

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION  
July 28, 2003**

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., July 28, 2003, in the Board of Supervisors Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**RESIGNATION OF GERALD J. PORTER, SCOTTSDALE PRECINCT JUSTICE OF THE PEACE**

Motion was made by Supervisor Stapley and seconded by Supervisor Kunasek to accept the resignation of Gerald J. Porter, Justice of the Peace, Scottsdale Justice Court, effective July 28, 2003.

Both Mr. Stapley and Mr. Kunasek expressed their regrets that Judge Porter would be leaving the bench in order to work with Judge Colin Campbell on a special project, saying that he had corrected deficiencies in the Scottsdale court and brought it up to the highest level during his time there. At the same time they recognized the honor given to him in being offered this new challenge.

Motion carried unanimously (5-0).

**APPOINTMENT OF GINGER JARVIS AS SCOTTSDALE PRECINCT JUSTICE OF THE PEACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Ms. Ginger Jarvis as Justice of the Peace, Scottsdale Justice Court, effective August 18, 2003, appointed until the canvass of the November 2004, General Election.

Ms. Jarvis, currently an attorney at the Attorney General's Office, was present with her father, Jarrett Jarvis, a former member of the Phoenix City Council. Supervisor Stapley asked them to stand in recognition. Supervisor Kunasek remarked that Ms. Jarvis' extensive experience should make her an outstanding justice and provide outstanding service to the residents of Scottsdale. She will be sworn in at a later time.

Ms. Jarvis thanked the Board for their confidence in appointing her to the Scottsdale bench and said she planned to continue the good example set by Judge Porter.

**MARICOPA COUNTY'S WORKFORCE DEVELOPMENT PROGRAMS PRESENTATION**

Presentation regarding Maricopa Workforce Connections (MWC), the local workforce board for Maricopa County's workforce development programs, including an introduction of newly elected MWC officers and executive committee members; MWC accomplishments during the last fiscal year; and discussion regarding the Workforce Investment Act (WIA) reauthorization. (C2204083M) (ADM2512)

Mr. Marion Kelly, MWC Chair, did not attend

Ms. Diane McCarthy, MWC Immediate Past Chair

Ms. Darcy Bucholz, Human Services Department Deputy Director

Ms. Bucholz introduced Chairman Diane McCarthy and reported that Mr. Kelly, the incoming chair for the Workforce was unable to attend. In his stead Mr. John Garza, incoming Vice Chairman, was introduced, and, joining the Board from the audience as he entered the meeting was Richman Vincent, Chair of the Public Affairs Committee. Ms. Bucholz distributed a booklet giving highlights of activities during the 2002-2003 FY.

Ms. McCarthy said their group has worked to enhance their services to employers, which is the major focus prescribed by the Workforce Enforcement Act. She said their staff had worked with Sara Lee to staff and train for their new plant being built in Tolleson. They also worked with recruitment and training for Albertson's new stores in Avondale and Cave Creek. And the largest staff recruitment and screening job they have ever done occurred this past year for J. W. Marriot's Desert Ridge Resort and Spa where over 800 individuals were hired. They provide all of their services at no cost to business and are covering the business community with more efficiency due to the expansion from four offices to five with the addition of a newly opened office in Gilbert. They have also expanded their Internet services to employers as well as job seekers.

During FY 2002-03 the Workforce Connection centers provided services to approximately 10,000 job seekers and they expect that number to increase dramatically with their increased availability through the Internet. She said they work closely with the Phoenix Workforce Connection to provide as seamless a service as possible and they share a hotline for employers with Phoenix, 602-506-WORK. She said they were continuing their three-year partnership with Mervyn's Community Closet, which provides new, suitable business attire for women and men clients entering the business workforce. They also work closely with DES on Job Fairs and have partnered with Honeywell, Motorola, General Dynamics and Boeing for a \$3 million H1B Technical Skills Grant through the Department of Labor that is used to fund necessary training for their clients.

John Garza said they plan to increase their partnerships with the business community to maximize all resources available in the Valley. Their focus continues to be expansion and enhancing the services for employers and incumbent worker training. They are starting an apprenticeship program with several colleges and plan to add healthcare and IT training in the near future for job seekers in those fields. Of their expanding educational and training connections, he said, "We are at the table when new business comes to this area." Discussion ensued on the various entities MWC works with throughout the Valley.

Chairman Brock asked about the size of their budget and how funding is portioned out from the federal, state and county levels.

Ms. Bucholz replied that their budget is around \$7.9 million annually and they receive no County funds, all of it is federal funding via the state. Of this, \$5.6 million is WIA (Workforce In Action) funds, \$2 million comes from H1B Grants, and around \$175,000 is allocated for summer youth training money from the State.

Chairman Brock recalled that when he had visited the centers there always seemed to be a problem with transportation of the workers to the jobs. He asked if they had money for bus fares, car repairs, etc., for their clients.

Ms. Bucholz responded that they are one of the few programs in the country to have Special Transportation Services as a partner. It is a County program and they have received federal funding for it the past three years and have money for van transportation and minimal car repairs as a transition service in returning people to an employed state. At their current funding level they are only able to afford 90 days of employment assistance in individual ways that are needed, ideally the employer is willing to help out after that period.

#### **RECALL ELECTION IN AGUILA FIRE DISTRICT**

Order a recall election in the Aguila Fire District, to be held November 4, 2003, to consider the recall of Dorothy Steele as member of the Fire District Board, and to fill the position of Fire District Board Member for the remainder of the term (A.R.S. §19-209). Direct the County Elections Department to mail the call and notice of the recall election to households in the district containing a qualified elector (A.R.S. 16-227,

16-228). Persons wishing to file as a candidate for Fire District Board Member, Aguila Fire District, may file their nomination paper and petitions beginning August 6, 2003, and no later than September 5, 2003, with the County Elections Department. (C21040027) (ADM4408)

In the matter of the request to order a recall election for Dorothy Steele as a member of the Aguila Fire District Board, Karen Osborne said they have received a sufficient number of petition signatures, making it a formal action, required by law, for the Board to call the recall election of Dorothy Steele and, if desired, to also call a replacement election to fill the vacancy should the recall succeed. A replacement candidate would run to fill the remainder of Ms. Steele's term if they file the proper papers with the County Elections Department prior to September 5, 2003. She said that there are 150 households in that area

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to order the Aguila Fire District recall and replacement election for November 4, 2003.

#### **PUBLIC HEARINGS SCHEDULED – FINANCE – TWO PROPERTIES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule public hearings for 9:00 a.m., Wednesday, August 27, 2003, on the following items regarding Paradise Valley Park property and a 5-acre property known as Oasis Park:

- a) Second Amendment to an Intergovernmental Agreement (IGA) with the City of Phoenix, and authorize the Chairman to execute documents as necessary to implement its provisions. The amended IGA provides for a portion of County's Paradise Valley Park property to be divided between the County and the City. Also declare as surplus property and sell to the City pursuant to ARS §11.251.9, a 78.39-acre portion of property described in Exhibit "C" to the Amendment. (C1804004B) (ADM3231)
- b) Declare as excess property and approve a Transfer Agreement with The Mesa Association for Retarded Citizens (MARC) for the sale of a Maricopa County owned 5-acre property known as Oasis Park pursuant to A.R.S. 11-251.9. The parcel is also described as a portion of Tract "A" of Oasis Park Subdivision as recorded in Book 77 of Maps, Page 7, Maricopa County Recorder. The Transfer Agreement provides for a sale price of One Dollar (\$1.00). MARC is a qualified not-for-profit organization dedicated to assisting developmentally disabled and disadvantaged citizens in the east valley area. (C18040050) (ADM3238)

#### **REGIONAL TRANSPORTATION PLAN PRESENTATION**

Discussion regarding the development of a 20-year comprehensive, performance-based, multimodal and coordinated regional transportation plan by the Transportation Policy Committee of the Maricopa Association of Governments. (ADM2053)

Tom Buick, Director of Transportation and County Engineer  
Mike Sabatini, P.E., Assistant County Engineer  
Rip Wilson, lobbyist for the County

Tom Buick distributed a handout and reported that a response letter had been sent to MAG relating the position the County took regarding the alternatives they had proposed for the Regional Transportation Plan (RTP). The MAG (Maricopa Association of Governments) Transportation Policy Committee (TPC) adopted a Hybrid Transportation Plan last Tuesday, July 22, 2003. A copy of this plan has not yet been received by MCDOT, however, this is the plan the County will be commenting on to suggest changes for the final plan.

Mr. Buick said that since last week's meeting the State Legislature has formed a powerful ad hoc legislative committee to oversee the activities of the TPC's formative and final actions in devising a suitable regional transportation plan. They have met once with the County representatives present and heard their appeal that this work be based on performance, management, orientation and evaluations. Mr. Buick said that this committee is expected to have a big impact on this process. He advised that to be effective, the Board of Supervisors will have to be assertive and intervene when necessary on actions taken by the Transportation Advisory Committee that they feel to be counter productive to the whole. He reviewed the timeline leading to the presentation of the final plan to the State Legislature on November 30.

Mr. Buick summarized last Tuesday's meeting with some details that led to the complex eight-part motion made by Marty Schultz for approval of the Hybrid Scenario as presented by the TPC.

Supervisor Stapley, the Board of Supervisors' official representative at the RTP meetings, stated that he wanted the Board to understand the complete ramifications of some points made at the meeting and also some that are contained in Mr. Schultz's motion. He explained that the cities are currently paying matching fees in transit costs for regional bus service (they pay the match required by the federal government). Some of these same cities are now saying that they don't have to match under the new plan, as they would be part of the regional bus route system and regional funds should pay for all of it. Over the next 20 years this would add up to millions of dollars that the cities would save in transit costs that would be paid for by the regional sales tax. He indicated that it is common in other similar urban situations for the cities to continue paying matching funds for the regional systems that have been put in place.

Mr. Stapley said that the plan, as proposed and approved, is already at least \$800 million over the budgeted amount. He told the committee that the cities must continue to make their matching payments stating that this was a key position with an \$800 million "swing" on operation and maintenance. "But," he said, "we didn't win and it's still going to be an issue in the process because as you'll soon discover if this plan is adopted we're already a billion dollars over subscribed, and this is an area that we need to change."

Phoenix introduced a substitute motion, which failed. Mr. Schultz amended the original motion to delete a reference to a "future transit match" and ultimately it was approved by a vote of 13 to 9. Supervisor Stapley voted "no."

As adopted, the Hybrid Plan:

- Includes a full South Mountain freeway loop
- Includes funding for the I-10 Reliever at the Broadway Curve
- Includes \$1 billion total for increasing capacity of the I-17 between I-10 and Bethany Home
- Includes an additional 27.5 miles of LRT (Light Rail Transit) in addition to the 20-mile Minimum Operating System
- Is over-budgeted by over \$800 million dollars

Supervisor Stapley and Mr. Buick warned that ADOT and Phoenix are planning to double-deck the Black Canyon Freeway (I-17). Phoenix has been lobbying against the South Mountain and 303 freeway, and their failed motion included a deletion of the east/west leg of the South Mountain Freeway with no freeway to be built on the Pecos Road alignment. Their failed motion also increased funding for the I-17 portion by \$500 million. Rip Wilson believes they want a "trade-off" on the east-west portion, taking that money to pay for double-decking a portion of the I-17.

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Supervisor Stapley said, "If the South Mountain is pulled, it does severe damage to the model and shoves everything coming up the I-10 right through the center, and there are six million people there . . . and if you think the I-10 and the Broadway Curve is bad now – it will be gridlocked."

Mr. Buick reviewed the remainder of the Hybrid Plan as adopted last week, referencing the additional 27.5 miles of light rail added to the already approved 20 miles. He said that their idea from the beginning (Phoenix and other supporters of LRT) has been to get a total of 50 miles and they are now very close to that. Lastly he said that the \$800 million over-budget amount listed on the handout only totals the known amounts for projects compared to the expected revenue and costs figured at today's market prices.

Supervisor Stapley asked Mr. Buick to address the geographic equity of the plan.

Mr. Buick referenced a pie chart showing the following regional shares:

POPULATION SHARES		FUNDING SHARES	
Phoenix	39.6%	Phoenix	42.8%
East Valley	35.4%	East Valley	29.4%
West Valley	25.0%	West Valley	27.7%

Mr. Buick explained that geographic equity is an obvious and major concern of any elected official representing a particular jurisdiction or area, including the legislators. The East Valley feels that it is being slighted in this plan and the mayors do not see how they can achieve geographic equity other than by getting funds to pay for transit operation subsidies. He said that MCDOT's contention is that they could help identify projects that would be able to provide some equity for the East Valley, but he said that kind of discussion has not yet taken place. He referenced the 9-13 vote and said that almost everyone representing the East Valley voted "no" and he felt it was motivated by the geographic equity issue. The mayors on both the east and west sides have coalesced into a voting "entity" to try to achieve their perception of equity rights.

Supervisor Stapley said it was important to understand "who we need to partner with in order to make all of this happen in a way that works for everybody." His concern is that the County needs some strong partners when preparing suggestions and changes to the plan during the 30-day period. "We can partner with ADOT – because they (RTC) pretty much discount me and what I say, and are not taking the County's view very seriously in those meetings even though I vigorously advocate the County's position both vocally and in writing." He felt that ADOT and the business community essentially agree with the County on most of the major issues that are not in this plan. He explained that Phoenix, Tempe, Mesa, Chandler and Gilbert all voted "no" on the Plan, along with the County – but for very different reasons. He cautioned that this would not prove to be advantageous to the County's concerns in the long run.

Supervisor Wilson asked about the geographic make-up in 1985 when the first half-cent tax was passed and said that during these 20 years he felt that the East Valley had received a far-greater percentage than the West Valley. He added, "When it comes to the cities in my area, it's hard to get them to agree on anything. Instead, they talk about what they don't want, 'don't let it go through my town,' etc."

Supervisor Stapley agreed that parochialism was rampant and said he'd told the Committee, "We're not creating a very good regional plan. What we have is a grab bag for the cities for all the projects. And they don't work together – they all want a different kind of transportation with no connections in the middle."

Mr. Buick said, "You can hear the frustration in the air (at the RTC meetings) and Don's not the only one that experiences it. There is a lot of concern. The cost of double-decking the Black Canyon would have to be horrendous, and usually we want to build and expend public funds where the benefits exceed the cost, but, I'm not sure that's going to happen if they try to double-deck I-17. Even so, you would have a tremendous volume (of vehicles) coming through a very narrow corridor, any exit of which would be heavily overloaded, and the underlying urban fabric would be inappropriately sized for that kind of traffic."

He felt that new strategies are needed to create a plan that's not just "better than nothing."

With regards to the Light Rail Transit portion of the Plan, Supervisor Stapley said his understanding is that there was the original 20 miles already voted on, plus an additional 10 miles that had been added by Phoenix and now another 27.5 miles has been added. He said that the additional funds going into this system would come from the West Side freeways and arterial monies and it would not be a beneficial move.

Supervisor Wilcox again expressed her opinion that the County needs to soften their stance against the light rail because Phoenix is adamantly in favor of increasing the miles and "if we are more flexible on it, that might get us an ally with Phoenix."

Supervisor Stapley explained that Phoenix wants more miles because every Phoenix City Councilman wants to have some light rail in his district. He said, "If I'm not mistaken, our original position was that we didn't want to see any of the RARF (Regional Area Road Fund) money go to light rail, and I have backed-off of that position already and agreed to the 30 miles." He said that until the last RTC meeting no additional light rail lines had been included for funding. "All of a sudden they added 27.5 more miles that just appeared on the map – and were never discussed – and it went to the vote. I just think that's going too far."

Supervisor Kunasek commented on Phoenix's suggestion of cutting the South Mountain Freeway saying that it would ultimately force the establishment of an east-west freeway further south onto the Indian Reservation. He speculated that this had been their plan. Merchants who establish businesses on Indian Reservations pay no sales tax. That freeway would be paid for with taxpayer monies and it creates a "huge incentive for retailers to move where there are no taxes, and a disadvantage for them to not go there." He reminded the Board of the great expense incurred in resolving a similar problem when the same thing happened a few years ago on the Pima Indian Reservation. He stated that this will just exacerbate the number of "dead" retail centers that are accumulating all over the Valley because of the retail flight to areas that don't charge taxes. He stated that there is absolutely no return benefit in spending all that money to build those freeways "and it is incredibly short-sighted of Phoenix to pursue that course. It further illustrates to me the parochial motivations that are in play and cements, in my mind, that the approach that's been taken to develop this plan has been flawed from the beginning."

Supervisor Stapley explained, "The way they got the 13 votes is that they gave everybody everything they asked for. And so they voted for a plan that is over-budget by a billion dollars."

Discussion ensued on the newly appointed legislative ad hoc oversight committee that will monitor the progress of the transportation plan.

Rip Wilson remarked that he was hearing a majority of the Board members express dissatisfaction for the plan as it is being formulated. He said that from his experience with the legislature the ad hoc committee would not support the plan as it is being developed for a variety of reasons, and this will create some "interesting pressures on this whole process as it comes to closure." He said the ad hoc committee would meet on August 7<sup>th</sup> and again on or about the 28<sup>th</sup> of August. He believes there will be opportunities for the County's input to impact the process as it moves into the final days. He understands that Chairman Pierce would like to have a presentation made by the County's MCDOT staff reintroducing the RTD (Regional Transportation District) concept to the members of the ad hoc committee when they meet on August 28. They have been charged with recommending an important piece of legislation, to the legislature as a whole, for action in January 2004 and targeting a vote for May 2004. He said, "I don't see that happening, there aren't enough pieces ready for it to all come together by then." The original half-cent tax doesn't expire until 2005 so there is time for the Legislature to extend the time to force the

creation of a workable plan – this plan doesn't work as a regional plan. He believes there are key members of the legislature who feel the same way and he foresees some "competing legislation" being introduced next January. He suggested that the County may want to begin making preparations for that.

Mr. Buick said the next step is to have staff review the hybrid plan when it is received and report to the Board at the August 25 Informal Meeting with their comments. He saw a need to work with the various jurisdictions and the East Valley cities to help them find alternatives that would help them get projects into the plan that would enhance their justification for advocating it. He said he knew that the City managers had read the County's comments on the alternatives and they had actively supported what had been said, "but that does not come out in the political give and take at the TPC." He said that MCDOT would like to be shown what the effects of the plan would be, and whether it would make things better or worse. He said, "Now is the time for critical thinking."

Supervisor Stapley said, "We have no veto power over this process, all we can do is comment. I think the process will continue to be divisive and split the committee. It would be very smart of this Board to have staff work with the business coalition and ADOT to come up with an alternative plan, that does all the things a regional plan should do, that we could offer as an replacement at the end of the process."

Discussion ensued on the public hearings and how the Supervisors and MCDOT could best get the County's message to the public.

Diane Barker, citizen, said she was very concerned about the future of transportation and that she and many other citizens that she knows feel they want public oversight on how the future half-cent tax monies are used. She said that the County and State are "government" while MAG and RPTA are quasi-government and the people have no administrative procedures set for any redress on grievances with quasi-governments. She encouraged the County to proceed with devising their own transportation plan that would be more representative on a regional basis and more balanced. She said, "We want government to handle the people's business and we want redress when there isn't that. We want the County to be aware that you have a role to play and you have a role in transportation and these quasi-governments – they can't even get into the State Retirement System because it has been legally determined that they are not government but a voluntary association. We can't expect redress with them."

#### **EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated July 28, 2003.

#### **LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Compromise Cases** – Rosangela Ballesteros, David Calzada, Jing Chen, Derek Fitzpatrick, Angelica Hernandez, Juanita Hernandez, Maria Hernandez, Andre Lachapelle, Taneca Leake, Ismael Melendez, Jr., Tisha Merrill, David Miller, Sr., Maria Moran, Eric Reber, Toby Turley, Ana Lillia Villaverde.

Barbara Caldwell, Outside Counsel

**Write-Off Cases** – Mario Dunn, Brenden Murphy, Kayla Murphy, Robert Thornton, Lonnie Lee Davis, Jesus Guzman, Randolph Carl Huey, Nathan J. Lawrence, Damon Ross, Kelvin Raynard McNeal.

Barbara Caldwell, Outside Counsel

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) and (A)(4)**

**Affiliation Agreement for Graduate Medical Education with Planned Parenthood of Central and Northern Arizona and Resident Contracts for Academic Year 2003-2004.**

Louis Gorman, Deputy County Attorney, Division of County Counsel  
Mark Hillard, CEO, Maricopa Integrated Health System  
Chris Carey, M.D., Maricopa Medical Center, Chairman, Department of Obstetrics & Gynecology  
John Fishburne, M.D., Maricopa Medical Center, Former Chairman, Department of Obstetrics & Gynecology; and Representative Accreditation Council for Graduate Medical Education

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(3) and (A)(4)**

**Contract and settlement negotiations with Gregory Grant**

Louis Gorman, Deputy County Attorney, Division of County Counsel  
Mark Hillard, CEO, Maricopa Integrated Health System

**CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF REAL PROPERTY -- A.R.S. §38-431.03(A)(4) and (A)(7)**

**Northeast Regional Court Facility**

Christopher Keller, Division Chief, Division of County Counsel  
Terry Eckhardt, Deputy County Attorney, Division of County Counsel  
Colin Campbell, Presiding Judge of the Superior Court  
Gordon Griller, Courts Administrator  
Hugh Gallagher, Superior Courts  
Joy Rich, Chief Regional Development Services Officer  
Tom Manos, Chief Financial Services Officer  
Bill Scalzo, Chief Community Services Officer  
Steve Conner, Director, Facilities Management  
Dennis Lindsey, Real Estate

**LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Legal advice and discussion of possible litigation regarding formation of "no fence" district pursuant to ARS §3-1421 and legal advice regarding other special district issues.**

Paul Golab, Deputy County Attorney, Division of County Counsel  
Jill Kennedy, Deputy County Attorney, Division of County Counsel  
Cary Hips, Deputy County Attorney, Division of County Counsel  
Michael Berryhill, Assessor's Office

**STADIUM DISTRICT**

**LEGAL ADVICE, CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Contract discussions with Tourism and Sports Authority**

Bill Scalzo, Executive Director Representative, Stadium District  
Julie Schweigert, Stadium District  
Tim Pickrell, Bond Counsel, Snell & Wilmer

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board