

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 21, 2004**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., January 21, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Fulton Brock, District 1, 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.

INVOCATION

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

PLEDGE OF ALLEGIANCE

Eve Murillo, Auditor's Department, led the assemblage in the Pledge of Allegiance.

2003 COMBINED CHARITABLE CAMPAIGN RESULTS

Presentation of the 2003 Combined Charitable Campaign results. David Smith said County employees had pledged a total of \$357,000 last year and this year's goal was set at \$400,000. The actual amount pledged was \$403,000. Al Brown, co-chair of the event with Colleen Dorame, reported a 20% increase in the number of County employees donating this year including 211 leadership donations. There was a 20% increase in the number of special events held this year, kicked off by a basketball game between the Phoenix Suns and County leadership. Colleen Dorame thanked all who had generated ideas for this drive and all who had done the hard work to make the drive and the fund raising events a huge success. (ADM650)

RYAN WHITE TITLE I PLANNING COUNCIL

Prior to swearing in the Ryan White Title I Planning Council, Supervisor Wilcox reported that Council members had worked more than 1,500 hours since last March. She explained that the first year Phoenix became eligible for the Title 1 programming, after having reached 2,000 Aids cases, was 1993. Almost 50% of the membership and 30% of the Council are persons living with HIV Aids, who are not affiliated with a service provider. She said that there is an estimated 8,800 people living with HIV in Central Arizona. Chairman Kunasek administered the oath to the members of the Council who were present. (ADM2153)

CODE ENFORCEMENT REVIEW - CONTINUED

Item: This is the time scheduled for oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00912, Timothy A. and Valori Short, to be represented by Phillip A. Austin, Attorney. (Continued from meeting of December 17, 2003.) (ADM3417-022)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item for two weeks to the February 4, 2004, meeting at the request of Mr. Austin expressed in a letter to the Board.

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PUBLIC HEARING – JUSTICE COURTS

Chairman Kunasek called for a public hearing on this matter, pursuant to the request of the Presiding Judge of the Superior Court of Arizona in Maricopa County to consider amending the Justice Courts Case Management Fee approved by the Board on October 22, 2003, to authorize implementation of a corresponding fee of \$10.00 in small claims, forcible detainer and civil actions to be assessed upon the defendant at the time a responsive pleading is filed, effective February 1, 2004. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this fee amendment request. The amended Justice Courts Case Management Fee will not apply to cases filed pursuant to ARS §22-282(B) (in which money judgment only is sought and the amount sought does not exceed fifty dollars). (C2404002701) (ADM1005)

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

Chairman Kunasek called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- a) Application filed by Lauren Kay Merrett for an Original, Series 10 Liquor License: (LL6110)

Business Name: Grand Speedy
Location: 10249 NW Grand Avenue, Sun City

- b) Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23132)

Organization: Knights of Columbus No. 12144
Location: Church Hall, 9428 Palmeras, Sun City
Date/Time: Saturday, February 14, 2004; 4:00 p.m. – 11:30 p.m.

- c) Application filed by Daniel Charles Budzius for a Permanent Extension of Premises/Patio Permit: (ADM664-001)

Business Name: Anthem Golf & Country Club
Location: 2708 West Anthem Circle Drive, Anthem

- d) Application filed by David C. Benjes for a Special Event Liquor License: (F23132)

Organization: Mountain Bike Association of Arizona
Location: Estrella Mountain Regional Park
Date/Time: Saturday, January 24, 2004; 11:00 a.m. – 7:00 p.m.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

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DEANNEXATION FROM CITY OF PEORIA, ANNEXATION TO CITY OF GLENDALE

A public hearing was held on ordinances filed by the City of Peoria, Ordinance No. 02-88, and the City of Glendale, Ordinance No. 2336 New Series, concurrently deannexing and annexing certain territory more particularly described as west of 75th Avenue and Rose Garden Lane, approximately 5.8-acre parcel.

No protests having been received, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution deannexing certain territory from the City of Peoria and annexing that same territory to the City of Glendale be approved.

RESOLUTION

WHEREAS, the City Council of the City of Peoria, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 02-88, deannexing from the City of Peoria, the territory described as follows:

A portion of the northeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:

COMMENCING at the northeast corner of said Section 23;

THENCE S00°18'06"W and along the east line of said Section 23, a distance of 1,323.96 feet;

THENCE S89°43'48"W and along the north line of the southeast quarter of the northeast quarter of said Section 23, a distance of 1,329.18 feet;

THENCE S00°12'32"W and along the west line of the southeast quarter of the northeast quarter of said Section 23, a distance of 314.79 feet to the true point of beginning of the herein described parcel;

THENCE continuing S00°12'32"W and along the west line of the southeast quarter of the northeast quarter of said Section 23, a distance of 1,006.97 feet;

THENCE S89°49'58"W and along the south line of the northeast quarter of said Section 25, a distance of 447.31 feet;

THENCE N08°11'03"E a distance of 204.01 feet;

THENCE N27°54'52"E a distance of 392.55 feet;

THENCE N27°49'08"E a distance of 367.28 feet;

THENCE N26°22'30"E a distance of 150.27 feet to the true point of beginning;

EXCEPT all gas, oil, metals, and mineral rights, as provided by law.

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WHEREAS, the City Council of the City of Glendale, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 2336 New Series, annexing to the City of Glendale, the territory described above; and

WHEREAS, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., January 21, 2004; and

WHEREAS, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

WHEREAS, no protests were filed,

NOW, THEREFORE, BE IT RESOLVED that the deannexation of that territory described above in the City of Peoria and annexing said territory to the City of Glendale is hereby ordered; and

BE IT FURTHER RESOLVED that a copy of this order be filed with the Recorder's Office of Maricopa County.

DATED this 21st day of January 2004.

REVISE FY 2004 ANNUAL AUDIT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve revising the FY 2004 Annual Audit Plan to align with the Board's Maricopa Integrated Health Systems Transition activities. (C2304003M) (ADM2600)

**Internal Audit Plan for Fiscal Year 2004
(Recommended Changes to Original Plan)**

Functional Audits

Adult Probation	Done
Animal Care and Control	Done by 4/04
Board of Supervisors	Done by 2/04
Capital Dev Facilities	Delete
Clerk of the Board	Delete
Community Development	Done
Correctional Health	Done
County Administration	Delete
Environmental Services	Delete
Equipment Services	Done
Justice Courts	Done by 4/04
Materials Management	Delete
Planning & Development	Done by 4/04
Recorder's Office	Delete
Superintendent of Schools	Done by 2/04

Technology Audits

E-Gov Department	Delete
Advantage Financial System	Delete
Eagle System--Sys Development	Done by 5/04
External Internet Network Security	Delete
ICJIS--Systems Development	Delete
ICJIS--Annual Review	Done by 2/04

County-Wide Audits

Citizen's Report	Done by 6/04
Continuous Monitoring	Delete
Contracts	Delete
Control Self-Assessment	Delete
Cost Allocation Review	Done
Customer Service Review	Done
Financial Condition Report	Delete
Fraud Review	Delete

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<u>MIHS Audits</u>		Internet Usage Review	Done by 2/04
Business Office	Delete	Performance Measure Certification	Done by 6/04
Cash Monitoring	Done by 6/04	Random Cash Audits	Done
Contracts	Done by 6/04	Random Fixed Asset Audits	Done
Grant Management	Delete	Single Audit Reviews	Done by 6/04
Maricopa Medical Center	Delete		

Potential Areas for MIHS Transition Work Projects

Accounts Payable	Add
Financial Reporting	Add
Fixed Assets	Add
Information Technology	Add
IGA's	Add
Inventories	Add
Leases	Add
As Assigned by BOS	Add

GRANT FUNDING FROM GOVERNOR'S OFFICE OF COMMUNITY POLICY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of grant funds from the Governor's Office of Community Policy for the STOP Violence Against Women Grant Program in the amount of \$50,000. This grant also requires a match of \$16,901. This contract, AD030131-008, shall be for the period of February 1, 2004, to January 31, 2005. By approving this agenda item, the Board will be authorizing the acceptance of grant funding that has been budgeted for FY 2003-2004. Thus, no budget adjustment is required. (C19040223)

AMENDMENT TO GRANT AGREEMENT WITH ARIZONA DUI ABATEMENT COUNCIL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the grant agreement between the Arizona DUI Abatement Council and the Maricopa County Sheriff's Office (C50035470) increasing the \$25,000 amount awarded to the Sheriff's Office by \$22,000 for a total of \$47,000 and extending the grant agreement to September 30, 2004. This award is to purchase additional DUI law enforcement equipment. Also approve an increase to the FY 2003-2004 Sheriff's Office Grant Revenue and Expenditure Budget of \$9,000, the difference in the amount originally budgeted (\$38,000) and the new total of \$47,000. (C5003547001)

FY 2003-2004 APPROPRIATION TRANSFERS

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize FY 2003-2004 appropriation transfers totaling \$340,454 (\$427,699 annualized) to fund Sheriff's Office new and continuing software systems annual support and maintenance increases as follows: (C50040388) (ADM3900-003)

- \$149,000 (\$217,100 annualized) for the BULL Mainframe System
- \$25,521 (\$28,073 annualized) for the IBM AS/400 associated with the Sheriff's Office Records Management System
- \$165,933 (\$182,526 annualized) for software systems maintenance and support for all of the Aegis 400 software modules in the Sheriff's Office Records Management Systems.

The FY 2003-2004 transfers would be as follows:

- decrease the General Fund, General Contingency (100-470-4711) by \$100,430
- increase the General Fund Sheriff's Office Mainframe (100-500-5089) by \$63,180
- increase the General Fund Sheriff's Office Mainframe and Tech Support (100-500-5095) by \$37,250
- decrease the Detention Fund, General Contingency 255-470-4711 by \$240,024
- increase the Sheriff's Office Detention Fund Maintenance of Effort 255-507-5311 by \$240,024.

SOLE SOURCE SOFTWARE MAINTENANCE AND SUPPORT PROCUREMENT WITH IBM CORPORATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole source software maintenance and support procurement with IBM Corporation. This vendor provides for software maintenance and support for the PAC-BASE computer program. The software is proprietary to IBM, which is also the sole provider of maintenance for the system. The maintenance requirement has been advertised in accordance with Maricopa County's sole source procurement procedures. The cost of this maintenance is not expected to exceed \$37,000 and has been budgeted into the MCSO General Fund appropriation. The IBM PAC-BASE computer program is used by the Sheriff's Office for the implementation of Sheriff's Office Mainframe programs such as the Jail Management System. The software is proprietary to IBM Corporation and is essential to computer operations with the Sheriff's Office. (C5004039M)

DONATION FROM SALT RIVER PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a \$500 donation from Salt River Project for the Sheriff's Office Inmate Program in honor of SRP's 2003 outstanding employee volunteer award recipient. (C5004040M) (ADM3900)

MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Memorandum of Understanding between the Arizona Department of Public Safety (AZ DPS) and the Maricopa County Sheriff's Office (MCSO). This allows for the transfer of a copy of the Pre-Booking Application, developed by the Maricopa County Sheriff's Office, which consists of a browser application used for data entry, server application, reporting module, and data base schema (software). DPS can then use and modify the application and share the enhancements with Maricopa County Sheriff's Office and eventually other Arizona counties and municipalities. This is intended to reduce the margin for data error in pre-booking information because the number of times that data is entered will be reduced. This effort is supported by ICJIS. (C5004041M)

APPOINTMENT OF PRO TEM JUSTICE OF THE PEACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the appointment of attorney Gene Bell as Pro Tem Justice of the Peace in Maricopa County for the period from January 1, 2004, through December 31, 2004, to serve in the various programs in the Limited Jurisdiction Courts to reduce trial delay. (C38040147) (ADM1001)

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REWARDING IDEAS EMPLOYEE AWARDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of ~~\$4,253~~ \$1,393 and present awards on February 4, 2004. (Correction made by the Clerk.) (C20040029) (ADM3333-002)

RESCIND ACTION TAKEN REGARDING AMENDMENT TO LEASE WITH KOLL BREN FUND V.L.P.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to rescind the Board of Supervisors action taken on April 16, 2003, that approved an amendment to Lease No. L7296 with Koll Bren Fund V.L.P., Lessor. The amendment provided for payment not-to-exceed \$33,000 to the landlord for tenant improvements. The amendment document was never executed by landlord, and the Office of the Legal Advocate elected to pursue another avenue to address its space needs. (C55030034YY)

EXPENDITURE BUDGET TRANSFER

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize an FY 2003-2004 expenditure budget transfer from the General Government General Fund Reserved Contingency (100-470-4711) from the amount reserved from "Rule 8" to the Office of the Legal Advocate (550) General Fund (100) in the amount of \$292,397. Approval of this action will allow the department to handle additional capital cases, thereby reducing the number of capital cases that must be assigned to the Office of Contract Counsel. The annualized impact for this request for FY 2004-2005 will be \$622,973. (C55040018) (ADM540)

FY 2003-2004 EXPENDITURE BUDGET TRANSFER

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize an FY 2003-2004 expenditure budget transfer from the General Government General Fund Reserved Contingency (100-470-4711) from amount reserved for "Rule 8" to the Public Defender's Office (520) General Fund (100) in the amount of \$944,681. Approval of this action will allow the office to staff and manage a new felony trial group responsible for representing felony driving under the influence (DUI) cases. The annualized impact for this request for FY 2004-2005 will be \$1,640,110. (C52040028) (ADM510)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to reject claim demands (November 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$291,861.96 and ARS §11-622 \$-0-) (C39040087) (ADM1804)

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**BOARD OF SUPERVISORS' MONTHLY SUMMARY REPORT
November 2003**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
American Physicians Inc.	107.48	0.00
Banner Good Sam Trauma Service	736.00	0.00
Banner Good Samaritan Reg Med	106,126.09	
Chandler Regional Hospital	0.01	0.00
Clinical Diagnostic Radiology	724.00	0.00
Maricopa Health Systems	103,481.21	0.00
Medpro	44,131.50	0.00
Phoenix Memorial Hospital	13,432.17	0.00
Physician Trauma Service	368.00	0.00
Professional Medical Transport	1,866.66	0.00
Radiologists Pa	71.00	0.00
Rural Metro Ambulance	1,727.22	0.00
Southwest Ambulance	2,447.74	0.00
St Edward Marcy Med Ctr	577.27	0.00
St Josephs Hosp Arizona	1,819.01	0.00
St Luke's Medical Center	11,139.82	0.00
Tempe St. Luke's Hospital	571.98	0.00
Valley Anesth Consultants Ltd	975.00	0.00
Women's Care Center	1,559.80	0.00
Grand Totals:	291,861.96	0.00
Restitution	0.00	
Totals Denials:	291,861.96	

REJECT CLAIM DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to reject claim demands (December 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$276,030.47 and ARS §11-622 \$-0-) (C39040097) (ADM1804)

**MONTHLY SUMMARY REPORT
December 2003**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Allure Plastic Surgery Pc	28,292.75	0.00
Arizona Pulmonary Specialists	2,116.00	0.00
Banner Good Sam Trauma Service	133.00	0.00
Banner Good Samaritan Reg Med	62,396.15	0.00
Banner Thunderbird Med Center	5,121.84	0.00
Biltmore Cardiology Pllc	1,974.00	0.00
Canyon State Anesthesiologists	675.00	0.00

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City Of Phoenix Ambulance	2,068.37	0.00
Clinical Diagnostic Radiology	350.00	0.00
Diagnostic Radiology Ltd	546.00	0.00
Hospitalists Of Arizona	564.00	0.00
Maricopa Health Systems	87,805.20	0.00
Medpro	21,597.35	0.00
Mesa General Hospital	5,429.48	0.00
Miller, Eric J. Md	1,500.00	0.00
Neurological Surgeons, Pc	2,426.66	0.00
Phoenix Memorial Hospital	575.76	0.00
Professional Diagnostix	403.00	0.00
Professional Medical Transport	22,429.88	0.00
Rural Metro Ambulance	3,538.06	0.00
Southwest Ambulance	2,382.89	0.00
Southwest Neuro-Imaging	675.00	0.00
St Josephs Hosp Arizona	23,030.08	0.00
Grand Totals:	276,030.47	0.00
Restitution	0.00	
Totals Denials:	276,030.47	

MARICOPA COUNTY (EXHIBIT A) AND JUDICIAL BRANCH (EXHIBIT B) PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibit A and Exhibit B will be found at the end of this set of minutes.

EXPENDITURE APPROPRIATION ADJUSTMENTS

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following expenditure appropriation adjustments totaling \$376,009:

- Reduce General Government (Agency 470) General Fund (100) Other Programs (4712) titled Desktop PC Replacement Program.
- Increase departmental General Fund budgets by the amounts referenced on the schedule.

This action is required to fund the departments' portion of the Desktop PC Replacement Program as indicated on Agenda Item C41040018, which was approved by the Board of Supervisors on July 2, 2003. The countywide net impact of these adjustments is zero. (C49040208) (ADM1825)

HEALTHSELECT WELLNESS INCENTIVE AWARD PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the "HealthSelect Wellness Incentive Award Program" for employees and their covered dependents who have elected HealthSelect as their medical benefit for plan year 2004 (January 1, 2004 – December 31, 2004). The estimated full year cost associated with this program is approximately \$40,000. The FY 2004 estimated cost of \$20,000 for the period (January 1, 2004 – June 30, 2004) will be paid from the proceeds received from the FY 2004 premium revenue projection of \$6,000,000 (January 1, 2004 – June 30, 2004). The FY 2005 estimated cost of \$20,000 for the period (July 1, 2004 –

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December 31, 2004) will be paid from the FY 2005 premium revenue (July 1, 2004 – December 31, 2004). The FY 2005 premium revenue is to be determined in accordance with the FY 2005 budget process which is not complete. (Program on file in the Clerk of the Board's Office.) (C35040250) (ADM3717-001)

RESOLUTION REGARDING HEALTHSELECT MEDICAL CLAIMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a Resolution with Connecticut General Life Insurance Company ('CGLIC') to establish a bank account with The Chase Manhattan Bank to pay HealthSelect medical claims effective January 1, 2004. Connecticut General Life Insurance Company is a wholly owned subsidiary of CIGNA Healthcare. (C35040260) (ADM3717)

RESOLUTION

WHEREAS, Connecticut General Life Insurance Company ("CGLIC") [hereinafter referred to as the "Administrator"] will administer health and accident benefits programs for Maricopa County; specifically HealthSelect (hereinafter referred to as the "County") and

WHEREAS, to facilitate the administration of such benefits programs, the CGLIC requires that the County open an account with The Chase Manhattan Bank (hereinafter referred to as "Chase");

NOW, THEREFORE, BE IT RESOLVED, that the County open a demand deposit account with Chase, Account No. 475633075 (such account being hereinafter referred to as the "Account"), and that the officers and agents of the County and of the Administrator are authorized to deposit funds into the Account and that the officers and agents of the Administrator are further authorized to deliver standing instructions to Chase respecting deposits of funds of the County to be made to the Account and corresponding debits to such other account of the County as shall be specified by the County; and

FURTHER RESOLVED, that until the further order of the Maricopa County Board of Supervisors, any of the funds of the County or of the Administrator deposited in the Account shall be subject at any time to withdrawal or charge upon the following terms only: (1) in accordance with orders or instructions delivered to Chase in the name of the Administrator electronically, orally, in writing, or by any other method and (2) upon debits or charges to the Account effected by Chase in connection with returns or reversals of amounts previously credited to the Account or adjustments of erroneous credits; and

FURTHER RESOLVED, that Chase is hereby authorized to permit any such withdrawal or make any such charge in accordance with such instructions without inquiry as to the circumstances of such withdrawal or charge or the disposition of the proceeds and, at Chase's option, even if the Account is not in credit to the full amount of such withdrawal or charge; it being understood that some or all of the funds on deposit in the Account will be transferred from time to time to an account or accounts maintained by the Administrator with Chase; and

FURTHER RESOLVED, that Chase shall not, unless otherwise directed by a representative of the Administrator whose name and signature has been certified to Chase by an officer of the Administrator, (1) act on a stop-payment request, (2) except as hereinabove described, withdraw or permit the withdrawal of any amount from the Account; and

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FURTHER RESOLVED, that (1) all statements of account in connection with the Account, (2) all balance and transaction information in connection with the Account, (3) all information regarding checks, and (4) all correspondence received by Chase in connection with the Account shall be transmitted or mailed by Chase to the Administrator and not to the County; and

FURTHER RESOLVED, that the County shall be liable for any and all overdrafts in the Account and unconditionally promises to pay to Chase the amount of each such overdraft, it being understood that the County's arrangements with the Administrator may contemplate the existence of overdrafts in the Account from time to time; and

FURTHER RESOLVED, that the County authorizes and directs its Clerk to the Board of Supervisors to promptly notify Chase in writing of any change in these resolutions, that any such change shall not be effective until Chase has received such written notice of the same at such address as Chase shall specify, and has had a reasonable opportunity to act on it and that until such time, Chase is authorized to continue to act in accordance with these resolutions and shall be indemnified and saved harmless from any loss or liability incurred in continuing to act in accordance with these resolutions, even though these resolutions may have changed.

The undersigned further certifies that the foregoing resolutions have not been rescinded or changed, but are now in full force and effect, and that there is no provision in the Ordinance of the County limiting the power of the Board of Supervisors to pass the resolutions and that the same are in conformity with the provisions of said ordinance of the County.

DATED this 21st day of January 2004.

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

FIRST AMENDMENT TO LEASE WITH CSFB 1998-FL2 WEST MONROE OFFICE, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve First Amendment to Lease No. L7284 with CSFB 1998-FL2 West Monroe Office, LLC, an Arizona limited liability company, Lessor, for 8325 square feet of office space at 111 West Monroe, Suite 500, Phoenix. The term of this lease is extended for an additional five years commencing March 1, 2004, and terminating on February 28, 2009. The space is required for operation of the Office of the Public Fiduciary. Annual rental cost as follows:

- 2004-2005 - \$145,687.50
- 2005-2006 - \$149,850.00
- 2006-2007 - \$154,012.50
- 2007-2008 - \$158,175.00
- 2008-2009 - \$162,337.50
- plus annual rental tax

Lessee's share of the operating cost shall not increase by more than 5% calculated on a compound basis. Also, approve annual payment for parking charges for 14 uncovered spaces @ \$35 per month, 12 garage spaces @ \$70 per month and 1 covered reserved parking space in the 2nd Avenue parking lot at \$50 per month. Lessee has an option of renewing this lease with a 180-day notice prior to lease expiration date. (C3499001401) (C34040014)

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FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been 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 incorporated herein by this reference.

INCREASE IN MAXIMUM ALLOWABLE OUTSTANDING INTER-FUND LOAN WITH MIHS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize an increase in the maximum allowable outstanding inter-fund loan amount between General Fund and the Maricopa Integrated Health System (MIHS) from \$5 million to \$10 million. The inter-fund loans are necessary to cover potential MIHS operating cash shortfalls. Any borrowing that will cause the total outstanding loan amount to exceed \$10 million must be approved by the Board of Supervisors. (C18040238) (ADM2100)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

- 03112-ROQ** **Federal Legislative Advocacy (Lobbyist) Services** (\$252,000 est./ Three (3) Years with Three (3) One Year Renewal Options) (Continued from meeting of December 3, 2003.)
Pricing Agreement to provide Legislative and Advocacy (Lobbyist) Services for Maricopa County in Washington, DC.
- The Commonwealth Group
- 03083-C** **POCKET SIZE AM/FM RADIOS WITH EARBUD HEADPHONES** (\$300,000 est./three (3) years with three (3) one year renewal options)
Pricing agreement to purchase Pocket Size AM/FM Radios with Earbud Headphones for the MCSO Inmate Canteen.
- The Bob Barker Company
 - Troxell Communications
- 03223-C** **MISCELLANEOUS FOOD ITEMS, SPECIAL BUY** (\$12,000,000 est./six (6) years)
Pricing agreement to purchase Miscellaneous Special Buy Food Items as requested by the MCSO Procurement Department.
- Arizona Statewide Gleaning Project
 - Bernard Food Industries, Inc.
 - Direct Government Sales, Inc.
 - DPI-Epicurean Fine Foods

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- Goal Line Foods, LLC
- Highland Wholesale Foods, Inc.
- LA Foods
- SIMCO Foods

- 03198-C PAINT AND PAINT SUPPLIES** (\$155,000 est./three (3) years with three (3) one year renewal options)
Pricing agreement to purchase paint and paint supplies for various county departments.
- Dunn Edwards

Corrections to Solicitation Serials:

- 01177-C Fencing: Purchase, Rental, Repair and New Installations**
Add the following vendor as it was inadvertently left off of the January 7, 2004 Agenda
- Brown Custom Fence

- 03214-C Service Facility Equipment Parts and Repairs**
Add the following vendors as they were inadvertently left off of the January 7, 2004 Agenda
- Allstate Electric Motor Company
 - American Inspection and Teat Inc.
 - Tire Equipment Services

AMENDMENT TO LEASE WITH CSFB 1988-F1-2 WEST MONROE OFFICE AND TRANSFER OF EXPENDITURE AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute amendment to Lease No. L7300 with CSFB 1988-F1-2 West Monroe Office, LLC, Lessor for office space at 111 West Monroe, Phoenix, Arizona for 6,620 square feet at Suite 900 and 3,147 square feet at Suite 1120. The lease term is for two years commencing December 20, 2003, and expiring on December 19, 2005. The base annual rent is \$184,362.50, plus a 2.4% rental tax, maintenance/utilities estimated at 3% (fluctuates due to building occupancy), a monthly parking fee, and parking validation. Annualized payment is estimated at \$194,625. This agreement contains a 90-day termination clause. Per ARS §42-17106(b), approve a transfer of expenditure authority from FY 2003-2004 contingency funds in the amount of \$17,140 from General Government (470) Detention Fund (Fund 255) Reserved Contingency (4711) line item New Facility Operating Costs to General Government (470) Detention Fund (Fund 255) Correctional Health Sundance Towers Lease (4712) line item. Approval of this action will allow the department to fully fund rental costs for the remainder of FY 2003-2004. (C2604007401)

TRANSFER EXPENDITURE AUTHORITY

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$81,759 (annualized impact is \$163,519) from General Government (470) Detention Fund (Fund 255) to the Correctional Health Services (260) Detention Fund (Fund 255). Approval of this action will allow the department to adjust physicians' salaries due to a recent market

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review by Total Compensation. The adjustment includes funding for retroactive pay back to January 5, 2004, and will result in a countywide net impact of zero. (C26040150) (ADM2131)

TRANSFER EXPENDITURE AUTHORITY

Per ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer \$430,369 of expenditure authority from the General Government (470) Grants Fund (249) to the Environmental Services (880) Air Quality Fund (504). This action will annualize the appropriation adjustment approved through agenda item C88030158 in FY 2003 and will increase the FY 2003-2004 expenditure appropriation from \$5,457,546 to \$5,887,915. These adjustments will result in a countywide net impact of zero. (C88040198) (ADM2350-003)

TRANSFER EXPENDITURE AUTHORITY

Per ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer \$88,383 of expenditure authority from the General Government (470) Grants Fund (249) to the Environmental Services (880) Environmental Health Fund (506). This action will annualize the appropriation adjustment approved through agenda item C88030388 in FY 2003 and will increase the FY 2003-2004 expenditure appropriation from \$9,368,312 to \$9,456,695. These adjustments will result in a countywide net impact of zero. (C88040218) (ADM2350-003)

AMENDMENT TO INTERGOVERNMENTAL (REVENUE) AGREEMENT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to the Intergovernmental (revenue) Agreement between Maricopa County Human Services Department and the Arizona Department of Economic Security to increase the amount of the contract by \$3,000 (from \$91,922 to \$94,922). This agreement provides for the reimbursement of costs associated with staff training activities, to be conducted by Maricopa County staff, for community and faith-based organizations participating in the US Department of Labor Faith and Community Based Organizations System Building Grant. The amendment does not change the effective term of the contract which remains from September 1, 2003, through June 30, 2004. This amendment is being retroactively approved after the effective date because the Arizona Department of Economic Security was late in issuing the amendment pending the finalization of the funding distribution. (C2203106202)

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY, WORKFORCE INVESTMENT ACT ADMINISTRATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to the revenue contract with the Arizona Department of Economic Security (ADES), Workforce Investment Act Administration, to make administrative changes to the IGA. The total amount of the IGA is increased by \$476,510 (from \$7,714,657 to \$8,191,167 in total). The purpose of the IGA is to provide Workforce Investment Act (WIA) Title 1-B employment and training services. The term of the IGA remains unchanged by this amendment and is from December 3, 2003, through June 30, 2006. (C2204093202)

AMENDMENTS TO EXPENSE CONTRACTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the following expense contracts to modify the performance standards approved by the State of Arizona and the Department of Labor to provide Workforce Investment Act (WIA) Youth program services during FY 2004. This amendment is an administrative amendment, and there is no change to the current level of funding. Funding for this contract is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security (ADES). This amendment is effective January 15, 2004. The term of this contract remains from October 1, 2003, through June 30, 2004. This agreement does not contain any county general funds.

- a) Goodwill Industries of Central Arizona, Inc. A total of 110 in-school youth program participants will be served by this contract. (C2204095101)
- b) Arizona Call-a-Teen, Inc. A total of 140 in-school youth program participants will be served by this contract. (C2204096101)
- c) Goodwill Industries of Central Arizona, Inc. A total of 83 out-of-school youth program participants will be served by the contract. (C2204097101)
- d) Arizona Call-a-Teen, Inc. A total of 90 out-of-school youth program participants will be served by the contract. (C2204098101)

APPLICATIONS FOR GRANT FUNDING FOR CONTINUATION OF HEAD START AND EARLY HEAD START PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Human Services Department to submit applications for grant funding to support the continuation of Maricopa County's Head Start and Early Head Start programs, and authorize the Chairman to approve the receipt of any and all such funds awarded. Additional information regarding the programs and the funds that support them are provided in the Notices of Intent to Apply for Outside Funding. These services are designed to help individuals, children, and families enhance their economic, social, and physical well-being. All overhead/indirect costs are allowable and the department's authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form, attached to each Notice of Intent, provides detail on indirect cost recovery. The total amount of Federal funds requested will not exceed \$27,326,268. The term of the programs will be July 1, 2004 – June 30, 2005, unless otherwise indicated on the Notice-of-Intent attachments. (C22050083LI)

CONTRACTS FOR WELL WOMEN HEALTH CHECKS SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve amendments to the following contracts to provide Well Women Health Check services to uninsured or underinsured women.

- a) Catholic Healthcare West II dba St. Joseph's Hospital & Medical Center, Amendment No. 3, retroactively increasing the contract dollar amount by \$10,000. Total funding for the contract term that ended September 30, 2003, will increase from \$33,035 to \$43,035. (C8603070103)
- b) Mountain Park Health Center, Amendment No. 2, retroactively decreasing the contract dollar amount by \$2,000. Total funding for the contract term that ended September 30, 2003, will decrease from \$28,058 to \$26,058. (C8603071102)

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- c) Clinica Adelante, Inc., Amendment No. 2, retroactively updates the compensation section and decreases the contract dollar amount by \$4,000. Total funding for the contract term that ended September 30, 2003, will decrease from \$20,614 to \$16,614. (C8603072102)
- d) Banner Health System dba Good Samaritan Regional Medical Center, Amendment No. 2, retroactively increasing the contract dollar amount by \$34,000. total funding for the contract term that ended September 30, 2003, will increase from \$66,064 to \$100,064. (C8603073102)
- e) Arizona Board of Regents, for an on behalf of Arizona State University (ASU) and ASU's Community Health Services, Amendment No. 3, retroactively increasing the contract dollar amount by \$2,500. Total funding for the contract term that ended September 30, 2003, will increase from \$62,732 to \$65,232. (C8603074103)

AMENDMENT TO CONTRACT WITH BODY POSITIVE, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 3 to contract with Body Positive, Inc., for the provision of HIV wellness services to individuals affected by HIV/AIDS. The amendment decreases the contract dollar amount by \$27,913, effective upon Board approval. Total funding for the period ending February 29, 2004, will decrease from \$515,173 to \$487,260. (C8603725103)

AMENDMENT TO CONTRACT WITH VALUE OPTIONS, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract which is a Behavioral Health Fee-For-Service Agreement with Value Options, Inc. The amendment makes several minor administrative languages changes to update or revise terminology in order to improve clarity. All other terms and conditions of the agreement remain unchanged. (C8604006M01)

APPLY FOR 49 GRANTS AND CONTRACTS FOR CALENDAR YEAR 2004 AND FY 2004-2005

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Department of Public Health to apply for 49 grants and contracts for calendar year 2004 and FY 2004-2005, and to receive any and all such funds awarded. All programs protect and promote the health and well-being of Maricopa County residents, and several are operated pursuant to statutory mandate. Approval of this Consolidated Letter of Intent will authorize the Chairman to sign all applications, contracts, intergovernmental agreements and any subsequent administrative amendments related to these grants/contracts. All grants listed are cost-reimbursement, with the exception of the Ryan White Title I grant, which is administered on an advanced payment system. The Department estimates total grant funding not-to-exceed \$39,463,293. Grants and contracts with less than full indirect are mandated by the grantor at a lower level. This amount may be adjusted based on the FY 2005 Indirect Cost Allocation Plan. (C86040453LI)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH PARADISE VALLEY UNIFIED SCHOOL DISTRICT NO. 69

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to an Intergovernmental Agreement with the Paradise Valley Unified School District No. 69 to provide school-based tobacco use prevention and education services. The amendment

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increases the dollar amount by \$2,000, from \$62,000 to \$64,000 for the term ending June 30, 2004. All other terms and conditions remain unchanged. (C8604353202)

INTERGOVERNMENTAL AGREEMENT WITH FOUR ENTITIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Maricopa County Department of Emergency Management (MCDEM) and the following four entities.

- City of Avondale (C15040582)
- City of Glendale (C15040592)
- City of Goodyear (C15040602)
- Town of Carefree (C15040612)

This IGA is required for all municipal corporations, indian nations/tribes, and other public agencies participating in the U.S. Department of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. This IGA shall be in effect for one year and shall automatically renew for one-year periods effective from the date of execution until either party gives written notice of intent not to renew thirty days prior to the end of the one-year period. There is no financial impact with this IGA. (C15040572ZZ)

CONTRACTS FOR "AS NEEDED" SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve professional services contracts to provide "as needed" for two year periods (each contract). The consultants will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for these two-year periods shall be \$250,000 or less (each contract) and are paid by the county's Capital Improvement Program fund, Major Maintenance budget or by budgeted department funds.

- a) Dibble & Associates Consulting Engineers, Inc., for civil engineering services. (C70040655)
- b) Terracon, Inc., for environmental engineering services. (C70040665)

ADDITION TO THE FLEET OF FOUR VEHICLES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an addition to the Maricopa County fleet of four vehicles (two 1/2 ton alternative fuel trucks and two compact sport utility vehicles) for the Planning & Development Department. These vehicles were funded as part of Agenda C44040030, which was approved by the Board of Supervisors on November 19, 2003. (C44040040) (ADM3104)

INTERGOVERNMENTAL AGREEMENT WITH THE LIBRARY DISTRICT OF MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between the Library District of Maricopa County (District) and Maricopa County authorizing Solid Waste Management to lease 350 square feet of space from the district for administrative offices at 17811 North 32nd Street, Phoenix, Arizona, for \$4,025 annually. Currently, Solid Waste Management Department leases 1,040 square feet of office space from the Flood Control District. Due to realignment of services and creation of a one stop-shop for the waste

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- DD-9329 R/W Dedication – Quit-Claim Deed (Eastside 144th St & N. of Dixileta) - Parcel No. (TS) 219-40-021W (Portion) – E & C Harrison, INC. - for the sum of \$10.00.
- DD-9329 R/W Dedication – Purchase Agreement and Escrow Instructions - (Eastside 144th St & (TS) N. of Dixileta) Parcel No. 219-40-021W (Portion) – E & C Harrison, Inc..
- Z3-036, 045, Project No: 68832 – 116th Avenue Bridge (at the Gila River) - Warranty Deed - Parcel 056, 067 068 & No. 101-44-003G, 013, 010C, 003J, 003K, & 500-69-011L – Maricopa County - for 1000 (GA) the sum of \$10.00 (Land Exchange)
- Z3-049, 050, Project No: 68832 – 116th Avenue Bridge (at the Gila River) – Warranty Deed - Parcel 049A No. 500-69-001J, 001F, 001K – The State of Arizona - for the sum of \$37,836.00 (GA)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

Name	Old Rate	New Rate	Class Title	Code	Effective Date
Dept: 60 Health Plans					
Rieck, Virginia	\$0.00	\$13.00	Dept Admin Assistant	Nhr	12/22/2003
Dept: 90 Maricopa Medical Center					
Adler, Ethan M	\$0.00	\$13.08	Lab Assist/Phlebotomist	Nht	12/29/2003
Ayers-Mcmahan, Chri	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	12/16/2003
Beltran, Alvaro S	\$0.00	\$10.73	Evs Associate	Nhr	12/22/2003
Beltran, Blanca S	\$0.00	\$8.47	Dept Clerk	Nhr	12/22/2003
Brooks, Vivian L	\$7.50	\$8.94	Ltc Attendant (G)	Pro	12/01/2003
Brown, Valerie D	\$10.00	\$8.63	Medical Office Recep.	Coa	10/12/2003
Bystrom, Elaine M	\$0.00	\$10.42	Patient Care Assistant	Nhr	10/14/2003
Castillo, Alicia V	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	12/29/2003
Cleveland, Kamika D	\$7.88	\$8.99	Ltc Attendant (G)	Pro	12/17/2003
Craig, Ronnie	\$28.05	\$24.96	Registered Nurse	Coa	12/21/2003
Crosser, Nadia	\$27.20	\$28.26	Registered Nurse	Adv	11/09/2003
Davis, Martha	\$8.19	\$9.34	Ltc Attendant (G)	Pro	12/15/2003
Deleon, Virginia	\$10.09	\$10.48	Sitter	Adv	11/10/2003
Dickerson, Janelle M	\$0.00	\$10.45	Pharmacy Tech	Nhr	12/16/2003
Fernandez, Luis	\$0.00	\$9.70	Evs Associate	Nhr	12/22/2003
Ford, Corine	\$7.88	\$8.99	Ltc Attendant (F)	Pro	12/12/2003
James, Alison L	\$9.34	\$8.19	Ltc Attendant (F)	Dem	12/01/2003
Johnson, Velma J	\$13.51	\$11.24	Patient Care Assistant	Coa	11/24/2003
Kelso, Audrey R	\$13.51	\$9.63	Patient Care Assistant	Coa	10/12/2003
Lamay, Susan	\$14.60	\$13.00	Health Unit Coordinator	Dem	10/14/2003
Lee, Yong N	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	12/29/2003
Louthan, Richard F	\$0.00	\$18.75	Carpenter	Nhr	12/08/2003
Lynn, Teresa L	\$0.00	\$7.88	Ltc Attendant (F)	Reh	12/29/2003
Martinez, Lori J	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	12/29/2003
McIntosh, Darshan R	\$0.00	\$6.96	Food Service Worker	Nhr	12/08/2003

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McKkeen, Kimberly	\$0.00	\$10.54	Registration Specialist	Nhr	12/21/2003
Montes, Mayra E	\$10.39	\$8.48	Medical Office Recep.	Coa	10/12/2003
Moreno, Adrianna L	\$0.00	\$11.00	Medical Assistant	Nhr	12/08/2003
Nervig, Barbara A	\$22.74	\$36.37	Registered Nurse	Coa	12/21/2003
Noble, Dominique D	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	12/16/2003
Parker, Lorraine M	\$0.00	\$8.28	Medical Office Recep.	Nhr	10/14/2003
Ramirez Cartin, Jose	\$0.00	\$8.90	Evs Associate	Nhr	12/22/2003
Saylor, Frank S	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	12/16/2003
Saylor, Freida	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	12/16/2003
Sheridan, Seonah	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	12/16/2003
Skaggs, Jerry L	\$0.00	\$11.64	Care Technician	Nhr	10/14/2003
Slabough, Shirley J	\$7.88	\$8.99	Ltc Attendant (G)	Pro	12/12/2003
Stevenson, Zonya M	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	12/29/2003
Talbot, Melanie L	\$18.18	\$22.37	Executive Assistant To Ceo	Adv	12/21/2003
Tsosie, Regina M	\$0.00	\$11.64	Registration Specialist	Nhr	12/29/2003
Waterhouse, Louise	\$13.51	\$12.21	Patient Care Assistant	Coa	10/12/2003
Wells, Travis L	\$11.01	\$12.92	Buyer	Pro	12/22/2003

Key to Medical Codes

Ach	Assignment Change	Adv	Salary Advancement	Asw	Sp. Work Assign Adj
Cnl	Cancel Appointment	Coa	Change Of Appointment	Cor	Correction
Crn	Contract Renewal	Dec	Deceased	Dem	Demotion
Dis	Dismissed	Exc	Expiration Of Contract	Exp	Expiration Of Appt
Lex	Leave Exp (Sep W/O Prej)	Nhc	New Hire Contract	Nhr	New Hire Regular
Nht	New Hire Temporary	Nhu	New Hire Unclass	O	Other Change
Pro	Promotion	Ras	Reassignment	Rcd	Rescind
Reh	Rehired	Rel	Released	Res	Resigned
Ret	Retired	Rif	Reduction In Force	Ris	Reinstatement
Rup	Ret Unsuc Comp/Prob	Sus	Suspension	Swa	Spcl Work Assgn
Ssc	Spcl Status Change	Swr	Ret Spcl Work Assign	Trn	Transfer From County
Ttc	Transfer To County				

AMENDMENT TO DIALYSIS SERVICES POOL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Dialysis Services Pool for the purpose of correcting a calculation error which will result in increasing the not-to-exceed by \$20,000, making the not-to-exceed amount \$10,536,820 instead of \$10,516,820. The pool remains effective through January 31, 2004. (C6003460101)

CONTRACT WITH SUNLAND HEALTH ASSOCIATES, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, retroactively, a new contract with Sunland Health Associates, LLC, dba East Mesa Healthcare Center, formerly Sunbridge Healthcare Corporation dba East Mesa Care Center (C60000551), to provide nursing facility services to Maricopa Integrated Health System members effective September 1, 2003, through September 30, 2003. There is no additional financial impact to the nursing facility pool not-to-exceed amount of \$594,150,509 (agenda C60034551 approved by the Board on December 4, 2002). The contract may be extended, not-to-exceed a total term of five years, and may be terminated by either

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party with 90-days written notice. This contract was delayed because of the extended time it took for the provider to secure the required AHCCCS provider registration number. (C60042121)

CONTRACT WITH NORTH MOUNTAIN HEALTHCARE, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, retroactively, a new contract with North Mountain Healthcare, LLC dba Coronado Care Center, formerly Sunbridge Healthcare Corporation dba Coronado Care and Rehabilitation (C60000551), to provide nursing facility services to Maricopa Integrated Health System members effective September 1, 2003, through September 30, 2003. There is no additional financial impact to the nursing facility pool not-to-exceed amount of \$594,150,509 (agenda C60034551 approved by the Board on December 4, 2002). The contract may be extended, not-to-exceed a total term of five years, and may be terminated by either party with 90-days written notice. This contract was delayed because of the extended time it took for the provider to secure the required AHCCCS provider registration number. (C60042131)

CONTRACT WITH COVENANT CARE CALIFORNIA, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a new contract with Covenant Care California, Inc., dba Desert Palms Assisted Living Center to provide Assisted Living Service for members with Alzheimer's, for the term upon Board of Supervisors approval through September 30, 2008. The contract will be paid at a percentage of the Alzheimer's Assisted Living Pool, currently not-to-exceed \$7,770,000 which was approved by the Board of Supervisors on November 19, 2003 (Agenda C60040981). The contract may be terminated by either party with 90-days written notice and may be extended for a not-to-exceed total term of five years. (C60042141)

CONTRACT WITH JEWISH FAMILY & CHILDREN'S SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve new contract with Jewish Family & Children's Services, dba JFCS for the provision of outpatient behavioral services for the term upon Board of Supervisors approval through January 31, 2008. This contract will be paid at a percentage of the Outpatient Behavioral Health Pool with a not-to-exceed amount of \$1,000,000, approved by the Board of Supervisors on February 16, 2000 (Agenda C60002081). The contract may be terminated by either party with 90-days written notice and may be extended for a not-to-exceed total term of five years. (C60042161)

MIHS-HP MARICOPA LONG TERM CARE PLAN 2003-2004 QUALITY MANAGEMENT PERFORMANCE/IMPROVEMENT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the MIHS-HP Maricopa Long Term Care Plan (MLTCP) 2003-2004 Quality Management - Performance Improvement Plan. The plan will be effective upon Board of Supervisors approval. (Plan on file in the Clerk of the Board's Office) (C6004217M) (ADM2100)

HEARING SET – SUPERINTENDENT OF SCHOOLS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 4, 2004, to consider and take action upon the recommendation of the Maricopa County School Superintendent regarding a petition from the

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Osborn Elementary School District No. 8 to Incur Liabilities in Excess of the approved FY 2003-2004 School District Budget pursuant to ARS §15-907. (C37040027) (ADM3810)

HEARING SET – TRANSPORTATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 4, 2004, to consider the organization of Litchfield Vista Views III A & B Street Lighting Improvement District, as recommended by the Superintendent of Streets. (C64041637) (ADM4302)

HEARING SET – FRANCHISE (ARIZONA-AMERICAN WATER COMPANY)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 18, 2004, on an application filed by Arizona-American Water Company, through its Agua Fria District and its Anthem/Agua Fria Wastewater District, for a public service franchise to construct, maintain and operate systems, as follows: (F23138)

- Agua Fria District - domestic water utility distribution system, consisting of pipe lines, meters, connections, and all necessary equipment; and
- Anthem/Agua Fria Wastewater District – wastewater collection, treatment and disposal utility system consisting of all lines, connections, manholes and necessary equipment and facilities.

HEARING SET – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 18, 2004:

Road File A247: General vicinity of Rex Avenue from 4th Avenue to Apache Trail. (C64041655)

Road File A279: General vicinity of Rustler Road from 188th Avenue to 186th Avenue. (C64041615)

PLANNING AND ZONING CASES

No requests were received at this time to schedule public hearings on zoning cases for the February 4, 2004, meeting.

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA EDUCATION REVENUE BONDS (NOAH WEBSTER BASIC SCHOOL PROJECT)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR).

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA EDUCATION REVENUE BONDS (NOAH WEBSTER BASIC SCHOOL PROJECT), TAX-EXEMPT AND/OR TAXABLE SERIES

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**2004 (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED
\$14,000,000.**

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held October 20, and November 19, 2003.

CLAIMS SUBMITTED BY THE ARIZONA STATE RETIREMENT SYSTEM

No claims were submitted at this time. (ADM3309)

MIHS-HP CLAIMS RESOLUTION PROCESS

No claims were submitted at this time. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated January 21, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLLS

No request for corrections of the Secured Tax Rolls was received at this time. (ADM705)

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to ARS §16-642(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

McMicken Irrigation District (ADM4316)
Roosevelt Water Conservation District (ADM4397)

TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office at this time. (ADM708)

CHECK ENFORCEMENT FUND

In accordance with A.R.S. §13-1811(F) County Bad Check Trust fund, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2003 through December 2003. (ADM404)

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DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen, in accordance with the list on file in the Office of the Clerk of the Board of Supervisors. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Richard R Sirois	23079823	General	\$30.00
Mortensen King Funeral Home	330544504	Expense	\$795.00
Mortensen King Funeral Home	330544503	Expense	\$288.75
Mortensen King Funeral Home	330544502	Expense	\$795.00
Manuel Rendon	340514436	Expense	\$1,658.00
Michael Joseph Stevens	C501846	General	\$85.00
NACIO	330536473	Expense	\$50.00
NACo	330536475	Expense	\$75.00
Candis Vanloan	23077606	General	\$75.00
Lavern Ross	14-0162732	Treasurer	\$786.39

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Rapid Forms	Tolleson Union High School	44-0053045	\$206.72
Sandra L Smith	Roosevelt SD #66	140062567	\$999.65
Attitude Concepts	Higley Unified SD #60	44018273	\$280.00
Roger Warner	Agua Fria Union High SD #216	216539423	\$200.00
Amy L Landrum	Superintendent of Schools	14-0162679	\$832.92
Thomas Kruck	Fowler SD	14-0062375	\$230.88
Leticia Reveco	Avondale Elem SD	14-62248	\$288.11
Irene Ruiz-Debello	Avondale Elem SD	14-0062205	\$367.57
Costo Wholesale	Tolleson Union High School	440059184	\$109.18
Abigail Quintero	Isaac SD #5	14-0066386	\$125.11
Agua Fria UHS Food Service	Agua Fria Union High SD	440063362	\$1,312.50
Agua Fria High School Bookstore	Agua Fria Union High SD	440044725	\$921.75

STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 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. (ADM1816)

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NAME	AMOUNT
Daniel James Zeadow	\$87.75
Floyd Thomas Taylor	\$42.78
Sean Evans Guthrie	\$83.61
Jenny R Pearson	\$207.36

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases, list dated December 17, 2003. (ADM704)

2002	TX 02-000573
TX 01-000525	TX 02-000589
TX 01-000603	TX 02-000591
TX 01-000652	2003/2004
2003	TX 02-000513
TX 02-000456	TX 03-000080
TX 02-000493	TX 03-000084
TX 02-000515	TX 03-000199
TX 02-000561	TX 03-000408

CLASSIFICATION CHANGES

No recommendations for changes were received from the Assessor at this time. (ADM723)

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held January 12, 2004.) (ADM407)

Manual Carmargo	\$1,650.00	Jay Casten	\$1,000.00
Jorge Damian	4,500.40	India Gilkes	6,795.26
Javier Medina	300.00	Tim Mathias	207,699.00
Steve A. Muirhead	400.92	Amanda Ochoa	3,200.00
Florencio Rodriguez-Lopez Estate	5,205.11	Carlos Sainz	5,707.05
Joseph Sakamoto	6,500.00		

WRITE-OFF

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the following requested write-offs as payment in full. (Discussed in Executive Session held January 12, 2004.) (ADM407)

Brittany Rinehart	\$26,675.72	Solomon Roman	\$25,997.47
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PUBLIC COMMENT

No member of the public came forward to comment at this time. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS.

Supervisor Wilcox reported that she and Supervisor Wilson had cut a red ribbon on a barrier free trail at Estrella Park last Sunday and she thanked Parks and Recreation for creating a trail that would accommodate the handicapped so they can enjoy the beauties of the park along with everyone else in the County. (ADM606)

Supervisor Wilcox also commented that Joe Duke, Deputy County Attorney for Maricopa County for 23 years, had passed away on January 13, and expressed her sorrow. She said, "We came to rely and trust Joe's legal advice on many complex issues that were very important to the County." Chairman Kunasek added his sentiments and the sentiments of the Board saying that "Joe was everything you could hope for in an attorney and a friend and will be missed by all of us."

Supervisor Brock said that Maricopa County will host the national NACo (National Association of Counties) convention next July and there will be many people coming to the Valley to attend this conference. He said that citizens had been asked to be in charge of a committee to make the city as clean, fun and enjoyable as possible. He referenced a charge of possible cell-phone misuse by the Supervisors that had recently been printed and said that all five Supervisors have since turned in their County cell phone to alleviate any future, unintentional misuse. He said he believed that this would be a good item to bring up at the NACo conference and encourage other county supervisors to do the same to lower the cost of cell phone usage. As an added insight that he believed would otherwise not be published, he reported that all Maricopa County Supervisors use their own vehicles and usually do not turn in their charges for reimbursement. He explained that the Board wants to continue to have an openly run government and one that is also run efficiently. He reminded all that Maricopa County is one of the best run county governments in the country, as evidenced by receipt of last year's award as one of only two counties in the U.S.A. to receive an "A" in a national survey published in Governing Magazine.

Supervisor Wilson reported that the Air Force had celebrated "The Best in Blues" in Sun City West last week by giving another outstanding performance. He said that for the past 50 years the group has toured our country and every country that has Air Force and Military Personnel stationed there. He commented that he had been slightly bothered by their medley of songs covering the past 50 years, saying that he could remember them all and added that he had been trying not to dwell on that fact. However, when meeting with Supervisor Wilcox at Estrella Park later in the day they talked about the intervening 50 years since parks were established in Maricopa County. He remarked, "Parks are about families, and families are about communities and I think Maricopa County does a marvelous job with their parks that are located around the whole valley. The County has now pushed to establish the Trails System to join all the parks into one entity – and all of these efforts deserve recognition."

Chairman Kunasek recognized and welcomed several elected officials in the audience including Goodyear Mayor Cavanagh and Council Member Dick Sosa; Litchfield Park Council Members Laura Burrell, Barbara Brinard, Bruce Burrows, and Mayor Woody Thomas.

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PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2003-052** **District 3**
 Applicant: Stanley Consultants, Inc.
 Location: North of Anthem Way and west of Anthem Ridge Dr. (in the Anthem area)
 Request: Final Plat in the R1-6 zoning district for Anthem Unit 38 (approximately 37.02 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

REGULAR AGENDA DETAIL:

2. **Z2000-204** **District 5** (This case continued from meeting of January 7, 2004.)
 Applicant: John Mantalvo II (represented by Luis Gonzalez)
 Location: 4410 W. Southern Ave. near the northwest corner of Southern Ave. – approx. 1,200' west of the intersection (in the Laveen area)
 Request: Special Use Permit (S.U.P.) for a mini-storage and R.V. storage facility – Laveen Mini-Storage (9.36 ac.)

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2000-204, subject to the following stipulations "a" through "k". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan and landscape plan entitled "LAVEEN MINI-STORAGE", consisting of 12 sheets, stamped received November 12, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "LAVEEN MINI STORAGE FOR JOHN MONTALVO", consisting of 21 pages, stamped received July 23, 2003, except as modified by the revised site plans received November 12, 2003, and the following stipulations.
- c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- d. The landscape feature shall emphasize Laveen's agricultural character and heritage with regard to plant type and location. Along Southern Avenue, 3 inch caliper trees shall be placed 20 feet on center with other appropriate landscaping (5 shrubs and/or accents for every tree) from the following list:

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- I. Trees: Pecan, Arizona ash, Evergreen elm, Heritage live oak, Sycamore or other similar trees.
 - II. Shrubs: Myrtle (true, dwarf, or twisted), Pomegranate, or other similar shrubs.
 - III. Accents: Deer grass, Wild sunflowers, or other similar accents.
 - IV. Vines: White Lady Banks Rose, Flowering jasmine, or other flowering vines.
- e. All trees shall be double-staked when installed.
- f. Provide a total half-width R.O.W. of 65' on Southern Ave. and provide ultimate improvements to Southern Avenue with paving, curb, gutter, and sidewalk to County standards.
- g. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further noncompliance of the conditions of approval may be grounds for the Commission to take actions in accordance with the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Mr. Gerard reported on Planning Commission actions for this case and said that all concerns had been addressed and the Commission and Staff recommend approval.

Supervisor Wilcox said that the area is developing very rapidly and many County islands would soon be absorbed by Phoenix. She believed this mini-storage facility would set the tone for future development.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval, subject to stipulations "a" through "k."

3. **Z2001-050** **District 4** (This case continued from meeting of January 7, 2004.)
Applicant: Commission initiative
Location: Northeast corner of Camelback Rd. & the Reems Rd. alignment (in the west Glendale/north Goodyear/Litchfield Park area)
Request: Major Amendment to a previously approved Special Use Permit (S.U.P.) for a privately-operated open air recreational facility in the Rural-43 zoning district and Airport Zones 1-4 overlay zoning district – this site is located within the 65-80 Ldn noise contours, a high noise and accident potential zone of Luke Air Force Base (A.F.B.) – Arizona Motorsports Park (146 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2001-050, subject to the following stipulations “a” through “v”. Commissioner Aster seconded the motion, which passed with a majority vote of 5-1, with Commissioner Barney dissenting.

- a. Development and use of the site shall comply with the site plan entitled “Precise Site Plan – AZ Motor Sports” consisting of one (1) full-size sheet, dated November 26, 2002 and stamped received December 5, 2002 except as modified by the following stipulations. Within 30 days of approval and prior to zoning clearance, the property owner shall submit a revised site plan to accurately reflect layout of the site.
- b. Development and use of the site shall comply with the narrative report entitled “Narrative Report for a Special Use Permit for the Arizona Motor Sports Park” consisting of (seven) 7 pages, dated revised December 2002 and stamped received December 5, 2002 except as modified by the following stipulations. Within 30 days of approval and prior to zoning clearance, the property owner shall submit a revised narrative report to accurately reflect operation of the facility and the dates of operations for the 2004 calendar year. References shall be removed to this being a “private” facility.
- c. Prior to zoning clearance, the revised site plan and narrative report, respectively referenced in stipulations ‘a’ and ‘b’ above, shall be reviewed for acceptance by Luke Air Force Base.
- d. The applicant shall obtain building permits for all existing structures on site. No events shall be held on site until any required building permits have been issued and finalled. Building permits, including zoning clearance, must be issued within 30 days of approval by the Board of Supervisors. Staff of the Maricopa County Planning and Development Department may administratively approved an extension of up to 90 days to this deadline. If the extended deadline cannot be met by the property owner, the Special Use Permit will be scheduled for presentation to the Maricopa County Planning and Zoning Commission who may take action to initiate revocation of the Special Use Permit.
- e. All buildings, structures, signs, lighting and fencing shall comply with the development standards of the underlying Rural-43 zoning district, except that a 25’ x 25’ clear-sight visibility triangle must be observed at all driveway intersections with public roadways.
- f. Racetrack operations shall be subject to the following noise mitigation measures:
 - i. Effective immediately, all vehicles running the racetrack shall be equipped with a muffler designed for the type or class of vehicle being run.
 - ii. Effective March 1, 2004, the following noise limits will be in effect:

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- 1) Saturdays, Sundays and all state/federal Holidays, the racetrack is limited to a maximum level of 78 dB(A) between 9:00 a.m. and 11:00 a.m., and a maximum level of 82 dB(A) between 11:01 a.m. and 5:00 p.m. using the following monitoring equipment settings: leq, fast response, 3 dB exchange rate, no thresholds with a two (2) minute interval setting.
- 2) Weekdays the racetrack is limited to a maximum of 82 dB(A) from 8:00 a.m. to 5:00 p.m. under the same monitoring scenario.
- iii. The applicant will install a single noise monitoring system at the approximate location of 33 31.142N and 112 23.261W. The monitoring equipment must be fully operational on March 1, 2004.
- iv. The noise monitoring system shall be capable of giving an amber light warning when the noise limit is within 2 dB(A), measured as a Leq over a two minute interval, of the limit and red flashing light when the limit has been exceeded for a two minute period. In addition, the system must begin digital recording when noise exceeds 75 dB(A) measured as a Leq over a two minute interval. All data must be stored on site and automatically forwarded to Maricopa County Code Enforcement Division.
- v. As part of the annual Status Report required in stipulation 'p', the applicant shall include each over limit noise event (OLE) by date and time and shall describe what if any action was taken to prevent reoccurrence.
- vi. In addition to the annual report, there shall be installed a real time reporting system. Each OLE occurrence will send an alert e-mail to the Maricopa County Code Enforcement Division.
- vii. In addition to the real time reporting, the track will display real time recording data on their website to permit viewing of data by any interested party.
- viii. Should the track experience three OLE during any calendar month, that shall be considered grounds for staff of the Maricopa County Planning and Development Department to schedule the Special Use Permit for revisitation by the Planning and Zoning Commission who may consider initiating revocation of the Special Use Permit.
- ix. The applicant will post a conspicuous sign at trackside with the vehicle limits established in these stipulations.
- g. The hours and days of operation shall be 8:00 a.m. to 5:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on weekends. Hours of operation shall not be varied for special events.
- h. The maximum number of people on site at any given time shall be 24. This number shall be raised to 200 should the property owner be approved for a public water delivery system by the Maricopa County Environmental Services Department.
- i. For the first two years of operation following approval of this Special Use Permit by the Board of Supervisors, the applicant is precluded from making application for Temporary Use Permits for Special Events that would attract crowds greater than the number referenced in stipulation 'h' above. After that time, if staff of the Planning and Development Department has determined that the applicant has maintained compliance with the stipulations of Special Use Permit approval, applications for Temporary Use Permits will be accepted.
- j. Overnight camping or transient residence in recreational vehicles shall be prohibited on site.

- k. Prior to zoning clearance, the applicant shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site confirming that the site will be developed in accordance with their requirements.
- l. Per Maricopa County Department of Transportation, development of the site shall include half-street improvements to ultimate width for Camelback Road adjacent to the site. Proof of compliance with this stipulation shall be provided prior to zoning clearance.
- m. Prior to zoning clearance, the internal driveways and parking spaces shall be surfaced with a form of dust-proofing deemed acceptable by the Maricopa County Environmental Services Department.
- n. A "will-serve" letter from a refuse provider, acceptable to the Maricopa County Environmental Services Department, shall be submitted to the Maricopa County Planning and Development Department prior to zoning clearance.
- o. There shall be permanent restroom facilities including a permitted wastewater system for the site prior to the any events. Said facilities shall be in conformance with all requirements of the Maricopa County Environmental Services Department. The facility shall obtain necessary permits required by the Maricopa County Environmental Services Department.
- p. The applicant shall submit a written report outlining the status of the development and the following years track operation schedule at the end of each year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff of the Maricopa County Planning and Development Department to determine whether the property owner remains in compliance with the stipulations of Special Use Permit approval. Staff may administratively approve an annual status report or schedule it for presentation to the Maricopa County Planning and Zoning Commission who may take action to initiate revocation of the Special Use Permit if the property owner is determined to be out of compliance with the stipulations of Special Use Permit approval.
- q. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request of extension of the Special Use Permit must be submitted to the Maricopa County Planning and Development Department at least six months prior to the expiration date.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- s. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

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- t. Any major amendments to this Special Use Permit will be subject to Citizen Participation Plan requirements as forth in the Maricopa County Zoning Ordinance.
- u. The racetrack will coordinate with the Community Initiatives Team of Luke Air Force Base to ensure that racetrack events do not conflict with the military aircraft operations.
- v. Track operations will be limited to a maximum of 100 days per calendar years. These dates will be identified in a revised narrative report and in the yearly status report.

Darren Gerard and Joy Rich reported on the previous action in this case and explained that this request is a major Amendment to the Board's previous approval of a Special Use Permit (SUP) for Arizona Motorsports Park at the December 19, 2001, Board of Supervisors meeting.

Because of the widespread interest and numerous speakers asking to be heard in this case and in an effort to cut down repetition and save time, Chairman Kunasek requested the following process: Staff would speak first, followed by 20 minute presentations each for the applicant and those citizens in opposition, the applicant would be allowed another five-minutes at the end.

To shorten time constraints, Chairman Kunasek read the names of those signing to speak or express opinions: Opposition included Nick Wood, Snell & Wilmer, Mayor Woody Thomas, City of Litchfield Park, Glenn M. Elms, Hohn R. Haydon, Judith Meduna, Bridget Jessen, Ralph Mosely, REM Safety Consulting, Inc., Peter Gerstman, Verne Seidel, Pamela K. Meyerhoffer, Sun Health La Loma, Sanford Hertz, PebbleCreek HOA, Lisa LaBaron, and Mack Davis, Falcon Golf Club. Those not wishing to speak included Horatio Skeete, City of Litchfield Park, Roxanne Barrett, Mike McCarthy, Ben Pagenkopf, Michael Medina, Jay Ellongson, Carol Paulsen, David Paulsen, Carolyn Bethuem, Lt. Gen (ret) R. Bethuem, Charles D. Broll, Turner B. Broll, Judith C. Kennell, George Robert McMillan, Barbara Herwick, Laurel Prill, Jerry Younker, David Ellis, Bruce Burrows, Charles McErlean, James Gimblett, Melinda Gimblett, O. K. Futton, Marilyn Clark, Bruce Raykowski, Larry K. Clark, Sally Schneider, Nathan Schneider, Lester R. Dray, Joe G. Schoggen, Karin Klein, Elin Nicholas, Robert Helman, Jane Hee, Tim Coogan, Margaret H. Moore, Glenn E. Moore, Robert Wright, Judy Wright, M. Hundt, Karin Smith, John H. Say, Antonia Say, James C. Hundt, Charlene Schoggen, William L. Mosser, Gary L. Trampel, Phelps Eshelman, Wanda Hammer, Katherine Baumann, Arlene Hunt, Carole Stone, Kathleen H. Tanner, Sheila Harrison, Dr. Marilyn P. Nagy, Ernest Nagy, Ronald Vandervort, Denneth R Going, Linda Dillard, Pat Gunderson, Christine Rademan, Jean C Watson, Bruce Birnel, Cindy Daniel, Tim Daniel, Dan Worrington, Richard Sousa, John C. Velotta, Sandra L. Velotta, Richard E. Klar, Jack Dean, Nancy Klar, Betty M. Noll, Francis Cove, Joan Cove, Gail Chase, Raymond Fann, Marcia E. Toma, Carroll, M. Haydon, Edgar A. Norton, John J. Parsons, Charles Stewart, Susan Goodwin, Sam Chestnut, James Cavanaugh, A. Graham, Paul E. Swasey, Julia D. Sweeney and Reeves Smith.

Those who signed up to speak in favor included Daniel Evander, Jim Barks, Jim Rohn, William B. Perkins, Roger Matlin, Davis Koffron, Mike Ruzieka, Martin Anderson and C. Duvall.

Mr. Gerard showed the pertinent portion of the videotape from the December 19, 2001, Board meeting when Jan Brewer was Chairman of the Board and in which the Board approved this Special Use Permit. The proposed racetrack was in District 4, the district Chairman Brewer represented. Tom Rief, Land Development Services for REXCO, had appeared for the applicant, Dan Maloney, who lives in Scottsdale.

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The significant portion of the tape was of the testimony given by Mr. Rief in addressing Chairman Brewer when she likened the proposed racetrack to Manzanita Race Track. Mr. Rief said, "there was no comparison to that track, or any race track, because it is a private recreation facility for the owner who will be running street legal, high performance vehicles like Corvettes, Cameros and maybe BMW. He is building a place for him to go to 'play with his cars.' It is not a public, commercial facility."

Mr. Gerard said that when this case was revisited on July 31, 2003, the two options considered were revocation or a major amendment to the SUP to institute revised stipulations. The Planning Commission chose the latter route. The race track site is approximately 146 acres at the northeast corner of Camelback Road and the Reems Road alignment near Luke Air Force Base (Luke). A two-plus mile racetrack has been built. The County Area Plan designates the site for agricultural uses with allowance for certain commercial and industrial activities that would be compatible with Luke. The Glendale General Plan was recently updated to also designate the area for "Luke compatible uses." The Arizona Motorsport Park is considered compatible with the County's land-use plans. So far, the majority of individual feedback comments received are in opposition to the race track as it is currently operated. Litchfield Park and Goodyear have both expressed opposition to it as it is currently operated. The Planning Commission recommended approval with staff recommended revised stipulations "a" through "v." Mr. Gerard stated that these are new stipulations and different from the originals in that they are much stricter in regard to attendance and noise.

Mr. Gerard presented alternative actions for the Board when considering final amendments to the original stipulations. He added that Scott Rose, attorney for the applicant, had a different set of stipulations for consideration as did Nick Wood, project opposition representative. He ended his explanation by saying that he had been asked by Board members if the track is in compliance with the current stipulations. He stated, "There are certain stipulations that they are clearly not in compliance with and those are stipulations "a", "b", "h", "n" and "t." In addition, he said there had been two Administrative Amendments that added stipulations, one of which said that "development" shall remain in compliance with all previous stipulations. He reiterated that this has not been done.

Scott Rose, Cavanagh Law Firm, representing the applicant, said that the Arizona Motorsport Park is a world class facility and may be the safest track in the state. It is open to car clubs, car buffs and auto testing but it is not open to the general public. He said that tickets are not sold, it is not a spectator venue, and there are no bleachers or seating available. He said the facility uses close to 150 acres right next to one of Luke's runways. He remarked that it has begun to be an economic engine for the West Valley and enumerated recent examples. He said the facility is entirely privately owned and financed. He then addressed the sound issues and the phrase "street legal" as used in the video. He said that phrase was not in the written narrative, on the website or in actual practice at the site. He asked what street legal really means as applied to a racetrack. He disagreed that the phrase "street legal" played a role in the approval process and said that if it had been critical it could have been defined and added at the time of approval.

Mr. Rose explained that the applicant wants to solve the sound issued. He said they agree to the sound recommendations approved by the Planning Commission, using track averages instead of individual car standards. He explained their proposed standards on sound and said they would be happy to review them in a year to make sure they were satisfactory and that they would be willing to work with a citizens group on this. He indicated that sound testing had been conducted last November and December. Findings indicated that the noise generated by vehicles is significantly lower than the noise made by jets planes from Luke and strict standards have been devised using those results. However, mufflers remain

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an issue as do the number of days and hours of operation. He suggested that the stipulations as amended by them will address the solutions that are needed. Discussion ensued.

Supervisor Stapley pointed out that the client has not lived up to the original stipulations that they had agreed to. He stated that everyone else in the County who receives a Special Use Permit must comply with the stipulations that they agree to. He asked Mr. Rose to address this issue.

Mr. Rose said that many of the issues have been resolved, and listed them. He agreed that all stipulations need to be complied with, and that his client was working toward that end.

Supervisor Wilson said he believed this is about commitments that were made that the Board approved. He added, "The applicant is not in compliance with those." He stated that it isn't the County's obligation "to go out and check to see if you are doing what you should be doing" and said this is the owner's responsibility. He added that if they aren't doing it then the County has no alternative. He explained that Maricopa is a large county with a big area to cover and a small staff, "and we've used up an awful lot of time on this race track." He said he had a report from some friends who were walking in White Tanks Park early last Saturday and they could hear the cars running out there, and that's a long way from having BMW's running on the track.

Mr. Rose said they had been trying to focus on the sound issues, however, he realized that the non-compliance issues were very serious. They had worked hard to bring the track into compliance. He expected to achieve full compliance.

Supervisor Wilson responded that the applicant has had ample opportunity to be in compliance with the original stipulations and if he signed-off in agreement with those stipulations then the Board had every right to expect him to be in compliance.

Supervisor Stapley interjected that he had made the motion for approval at the original hearing (as seen on the video) at Chairman Brewer's request. He said the relevant question she had asked at that time referenced what kind of cars and how loud they would be. "When we were told they would be street legal, it was, in fact, the deciding issue in my mind as to whether I would support that SUP. Had I known then what we know now I would not have made that motion and I would not have supported the applicant's request for a SUP."

Supervisor Wilcox said that Manzanita and PIR racetracks are in District 4 and she has dealt with many concerns regarding them over the years. She indicated that she had always had a concern that this racetrack would also turn commercial. "I don't know how you equate having people come out and test drive when we were assured that it would be a private race track and not used for commercial purposes. It was going to be somebody's playground that would race street-type cars." She asked if the people who test cars pay to use the track.

Mr. Rose responded, "Yes, they do." He countered by saying that when the narrative is considered as a whole there are references to having 200 people on the site, police requirements on site to deal with the number of people, and mention of commercial waste haulers. He ascertained that this, taken in its entirety, gives a better picture of what kind of track it was to be and goes far beyond the unfortunate comment originally made by the owner's representative.

~ Supervisor Wilcox left the meeting ~

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Chairman Kunasek commented that he had gone camping with his daughter last Saturday night and Sunday morning when they rose the noise from the track was clear and loud. He felt the track had to be six or seven miles away from where they were and suggested that those living within a couple of miles of the track had to be hearing much higher decibels throughout the day. He felt there had to be a "common-sense level" to achieve. He and his daughter had driven to the racetrack later in the day, and he estimated that there were more than 200 people on the grounds. He asked if admittance was monitored and cut-off after 200 had entered.

Mr. Rose said the original intention had been to have 200 participants and not 200 people at the site. He is seeking an increase in the number of people in his revised stipulations.

Nick Wood, the attorney representing SunCor who is in opposition, said that he had been a zoning lawyer for a long time and had come to realize that a Special Use Permit is a very unique vehicle. The word "special" should be emphasized because receiving a SUP is a privilege and not a right. He said that on the tape, a specific question had been asked regarding noise and operations and there had been a specific response. He reminded the Board that Mr. Gerard had noted nine stipulations that have not been complied with, which means the owner is basically in violation on those nine things.

He reported that each side had hired a noise expert hoping to solve the problem, but that didn't happen. He explained that sound should not be limited to measures of decibel levels because there are too many variables affecting those. He referenced Supervisor Stapley's remark on why it had originally been approved, reiterating that it was approved as a private, non-commercial, personal playground, running street legal cars. He said that he would only change stipulations "f" and "g" from those already amended by P&Z. His changes would address the commercial aspects of charging for admissions and a user fee. He added that if it is a personal playground for the owner and his friends, the total number allowed could reasonably be 50 people or seven motor vehicles on the track at one time. His stipulations also define street legal and addressed the issue of mufflers, motorcycles and hours of use. He felt these would solve the problems that the amended P&Z stipulations did not address.

~ Supervisor Wilcox returned to the meeting ~

Mr. Wood mentioned that when people who now live in the area purchased their homes they made a conscious decision to do so regardless of the occasional aircraft noise generated by jet planes from Luke. He pointed out that when this SUP was approved in 2001 those homeowners were deprived of any choice on racetrack generated noise.

Mayor Thomas, Litchfield Park, thanked the Board for reconsidering this matter. He added that most of his Council were present at this meeting and said their attendance showed the level of importance in which this matter was held by the town. He said the noise from the track was impacting his community and it was a great concern to the town government. He hoped for an agreement that would be non-impacting on Litchfield Park residents.

Mayor Jim Cavanaugh, Goodyear, said their Council could support two options – to support the stipulations as revised by Nick Woods or permanent revocation of the SUP. He gave three reasons for this stand. He said there is no question that the majority of the 10,000 residents of Goodyear oppose the track. Second, Goodyear residences north of I-10 are as close as one-mile from the track, and he said that even residences farther away find the noise oppressive. He said a new housing development has been planned that would have houses within ¼ mile of the track, and the impact on those would be much worse. Thirdly he referenced the misrepresentation of the use of the track at the December 2001 meeting and said he believed the Board's approval had been based on a falsehood.

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Bridget Jesson, spoke in opposition and said her husband is a Captain currently stationed at Luke. He was last stationed in Iraq and his next tour will also be operational and they regard his tour at Luke as "a much needed break from a high operational tempo of living." She said they had checked out the noise levels during morning and evening hours in many residential areas close to Luke before finally choosing a lot to build on. She indicated that the track must have been under construction at that time but there was no disclosure made by SunCor and she felt they had not known of the problem. She said they had also read the County's report and there was no mention of the track or noise. She surmised that if the racetrack is allowed to continue its current operations it would affect their property values and family time is greatly diminished by their current operating methods. She said that on weekends, "We can be awakened by the constant whine of the race cars as early as 7:30 a.m., allowing us no time to sleep in, and the noise is affecting our well-being and family pleasures."

Sandy Hertz, Goodyear Pebble Creek HOA, agreed with former speakers and regarding noise decibels added, "What their machines measure is not what our ears are hearing." He asked that the stipulations given by Mr. Wood be adopted or that the Board revoke the permit.

Pamela Meirhoffer, spoke personally and for several of her family members who are experiencing diminished lifestyle by close proximity to the track. As their spokesperson, she mainly addressed the history of the Sun Health Senior Living Services and the lands that had been donated to establish healthcare services for the West Valley. She said that unremitting noise comes from the track, which is less than one-mile away from the Center and is very annoying. She asked the Board to consider adopting the stipulations proposed by Mr. Woods. She added that Mr. Rose had termed it "unfortunate" that the owner's representative had originally given an incorrect interpretation for the track and asked the Board to "make that unfortunate statement 'unfortunate' for them rather than for those of us who are trying to live and enjoy our communities."

Ralph Mosely, President of REM Safety Consulting, said he is considered to be a noise expert. He indicated that there are compromises that could be made for neighbors so the noise is not intrusive by modifying the noise levels listed in the stipulations.

Jim Rohn, a Scottsdale resident, spoke in favor of the racetrack. He referenced the Goodyear Mayor's remark that they planned new home construction ½ mile from the racetrack and assumed that also meant ½ mile away from Luke's runway. He noted an inconsistency in this regarding noise and noise levels. He definitely felt the track fit in with the surroundings and was as appropriate next to the runway as the golf course. He said that mistakes had been made and they are trying to correct them and requested negotiations continue to reach an equitable solution for all.

~ Supervisor Stapley left the meeting ~

William Perkins spoke on behalf of the AUDI Club of North America in support of the track. He said that this is one of the best tracks for safety that he has seen. They have a three-day event scheduled at the track in March and expect 100 participants plus spectators drawn from all over the U.S. and added that they would spend money and extra time in the area after traveling to Phoenix. He asked that the track continue to operate and the differences be worked out in a compatible way.

Robert Matlin also spoke in support saying he races his street legal BMW on the track on weekends. He said he has seen a number of cars black-flagged and removed from the track for excessive noise and felt the owners were trying to comply with the stipulations. He added that he'd noticed that a military jet fly-over drowned out all noise from the track. He felt that all the drivers want to find a way for this to work with

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the communities. He called attention to the irony exhibited by Goodyear's opposition to the track when Goodyear Tire and Rubber has long been one of the biggest contributing organizations in the racing world and a NASCAR sponsor.

~ Supervisor Stapley returned to the meeting ~

Jim Barks, a Chandler resident, supported AMP saying it is a world-class facility. He believed that the original representative's "unfortunate" statement should more properly be classified as an "ignorant" statement from a lawyer who didn't know anything about racing. He added that there is no qualification about street legal cars in the contract and said it was "a perfect spot for this facility and it works fine with the interests of Luke. However, he does not believe that building homes within ½ mile of the runway is in Luke's best interests. He asked for things to be worked out so the track could continue.

Mark Davis spoke as one of the owners of the Falcon Golf course adjacent to the east side of the racetrack. He indicated that they had a \$5 million investment in the golf course. He said he has not met with anyone from either side of this controversy and had not seen the video until today, but said it was ironic because what he saw on the video "was pretty much the way I was pitched by Mr. Rief and Mr. Galino about what was going to happen next door. If I would have known that it would turn into the type of racing facility it has, I would have obviously been opposed." He said that he does get complaints about the noise and that his business has been impacted during the past year. He admitted that he had no proof that the decrease was because of the racetrack but his business has fallen-off both in rounds and in revenue. Prior to the racetrack, his golf course business had consistently increased every year since it opened.

Scott Rose summarized the position of the applicant and defended the proposed stipulation changes they are requesting that he feels will solve the noise problems. He said the stipulations proposed by Mr. Wood "are not in the nature of a compromise." He said that they would not work for the track as they go so far as to preclude the track from operating. He urged adoption of the changes he presented.

Mr. Wood closed by reiterating the privilege of receiving a SUP and said that this SUP had instead been abused from the onset. He suggested that the noise level changes proposed by Mr. Mosely could also work with the amended stipulations he proposed if the Board was so inclined to consider applying that method.

In response to a question from Supervisor Wilson, Mr. Gerard said that there is a major amendment being considered for the racetrack, case #Z2003-115, but no public hearing date has yet been set for the Planning and Zoning Commission to hear it.

Motion was made by Supervisor Wilson for revocation of the SUP because of misunderstandings inherent in the original approval and the ability of the applicant to reapply. Motion was seconded by Supervisor Stapley.

Chairman Kunasek asked what impact a revocation would have on the pending amendment.

Joy Rich, Chief Regional Development Services Officer, said the applicant would have to complete "a modification to a case in process" that would essentially turn the amendment application into a new case and it would start through the process again.

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Supervisor Wilcox asked if revocation would prevent the track from operating and Paul Golab replied, "It would prevent the track from operating from the point that the Special Use Permit was revoked, pending whatever action may result from the other plan." She then asked, "what would come back to us?"

In response to this question and another from the Chairman, Joy Rich said that revocation would take the amended request "all the way back to square one" before it came back to the Board.

Supervisor Wilcox said she would support the motion for revocation. She referenced her ongoing experience with racetracks in her district and said she originally had concerns with this one based on those experiences. She said, "I was under the clear understanding from both what I read and then from the testimony given by the applicant, that this was going to be a non-commercial track. It would basically be a track that had little traffic on it and now from what I hear today, particularly with testing and other clubs being able to use it at a cost, I feel I wasn't told the truth." She said she couldn't support extending this SUP, and added, "I'm really sorry that this isn't the end of it."

Chairman Kunasek called for the vote on Supervisor Wilson's motion to revoke this Special Use Permit. Motion passed unanimously (5-0).

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board