

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., August 25, 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 and Max W. Wilson, District 4. Absent: 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).

#### **MILITARY RECOGNITION – CHRIS MAHON**

Chairman Brock said, "You seldom find a person who has contributed service to both their country and their community but Col. Christine Mahon is one such person and the County is proud to honor her for her efforts." He explained that she brought much of the knowledge gleaned from 27 years of military training to benefit programs in which she became involved in the County's Department of Public Health, including the expansion of the childhood immunization program and providing technical assistance and support for the bio-defense preparedness and response program. (ADM650)

Col. Mahon thanked the Board saying that this is her third "try" at retirement and "this is a beautiful way for me to go into it." She added, "No one can serve as a Reservist or National Guardsman without the support of their employer" and thanked her immediate supervisors in the Department of Public Health. She told the Supervisors that, "I have had their full support for a very challenging military career and I would urge you all to continue to support the many service members who are also County employees."

#### **PILOT COMMERCIAL ADVERTISING POLICY BY THE MARICOPA COUNTY ASSESSOR'S OFFICE**

Presentation of pilot commercial advertising policy to be tested by the Maricopa County Assessor's Office for a period of one year. The Assessor's Office is interested in testing the viability of offering real estate related vendors the opportunity to advertising their services and commodities on the Assessor's Internet site in return for an advertising fee. Only services and commodities related to real estate will be permitted the opportunity to compete for advertising space. Advertisers will be selected through an open and public competitive solicitation process. The viability of this test will be analyzed after one year to determine whether the program is advantageous to Maricopa County. If it is determined that the policy has merit, the Board of Supervisors will direct the County Administrative Officer to implement the policy and make it available to other departments, offices, and agencies. (C73040016) (ADM631-005)

Kevin Ross, Assessor, **did not attend**

Jim Meulemans, Assessor's Office

Wes Baysinger, Director, Materials Management

Wes Baysinger, reported on the background leading up to the idea for this new advertising concept saying that in March of 2002 the Board approved a commercial advertising policy specifically for Animal Care and Control to increase revenue that allowed them to place an advertising message on the back of their dog-license renewal forms. However, that policy had only applied to printed forms and did not include the County's Internet web page. To allow the Assessor to advertise according to their proposed plan, the parameters of that policy would have to be expanded by the Board. This project is planned as a one-year pilot program, to be reviewed at that time and possibly opened up to other departments if it has proven successful and appropriate.

Mr. Meulemans said that the opportunity resulted from the popularity of the Assessor's web page, which receives nearly 6,000 hits per day and is one of the most popular government web pages in the State of Arizona. A survey taken in the business community has shown interest in advertising on such a web page.

He explained that Kevin Ross is the Chair of the International Association of Assessing Officers Research and Technology Committee. Assessors nationwide are looking for avenues to expand their use of technology and "they look to our office as a leader." After the Arizona Republic ran an article on this in May 2003, the Assessor's Office received letters of interest from Oregon, New York and Wisconsin on how the concept is progressing. The Assessor's Office has since created a network on advertising within government in response to interest shown. One issue in this project was "who could advertise on such a page." It has been decided to restrict this to real estate related businesses. It was felt that this should provide protection from advertisers that may not be appropriate for a government site. Risks that could arise include the fact that some may consider it inappropriate for government to advertise, and there is the possibility that some citizen's might have a negative experience with a particular vendor.

Because of the dedicated work that has resulted in making the Assessor's web page so popular, the desire is to maintain that image and a key policy would be advertising that does not degrade the government's website. The Acceptable Use Policy will set the guidelines, and the Assessor's Office would review all links that are displayed on a weekly basis. It is also believed that those advertising on the page will assist in policing the contents as a means of upholding their good image. Advertisers would be selected through competitive bids or a first-come basis, depending on the type of ad purchased.

Mr. Meulemans said that early estimates indicate that annual revenue could approach \$500,000 and rise to \$1 million after full implementation. The bid process will dictate the amount of revenue, and he reiterated that it is the popularity of the Assessor's website that creates this potential value. The revenue would go into the General Fund and be appropriated through the budget process. Online subscriptions to an expanded set of the Assessor's data are also being considered. Mr. Meulemans stated that the Maricopa County Assessor's Office is widely recognized as one of the most dynamic and progressive assessing agencies in the country at bringing information to the public. He said, "We want to continue to lead and this additional source of revenue will allow us to do that."

In response to a question from the Chairman it was ascertained that Maricopa County is the first county in the country to consider such a pilot program. When asked if it would open up a "Pandora's box of marketing liability issues" if it is successful and eventually offered to other County departments, the response was that in using it as a year-long pilot it was felt that most of the "bugs" would be identified and dealt with prior to expanding the usage. The use of employing disclaimers was suggested as a necessary protection against liability.

David Smith remarked that he liked the sense of innovation and the sense of reaching out to the users of the County's site to offer additional services. He added, "There is an extreme amount of transparency in both information and in linking up with services that the public may need."

Chairman Brock asked how the potential revenue was figured. Mr. Meulemans replied that AZ Central charges advertisers a set amount, \$25 to \$35, based on the number of hits to their site per day and the kind of ad wanted. Basing the Assessor's charge at \$30 and using 6,000 daily hits, a month's revenue would be approximately \$5,000 for each of the six banner ads. This would total \$30,000 per month, or \$360,000 a year. The directory listings would add to this amount. Depending on the eventual popularity and desirability that advertising on the Assessor's web page would provide to the business community, this amount could escalate as projected.

Supervisor Kunasek remarked that he had less concern with the directory advertising than with other types of ads and was worried about the reputability of advertisers seen on a government site because of certain standards that are expected from government by the public. He asked for a private briefing on the matter before this item is placed on the agenda and the other Supervisors echoed his request.

All the Supervisors commended the innovative work done on this project and the Chairman encouraged others in the County to come up with similar projects for use in the portion of County government in which they work.

**PRESENTATION UPDATING THE STATUS OF BIO-TERRORISM SURVEILLANCE IN MARICOPA COUNTY**

Jonathan Weisbuch, M.D., Director of Public Health

Larry Sands, D.O., Director of the Bio-Defense Preparedness and Response Division

Sarah Santana, Director of Epidemiology, **did not attend**

Dr. Weisbuch reported briefly on the progress made since the Board approved a program for bio-terrorism surveillance under the auspices of the Public Health Department 18 months ago. (C8604012M) (ADM2154)

Dr. Sands said that since their last report to the Board in November 2002, Maricopa County has made significant progress in preparedness and effective response to infectious disease and other public health emergencies in the County. He reviewed information given to the Board last year and reported on the enhanced infrastructure that has since been implemented, including response and exercise plans and drills that have been improvised to improve readiness and decrease response time. A reliable emergency communication plan is being established with other public and government entities involved in crisis response and control on a local, state and federal level. He commented that (for example) should the federal government order a mass vaccination of all citizens for smallpox in a short period of time, in Maricopa County that would entail treating up to 3.5 million people in a week to ten days. This would take an extraordinary effort in logistics and he said he didn't believe that any community has achieved that ability as yet. His understanding is that Nextel cellular technology and the Emergency Response Agencies that are on the Nextel system would receive priorities in such an emergency and "their numbers would rise to the top so competition would not keep those calls from getting through." He said that they would also be looking at other redundant systems such as the 800 MHz. system being used with the tele-medicine program, and satellite technology that will be developed with the State.

Discussion ensued on the necessity of establishing a priority cell phone bandwidth or other means so the public could not interfere with the emergency communications from law enforcement or medical facilities.

**~ Supervisors Wilson and Brock left the meeting ~**

A video was shown on the Mesa Dispensing Clinic held in November 2002.

**~ Supervisors Wilson and Brock returned to the meeting ~**

Discussion on supplying and implementing a countywide mass immunization and/or a statewide crisis situation ensued. The Board Members were advised of upcoming training sessions in incident command systems and crisis communications that they could attend that would facilitate their response and explain the role they would be expected to take in an emergency. The role the Maricopa Medical Center would or could have in an emergency had been discussed in planning meetings but it is undecided whether all hospitals would take an equal role or if the MMC would be designated as the infectious disease command center. Community forums are also being scheduled for education purposes in advance of a catastrophe.

Dr. Weisbuch explained that in a mass smallpox infestation, for instance, where anyone could be exposed to an infected individual, a quarantine could be established keeping people in their houses, airports could be closed and trucks and cars could be prevented from entering the state. He said that the authority line in Arizona is not clearly defined but the Public Health Department is a County facility and he warned that it is possible that draconian decisions may have to be made by the Chairman of the Board as well as by the Governor.

Possible quarantine situations, and how to handle them, were discussed. All the Supervisors expressed appreciation for the efforts that have been made in this matter.

### **REGIONAL TRANSPORTATION PLAN UPDATE**

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 reported that there were three things to discuss with the Board.

An update on what has happened since the last informal meeting report on August 11  
A letter from him sent to the Executive Director of MAG (Maricopa Association of Governments)  
A draft letter responding to the hybrid plan, to be presented on Wednesday's formal agenda

He discussed a new map that showed the transportation situation 20 years after the hybrid plan had been in place. All the red and blue areas in the map represented unacceptable levels of service throughout the metropolitan area, using volume to capacity ratios to quantify congestion. These areas were primarily located in central Phoenix, north and central areas of the west valley, southeast valley areas and outlying areas in the southeast and southwest. However, the data received on the Hybrid Plan was not complete when the map was drawn. He said that MCDOT was invited by Senator Blendeau and Representative Pierce, co-chairmen of the ad hoc legislative committee, to discuss ideas on performance related planning as well as the delivery of data by MAG.

Mr. Buick sent a letter on August 22 to Dennis Smith, Executive Director of MAG, basically stating that "It has become apparent that the County has not had sufficient time nor the necessary data needed to complete its statutorily required analysis of the MAG Regional Transportation Plan" and he indicated that more time and an extended deadline was needed. He also presented a suggested letter to Mayor Giuliano, dated August 27, commenting on the "Final Draft Stage" of the regional plan, asking for additional time to modify the hybrid plan to September 15 and for time on September 17 to present their modifications to the TPC. This is the date the Plan is set to be adopted. The final plan will go through the public review process by the end of September. It will then be scrutinized in conjunction with air quality standards to conform to federal law. The plan is scheduled to be submitted to the Legislature by Mid-November for their consideration and any adjustments they would make. The election will be set by them following their review and approval. Bills will be introduced in January and there is an expectation of four additional transportation bills being introduced from Tucson and Phoenix. Current expectations are for legislation to be passed designating a May 2004 election ballot for a vote on the half-cent sales tax extension. Discussion ensued.

Supervisor Stapley suggested asking for a specific time early in the TCP agenda to discuss the County's

proposed modifications "because typically they put the County at the end of the agenda when many have already left and there is not a quorum present." Mr. Buick suggested a 15-minute period as sufficient for this presentation and any questions and answers.

Rip Wilson said that when the Legislature passed HB 2292 the expectation was that a good transportation bill would be formulated by MAG for consideration in November 2003. A Plan in which legislators could find consensus to pass legislation in early 2004, setting up the May 2004 election process. Mr. Wilson said, "However, that didn't happen. The MAG plan is not a good plan." He reminded the Board that there is no way to know what will happen in the Legislature next January, but he believes that the Legislators will find themselves spending a great deal more time on transportation in the next session than they had anticipated or wanted.

Supervisor Stapley said the key issue is whether there will be a plan that the Legislature can accept with a minimum of divisiveness or controversy and he too expressed concern that this will not happen.

Mr. Buick listed the top flaws in the Hybrid Plan, saying:

- In the alternative stage of the plan, Option B was clearly the best performing alternative.
- The Hybrid Plan does not put sufficient emphasis on the arterial street network and funding is "light" by approximately \$1 billion.
- The light rail vs. bus rapid transit has become unbalanced with the increase of rail miles.

Supervisor Stapley said that it is important for the County to be very clear and specific on the changes they feel would correct the flaws in the current plan. He explained that the process is "wearing people down and those promoting the performance based process are caving in." He stated that the County needs to move quickly and decisively "to endorse a plan that will work and also give the taxpayer the most for his money."

It was agreed that the letter submitted by MCDOT (dated August 27, 2003, in today's packet) giving the County's response to the final draft of the transportation plan – in which the consensus was for modifications to be made as outlined – was substantively the letter that would be sent to the Transportation Policy Committee with all five of the Supervisors' signatures. The letter will be sent with the request for time early in the agenda for a 15-minute presentation to explain the modifications requested.

Supervisor Stapley explained that after the vote on this letter is taken at the formal meeting on August 27, any Supervisor not wishing to sign this interim letter could sign it on behalf of the majority.

Supervisor Kunasek commented that he could not support a plan and call an election for a vote on that plan, "if we're not fully supportive of what it contains."

Discussion ensued on what would happen if the Board decided not to call for an election on the transportation plan.

Supervisor Stapley advised the Board that when ADOT discussed the transportation plan at a recent business coalition, Maricopa 2020 meeting, "they outlined the exact same flaws that we have found and have discussed, and they said that their board would recommend adoption of the plan – even though it is \$800 million out of balance, it isn't regional and several areas are under funded." He explained that the ADOT Board is an appointed one and he suggested contacting certain of those board members to explain the changes MCDOT has suggested and encourage them to consider them and perhaps to join with County representatives in voicing their concerns.

*MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK*

**INFORMAL SESSION**  
**August 25, 2003**

**CORRECTION TO TAX LEVY ACTION TAKEN AT THE AUGUST 18, 2003, BOARD MEETING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to correct action taken in agenda item 1(b) at the August 18, 2003, Board of Supervisors meeting by making changes to the "Maricopa County 2003 Tax Levy Packet" as follows:

- a) In Schedule H (p. 2) for Tolleson Union School District # 214, insert a secondary property tax levy of \$2,623,568 and corresponding tax rate of 0.4682 as required to meet the Class A bond obligations of the district;
- b) In Schedule F (p. 4) for Additional Education Aid--Riverside, reduce the primary property tax levy to \$151,486 from \$2,220,107 with a corresponding tax rate reduction to 0.0717 from 1.0508;
- c) In Schedule D (p. 1) add Apache Junction Fire District #11642 and a secondary property tax levy of \$1,629 with a corresponding tax rate of 2.5303.
- d) And, make corresponding changes to totals for the respective schedules.

These figures were inadvertently left off the schedule presented to the Board at its August 18, 2003, meeting.

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Stapley, 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 August 25, 2003, as follows.

**PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(4)**

**Renate Lewis v. Maricopa County; CV2000-022153**

John W. Paulsen, Deputy County Attorney  
Patrick Spencer, Risk Management  
David Park, Outside Counsel

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

**Samaritan Health System v. Maricopa County and related cases (Nos. CV99-13301)**

Christopher C. Keller, Chief, Division of County Counsel  
Sandi Wilson, Deputy County Administrator  
Shawn Nau, Director, Health Care Mandates  
Jan Ringgenberg, Health Care Mandates  
Donald W. Bivens, Attorney, Meyer Hendricks & Bivens  
Michael Ross, Attorney, Meyer Hendricks & Bivens  
Brenden Murphy, Attorney, Meyer Hendricks & Bivens  
Kym Nichols, Paralegal, Meyer Hendricks & Bivens  
Bruce P. White, Deputy County Attorney

**JOINT MEETING OF THE BOARD OF SUPERVISORS  
AND THE FLOOD CONTROL DISTRICT BOARD OF DIRECTORS**

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

**Intergovernmental Agreement between Flood Control District and Maricopa County**

Joy Rich, Maricopa County Chief Regional Development Services Officer  
Mike Ellegood, Flood Control District Chief Engineer and General Manager  
Julie Lemmon, Outside Counsel, Flood Control District  
Jean Rice, Assistant Chief Counsel, Division of County Counsel, MCAO

**MEETING ADJOURNED**

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

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Fulton Brock, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board