amendment represents the County's option to renew the Contract for an additional 12-month period and fulfills option year 2 of 2 one-year options. The funds are provided to Maricopa County on a formula based allocation by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. Funding for this item has been approved under agenda item C-17-09-051-G-00. Continued funding is contingent upon the availability of funds from HUD. Catholic Charities Community Services was the successful proposer to a request for Proposal No. 2008-007 issued January 17, 2007. The procurement process was conducted in accordance with Maricopa County Procurement Code Section MCI-329. This Contract fulfills option year 2 of 2 one-year options. The contract is not subject to indirect charges and does not include any County general funds. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-077-1-02)

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

72. AMENDMENT TO CONTRACT WITH SAVE THE FAMILY FOUNDATION OF ARIZONA FOR EMERGENCY SHELTER SERVICES

Approve Amendment No. 2 to the Contract between Save The Family Foundation of Arizona and Maricopa County administered by its Human Services Department in the amount of \$27,000. The purpose of this Amendment is to fulfill option year 2 of two one-year options. The contract period is July 1, 2009 through June 30, 2010. (C-22-08-079-01-00)

This Amendment represents the County's option to renew the Contract for an additional 12-month period and fulfills option year 2 of 2 one-year options. The funds are provided to Maricopa County on a formula based allocation by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. Funding for this item has been approved under agenda item C-17-09-051-G-00. Continued funding is contingent upon the availability of funds from HUD. Save The Family Foundation of Arizona was the successful proposer to a request for Proposal No. 2008-007 issued January 17, 2007. The procurement process was conducted in accordance with Maricopa County Procurement Code Section MCI-329. This Contract fulfills option year 2 of 2 one-year options. The contract is not subject to indirect charges and does not include any County general funds. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-079-1-02)

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

73. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR MARICOPA WORKFORCE CONNECTIONS ACTIVITIES

Approve Amendment No. 10 to Intergovernmental Agreement (IGA) between Arizona Department of Economic Security (DES) DE5706007 and Maricopa County (C-22-05-042-2) administered by its Human Services Department. This amendment will decrease Workforce Investment Act (WIA) Title, 1B Federal Grant Program Year (PY) 06 Set-a-Side funds from \$1,000,000.00 to \$341,110.

DES awarded \$1,000,000 Set-A-Side funds under Amendment No. 9 under IGA DE5706007 which was approved by the Board of Supervisors on October 1, 2008 but was not fully executed by DES until March 10, 2009. IGA DE5706007 contract expires June 30, 2009. Because of the short time frame to expend the funds DES will award \$658,890.00 from PY07 WIA Set-A-Side funds.

This Amendment does not contain any County General funds.

There was a delay in receiving the funds due to the following reasons: Amendment No. 8 was originally approved by the Board of Supervisor on September 17, 2008. DES withdrew the Amendment due to an error in the fund amount. On January 14, 2009 the Board of Supervisors approved the revised Amendment No. 8 (C-22-09-125-3). This Amendment was not fully executed by DES until March 10, 2009. This created a delay in processing Amendment No. 9.

Amendment No. 9 which provided \$1,000,000 Set-A-Side funds was approved by the Board of Supervisors on October 1, 2008 but was not fully executed by DES until March 10, 2009. (C-22-09-125-3-02)

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

74. ADMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR MARICOPA WORKFORCE CONNECTIONS ACTIVITIES

Approve Amendment No. 6 to an Intergovernmental Agreement (IGA) between Arizona Department of Economic Security (DES) (DE070298001) and Maricopa County administered by its Human Services Department, Maricopa Workforce Connections (MWC) (C-22-08-041-3-03).

This Amendment transfers \$658,890 Workforce Investment Act (WIA) Title, 1B Federal Grant Program Set-A-Side funds that were originally awarded under Maricopa County Contract No. (C-22-05-042-2) DES E5706007, Program Year 2006, contract expiration date of June 30, 2009 and moves funds to Program Year 2007 contract expiration date of June 30, 2010.

This Amendment will increase Program Year 2007 Set-A-Side funds from \$21,726 to \$680,616. The transfer of funds provides for comprehensive planning and implementation of program goals.

The Department of Human Services' indirect rate for FY 2008-09 is 15.2%. Grant indirect expenses are recoverable from the \$450,000 part of the grant and are estimated to be \$59,375. The \$230,616 that will be expended in FY2009-2010 are excluded from indirect because it is being paid to outside contractors.

This Amendment does not contain any County General funds. (C-22-08-041-3-03)

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

75. AMENDMENT TO IGA WITH THE CITY OF AVONDALE FOR SPECIAL TRANSPORTATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) between City of Avondale and Maricopa County to increase the funding for FY 2008-2009 by \$8,000 for a new aggregate not-to exceed amount of \$58,000. This amendment is effective from date of Board approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs are estimated to be \$7,652 for the entire contract, all of which are recoverable. (C-22-09-104-M-03)

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

76. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAM INCLUDES FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT

Approve Amendment No. 12 to an Intergovernmental Agreement (IGA) between Arizona Department of Economic Security (DES) (E6306005) and Maricopa County through its Human Services Department in the not-to-exceed amount of \$4,929,338.00. The purpose of this amendment is to add funding for the period of July 1, 2009 to June 30, 2010 and to add American Recovery and Reinvestment Act (ARRA) funding. This amendment is effective from July 1, 2005 to June 30, 2010. All other terms and conditions of the IGA remain in full force and effect.

The purpose of this amendment is to:

Funding (SFY 10):

As per the DES contract, ADD funding for the period of July 1, 2009 to June 30, 2010. The contract reimbursement ceiling for this period is \$4,929,338.00. The reimbursement ceiling for the service Case Management is \$2,669,054.00. The reimbursement ceiling for the service Community Services is \$878,054.00 and the reimbursement ceiling for Community Services ARRA is \$1,382,230.00.

The Department of Human Services indirect rate for FY 2009-10 is estimated at 15.2%. The IGA allows for indirect costs at a rate of 15.2%. Of the \$4,929,338.00 increase, sub-recipient costs in the amount of \$1,692,805.00 and direct pay costs of \$2,454,115.00 are not subject to indirect charges. Therefore, indirect costs are fully recoverable and are estimated at \$103,237.00.

Funds for this IGA are provided by a grant from DES and Maricopa County General funds are included in the Itemized Service Budget. (C-22-06-016-3-12)

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

CHIEF FINANCIAL OFFICER

Finance

77. 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 Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

78. ASSISTANCE PACKAGE IGA AND PROMISSORY NOTE FOR THE SCOTTSDALE COUNTY ISLAND FIRE DISTRICT

Approve the Assistance Package Intergovernmental Agreement (IGA) and Promissory Note in the amount of \$35,000 for the Scottsdale County Island Fire District effective upon signature of the Chairman of the Board of Supervisors. Pursuant to A.R.S. §42-17106(B), transfer expenditure appropriation of \$35,000 from Non-Departmental (470) General Fund (100) General Contingency (4711) Non-recurring (0001) to a new line in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring (0001) entitled, "Scottsdale County Island Fire District". Promissory Note payable when the District receives its property tax revenues or establishes a line of credit, whichever occurs first. (C-18-09-057-3-00)

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

79. RIGHT-OF-WAY COMMUNICATION USE LEASE WITH THE U.S. BUREAU OF LAND MANAGEMENT

Approve and authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to enter into a right-of-way Communication Use Lease with the U.S. Bureau of Land Management for the proposed reconstruction of the Maricopa County Communication Facility at White Tank Mountains. (C-18-09-060-1-00)

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

80. LICENSE AGREEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR INSTALLATION OF A TEMPORARY PUBLIC NOTICE SIGN

Approve and authorize the Chairman of the Board to execute a License Agreement (P-50127) between Maricopa County and Salt River Project Agricultural Improvement and Power District (SRP) for the installation of a temporary public notice sign at the closed Queen Creek Landfill.

The SRP sign will contain public hearing information on a proposed alignment for a future electrical transmission line. (C-18-09-059-8-00)

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

81. POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Approve and authorize the granting of a Power Distribution Easement, without a public auction pursuant to A.R.S. 11-251 (9), to Salt River Project Agricultural Improvement and Power District (SRP), its successors and assigns, in consideration of \$1.00, to provide new electrical service to Maricopa County property located at Dorsey Road and Broadway Road, Tempe, Arizona, and authorize the Chairman to execute the necessary Easement.

This item requires the unanimous consent of the Board. (C-18-09-056-8-00)

This item requires a unanimous vote of the Board and was continued until it is reposted.

Materials Management

82. 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. 06138-S, JUVENILE MENTAL HEALTH SERVICES/ MARICOPA COUNTY SUPERIOR COURT

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

Renewal/Extension Date: June 17, 2009

Serial: 06138-S

Item: Juvenile Mental Health Services/Maricopa County Superior Court (\$900,000.00 estimate/three years until January 31, 2013) Price agreement renewal which provides juvenile mental health services for the Maricopa County Superior Court.

Biltmore Evaluation
Lorna G. Cheifetz
Bennette Dawson
Deborah Desprois
Joseph J. Franzetti
Wayne R General
Sara Hill
Steven C. Hirdes
John C. Hollebeek
James E. Huddleston
Daniel B. Juliano
Gwen Levitt
Lesli F. Lamber
Comprehensive Psych Services
Kathryn A. Menendez
John A. Moran
Carl Patrasso
Janet S. Perry
John H. Raney
Julio A. Ramirez
Richard Rosengard
Mark Treegoob
David R. Young (C-73-09-094-7-00)

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

b. 06095-S, WORKERS COMPENSATION CLAIMS THIRD PARTY ADMINISTRATOR – RM

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

Renewal/Extension Date: June 17, 2009

Serial: 06095-S

Item: Workers Compensation Claims Third Party Administrator – RM (\$1,650,000.00 estimate/three years until December 31, 2012) Recommendation for three year renewal. Contract provides worker's compensation claims third party administration as requested by Risk Management.

Pinnacle Risk Management (C-73-09-095-7-00)

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

c. 02081-RFP, WASTE TIRE RECYCLING REMOVAL AND FINAL DISPOSAL

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 02081-RFP

Item: Waste Tire Recycling Removal And Final Disposal (\$25,000,000.00) Increase price agreement value from \$25,000,000.00 to \$50,000,000.00. Increase contract value from \$25,000,000.00 to \$50,000,000.00. This \$25,000,000.00 increase is requested by the Solid Waste Department to cover waste tire recycling expenses for the remainder the contract. This contract was initially awarded by the Board on November 20, 2002 and has an expiration date of January 1, 2018.

CRM Of America LLC (C-73-09-096-7-00)

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

d. 06028-S, VEHICLE RENTAL

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

Renewal/Extension Date: June 17, 2009

Serial: 06028-S

Item: Vehicle Rental (\$670,000.00 estimate/three years until June 30, 2012) Price agreement for rental of vehicles on daily, weekly, monthly and yearly basis.

Fox Rac C/O Courtesy Leasing (C-73-09-097-7-00)

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

e. 06030-S, CONSTRUCTION EQUIPMENT RENTAL WITH OPERATOR

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 06030-S

Item: Construction Equipment Rental With Operator (\$300,000.00) Increase price agreement value from \$1,000,000.00 to \$1,300,000.00. Increase price agreement value from \$1,000,000.00 to \$1,300,000.00. This \$300,000.00 increase is being requested by Public Works (McDOT) to cover their equipment rental needs through the remainder of the contract. The Board of Supervisors approved the initial price agreement on September 6, 2006 in the amount of \$800,000.00. Subsequently the Board of Supervisors approved an increase of \$200,000.00 on August 6, 2008. This price agreement has an expiration date of September 30, 2009.

Dirty Dog Construction Corp.
Qualex Construction, Inc.
Quality Construction Corp. (C-73-09-091-7-00)

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

f. 03151-C, SHOWER ACCESSORIES: SHOES

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 03151-C

Item: Shower Accessories: Shoes (\$125,000.00) Increase price agreement value from \$300,000.00 to \$425,000.00. Increase Price Agreement value from \$300,000.00 to \$425,000.00. This \$125,000.00 increase is requested by MCSO. This agreement was initially approved by the Board in the amount of \$200,000.00 on December 3, 2003 and subsequently increased by the Board to \$300,000.00 on January 14, 2009. The agreement expiration date is December 31, 2009.

Leslee Scott Inc (C-73-09-092-7-00)

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

g. 05034-S, TREE MAINTENANCE, TRIMMING, PRUNING, REMOVAL, & REPLACEMENT SERVICE

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 05034-S

Item: Tree Maintenance, Trimming, Pruning, Removal, & Replacement Service (\$145,000.00) Increase price agreement value from \$660,000.00 to \$805,000.00. Increase Price Agreement value from \$660,000.00 to \$805,000.00. This \$145,000.00 increase is requested by Public Works (Flood Control and MCDOT) to cover tree trimming service requirements throughout the remainder of FY 2008-09. This agreement was approved by the Board on June 8, 2005 in the amount of \$600,000.00 and was subsequently increased to \$660,000.00 by the Materials Management Director on November 20, 2008. Agreement expiration date is June 30, 2010.

\$55,000.00 - Flood Control
\$90,000.00 – MCDOT

Turner Tree Mgt.
Vista Verde (C-73-09-093-7-00)

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

h. 08136-S, HVAC SERVICE AND REPAIR

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.

Serial: 08136-S

Item: HVAC Service and Repair (\$3,000,000.00 estimate / 3 Years until June 30, 2012 with 3 One-Year Renewal Option) Three (3) year price agreement for HVAC service and repairs for all County facilities.

Andrew's Refrigeration
Artic Air Heating and Cooling
Bel-Aire Mechanical, Inc.
Chiller Services
Delta Repiping Inc.
DP Air Corp (C-73-09-090-7-00)

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

Parks and Recreation

83. ADMINISTRATIVE CORRECTION TO THE ACTION REGARDING THE PURCHASE OF STATE LAND FOR THE MARICOPA TRAIL

Rescind the action taken on March 18, 2009 (C-30-09-021-00) as follows:

1. Transfer expenditure authority from Non-Departmental (470) Non-Departmental Grants Fund (249) Non-recurring/Non-Project (0001) to Parks and Recreation (300) Parks Donation Fund (243) Non-recurring/Non-Project (0001) in the amount of \$160,833."

2. Create a project in Non-Departmental (470) Intergovernmental Capital Projects Fund (422) entitled "Maricopa Regional Trail System" (MRTS)."

3. Authorize a Fund Transfer from Parks and Recreation (300) Parks Donation Fund (243) Non-recurring/Non-Project (0001) to the newly created line item entitled "Maricopa Regional Trail System" in Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Maricopa Regional Trail System" (MRTS) in the amount of \$160,833 with offsetting adjustments to Eliminations Department (980) Eliminations Fund (900).

4. Transfer expenditure authority from Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) to Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Maricopa Regional Trail System (MRTS) in the amount of \$160,833.

5. Authorize a Fund Transfer from Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System" (MRTS) to Non-Departmental (470) General Fund (100) Non-recurring/Non-Project (0001) in the amount of \$160,833 with offsetting adjustments to Eliminations Department (980) Eliminations Fund (900)."

6. Approve the reduction of the project titled "Maricopa Regional Trail System" in the Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) line item in the amount of \$160,833. This reduces year 1 (FY 2008-09) from

\$1,692,086 to \$1,531,253 and the total project in Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) to \$4,839,167.

And approve the following action to transfer funding for the purchase of state land for the Maricopa Regional Trail System (MRTS):

Authorize a Fund Transfer from Parks Donation Fund (243) to Intergovernmental Capital Projects Fund (422) in the amount of \$160,833. This fund transfer will require an increase in Parks and Recreation (300) Parks Donation Fund (243) Non-recurring/Non-Project (0001) by \$160,833 and Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Non-recurring/Non-Project (0001) in the amount of \$160,833 with offsetting adjustments to Eliminations Department (980) Eliminations Fund (900).

Transfer expenditure authority from Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) to Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Maricopa Regional Trail System (MRTS) project in the amount of \$160,833.

These adjustments result in a net impact of zero and do not change the duly adopted budget as approved by the Board of Supervisors pursuant to A.R.S. §42-17105.

Agenda item C-30-03-028-B-02 granted Parks the authority to purchase/bid \$340,815.00 for Section 14 of the Maricopa Trail at auction on April 21st, 2009. This authority would use the project funds in Non-Departmental (470) General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS). Recent developments have shown that this parcel qualifies for using donated funds from Del Webb/Anthem that reside in Parks and Recreation (300) Donation Fund (243). (C-30-09-021-2-01)

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

84. SRP EARTHWISE SOLAR ENERGY AGREEMENT AND RECEIPT OF INCENTIVE CREDIT

Authorize the Chairman of the Board to execute SRP Earthwise Solar Energy Agreement for the Photovoltaic System at Usery Mountain Regional Park and authorize the Parks & Recreation Department to receive the one-time incentive for the program in an estimated amount of \$5,400.

The Parks & Recreation Department has installed a photovoltaic generation facility at the new Nature Center facility that is being built at Usery Mountain Regional Park . This facility is eligible for application to SRP to connect to the power grid and thereby receive a utility credit estimated at \$5,400. (C-30-09-034-M-00)

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

Risk Management

85. BRAILLARD VS. MARICOPA COUNTY

Approve filing of a cross-appeal of trial court's decision. This matter was discussed in Executive Session on May 4, 2009. (C-75-09-013-2-00)

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

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Emergency Management

86. PALO VERDE NUCLEAR GENERATING STATION OFFSITE EMERGENCY RESPONSE PLAN 2009

Approve the Maricopa County/ State of Arizona Palo Verde Nuclear Generating Station Offsite Emergency Response Plan. The plan will be valid until superseded by an updated version. The plan will be effective July 1, 2009. There is no cost to the County and no revenue will be generated. (C-15-09-021-M-00)

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

87. HOMELAND SECURITY GRANT REIMBURSEMENT 2007-GE-T7-0006

Accept the Homeland Security Grant from Arizona Department of Emergency Management to Maricopa County Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$26,938.63.

Accept the Homeland Security Grant from Arizona Department of Emergency Management to Maricopa County Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$26,938.63. This grant was awarded to MCDEM for the reimbursement for supply costs for the FY2009 Coyote Crisis Exercise. The grant award began on October 10, 2007 and ends on December 31, 2009. The Department of Emergency Management's indirect cost rate for FY 09 is 9.1%. Indirect costs are estimated to be \$2,451.42, this is a reimbursement grant and the indirect costs are not recoverable. 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. (C-15-09-022-G-00)

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

Equipment Services

88. EQUIPMENT SERVICES PEHPEP POSITIONS REQUEST

Approve the creation of five classified positions in the Equipment Services Department. These position requests are necessary due to employees' participation in the Post Employment Health Enhancement (Retirement) Program (PEHPEP) which requires that their position be eliminated. The Equipment Services Department has redistributed workload in response to these retirements. The creation of these new positions is necessary because of current demand for services.

The following positions in the Equipment Services Department were inactivated due to the incumbents' participation in the 2009 Retirement Health Enhancement Program. The positions' current attributes are as follows:

PCN: 4034
MRT: Mechanic - Automotive
Status: Classified
Budgeted Rate: \$20.83

PCN: 4053
MRT: Mechanic - Automotive
Status: Classified
Budgeted Rate: \$21.12

PCN: 4086
MRT: Mechanic Supervisor
Status: Classified
Budgeted Rate: \$29.54

PCN: 4029
MRT: Grants/Contract Administrator
Status: Classified
Budgeted Rate: \$30.34

PCN: 4083
MRT: Administrative Supervisor
Status: Classified
Budgeted Rate: \$26.41

Due to the nature of these positions, the Equipment Services Department finds it necessary to replace the positions with these new positions. The new positions' attributes will be as follows:

MRT: Mechanic - Automotive
Status: Classified
Budgeted Rate: \$18.75

MRT: Mechanic - Automotive
Status: Classified
Budgeted Rate: \$19.01

MRT: Mechanic Supervisor
Status: Classified
Budgeted Rate: \$26.59

MRT: Mechanic Supervisor
Status: Classified
Budgeted Rate: \$26.59

MRT: Finance Support Supervisor - Department
Status: Classified
Budgeted Rate: \$27.34

The Equipment Services Department will achieve savings through hiring new employees at a lower rate of pay than the retiring employees. This will result in \$26,680 saved as required

under the 2009 Retirement Health Enhancement Program. Since Equipment Services has already achieved \$339,932 in budgetary reductions for FY 2010, no further reductions are required at this time. (C-74-09-005-M-00)

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

89. INCREASE IN REVENUE AND EXPENDITURE AUTHORITY FOR EQUIPMENT SERVICES DEPARTMENT

Pursuant to A.R.S. Section 42-17106(B), approve an increase in revenue and expenditure authority for Equipment Services Department (740) Equipment Services Fund (654) Operating (0000) for FY 2008-09 in the amount of \$2,871,580 due to the increase cost of fuel and parts. The revenue from charges for fuel and parts will offset the expense. This will require offsetting revenue and expenditure adjustments to Eliminations (980) Eliminations Fund (900) Operating (0000) in the amount of \$2,871,580. These adjustments will result in a countywide net impact of zero. (C-74-09-004-2-00)

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

Planning and Development

90. RESOLUTION TO APPOINT MARICOPA COUNTY DEPUTY ZONING INSPECTORS

Adopt a Resolution to appoint Deputy Zoning Inspectors within the Planning and Development Department.

Appoint Della Davis, Charles Hart, William Hoffman, Darren Gerard, Paul McNeil, Dennis Mann, and William Noe as Deputy Zoning Inspectors.

A.R.S. § 11-808 states that the county zoning ordinance shall provide for its enforcement within a zoned territory by means of withholding building permits, and for such purposes may establish the position of county zoning inspector, and such deputy inspectors as may be required, who shall be appointed by the board. (C-44-09-145-9-00)

Kate Goodhart commented on several appointees named for promotion in this item. She said one is the code enforcer she has complained about for the past year. She questioned the competency of another appointee. She felt these individuals were a cause of the increased numbers of cases brought before the Board and not part of the solution. She felt that claims made by herself and others with regards to the tactics of these individuals should be investigated thoroughly before these individuals are given greater responsibility.

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

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

91. ADMINISTRATIVE CORRECTION REGARDING THE SOUTHEAST JUSTICE CENTER REVISED BUDGET

Approve an administrative correction to the action taken on November 17, 2008 (C-70-09-017-2-00) regarding the Southeast Justice Center expenditure budget, Item 1.A:

From: Decrease the expenditure budget for the Southeast Justice Center (SEJC) project (Department 470, Fund 440) by a total of \$67,216,155, \$59,252,499 in Year 1 (FY 2008-09) and \$7,963,656 in Year 2 (FY 2009-10) thereby reducing the total project budget from \$88,376,900 to \$21,160,745 which is the amount that has already been spent on the project. This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues.

To: Decrease the expenditure budget for the Southeast Justice Center (SEJC) project (Department 470, Fund 440) by a total of \$67,136,382, \$59,045,927 in Year 1 (FY 2008-09) and \$8,090,455 in Year 2 (FY 2009-10) thereby reducing the total project budget from \$88,376,900 to \$21,240,518 which is the amount that has already been spent on the project. This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues.

This action is necessary because expenditure authority was necessary for this project to encumber funds from FY 2008-09. (C-70-09-017-2-01)

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

Public Works

92. 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-06-09-469-7-00)

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

93. CONTRACT WITH PBS&J FOR MCDOWELL PARKWAY CORRIDOR FEASIBILITY STUDY

Approve Contract No. 2008-047, with PBS&J in the amount of \$324,829.91 for Maricopa County Department of Transportation, Transportation Planning (TPLN) project, Job No. T005, McDowell Parkway Corridor Feasibility Study – 339th Avenue to Dean Road. The Contract completion date shall be 365 days after the Notice to Proceed has been issued.

Fiscal year 2010 expenditures are contingent upon the Board of Supervisors approving the recommended FY 2010 budget.

Under the direction of the MCDOT Project Manager, PBS&J will prepare a Corridor Feasibility Study for approximately 15 miles of the McDowell Parkway (from 339th Avenue to Dean Road) proposed in the MAG Interstate 10/Hassayampa Valley Roadway Transportation Framework Study. The primary objectives of the Corridor Feasibility Study are to: (1) clearly define and assess the project study area for strategic issues identification; (2) develop and evaluate conceptual alternative alignments within the corridor study area; (3) recommend a preferred alignment; and (4) subsequently define the characteristics of the preferred alignment in greater detail. This study is the first step in the development process and is meant to aide the governing bodies in protecting a continuous corridor in this area. (C-91-09-179-5-00)

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

94. ADDITION TO FLEET OF TWO BRUSH/WOOD CHIPPERS

Approve the addition of two (2) new brush/wood chippers to the County's fleet for the Department of Transportation's Operations Division at a total cost of \$64,000 to be purchased after July 1, 2009.

Approval of this request will authorize the Equipment Services Department to proceed with the procurement of two new brush chippers in fiscal year 2010. These chippers are necessary for maintenance crews to safely and efficiently remove large tree limbs from roadways after storm damage, removal of trees and large bushes that hinder travelers' ability to see traffic signs, as well as ongoing maintenance of the County's rights-of-way.

MCDOT has four maintenance areas with crews responsible for County roadways in a land area of 9,226 square miles. We own two brush chippers. By purchasing two additional chippers, we can eliminate an average of six hours of travel time per week moving equipment between maintenance areas. This is a cost of \$940 per week; 48 weeks per year (3 employees and a 1 ton flatbed truck). Additionally, time spent transferring equipment can be utilized working essential operations functions. The brush chippers cost \$32,000 each.

The current situation of sharing brush chippers is very difficult since storm damage typically occurs in several remote areas of the county, requiring multiple brush chippers to be deployed simultaneously. Rental fees are \$400 per day, assuming they are available after a severe weather event. Normally the supply is limited due to private companies and other public agencies seeking the same type of equipment. Quite often, rental equipment has been poorly maintained, resulting in additional down time.

The County must respond within 24 hours when sight restrictions for critical traffic signs are reported. Requiring a crew to shut down their worksite and move the equipment to the other side of the County is not only inefficient and costly, it also negatively impacts employee morale. Safely shutting down a worksite often involves traffic control devices and the services of additional personnel, as well as the maintenance team itself.

Furthermore, a safety concern exists for County employees when no chipper is available. They have to get in the back of trucks or trailers and manually compact tree limbs and brush with long thorns and sharp ends. Climbing, falling and personal injury risk is greatly increased, especially during wet conditions, and when opening several roadways is a high priority.

Finally, the two new chippers will significantly reduce the volume of wood waste stored in the trucks, resulting in a decrease from 4 hours per day to 2 hours per day in travel time to and

from the landfill. (This is a conservative estimate on hours required.) As a result, we expect a cost decrease in fuel and less wear and tear on the trucks hauling the wood waste. Supervisory District No(s): All (C-91-09-181-M-00)

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

95. CHANGE ORDER TO CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC.

Approve Change Order No. 4 with Parsons Transportation Group, Inc. in the amount of \$995,704.73 for a total contract amount of \$3,575,633.27. MCDOT has requested a higher level of detail which is more a preliminary design for the Gilbert Road Bridge Project. This Change Order No. 4 authorizes contract modifications to the original Scope of Work to perform additional Environmental Assessments (EA), Geotechnical Investigations and 40% Engineering Plans Detail. Approval of this change order establishes a new contract amount of \$3,575,633.27 and a new completion date of March 31, 2010.

Contract Awarded on November 15, 2006 under C64071045 for the sum of \$2,526,102.30 for project Dobson Road Bridge at Salt River, Design Concept Report, Job No. TT199. Supervisory District No. 2 (C-64-07-104-5-02)

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

BOARD OF SUPERVISORS

Clerk of the Board

96. APPOINTMENTS TO THE AGGREGATE MINING OPERATIONS ZONING DISTRICT #1 RECOMMENDATION COMMITTEE

Accept the resignations of C.R. Herro and Mark Higgins and approve the appointments of Sara Cook, Industry Member and Carolyn Loder, Alternate to the Aggregate Mining Operations Zoning District #1 Recommendation Committee. Ms. Cook and Ms. Loder will fill the unexpired terms effective as of the date of Board approval through October 5, 2010. (C-06-09-446-9-00)

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

SETTING OF HEARINGS

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

Public Works

97. Set a public hearing to declare the following roads into the county highway system for 9:00 .m., July 22, 2009.

a. ROAD FILE NO. 5822

Adopt a Resolution to set a hearing on Road File No. 5822 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Pinnacle Peak Road and 123rd Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-187-M-00)

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

b. ROAD FILE NO. 5823

Adopt a Resolution to set a hearing on Road File No. 5823 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: 27th Avenue (alignment) and Daisy Mountain Drive. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-188-M-00)

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

c. ROAD FILE NO. 5824

Adopt a Resolution to set a hearing on Road File No. 5824 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Anthem Way and 19th Avenue (alignment). This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-189-M-00)

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

d. ROAD FILE NO. 5825

Adopt a Resolution to set a hearing on Road File No. 5825 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Gavilan Peak Parkway and Navigation Way. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-186-M-00)

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

e. ROAD FILE NO. 5826

Adopt a Resolution to set a hearing on Road File No. 5826 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Daisy Mountain Drive and Gavilan Peak Parkway. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-185-M-00)

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

f. ROAD FILE NO. 5827

Adopt a Resolution to set a hearing on Road File No. 5827 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Gavilan Peak Parkway and Navigation Way. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-184-M-00)

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

g. ROAD FILE NO. 5828

Adopt a Resolution to set a hearing on Road File No. 5828 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Daisy Mountain Drive and Gavilan Peak Parkway. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-182-M-00)

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

h. ROAD FILE NO. 5829

Adopt a Resolution to set a hearing on Road File No. 5829 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Daisy Mountain Drive and Gavilan Peak Parkway. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 3 (C-91-09-183-M-00)

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

CONSENT AGENDA

Clerk of the Board

98. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held October 31, 2008, December 15, 2008, January 26, 2009, February 9, 2009, February 11, 2009, February 23, 2009, February 25, 2009, March 3, 2009, March 5, 2009, March 16, 2009, April 1, 2009, and April 13, 2009. (C-06-09-430-7-00)

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

99. 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-06-09-461-7-00)

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

100. GOVERNMENT PROPERTY LEASE TAX

Pursuant to A.R.S. §42-11102, acknowledge receipt of the notification from the Arizona State Retirement System to the Assessor of the intention to have its one property in Maricopa County, located at 3300 N. Central Avenue, Phoenix, (APN No. 118-37-021N) taxed under the Government Property Lease Tax (GPLET) framework. ASRS occupies 23.46% of the building, which is exempt from taxation. (ADM303)

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

101. MARKET RANGES

Pursuant to A.R.S. §§11-251.38 and 251.51, 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. (C-06-09-462-7-00)

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

102. 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-06-09-463-7-00)

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

103. 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-06-09-464-7-00)

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

104. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, 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. List of claims is on file in the Clerk of the Board's Office. (C-06-09-465-7-00)

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

BOARD OF SUPERVISORS ADDENDUM

Office of the County Manager

A-1. RESOLUTION TO APPLY FOR AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR THE VETERANS ASSISTANCE PROGRAM

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Schools, Inc. Veterans Assistance Subsidy (VAS) program in an amount not-to-exceed \$150,000. The grant period is July 1, 2009-June 30, 2011. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community 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), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$150,000.

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. (C-20-09-065-G-00)

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

Clerk of the Court

A-2. TRANSFER OF EXPENDITURE AUTHORITY FOR CLERK OF SUPERIOR COURT JUDICIAL COLLECTION ENHANCEMENT FUND

Pursuant to A.R.S. § 42-17106, transfer expenditure appropriation of \$170,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to Clerk of the Superior Court (160) Judicial Enhancement Fund (208) Non-Recurring/Non-Project (0001). Approval of this action will allow for FY 2008-09 expenditures from fund balance. This action results in a net impact of zero and does not change the duly adopted budget as approved by the Board of Supervisors pursuant to A.R.S. §42-17105. (C-16-09-010-2-00)

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

Elections

A-3. GRANT FUNDING FROM STATE SUBGRANTS FOR HEALTH AND HUMAN SERVICES ELECTION ASSISTANCE -HELP AMERICA VOTE ACT

Approve the application and acceptance of \$4,365,324 from The Arizona Secretary of State's Office from the Help America Vote Act (HAVA) for the "Adios Chads" program and funds for the block grant through the Election Assistance Commission. The term of this grant is July 1, 2002, to June 30, 2011. Authorize the Chairman to sign all documents related to these grant funds, as applicable.

Funding for the "Adios Chads" Program is \$1,646,482. The Funds for this program reimburse the County for its investment in the optical scan system.

Funding for the Block Grant is in the amount not to exceed \$2,718,842.

The Block Grant will provide funding that may be utilized for:

- Voting machines
- Voter registration enhancements
- Voter education above the amount in the County Maintenance of Effort
- Poll worker recruitment and training above the amount in the County Maintenance of Effort

In accordance with A.R.S. Section 42-17106(B), authorize the following fund transfer. Approve an FY 2008-09 non-recurring fund transfer in the amount of \$1,646,482 from Elections Grant Fund (248) to General Fund (100). This action requires increasing revenue in Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) in the amount of \$1,646,482 and increasing expenditures in the Elections Department (210) Elections Department Grant Fund (248) Non-Recurring/Non-Project (0001) in the amount of \$1,646,482 with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900) Non-Recurring/Non-Project (0001).

The department's indirect cost rate is 22.95%. The non-recoverable indirect cost of administering these additional funds is \$623,974, which will go into the program.

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 request does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-21-09-004-G-00)

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

Office of Public Defense Services

A-4. TRANSFER EXPENDITURE AUTHORITY FOR INCREASED INDIGENT REPRESENTATION COSTS

Pursuant to A.R.S. §42-17106B, approve the transfer of FY 2008-09 expenditure authority in an amount not to exceed \$9,000,000 from Non-Departmental (470) General Fund (100) Unreserved Contingency (4711) Operating (0000) to the Office of Public Defense Services (560) General Fund (100) Operating (0000). The purpose of the transfer is to cover increased mandated case representation costs. The transfers will only be used if, following a County Manager-authorized transfer of FY 2008-09 year-end General Fund savings from and between the Offices of the Public Defender (520), Legal Defender (540), Legal Advocate (550), and Juvenile Defender (570), the Office of Public Defense Services (560) is unable to cover remaining General Fund expenditures within its current appropriation. Approval of this action will require an appropriation adjustment **increasing** the Office of Public Defense Services (560) General Fund (100) Operating (0000) budget by not-to-exceed \$9,000,000, and **decreasing** Non-Departmental (470) General Fund (100) Unreserved Contingency (4711) Operating (0000) budget by not-to-exceed \$9,000,000. This action will have a net zero impact on the overall County budget.

Three of the four staffed offices in the Indigent Representation System are currently projected to finish within budget for FY 2008-09. The Office of the Public Defender projects full-year expenditures of \$35,299,520 (\$841,866 under-budget). The Office of the Legal Defender projects full-year expenditures of \$9,746,480 (\$764,714 under budget). The Office of the Legal Advocate projects full-year expenditures of \$8,739,606 (\$790,158 under budget). The Office of the Juvenile Defender projects full-year expenditures of \$4,309,667 (\$27,902 over budget). The Office of Public Defense Services projects full-year expenditures of at least \$25,960,195 (approximately \$10,545,309 above its FY 2008-09 appropriation). The total anticipated FY 2008-09 overrun, after savings are reallocated from the staffed offices to the Office of Public Defense Services, is \$8.2 million. However, due to the delay in billing from contractors, and the normal monthly variances, an additional \$800,000 is requested to be set aside to ensure full funding is available. That funding will not be utilized unless required after financial transfers. (C-56-09-001-2-00)

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

County Attorney

A-5. JC PENNEY CORP INC./JC PENNEY PROP V. MARICOPA COUNTY, TX2007-000337; SEARS ROEBUCK & CO. V. MARICOPA COUNTY, TX2007-000341; SEARS ROEBUCK & CO. V. MARICOPA COUNTY, TX2007-000360; SEARS ROEBUCK & CO., TX2007-000363

Accept offers of settlement made by Taxpayers in JC Penney Corp Inc./JC Penney Prop v.

Maricopa County, TX2007-000337; Sears Roebuck & Co. v. Maricopa County, TX2007-000341; Sears Roebuck & Co. v. Maricopa County, TX2007-000360; Sears Roebuck & Co., TX2007-000363 for the full cash values for the 2008, 2009, and 2010 tax years as set forth on Exhibit "A" (Sears) and Exhibit "B" (J C. Penny) on file in the Office of the Clerk of the Board. These matters were discussed in executive session on June 15, 2009. (C-19-09-059-M-00)

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

A-6. AIDA RENTA TRUST V. MARICOPA COUNTY, 1 CA-CV 06-0403; AIDA RENTA TRUST V. FULTON BROCK, ET AL, TX2007-000460

Authorize Counsel to file a Petition for Review with the Arizona Supreme Court in Aida Renta Trust v. Maricopa County, 1 CA-CV 06-0403, as discussed in executive session on June 15, 2009. (C-19-09-061-M-00)

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

A-7. LAKE PLEASANT MARINA PARTNERS, LLC V. MARICOPA COUNTY, CV2009-005074

Authorize appeal from the Judgment entered by the Maricopa County Superior Court in Lake Pleasant Marina Partners, LLC v. Maricopa County, CV2009-005074, as discussed in executive session on June 15, 2009. (C-19-09-062-M-00)

The Clerk said this item had been withdrawn.

A-8. NORDSTROMS V. MARICOPA COUNTY, TX2007-000362

Authorize counsel for Maricopa County to make Offers of Judgment in Nordstroms v. Maricopa County, TX2007-000362 as set forth on Exhibit "A" on file in the Office of the Clerk of the Board. This item was heard in Executive Session on June 15, 2009. (C-19-09-063-M-00)

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

Risk Management

A-9. LISA GULLIVER VS MCSO OFFICER BUYCKS

Approve settlement of the claim of Lisa Gulliver (Claim No. GL5005113034200) for \$200,000, 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 June 15, 2009. (C-75-09-014-2-00)

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

Sheriff

Supervisor Wilcox said the Board has not yet received full reports on the use of the vehicles in the following three items. She asked that A-10, A-11 and A-12 be continued pending receipt of the reports.

David Smith said a comprehensive review is being conducted on the County's entire vehicle fleet. He indicated this review could result in amending the Board's policies to improve levels of efficiency and quality, and eventually to possibly cost cuts.

Chairman Stapley asked if this review would all vehicles purchased as well as exemptions from markings for certain vehicles. He also asked if the policy would cover the purchase of a bus.

Mr. Smith replied that a bus was a one-of-a-kind situation. He added that pickup trucks and passenger vehicles have fairly uniform policies that would be applied across departments. He explained that part of the analysis would be to determine if every vehicle in the fleet was necessary as the cost of a vehicle could be converted to the salary of an employee. He emphasized that this was an opportunity to learn if the deployment of the County's transportation resources can be improved across the County and not in just one or two departments.

Mr. Smith asked for a 30 day extension to continue the study.

A-10. ONE-TIME ADDITION TO FLEET AND EXEMPTIONS FROM MARKINGS AND THE ISSUANCE OF NON-GOVERNMENT LICENSE PLATE OF ONE GRANT FUNDED 1-TON CREW CAB 4X4 TRUCK

Approve a one-time addition to fleet of one 1-Ton Crew Cab 4X4 Truck valued at \$49,767.45. The Sheriff's Office was awarded funding designated for this purchase from the Arizona Department of Homeland Security Award Agreement 07-AZDOHS-444817-01, approved by the Board of Supervisors on December 3, 2008 (C-50-09-035-G-00).

Also, approve per A.R.S. 38-538.03 exemptions from markings and the issuance of non-government license plate. This vehicle will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission. This vehicle is a white 2009 Ford F-350.

The estimated annual operating costs of this vehicle is \$5,500 to be supported through the Intelligence Bureau, Counter Terrorism/Homeland Security Division; General Fund (100). This is one-time addition to the fleet and the vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement.

NOTE: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data. (C-50-09-084-M-00)

Motion to withdraw item A-10, asking staff to bring fleet items back for consideration only after the departments have complied and the study is complete. Supervisor Kunasek added the caveat that staff would bring any item that is considered an exception before the Board without waiting for the completion,
by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

A-11. ONE-TIME ADDITION TO FLEET AND EXEMPTION FROM MARKINGS FOR RICO REPLACEMENT VEHICLE

Approve a one-time addition to fleet of one RICO fleet replacement vehicle. This is a 2006 Chevy pickup seized in a MCNNET investigation. It will replace RICO vehicle #26, a 2000 Dodge Ram pickup. This vehicle will be used in undercover investigations and pursuant to ARS 38-538-03 and 28-2511 (a) also approve the issuance of non-governmental license plates and exemption from markings.

This vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement.

RICO funds will be used to support operations and maintenance, estimated to be \$5,000 annually. Because this vehicle is replacing another RICO vehicle, there is no financial impact.

Note: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data. (C-50-09-085-M-00)

Motion to withdraw item A-11, asking staff to bring fleet items back for consideration only after the departments have complied and the study is complete. Supervisor Kunasek added the caveat that staff would bring any item that is considered an exception before the Board without waiting for the completion,
by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

A-12. ONE-TIME ADDITION TO FLEET AND EXEMPTIONS FROM MARKINGS AND THE ISSUANCE OF NON-GOVERNMENT LICENSE PLATES OF FOUR GRANT FUNDED 1-TON CREW CAB 4X4 TRUCKS

Approve a one-time addition to fleet of four 1-Ton Crew Cab 4X4 Trucks valued at \$60,963.79 each (totaling \$243,855.16). The Sheriff's Office was awarded funding designated for this purchase from the Arizona Department of Homeland Security Award Agreement 07-AZDOHS-LETTP-444207-01, approved by the Board of Supervisors on December 3, 2008 (C-50-09-034-G-00). This item has undergone the needs justification process required by Office of Management and Budget prior to release.

Also, approve per A.R.S. 38-538.03 exemptions from markings and the issuance of non-government license plates. These vehicles will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission. These vehicles are four gray 2009 Ford F-350 trucks.

The estimated annual operating costs of these vehicles is \$5,500 each (totaling \$22,000.00) to be supported through the Intelligence Bureau, Counter Terrorism/Homeland Security Division; General Fund (100). This is one-time addition to the fleet and these vehicles will be retired at the end of their useful lives with no funding from the general fund for their replacement.

NOTE: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data. (C-50-09-086-M-00)

Motion to withdraw item A-12, asking staff to bring fleet items back for consideration only after the departments have complied and the study is complete. Supervisor Kunasek added the caveat that staff would bring any item that is considered an exception before the Board without waiting for the completion,
by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

A-13. EXTEND TERM AND INCREASE AMOUNT OF FUNDING FROM THE MARICOPA COUNTY ATTORNEY'S OFFICE FOR LEGAL ARIZONA WORKERS ACT

Approve an extension to the term and an increase of reimbursement funding not to exceed \$700,000 from the Maricopa County Attorney's Office for continuation of the "Legal Arizona Workers Act" pursuant to House Bill 2779 by the State of Arizona.

This funding will be administered by the Maricopa County Attorney's Office. The new term will be January 1, 2008 through June 30, 2010. (C-50-08-540-3-02)

Supervisor Wilcox said she believed this item is tied to the earlier agenda item #8. Victoria Mangiapane confirmed this was accurate. Supervisor Wilcox said she would not support it and entered a motion to deny, which died for lack of a second.

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

There being no majority vote, the motion failed.

Following the tie vote, Chairman Stapley again said he had not had any communication with the County Attorney's Office on this and could not support it until he received an explanation on how the funds would be used.

The following addendum item, A-14, was heard out of order early in the meeting following agenda item #4.

Air Quality

A-14. FIRST ANNUAL AIR QUALITY CONFERENCE

Presentation regarding the FIRST ANNUAL AIR QUALITY CONFERENCE. At the conclusion of the presentation, approve and authorize the Air Quality Department to hold its first annual Air Quality Conference.

Lawrence Odle, Director
Holly Ward, Public Information Officer

Approve and authorize the Air Quality Department to hold its first annual air quality conference. (C-85-09-020-P-00)

MEETING RECESSED

Chairman Stapley recessed the Board of Supervisors to convene as the Board of Directors of various special districts.

IMPROVEMENT DISTRICT AGENDA

The Board of Directors of the Improvement District convened in Formal Session at 9:00 AM on Wednesday, June 17, 2009, in the Supervisors Auditorium with the following members present: Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Max Wilson, Chairman, District 4. Also present: Constance Copeland, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

I-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Improvement District meetings held February 11, 2009 and February 25, 2009. (C-06-09-455-7-00)

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

MEETING ADJOURNED

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

Don Stapley, Acting Chairman of the Board

ATTEST:

Constance Copeland, Deputy Clerk of the Board

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, June 17, 2009, in the Supervisors Auditorium with the following members present: Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Max Wilson, Chairman, District 4. Also present: Constance Copeland, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-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-06-09-468-7-00)

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

F-2. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Flood Control District meetings held December 15, 2008 and February 11, 2009, and February 25, 2009. (C-06-09-431-7-00)

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

F-3. FY 2009-10 FLOOD CONTROL DISTRICT HIRING FREEZE POLICY

Approve the FY 2009-10 Hiring Freeze Process for the Flood Control District effective immediately upon Board approval.

Due to the continued ominous outlook of our revenue forecasts, the Office of Management and Budget recommends that the Board continue the FY 2008-09 hiring freeze into FY 2009-10

The FY 2009-10 Hiring Freeze Process will be as follows:

All positions currently vacant or that become vacant in the future will be subject to a hiring freeze conforming to the budget Furlough policy. This freeze will be in effect until the end of the fiscal year.

If a position becomes vacant which affects public health or safety, the Flood Control District will contact the Office of Management and Budget (OMB). Only positions that provide direct and critical public health and/or safety services, are essential to revenue collection, or are grant-funded and required to maintain compliance with the grant may be considered for exemption. In collaboration with the Flood Control District, OMB will make a determination

whether a recruitment is necessary in order to alleviate a critical public health or safety issue. If OMB and the Flood Control District are in disagreement, the Flood Control District may appeal the decision to the County Manager. If still unresolved, the Flood Control District may bring the item to the BOD on an agenda.

The Flood Control District is required to meet or exceed the budgeted salary savings as indicated in their budget(s). In order to meet this requirement, positions authorized for recruitment during this hiring freeze may need to be held vacant for a period of time until budgeted salary savings is met. Elected offices, departments, agencies or districts that are over-budget year-to-date are not eligible for hiring freeze exemptions of any kind. (C-49-09-024-6-01)

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

F-4. FY 2009-10 FLOOD CONTROL DISTRICT CAPITAL PURCHASING FREEZE POLICY

Approve the FY 2009-10 Capital Freeze for the Flood Control District.

The FY 2009-10 Capital Purchasing Freeze will be as follows:

All procurements, including those made with the P-Card or any other procurement mechanisms, which meet any of the following, will be subject to a freeze:

- Non-Capital Equipment (Object Code 804)
- Furniture (All applicable Object Codes)
- Computers, servers, printers, monitors, peripherals and other like items including the Desktop Refresh, Laptop Refresh and all other items covered under the Technology Financing Program, (All applicable Object Codes)
- Capital Equipment not purchased as part of an approved Major Maintenance or Capital Improvement Project (All applicable Object Codes)

This freeze applies to all funds and will be in effect until the end of the fiscal year.

There will be NO EXEMPTION PROCESS. However, if a purchase affects the health or safety of Maricopa County citizens, or is deemed necessary, the Flood Control District will contact the Office of Management and Budget (OMB). In collaboration with the Flood Control District, OMB will make a determination whether the purchase is appropriate. If OMB and the Flood Control District are in disagreement, the Flood Control District may appeal the decision to the County Manager. If still unresolved, the Flood Control District may bring the item to the Board of Directors on an agenda. (C-49-09-033-6-01)

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

F-5. CONTRACT WITH WOOD, PATEL, & ASSOCIATES, INC FOR PINNACLE PEAK ROAD AND CHANNEL - 99TH AVENUE TO AGUA FRIA RIVER

Award Contract FCD 2008C045, Pinnacle Peak Road and Channel – 99th Avenue to the Agua Fria River Project (Project [#450]) to Wood, Patel, & Associates, Inc. This contract is a lump sum of \$1,491,656.50, plus a not-to-exceed amount of \$80,165.68 for optional items, plus \$75,000.00 for option post-design services. These optional items include landscape design, right-of-way, geotechnical investigation, and GIS conversion plus Post Design services. The total contract amount including optional items will not exceed

\$1,646,822.18. The contract performance is 730 calendar days effective the date of the Notice to Proceed.

This is a qualification-based selection in accordance with Maricopa County Procurement Code, Article 5, Paragraph 504.

The Glendale/Peoria Area Drainage Master Plan Update (ADMP) identified flooding problems in the northwest Peoria area and recommended solutions to these problems. The Project is to improve Pinnacle Peak Road from 99th Avenue to 107th Avenue and to capture the 100-year flood from the upstream watershed within a channel adjacent to the improved roadway and convey the floodwater to the Agua Fria River. (C-69-09-072-5-00)

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

F-6. AMENDMENT TO IGA WITH CITY OF PEORIA FOR ROSE GARDEN LANE CHANNEL

Approve Intergovernmental Agreement (IGA) Amendment No. 1 FCD 2003A012A between the Flood Control District of Maricopa County (District) and the City of Peoria (City) for the design, rights-of-way acquisition, and utility relocation of the Rose Garden Lane Channel (Project [#450]). This Amendment No. 1 is extending the expiration date to allow for completion of Project responsibilities. The remaining Project cost is estimated to be \$240,000 for which the IGA provides for a District cost share of 50% (estimated to be \$120,000) and a City cost share of 50% (estimated to be \$120,000). The IGA shall become effective when recorded at the office of the County Recorder and shall expire 10 years from the date of recording or upon Project completion, whichever comes first.

This open channel Project extending along the north side of Rose Garden Lane (from approximately Lake Pleasant Parkway to the Agua Fria River), with underground box culverts at road crossings, and a basin near the Agua Fria River will provide 100-year level of protection and will benefit the area between Lake Pleasant Parkway and the Agua Fria River, south of Rose Garden Lane. Supervisor District 4. (C-69-04-054-2-01)

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

F-7. RESOLUTION FOR SADDLEBACK FLOOD RETARDING STRUCTURE MODIFICATIONS PROJECT

Adopt Resolution FCD 2009R008 for the Saddleback Flood Retarding Structure (FRS) Modifications Project (PROJECT [#331]). This Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate and prepare Intergovernmental Agreements (IGAs) with the Natural Resources Conservation Service (NRCS) and other governmental agencies; procure and award contracts for engineering and construction service, conduct permitting activities, and allocate funds in current and future District Five-Year Capital Improvement Program. The estimated cost of the PROJECT is \$3,300,000.

Saddleback FRS has experienced the formation of numerous erosion holes and longitudinal cracking along the length of centerline of the dam crest. The issue cannot be addressed by normal maintenance work and has developed into a dam safety issue which is continuing to worsen over time. This requires implementation of structural dam safety corrective measures in the interest of public safety. The District has identified a need to

repair/modify the central material zone of the dam known as the central filter and intends to intake the design of this repair/modification in June 2009. The PROJECT will additionally involve erosion hazard mitigation efforts and concrete control sections at roadway crossings. This item impacts Supervisory Districts 4 and 5. (C-69-09-073-6-00)

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

F-8. 05034-S, TREE MAINTENANCE, TRIMMING, PRUNING, REMOVAL, & REPLACEMENT SERVICE

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 05034-S

Item: Tree Maintenance, Trimming, Pruning, Removal, & Replacement Service (\$145,000.00) Increase price agreement value from \$660,000.00 to \$805,000.00. Increase Price Agreement value from \$660,000.00 to \$805,000.00. This \$145,000.00 increase is requested by Public Works (Flood Control and MCDOT) to cover tree trimming service requirements throughout the remainder of FY 08/09. This agreement was approved by the Board on June 8, 2005 in the amount of \$600,000.00 and was subsequently increased to \$660,000.00 by the Materials Management Director on November 20, 2008. Agreement expiration date is June 30, 2010.

\$55,000.00 - Flood Control
\$90,000.00 – MCDOT

Turner Tree Mgt.
Vista Verde (C-73-09-093-7-00)

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

FLOOD CONTROL DISTRICT ADDENDUM

FA-1. ADJUSTMENT #5 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 Reserve (FCPR) by \$250,000

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

Project F300 – Spook Hill FRS by \$250,000

This Agenda Item impacts all Supervisory Districts. (C-69-09-074-2-00)

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

MEETING ADJOURNED

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

ATTEST:

Don Stapley, Acting Chairman of the Board

Constance Copeland, Deputy Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, June 17, 2009, in the Supervisors Auditorium with the following members present: Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Max Wilson, Chairman, District 4. Also present: Constance Copeland, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Library District meetings held February 11, 2009, February 25, 2009 and April 1, 2009.
(C-06-09-453-7-00)

Supervisor Brock commented on the planned summer youth reading program made possible through a number of government and private grants received by the district. He added that indications are that there will be between 50,000 and 100,000 youth readers taking part in this program.

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

L-2. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Library District for May 2009. Donation reports are on file in the Clerk of the Board's Office.
(C-06-09-460-7-00)

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

L-3. DONATIONS AND INNOVATIONS PRIZE TO THE LIBRARY DISTRICT

Accept the National Book Foundation, Inc. "Innovations in Reading Prize" of \$2,500 for its Deweyless approach to organizing books; a \$5,000 gift from the New Friends of the Ed Robson Branch Library; a \$6,000 donation to the Summer Reading Program (SRP) from the New Friends of the Library District; a \$14,000 donation to the SRP from the New Friends of the Library District; a \$1,500 donation to the SRP from the Fountain Hills Library Association (Friends); and a \$3,200 donation to the SRP Book Prize from the Friends of the Queen Creek Library for total cash donations of \$32,200.

The Library District's Summer Reading Program for 2009 is "Be Creative @ Your Library" and is expected to reach approximately 65,000 young people from birth to 18 years of age.
(C-65-09-022-D-00)

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

L-4. FY 2009-10 LIBRARY DISTRICT HIRING FREEZE POLICY

Approve the FY 2009-10 Hiring Freeze for the Library District effective immediately upon Board approval.

Due to the continued ominous outlook of our revenue forecasts, the Office of Management and Budget recommends that the Board continue the FY 2008-09 hiring freeze into FY 2009-10.

The FY 2009-10 Hiring Freeze will be as follows:

All positions currently vacant or that become vacant in the future will be subject to a hiring freeze conforming to the budget Furlough policy. This freeze will be in effect until the end of the fiscal year.

If a position becomes vacant which affects public health or safety, the Library District will contact the Office of Management and Budget (OMB). Only positions that provide direct and critical public health and/or safety services, are essential to revenue collection, or are grant-funded and required to maintain compliance with the grant may be considered for exemption. In collaboration with the Library District, OMB will make a determination whether a recruitment is necessary in order to alleviate a critical public health or safety issue. If OMB and the Library District are in disagreement, the Library District may appeal the decision to the County Manager. If still unresolved, the Library District may bring the item to the BOD on an agenda.

The Library District is required to meet or exceed the budgeted salary savings as indicated in their budget(s). In order to meet this requirement, positions authorized for recruitment during this hiring freeze may need to be held vacant for a period of time until budgeted salary savings is met. Elected offices, departments, agencies or districts that are over-budget year-to-date are not eligible for hiring freeze exemptions of any kind. (C-49-09-025-6-01)

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

L-5. FY 2009-10 LIBRARY DISTRICT CAPITAL PURCHASING FREEZE POLICY

Approve the FY 2009-10 Capital Freeze for the Library District.

The FY 2009-10 Capital Purchasing Freeze will be as follows:

All procurements, including those made with the P-Card or any other procurement mechanisms, which meet any of the following, will be subject to a freeze:

- Non-Capital Equipment (Object Code 804)
- Furniture (All applicable Object Codes)
- Computers, servers, printers, monitors, peripherals and other like items including the Desktop Refresh, Laptop Refresh and all other items covered under the Technology Financing Program, (All applicable Object Codes)
- Capital Equipment not purchased as part of an approved Major Maintenance or Capital Improvement Project (All applicable Object Codes)

This freeze applies to all funds and will be in effect until the end of the fiscal year.

There will be NO EXEMPTION PROCESS. However, if a purchase affects the health or safety of Maricopa County citizens, or is deemed necessary, the Library District will contact the Office of Management and Budget (OMB). In collaboration with the Library District, OMB will make a determination whether the purchase is appropriate. If OMB and the Library District are in disagreement, the Library District may appeal the decision to the County Manager. If still unresolved, the Library District may bring the item to the BOD on an agenda. (C-49-09-034-6-01)

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

L-6. IGA WITH THE CITY OF LITCHFIELD PARK FOR THE OPERATION OF A PUBLIC LIBRARY

Approve an Intergovernmental Agreement (IGA) between the City of Litchfield Park and the Maricopa County Library District for the operation of a public library in Litchfield Park. The City will provide to the District, at no cost, a facility to be used as a public library. The library is currently located at 101 W. Wigwam Boulevard and consists of 6,701 sq. ft. The City may, with the written consent of the District, provide mutually acceptable substitute premises as needed to provide more area for enhanced library services. The term of the agreement shall commence on the 1st day of July, 2007 and terminate on the 30th day of June, 2014. City grants District the option of renewing the Agreement for two additional five-year terms.

The Library District and the City of Litchfield Park began their partnership in 1979 to bring library service to the citizens of the Litchfield Park area. (C-65-09-021-M-00)

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

MEETING ADJOURNED

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

Don Stapley, Acting Chairman of the Board

ATTEST:

Constance Copeland, Deputy Clerk of the Board

STADIUM DISTRICT AGENDA

The Board of Directors of the Stadium District convened in Formal Session at 9:00 AM on Wednesday, June 17, 2009, in the Supervisors Auditorium with the following members present: Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Max Wilson, Chairman, District 4. Also present: Constance Copeland, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

S-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board meetings held February 11, 2009, February 25, 2009 and April 1, 2009. (C-06-09-454-7-00)

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

S-2. DONATIONS TO MARICOPA COUNTY STADIUM DISTRICT

Authorize the acceptance of donations made by the Arizona Diamondbacks in the form of improvements made to Chase Field during FY 2009. Itemized listings of donations received will be on file in the office of the Clerk of the Board. (C-68-09-010-D-00)

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

S-3. REAPPOINTMENTS TO THE ARIZONA DIAMONDBACKS FOUNDATION BOARD OF DIRECTORS

Approve the reappointment of Annette Auxier, Member At-Large and Hope Ozer, as nominated by Supervisorial District 2, to the Arizona Diamondbacks Foundation Board of Directors. The term of the appointments will be effective July 1, 2009 through June 30, 2011. (C-06-09-456-9-00)

Supervisors Brock and Stapley thanked Annette Auxier and Hope Ozer for their previous service and willingness to continue to serve in this capacity.

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

S-4. FY 2009-10 STADIUM DISTRICT HIRING FREEZE POLICY

Approve the FY 2009-10 Hiring Freeze Process for the Stadium District effective immediately upon Board approval.

Due to the continued ominous outlook of our revenue forecasts, the Office of Management and Budget recommends that the Board continue the FY 2008-09 hiring freeze into FY 2009-10

The FY 2009-10 Hiring Freeze Process will be as follows:

All positions currently vacant or that become vacant in the future will be subject to a hiring freeze conforming to the budget Furlough policy. This freeze will be in effect until the end of the fiscal year.

If a position becomes vacant which affects public health or safety, the Stadium District will contact the Office of Management and Budget (OMB). Only positions that provide direct and critical public health and/or safety services, are essential to revenue collection, or are grant-funded and required to maintain compliance with the grant may be considered for exemption. In collaboration with the Stadium District, OMB will make a determination whether a recruitment is necessary in order to alleviate a critical public health or safety issue. If OMB and the Stadium District are in disagreement, the Stadium District may appeal the decision to the County Manager. If still unresolved, the Stadium District may bring the item to the BOD on an agenda.

The Stadium District is required to meet or exceed the budgeted salary savings as indicated in their budget(s). In order to meet this requirement, positions authorized for recruitment during this hiring freeze may need to be held vacant for a period of time until budgeted salary savings is met. Elected offices, departments, agencies or districts that are over-budget year-to-date are not eligible for hiring freeze exemptions of any kind. (C-49-09-026-6-01)

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

S-5. FY 2009-10 STADIUM DISTRICT CAPITAL PURCHASING FREEZE POLICY

Approve the FY 2009-10 Capital Freeze for the Stadium District.

The FY 2009-10 Capital Purchasing Freeze will be as follows:

All procurements, including those made with the P-Card or any other procurement mechanisms, which meet any of the following, will be subject to a freeze:

- Non-Capital Equipment (Object Code 804)
- Furniture (All applicable Object Codes)
- Computers, servers, printers, monitors, peripherals and other like items including the Desktop Refresh, Laptop Refresh and all other items covered under the Technology Financing Program, (All applicable Object Codes)
- Capital Equipment not purchased as part of an approved Major Maintenance or Capital Improvement Project (All applicable Object Codes)

This freeze applies to all funds and will be in effect until the end of the fiscal year.

There will be NO EXEMPTION PROCESS. However, if a purchase affects the health or safety of Maricopa County citizens, or is deemed necessary, the Stadium District will contact the Office of Management and Budget (OMB). In collaboration with the Stadium District, OMB will make a determination whether the purchase is appropriate. If OMB and the Stadium District are in disagreement, the Stadium District may appeal the decision to the County Manager. If still unresolved, the Stadium District may bring the item to the BOD on an agenda. (C-49-09-035-6-01)

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

Absent: Wilson

S-6. BUDGET ADJUSTMENTS

Due to the level of Auto Rental Surcharge Revenue received by the Stadium District the transfer to the Arizona Sports and Tourism Authority will be larger than originally budgeted; therefore, good cause is found under A.R.S. Section 48-4232 (B) to take the following actions amending the FY 2009 budget.

1. Approve an increase in the transfer in the amount of \$318,000 from The Stadium District (680) Debt Series 02 Fund (370) Operating Budget (0000) to the Stadium District (680) Cactus League Operations Fund (250) Operating budget (0000). This will result in an increase in the amount of \$318,000 to the expenditure budget for the Stadium District (680) Debt Series 02 Fund (370) Operating Budget (0000) and an increase in the amount of \$318,000 to the revenue budget for the Stadium District (680) Cactus League Operations Fund (250) Operating Budget (0000). The above transactions will be offset with corresponding adjustments to Stadium District (680) Eliminations Fund (900) Operating Budget (0000) for a net impact of zero.

2. Approve an increase in the expenditure authority in the Stadium District (680) Cactus League Operations Fund (250) Operating Budget (0000) of \$318,000. The action will adjust the District budget to reflect the transfer of the remaining Cactus League monies after debt payments, reserves, and operations to the Arizona Sports and Tourism Authority under the intergovernmental agreement approved on August 27, 2003. (C-68-09-009-2-00)

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

S-7. AMENDMENT TO IGA FOR LAW ENFORCEMENT SERVICES BETWEEN THE MARICOPA COUNTY STADIUM DISTRICT AND MARICOPA COUNTY

1) Approve Amendment No. 4 to the "Intergovernmental Agreement for Law Enforcement Services between the Maricopa County Stadium District and Maricopa County" to be effective June 1, 2009. This amendment establishes new hourly billing rates. All other terms and conditions remain the same.

2) Approve an increase to the Stadium District (680) Ballpark Operations Fund (253) Operating Budget (0000) beginning FY 2009-10 Expenditure and corresponding Revenue budget in the amounts of \$64,960 each for the estimated additional revenue and expense created by the revised hourly billing rates.

Increases for June 2009 will be absorbed into the existing FY 2009 budget.

A corresponding agenda item is listed on the Board of Supervisors Agenda under C-50-98-065-0-04. (C-78-98-040-2-01)

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

MEETING ADJOURNED

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

Don Stapley, Acting Chairman of the Board

ATTEST:

Constance Copeland, Deputy Official Record Keeper

MEETING RECONVENED:

Chairman Stapley reconvened the Board of Supervisors

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

105. 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 gave examples alleging incompetence and unfair and inconsistent treatment of property owners by Planning and Development Department inspectors on code enforcement violations.

~ Supervisor Wilcox left the meeting ~

106. **SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock mentioned action taken at last night's Gilbert City Council meeting and installation of officers. The new Mayor is John Lewis and two new council members are John Sands and Jim Daniels. He thanked Steve Burman, John Krueger and Don Skousen for their service in one of the fastest growing cities in the state.

Chairman Stapley noted that a unique, Western, custom came into play at the recent Cave Creek, AZ, City Council elections, which ended in a tie vote of 660 votes for each candidate - even after a recount.

The Arizona Constitution allows a tie vote to be determined by a game of chance and in the "run-off high card wins" game between candidates Thomas McGuire, an incumbent on the council, and newcomer Adam Trenk, both drew a heart but Mr. Trenk's heart beat Mr. McGuire's card and Mr. Trenk is the new Cave Creek Council member.

David Smith noted that this item was on the front page of the New York Times today.

*****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 ZONING ITEMS

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

CODE ENFORCEMENT REVIEW

PZ-1. HUDSON - V200701254

This is the time for the review of the Hearing Officer's Order of Judgment in zoning Code Violation Case V200701254, Hudson. This item was continued from the May 20, 2009 meeting. (Supervisor District 4) (C-44-09-137-M-00)

Darren Gerard noted the background on this case involving building a residence without a permit and grading without a drainage clearance permit, which was opened on a citizen complaint in May 2007. Construction continued after notices to comply were sent to Mr. and Mrs. Hudson. A hearing was held January 22, 2009, where the respondent was found guilty and a fine set at \$300 plus \$30 per diem to accrue until compliance is verified by inspection. Fines now total \$4,680.

Applications were submitted on April 23, 2009, staff responded within two weeks and are awaiting resubmittal.

A number of residents registered to testify on this case. .

Gordon Briggs resides at Whispering Ranch and testified that when they moved there the realtor told them they did not need permits to make improvements. He said that he, and others living there, did not know they were doing anything wrong and he had come to the meeting because they had learned that the County was now saying that permits are required. He said that he, and others, had no reason to disbelieve the realtor.

Chairman Stapley asked counsel if there had ever been a time in Maricopa County when building could take place without a building permit and was told, "not for home sites."

Joy Rich, Assistant County Manager, said there are some properties in that area that have been agriculturally classified and that are statutorily exempt from building permits. But that is not the majority.

~ Supervisor Wilcox left the meeting ~

Deborah Snodgrass, representing Ed Hudson, said she had moved there in August 1984 and nothing was ever said about permits. They were under the assumption "that it was uninhabitable for humans" and nobody recognized Whispering Ranch at that time. She said residents did everything with no help from the County. She added, "At the time we bought the property we were advised to, 'do what you want out there,' so we did."

Patricia McVey said they had no address when they moved to Whispering Ranch and her husband called, talked to three different people at the County and got three different answers. She questioned the fact of those three different answers.

James Russell said he bought his property there in 1990 or 1991 and the realtor said he did not need any permits. He said he did get a permit to dig his well and then called the County regarding permits to build a structure. He was told that they, "do not issue permits to people at Whispering Ranch." To the County, Whispering Ranch did not exist. He added that this seemed evident since residents do all the road maintenance themselves and have no police or no fire protection services from the County. There are 100 residents living there now and all have built improvements on their property. He felt that 99% would come in and get a permit but they need to know what is expected of them. But instead they are getting fined. He questioned if it was because now the

County needs money.

Joe Liberty, is a realtor who has been working with residents of Whispering Ranch. He said he took the chairman of the Corporation Commission out there to meet with residents and everyone told them the same thing, "We went to get permits, they told us, 'sorry, no permits.'" It was too far out in the County for paved roads and they did not want to send crews out. Mr. Liberty explained that this is a 29 square mile subdivision that is currently trying to get power, currently trying to get police and fire protection, also telephone service, "We need some help."

He said that residents bought property in good faith and he felt the County should work with them now in good faith to straighten this out, regardless of what happened in the past. He felt it was necessary to start moving forward from today and asked what the Board could do to move forward.

Joy Rich said a survey had been taken of how many permits they have recorded out there by decade and 280 valid permits have been issued. She said the Planning Department would work with people who cooperatively come in to get permits without going through the violation process. And with regards to the Hudson's, staff can negotiate with them on the amount of the fine after the property has been inspected and compliance is confirmed.

~ Supervisor Wilcox returned to the meeting ~

Supervisor Kunasek asked to insert in the record his belief that comments made about County staff saying permits were not needed or the area was exempt were difficult for him to imagine. He added it may have been a miscommunication and/or something that was spread among the residents without getting verification. He believed that honest introspection should provide awareness that for health and safety reasons permits need to be issued and inspections made. Most lenders providing financing should require it. He believed that the Hearing Officer's decision should be upheld. The code and permitting process is on the County's website. He asked staff to work through the process with these residents.

Mr. Hudson asked to speak. He said he bought the property 25 years ago as an investment and to use as a weekend get-away in a camper shell. After losing his job in 1985, he added an addition to the camper and moved there and kept building new additions. Now he has his dream home - but it is being turned into his nightmare.

He has paperwork stating they were not issuing permits there when he bought the property. He called in 1988 when he put a septic tank in and was told they still were not issuing permits. An inspector told him to put the septic tank in to code and he would be grandfathered in and added everyone there was told they would be grandfathered in and that Maricopa County had nothing to do with the Whispering Ranch area.

He explained how his citation came about for permits and grading in 2007 and said he had graded his three lots in 2005, during the Yoda fire, when all property owners in the area were told to get rid of fire hazardous brush on their property. He said his place would burn to the ground in a fire because they had no fire protection. Rural Metro could not get there in time.

Mrs. Hudson explained their shock when they received the letter indicating a possible fine, because of all the times Mr. Hudson was told permits were not needed. She kept a record of the many times she phoned the inspector and said not one of her calls was returned. They emailed the inspector and never received an answer. She said they have

paid nearly \$7,000 in compliance fees and are working to come into compliance. They contacted Environmental Services and replaced their 20 year-old septic tank with a new one. She added that, "none of this has been mentioned by the 'other side.'" She asked, why this has come to a hearing since they have been compliant? She said you can't get a building permit until you have a septic tank permit, we are following the steps as we learn what they are.

Mr. Hudson was told to hire a professional architect to draw up necessary plans and he hired S. A. Everly, who spoke to give seven points on the legality of the complaint.

1. No complaint was filed on this property.
2. They began to come into compliance immediately and have worked steadily as money was available.
3. The original inspector was not made available at the hearing to cross examine and their search for him was obfuscated by all. He finally was found and served to be deposed, he said he didn't have to do that and did not submit to it.

Mr. Everly noted the cost involved to residents who must hire civil engineers and architects to produce plans for the Planning Department to peruse.

Chairman Stapley asked Mr. Hudson to bring his testimony to a close because of time constraints.

Mr. Everly said the Hudson's have spent a total of \$22,000 so far to become compliant and they are still looking at the \$9,000 fine for penalty and fees.

Chairman Stapley asked Joy Rich for comments. She repeated that once the property is in compliance a settlement on the fine can be negotiated.

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

PZ-2. HANINI ENTERPRISES - V200801771

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200801771, Hanini Enterprises (Supervisor District 5) (C-44-09-144-M-00)

The Clerk announced that this case has been withdrawn since it has been settled.

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

PLANNING AND ZONING AGENDA

CONSENT AGENDA

1. SPECIAL USE PERMIT - SAN TAN GROUND

Case Number: Z2008103
Supervisorial 1
District:

Applicant: Strategic Real Estate Services for AA&T Mobility and San Tan Irrigation District
Location: Northwest corner 180th Street and Chandler Heights Road in the Gilbert / Queen Creek area
Request: Special Use Permit (SUP) for a wireless communications facility in the Rural-43 zoning district / Wireless Use District 1 (approve. 0.1377 AC.) – San Tan Ground
Commission Action: Approve by a vote of 7-0.
(C-44-09-148-7-00)

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

REGULAR AGENDA

2. COMPREHENSIVE PLAN AMENDMENT - CUSTOM FARM SLAUGHTERHOUSE

Case Number: CPA200802
Supervisorial District: 5
Applicant: Robert Gomez for Merced Herrera
Location: West side of 79th Avenue (alignment) and approx. one-half mile north of Baseline Road.
Request: Comprehensive Plan Amendment (CPA) to change the land use category from Rural Development Area (RDA) and Open Space to Industrial (approx. 8.0 ac.)
Commission Action: Approve by a vote of 6-0 subject to staff recommended stipulations 'a' - 'f'. (see note below)

Note: CPA case approval is by Resolution. **This item is continued from the May 6, 2009 and May 20, 2009 meetings.** (C-44-09-130-7-00)

Darren Gerard announced that Planning Agenda items 2 and 3 are related and will be taken together, but voted separately. Mr. Gerard noted that the Special Use Permit is limited to five years.

Supervisor Wilcox explained that this CPA was continued so she could learn more about it and she now believed it to be like a custom slaughterhouse catering to special needs for residents, especially in preparing for holidays.

The following resolution was considered by the Board.

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

Resolution Amending the Maricopa County Comprehensive Plan
Case Number: CPA 200802
Custom Farm Slaughterhouse
June 17, 2009

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

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about

coordinated physical development consistent with the present and future needs of Maricopa County; and

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

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

WHEREAS, Case number CPA200802 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all public hearing notification requirements; and

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

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

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA200802, is hereby approved this 17th day of June, 2009.

Motion to concur with Planning and Zoning Commission recommendation for approval
by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

3. SPECIAL USE PERMIT - CUSTOM FARM SLAUGHTERHOUSE

Case Number: Z2008011
Supervisorial District: 5
Applicant: Robert Gomez for Merced and Matilde Herrera
Location: West side of 79th Avenue (alignment) and approx. one-half mile north of Baseline Road in the Laveen area.
Request: Special Use Permit (SUP) for a farm slaughter house (interim industrial use) in the Rural-43 zoning district (approx. 1.25 ac.) – Custom Farm Slaughterhouse
Commission Action: Approval by a vote of 7-0, subject to staff recommended stipulations 'a' – 'p'.
(C-44-09-147-7-00)

Motion to concur with Planning and Zoning Commission recommendation for approval
by: Supervisor Wilcox, Seconded by: Supervisor Brock

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

4. TEXT AMENDMENT - SUPER-MAJORITY VOTE

Case Number: TA2008009
Supervisory District: All Districts
Applicant: Commission Initiative
Location: N/A
Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) regarding protest requirements for calculation of a super-majority vote requirement of the Board of Supervisors – Super-Majority Vote
Commission Action: Approval as proposed by a unanimous vote of 7-0.
(C-44-09-150-7-00)

The following Text Amendment was considered by the Board.

CHAPTER 3 – Administration
SECTION 304. AMENDMENTS
ARTICLE 304.2 AMENDMENTS INITIATED BY PROPERTY OWNERS

304.2.6 As used in this Ordinance, legal protests for the purposes of requiring a three-fourths vote of the Board of Supervisors as referenced in Article 304.2.4 shall be subject to the following:

1. The legal protest shall be filed in writing with the Department by 12:00 noon on the Friday prior to the public hearing before the Board of Supervisors.
2. The legal protest shall clearly state opposition to the amendment or change.
3. The legal protest shall be filed by the record property owner of any property located within 300 feet of the proposed amendment or change. In the event title shall be held in multiple parties, the filing by any such party shall be sufficient.
4. The legal protest shall indicate the Assessor Parcel Number of the parcel(s) owned by the party filing the opposition.

304.2.7 All outstanding fees and fines owed against a property shall be current and paid in full before and application will be scheduled for approval

Motion to concur with Planning and Zoning Commission recommendation for approval by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

5. TEXT AMENDMENT - ENTRY FEATURES

Case Number: TA2009008
Supervisory District: All Districts
Applicant: Commission Initiative

Location: N/A
Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) regarding residence, ranch, and farm entry features in the Rural zoning districts – Entry Features
Commission Action: Approval of TA2009008 to the BOS as proposed by a unanimous vote of 7-0, with a revision to proposed Article 501.2.19.3 as will be indicated in the hearing minutes and shown below.

The Commission recommended version is shown below.

CHAPTER 5 – Rural Zoning Districts
ARTICLE 501.2. Use Regulations

501.2.19 Fences or freestanding walls not to exceed a height of six feet outside of the lot's buildable area, except for entry feature structures to a residence, ranch or farm, subject to the following:

1. The entry feature shall be over a driveway, and limited to one entry feature per parcel;
2. The entry feature shall not contain lighting fixtures.
3. The entry feature shall observe a maximum height of 24', a maximum width of 30', and the structural support components shall be no greater than 3' in diameter or 3' square.
4. The entry feature shall observe a minimum opening of 12' in width and 16' in height;
5. Any signage incorporated into the entry feature shall be a maximum of 24 square feet, shall be contained within the exterior dimensions of the entry feature and shall not obstruct the minimum opening dimensions prescribed in Article 501.2.19.4 above.

Note: Those utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state, or local safety standards.

CHAPTER 11 – General Regulations
SECTION 1111. ADDITIONAL HEIGHT REGULATIONS
ARTICLE 1111.5. FENCES, WALL AND RETAINING WALLS

1111.5.5.4 Entry features over driveways to a residence, ranch or farm are allowed per Article 501.2.19

CHAPTER 14 – Sign Regulations
SECTION 1401. RURAL-190, RURAL-70 & RURAL-43
(Rural Zoning Districts)

ARTICLE 1401.1. SIGNS IDENTIFYING THE NAME OF THE OCCUPANT OF A RESIDENCE, THE OCCUPANT'S PROFESSION OR TITLE, AND THE ADDRESS OF THE DWELLING, SUBJECT TO THE FOLLOWING:

1401.1.5 Entry features over driveways to a residence, ranch or farm are allowed per Article 501.2.19 (C-44-09-149-7-00)

Motion to concur with Planning and Zoning recommendation for approval,
by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox
Absent: Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:30 a.m.

Don Stapley, Acting Chairman of the Board

ATTEST:

Constance Copeland, Deputy Clerk of the Board