

**Informal Meeting Minutes
Monday, September 14, 2009
Meeting Scheduled Start Time: 10:00 AM**

**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)**



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

Board Members

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

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Informal Session at 10:00 AM on Monday, September 14, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans (Shirley Million), Minutes Coordinators; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

Chairman's Statement regarding County Attorney Conflict:

~~For the record, the Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. In light of these concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.~~

The Clerk announced that the statement on the County Attorney conflict as listed on the agenda is withdrawn for this meeting because it is no longer necessary. A court ruling has decided the issue discussed in the statement and steps have been taken to insure that the Board receives conflict-free legal advice.

PRESENTATIONS

Air Quality

1. PROPOSED PERMIT AMNESTY INITIATIVE

Presentation regarding the Proposed Permit Amnesty Initiative.
Lawrence Odle, Director
Holly Ward, PIO

Accept an informational status report on the Air Quality Department's proposed three-month permit amnesty program. The permit amnesty program provides an opportunity for stakeholders previously required to obtain permits from the Air Quality Department and who have not obtained

the permits, to voluntarily apply for the required permits without being subject to a penalty. Following this proposed three-month amnesty window, the department will initiate a program to identify those facilities that have not sought a permit. There is no incremental cost associated with this initiative and it is expected to modestly increase permit fee revenue. (C-85-10-007-P-00)

Lawrence Odle explained that this proposed program sets aside any air pollution penalties that would normally apply for not obtaining a permit, for a 90-day period. During periods of high local growth some sources may not know they are required to get a permit and this program would allow any who wish to become "legal" to do so without paying a penalty. Mr. Odle listed several limitations with regards to needing a permit. He said there are only 3,000 permits issued for the more than 4 million residents of Maricopa County, calling it an "awkwardly low percentage."

He said he has discussed this plan with the Environmental Protection Authority (EPA) and the County Attorney's Office. He believed that Arizona Rock Products Association and Quarles and Brady Law Firm have written to Members to support this approach. Mr. Odle believes this amnesty period would provide a unique opportunity, bring sources into compliance and will improve the Air Quality program.

Supervisor Brock asked when the amnesty would begin. Mr. Odle replied, "Tomorrow."

Supervisor Brock asked for a further explanation of the EPA and Title V overview of such a project.

Mr. Odle said because of their limited resources the EPA's general approach is to focus only on large facilities. Excessive hazardous air pollutants emitted by a source will trigger an increased interest by the EPA. He added that this action pertains to permits and not to air quality rules, which the EPA is keenly interested in.

Supervisor Wilcox endorsed amnesty programs as providing an opportunity to bring many entities into a legal position. She asked how some of the smaller businesses will be alerted to this amnesty period and if those Spanish speaking companies will be addressed.

Mr. Odle replied that most of these businesses are members of the Chamber of Commerce and all of the industry based operations and associations will be used to notify members with printed materials in both English and Spanish. Field inspectors will also be giving out information during their visitations.

Supervisor Wilcox suggested an advertised, set time for people to call in to ask questions they may have on the amnesty as this method has proven to be effective in other outreach programs. She also advocated newspaper articles providing thorough explanations.

Mr. Odle said the phone bank has already been established in the Air Quality department and it is being used effectively in both Spanish and English. He added that they have also taken steps to improve the accuracy of translations of their literature.

Supervisor Kunasek noted that "past annual fees will be assessed" is in the language and asked why these fees would not also be included in the amnesty provisions.

Mr. Odle replied that this brings up an issue of "unfair business practice" in the question of allowing a source to operate without having paid any fees during the same period that their competitor had paid fees. He said the annual fee is minor in comparison to the penalty amount that could be assessed. He added that including it had been considered but the concern had been in benefiting a source financially for not having a permit as opposed to not penalizing them for not having a permit.

Chairman Wilson expressed his support of this proposal and asked Mr. Odle to report back to the Board in six months on any specifics and on any flaws or problems they encountered.

Parks and Recreation

2. COUNTYWIDE TRAILS SYSTEM

Presentation regarding the Countywide Trails System.

Chris Coover, Maricopa Trail Manager

R. J. Cardin reported on the significant progress on the Maricopa Trail the past several years primarily because of the strong cooperation the Parks department has received from other County departments and with other regional governments, Tribal entities and non-profit organizations. He referred to the Board's proclamation to begin the trails system as professing an obligation to protect open space for future generations saying he believed that set the tone for the success of the trail project.

He showed slides of the trail's construction saying that the 240 miles of this trail, and the 60 miles of the Sun Circle Trail that is incorporated, is a pathway to the regional parks. The Maricopa Regional Trail Commission was formed in 2000. Actual construction began in the spring of 2007, and he gave a history as the construction proceeded through the different segments. He also showed the signage that is being used on the trail.

Supervisor Kunasek asked about the bridge crossing at Guadalupe and Mr. Cardin related several problems associated with it and added the bridge is the only segment of the trail that is not, as yet, equipped for equestrian travel. This problem is being addressed for future availability. He told the Board that approximately 38% of the trail system has been completed.

Chairman Wilson asked if there have been problems with trash on the trails. Mr. Cardin replied it has been minimal so far and cited the various towns and other entities who are cooperating in this regard. "Carry it in - carry it out" signs will eventually be erected but he maintained that hikers are unusually good about not leaving any trash on trails.

Supervisor Kunasek said that Chris Coover and the Parks department as a whole seem to be operating on the adage of getting the job done and he was impressed with their accomplishments so far. He also thanked the State Land Department for all the cooperation and help they have given to this effort, saying it all bodes well for the completion of the project. He thanked all who are doing so much with such a limited budget.

Supervisor Stapley remarked on looking forward to the day when the northern and southern portions of the valley are connected by this trail.

Supervisor Brock remarked on the astonishing progress when it had originally been thought it would take decades. He cited Pulte Homes and the City of Phoenix as examples of outstanding cooperation.

Supervisor Wilcox also lauded the project so far and asked if a link to the Rio Salado and other river areas might be added since the area is developing so fast.

Mr. Cardin said the areas she mentioned are already included as part of the priority 1 projects.

Mr. Cardin recognized Chris Coover and Kristin Mohamed for their planning and perseverance in working on this project. (C-30-10-004-P-00)

3. EXECUTIVE SESSION

Vote to convene in Executive Session to consider items on the Executive Agenda dated September 14, 2009, for Board of Supervisors and relevant Special Districts pursuant to statutory authority listed for each item.

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

MEETING ADJOURNED

After discussion on items on the Executive Session agenda and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board