

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 7, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., December 7, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1 and Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Douglas Hill, Administration Office, delivered the invocation.

PLEDGE OF ALLEGIANCE

Michael Jeanes, Clerk of the Court, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Introduction of the "Pet of the Month" from Maricopa County Animal Care & Control by Julie Bank, who said that this month's pet was named "Bones" and that Bones is a playful, two-year old, mid-sized male Chihuahua that she felt would make a smart and alert family pet.

PIONEER FORD LEASED VEHICLE DONATION

Recognition of Pioneer Ford's generous donation of a two-year vehicle-lease as a prize in the Maricopa County 2005 Combined Charitable Campaign. The presentation of the new Ford's lease went to the winner of the drawing, Cynthia Spence of the Public Fiduciary's Office. Chairman Wilson told the Ford representative that Pioneer's donation "Made a good event a whole lot better." He thanked Pioneer Ford for their participation in this and previous year's Combined Charitable Campaign and hoped they would continue to participate in future years. (ADM3311)

COMBINED CHARITABLE CAMPAIGN PRESENTATIONS

Winners of Gift Baskets in this year's Combined Charitable Campaign were as follows: Campaign Co-Chairman Karen Osborne and Chairman Wilson drew the names and announced the winners. (ADM3311)

Disney Movie Magic – Cindy Ortega, Adult Probation
Goldie Locks and the 3 bears - Bill Heath, Assessor's Office
Hidden Treasure Shopping Spree – Janice Bowie, Facilities Management

David Smith said the last event for this year's Campaign will be a skeet shoot next Friday. He added that the total amount collected for the 2005 Campaign should approach \$400,000 but the official report will be given in January with appropriate recognition of those who chaired committees and directed events.

GILA RIVER INDIAN COMMUNITY PRESENTATION

Presentation by Governor Richard Narcia of the Gila River Indian Community to recognize Kids Voting Arizona and the Maricopa County Department of Transportation. (C2006023900) (ADM650)

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Governor Narcia presented two grants approved by the Gila River Indian Community (GRIC) Council for Maricopa County. One grant went to MCDOT for work on passage of Proposition 202 and the second grant recognized Kids Voting, Arizona. Governor Narcia said their Council's criteria in choosing grant recipients included public safety, education and economic development. He praised Kids Voting, Arizona as a very good educational tool for all young people to help them become good citizens and to learn about, and take part in, the voting process. He said that Gila River has had Kids Voting in their schools for several years and recognized Greg Mendoza, Director of the GRIC Youth Council, for promoting it and for its success. Chairman Wilson called for Helen Purcell, County Recorder, to join him in receiving the \$45,000 check for Kids Voting.

Governor Narcia also presented a check for \$52,000 to MCDOT for their successful safety project in Union Hills in trying to minimize transportation issues and make the streets and roads safe for public use in Maricopa County. Chairman Wilson called upon Mike Ellegood, Director of the Maricopa County Department of Transportation, to receive this grant from GRIC.

Governor Narcia thanked the Board for allowing GRIC to share these grant monies with the County saying that it builds a continuing relationship that fosters good will for all. He added, "We at Gila River Indian Community want to be a good neighbor."

Chairman Wilson thanked him and said, "We have had a good relationship with the Gila River Indian Community and I'm sure it will continue in the future." He called the Board Members forward to shake hands with the Governor and speak personally with him.

Supervisor Stapley took the opportunity to explain that the East Valley Partnership had originally initiated the concept of Kids Voting when a couple of members went on a fishing trip and brought the idea back to use as a new project for the Partnership to employ the next year. He reported that this "fishing trip idea" has now grown, not only across this country but it is now international with many other countries adopting the concept as a teaching tool for their young people in helping them understand the importance of participating in democratic societies and the democratic process. He lauded Gila River for promoting this idea and said, "It has been wonderful to see this idea continue to grow and that it has become part of the partnership with GRIC.

CHAIRMAN'S PREROGATIVE

Note: Because of the nature of the presentation on the Lake Pleasant Agreement (agenda item #30), the Chairman moved it forward.

AGREEMENT WITH LAKE PLEASANT MARINA PARTNERS FOR MARINA COMPLEX

Item: Approve the Use Management Agreement between Maricopa County and Lake Pleasant Marina Partners LLC, for the development, operation and maintenance of a dry stack storage, watercraft rental and boating supply store complex at Lake Pleasant Regional Park. The term of the agreement shall be until June 28, 2040, (approximately 35 years) with a 15-year renewable option. All development costs will be at the expense of Lake Pleasant Marina Partners LLC. Guaranteed minimum revenue for Maricopa County Parks & Recreation (Dept. 300 Fund 240) over the life of the original term is \$4,000,000. This item was discussed in Executive Session on December 5, 2005. (C3006012100)

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Bill Scalzo, Director of Parks and Recreation, said that when he came to Maricopa County in 1991 he'd found some issues concerning Lake Pleasant Regional Park. He learned and that the Bureau of Reclamation had initiated plans to have the lake's facilities expanded and to increase the lake from 3,000 acre feet to 10,000 acre feet. Numerous public meetings were held in the early 1990's to determine what the public wanted to have included in such a facility. He said that many improvements have been made over the years to produce much of what the public wanted installed including camp grounds, picnic areas and the largest boat ramps in the State. But the most highly desired item, a marina, has not been built.

He explained that a company, Skipper Marina, has recently been found that could provide design, development and a plan of operation. To take on this project they formed Lake Pleasant Marina Partners LLC. He reported on the Skipper Marina company, saying they have 30 years experience and have completed 24 other marinas in the U.S. Financial backing to both support and operate this facility is critical and has been established. Mr. Scalzo reported it would cost \$20 million in private development funds and that no public dollars would be used in this project under this agreement. He added, "This marina will be bigger than any capital project that Maricopa County Parks and Recreation Department has ever pursued – and not one penny will be public funds." The Maricopa County Parks system is almost totally self-sustaining.

Mr. Scalzo said that this agreement would guarantee an escalating annual fee payment with a considerable amount of new dollars guaranteed every year that could be used for capital investment, escalating operational costs, etc. He explained, "A percentage of their gross will come to Maricopa County every year to use for capital improvements at Lake Pleasant."

He insisted that the projected opening date for the new marina is January 2007, but he warned that this was very aggressive because construction must move rapidly and still follow all state and federal requirements. The new marina will be two miles inside the park, located in Scorpion Bay where boat slips will be well protected from the winds. Mr. Scalzo advised that this was an ideal location for a marina, even when water level fluctuates. He said there will be 540 wet slips plus the dry storage.

There will be an operational center on shore, with law-enforcement provided by the Sheriff's Office, emergency evacuation facilities and a helipad. Other public benefits would include free public access to many of the amenities by paying the park entry fee. There will be a number of different types of water craft available for rent; a convenience store supplying ice, bait, beverages, food, etc., a boat repair facility (whether or not your boat is kept there), a number of land and floating restroom facilities; a fueling station; boat launching services with a new multi-lane boat ramp; a building to provide covered dry storage for boats and plenty of additional parking. Mr. Scalzo speculated that attendance at the lake, already in the hundreds of thousands yearly, will increase to the millions as word of the amenities at the facility spread. He expects many increased bookings for special events and national tournaments as a result of the additional area that could support and provide staging for boat shows.

Carol Irwin, Manager of the Phoenix Office for the Bureau of Reclamation, (BOR) said, "Maricopa County has a great series of parks but we're biased and we think Lake Pleasant is the best." The BOR has desired an increase in the facilities at Lake Pleasant for some time and feel certain that the new marina will be well used and greatly appreciated. She added, "We're very happy to see the County thinking about moving forward with this and the BOR has approved this new agreement and will continue to work closely with Parks on environmental compliances." She added, "This will raise our favorite County Park to a whole new level."

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Mike Berkowski, CEO of Skipper Marina, said his company is family owned and has extensive experience in building and operating marinas as well as boat retailing and serviceability of boats, having completed a number of both public and privately funded projects around the country,. He cautioned that the timeline, "makes this project very difficult, because this kind of work can really only be done when the water level is down in the lake." He explained that they would have to be in construction in July in order to complete the project by the following January. He said the preliminary work is extensive and time consuming. "Our people are in place and ready, our engineers have been very aggressive on this. We have done a lot of the preliminary work already because of the timeline, and we are going to make that deadline. The only thing that could slow us down is the permitting process."

He said he'd been asked to comment on the breakwalls, which he called "wave attenuators." He said, "There are a lot of new products in world-class marinas today that are going to be engineered into this project" and this is one of them. A wave attenuation system will be very eye appealing and also make this one of the calmest marinas to be found.

The Chairman called for Andrew Federhart, to come forward. Mr Federhart is an attorney representing Brian Church, who operates a marina elsewhere in Arizona, David Finch and his company and the Pensus Group, which operates a marina on the Maricopa Water District property at Lake Pleasant. His clients are opposed to passage of this item as being unfair.

Mr. Federhart said that this is not the County's first effort at issuing a contract for construction of a new marina at Lake Pleasant. The last one was in 1998 when his client had been a bidder. He stated that the terms of the 1998 contract contrast with today's contract with the County suffering a loss of over "\$14.5 million in revenue." He indicated his client had promised an \$18 million profit to the County. He termed this a substantial negative financial impact to the County and said it differs greatly from the information just provided to the Board by Mr. Scalzo.

Mr. Federhart also charged that the terms of the contract had been changed after the RFP was sent out. He said his clients and other interested parties had not been able to review the new terms until last Monday. He said, "Your RFP last March (2005) had certain provisions that placed limitations on liens and other security interests and . . . that might diminish the interests of the county." He cited the RFP as giving reversion terms at end of the contract covering most of the improvements. He stated that the current contract, as negotiated, eliminates those provisions and changes the reversion policy. He said that instead of the contractor walking away with nothing the county is now required to pay 90% of the fair market value when the contract terminates. He added that his clients were not given that option and one client had stated he would have filed a bid if this change had been included. He cited Arizona law that states that when there are material changes in the terms of an RFP the public must be given the opportunity to bid on that material change.

He told the Board, "Because we were denied access to this contract until last Monday we weren't aware of these changes. Yesterday we filed a bid protest on behalf of Mr. Church, Mr. Finch and the Pensus Group. If you take action today you are refusing to consider that bid protest and you violate you own procurement policies and also state law." He said the contract, as presented, is fatally flawed for those reasons. He advised the Board to go back and rebid this process because of the substantial changes in terms and to give the public the opportunity to bid on them. "If not, then we fully intend to take those steps necessary to protect our clients interests."

In response to a question from Supervisor Wilcox, Kevin Costello with the civil division, said, "The procurement code calls for a stoppage in awardance of a contract or the procurement process once a

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challenge is filed unless the director makes a written finding that delays in the process would materially damage the County's interests. Director Scalzo has reviewed this protest and has made the finding that this would be materially detrimental to the County's interest, largely because of the time frames discussed earlier." He reiterated that there is a specific and limited window for this construction – when the water level is low in the summer. He stated that this project will require a long process with regards to environmental permitting, and the contractor has been willing to do some of the preliminary work without having a contract, which puts them at risk. "But, at some point you need a contract before you spend money to make a project happen." We believe it would be materially detrimental to the county if this project is stopped.

Mr. Costello also addressed the claim that changes were made in the RFP. He said that a draft contract had been included with the RFP to give reviewers some concept of the scope. He added that there is nothing in the RFP that requires bidders to have a copy of the final contract and added that the document that was included had clearly been marked DRAFT. He explained that, as with most contract negotiations, it was anticipated all along that there would be changes to the draft version, adding, "There are always negotiated changes." He said that nowhere in the RFP does it state that provisions given in the draft contract have to remain exactly as they were written therein and said that there had been no changes made to the RFP. He also said that should the contractor leave and no longer be there for reasons they cannot control, a provision in the contract enables the County to be able to purchase those interests at 90% of the fair market value at that time, keep the assets and continue to have a marina at Lake Pleasant.

Mr. Costello said, "We have reviewed their challenge. We do not believe it has merit and the necessary finding has been made, so the Board can make their decision today."

Responding to a question from Supervisor Wilcox, Mr. Costello said, "We got their challenge yesterday and found it was based on language in the draft contract that is different from what is in the current finalized contract. We do not believe that the provisions in the draft contract are material provisions of the RFP. He added that the draft contract had been included with the RFP to simply provide an opportunity for people to familiarize themselves with it and to be able to review some general terms in a contract. He emphasized that there is no requirement anywhere in the RFP that those exact draft terms will be included in the final agreement. The Pensus Group would not even be eligible to bid on this project.

Supervisor Brock asked Mr. Costello to clarify some of his statements and discussion ensued. Mr. Costello also clarified that if the contractor leaves early, the County may buy out the facility at "90% of the fair market value of the appraised improvements that are then in place." He added that a buy-out would have nothing to do with expenses. Supervisor Brock said that it made sense for the County to reserve the right to modify some wording after a project has been bid and once a contract is let it follows specifications.

Supervisor Stapley stated that the key is that it has to be a substantial material change and this was not. He said, "It was simply a negotiated point. We always negotiate points. We can't go through a RFP process and finalize a contract without cleaning up language and negotiating the fine points."

When asked for final comments, Bill Scalzo reminded the Board that time is of the essence. "It would be unfortunate that lawyers could delay a project that is important to the public and provides important services." He also noted that, "Nobody has ever offered us \$18 million to operate a marina at that facility." He suggested that Mr. Federhart check his facts. Mr. Scalzo said, "I negotiate for the good of

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the public, I don't give up anything, and I fight like the devil for the public good. We negotiate very hard in this County. We get the best and finest deals and we give the public facilities that are second to none."

Supervisor Stapley said, "It has been a number of years that we've tried to find a vendor who was willing to come in (and do this project). This will create competition for another entity that the gentlemen from Fennimore Craig represents and that, in my opinion, is the reason we're here. I believe that, for the good of the whole county, we should move forward with this."

Supervisor Stapley made a motion to approve the Lake Pleasant Marina item as presented.

Supervisor Wilcox seconded the motion, after having been reassured by counsel that action is legal considering the protest/appeal.

Chairman Wilson said, "I think this kind of improvement serves the public. I think competition serves the public and I think that's what makes our country great."

The Chairman called for the question and the motion to approve the Use Management Agreement between Maricopa County and Lake Pleasant Marina Partners LLC., carried unanimously (4-0-1).

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license applications.

The Clerk announced that application b., Alibi Club, had non-compliance reports from the County Treasurer and the Sheriff's Office and was not recommended for approval. The Sheriff's report cited: "An obviously increasing trend for criminal activity and an equally increasing trend for escalating violence." And also, "The location of churches, schools, and spirituous liquor outlets within a one-mile radius."

Application c. was recommended for a continuance to allow time for building permits to be submitted to Planning and Zoning by the applicant.

No speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of liquor license applications a. d. e. f. g.: to recommend denial on application b., Alibi Club, and to continue application c., Western Trails Ranch, to January 18, 2006.

- a. Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23164) (SELL706)

Business Name: St. Elizabeth Seton Church **APPROVED**
Location: 9728 Palmeras, Sun City, 85373
Date/Time: March 17, 2006, 6:30 pm to 12:00 am

- b. Application filed by Kaleb Barnett Binns for a Person-to-Person Transfer, Series 6 Liquor License from Sylvia R. Reyes: (LL6161)

Business Name: Alibi Club **DENIED**
Location: 24202 W. Highway 85, Buckeye, 85326
The Treasurer's Office and Sheriff's Office do not recommend approval.

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- c. Application filed by JoAnn Mary Kramer for a Person-to-Person Transfer and a Transfer-of-Location, Series 6 Liquor License from Randy Nations/Timber Wolf Pub: (LL6163)
- Business Name: Western Trails Ranch **CONTINUED TO 1/18/06**
Location: 37823 Grand Avenue, Morristown, 85342
Former Location: Timber Wolf Pub, 740 E. Apache, Tempe 85281
Planning and Development did not recommend approval.
- d. Application filed by Youash Y. Dawood for an Original Series 10 Liquor License: (LL6162)
- Business Name: Lucky 7 Market **APPROVED**
Location: 11343 E. Apache Trail, Apache Junction, 85220
- e. Application filed by William Leo Nelson for an Original Series 12 Liquor License: (LL6164)
- Business Name: El Encanto Dos Restaurant and Cantina **APPROVED**
Location: 1112 E. Carefree Highway, Phoenix, 85086
- f. Application filed by Tri Huu Nguyen for an Original Series 10 Liquor License: (LL6167)
- Business Name: Smokers Domain **APPROVED**
Location: 10914 W. Bell Road, Sun City, 85351
- g. Application filed by H.J. Lewkowitz for an Agent Change, Series 4 Liquor License (MCLL6166) (Original No. MCLL5829, dated July 6, 1993):
- Business Name: Trader Joes #92 **APPROVED**
Location: 13602 N. 99th Avenue, Sun City, 85351

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay." (Supervisor Kunasek was absent this meeting.)

EXEMPT VEHICLE FROM COUNTY MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the exemption of vehicle #36601 from county markings and issue a regular Arizona license plate. This vehicle was purchased with RICO funds and is replacing a RICO vehicle with an undercover plate. This vehicle will be used for investigative activity. The vehicle identification number is on file in the Clerk of Board's Office. (C1906023600) (ADM3101V)

CONTRACT WITH SEQUOIA VOTING SYSTEMS FOR SOFTWARE AND EQUIPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a five-year sole source contract with Sequoia Voting Systems to upgrade ballot scanning equipment/tabulation software used by the Elections Department; purchase 75 additional voting machines and memory pack readers; provide technical assistance and maintain hardware and software. Total contract expenditures will be approximately \$4,300,000 over the contract term. (C2106003100)

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CONTRACT WITH RUNBECK ELECTION SERVICES FOR PRINTING OF BALLOTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a five-year sole source contract with Runbeck Election Services for the printing of ballots, registers & rosters, required early ballot inserts, printing and mailing of sample ballots and the preparation, mailing and tracking of mailed early ballots used by the Elections Department. Total contract expenditures will be approximately \$21,825,000 over the contract term, depending on the number and frequency of elections. (C2106004100)

JUSTICE OF THE PEACE PRECINCT LINES

Item: Approve new Justice of the Peace precinct lines as shown on the maps on file in the Clerk of the Board's office and accompanying legal descriptions, incorporated herein by reference, as required by state law (A.R.S. §22-101 and 22-125(H)). Approve the effective date for the Justice of the Peace Precinct lines as of 30 days after Board action. For the 2006 election, the boundaries and lines adopted hereby shall be effective on the date of pre-clearance by the U.S. Department of Justice, as the boundaries from which candidates are nominated and officers are elected in the 2006 elections and each election hereafter until amended or changed by the Board of Supervisors. Direct that these lines shall not affect or restrict any case management or appropriate caseload or resource transition plan as deemed necessary by the Justice of the Peace Courts, the Maricopa County Superior Court, or the Administrative Office of the Courts, Supreme Court of Arizona. (C2106005700) (ADM1201)

Those signing speaker slips for this matter included John R. Ore, East Tempe JP, Joe Arredondo, East Tempe Constable; Don Calender, Tempe West Constable; Frank Outcalt, Constable Scottsdale, Michael Reagan, McDowell Mountain JP and Ed Malles, North Mesa Constable. Chairman Wilson introduced the elected officials who were present.

Karen Osborne, Director of Elections, introduced Justice Tolby, of the Glendale Justice Precinct. She explained that every two years the Administrative Office of the Courts provides her office a compilation of the judicial productivity credits (JPCs) for each of the justice precincts over the past two years. The law directs that if that number is more than 1,200 the precinct must either be reconfigured or a new precinct must be added to the County. The total number of judicial credits are divided by 23, the number of precincts. This number totaled 944 for the previous two-year span. This indicated that no new precinct was needed, but the precincts should be redrawn. Judge Tolby worked out a number of maps to do this, his latest map being #9. The Elections Office changed three things on it and Ms. Osborne presented Map #10 to the Board for approval.

Justice Tolby said that regardless of the total number of JPCs the judges and constables believe a new precinct is needed and should be created to allow for some growth and still keep the total down. However, they have acceded to the alternative and Map #9 did not show any new precincts. He predicted that when this is next addressed in two years there would be eight courts over 1,200 points. He said there is an over abundance of work across the northern part of Maricopa County and capacity across the lower portion. Many factors make it difficult to move the precinct lines in drawing new maps and he elaborated on these. A main controversy left to be resolved is how to bring work out of the Scottsdale Precinct – to bring them down 150 points – to the Tempe Courts without overcrowding that area. He added that productivity points are not always a good gauge of the work load but it is what the Legislature has established.

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Ed Malles, North Mesa Constable, spoke in opposition to map #10 and presented a letter to the Board from Judge Hamblen regarding the boundary between West Mesa and North Mesa. He said map #10 doesn't give North Mesa enough precincts and believes further effort is needed to resolve the disagreement between those two courts to make them more fairly balanced.

Judge Ore, East Tempe, said his boundary would remain the same regardless of the map chosen but he believed "this process is fundamentally flawed" because the 1,200 points are not treated as a maximum but as a target. He said that this has assured non-compliance with state law "for as long as I have been on the bench." He said that Judge Tolby approached it differently by giving the target as "over 900, under 1,100." He said that Maricopa County has grown faster than any other metropolitan area in America. As a result, if the target is set at 1,200 JPCs it becomes outdated very quickly and you are out of compliance. He said, "For the past 11 years we have never had all of the Justice Courts in compliance with statute." He added, "This needs to be fixed" and Judge Tolby's map approaches that in a cost-effective manner for the County. He explained, "Map #10 doesn't do that." He said that map #10 takes care of Scottsdale's problem by simply moving it to another precinct, West Tempe. He said it would bring West Tempe out of compliance by moving the boundary to Camelback Road. He also addressed problems created by the Legislature's imposition of a DUI fine (from \$500 to \$2,500) whose monies would be used to strengthen the Highway Patrol, thereby increasing case load in the Justice Courts. Also, the Justice Court Administration requests additional time, up to 60 days, to establish new precinct boundaries. He said that the majority of JP's and constables agree with Judge Tolby's map but added that it does not address all the problems and does not fix the problem, it is simply moving the problem."

Judge Reagan, McDowell Mountain Justice Court, formerly known as Scottsdale, said his perspective is different, stemming from the fact that in 2001 the Board voted to expand the size of the Scottsdale Justice Court to more than 270 square miles covering all or part of eight towns and cities in the area, Carefree, Cave Creek, Paradise Valley, East Phoenix, Scottsdale, Rio Verde, Fountain Hills and North Tempe. He called it an incredible piece of real estate and asked the Board to imagine how difficult it makes the Constable's job in serving court papers. He said, "Today you have a mega-court, especially considering that the area is growing at a compound rate of 20% per year since 2001." He said that all JPC credits are not alike, citing the fact that his court is now #1 in drunk driving cases in the County and #1 in civil filings, all of which are attorney represented, causing them to "drag on forever. We are overloaded. We are bloated, and attempts to resolve our resource problems (staffing) have met with resistance of the Justice of the Peace bench." He added, "We are going to be in worse shape on January 1st than we are right now." Regardless of the problems he identified, he asked that this map be approved.

Frank Outcalt, Constable for the Scottsdale Justice Court for the past 19 years, said that map #10 deals with balance – to bring the courts into balance, and he added, "At this time, we need help from Tempe." He urged the Board to support map #10.

Don Calender, Constable in Tempe West Precinct, spoke in opposition to map #10. He passed out correspondence from Judge Wilkins regarding the difference between maps #9 and #10. Judge Wilkins emphasized that those precincts having freeways would feel a significant increase in cases once the Highway Patrol hires a fuller complement and begins to patrol those freeways more thoroughly. He said that Tempe West realizes that Scottsdale needs help and they are "willing to take up to Thomas but feel it will be a problem if we have to take up to Camelback."

Joe Arredondo, Constable in East Tempe, spoke in opposition to map #10. He preferred map #9. He spoke to the travel distance for some constituents if the boundaries are moved.

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Supervisor Stapley said he supported map #10, believing it would give two years to anticipate adding two precincts and added that "if it is a mistake it would be a short-lived mistake." He asked all to "keep in mind that we are restrained by federal law, we can't redraw lines moving an elected official out of the existing precinct that they serve."

Supervisor Brock agreed and also addressed the credit imbalances mentioned by several speakers. Karen Osborne responded, saying that the difference between map #9 and map #10 invested in the change in the request from West Tempe to take in a great deal of Ahwatukee in addition to the Thomas line. She said that the community of Ahwatukee is a community of interest and must never be displaced. She said that West Tempe is currently averaging 728 JPCs and so to give them Ahwatukee would give them too many JPCs the relief is needed in the Scottsdale area, and so the line had been moved to Camelback Road instead. Referencing West and North Mesa, she said that areas including Fort McDowell and the Beeline Highway had been added to North Mesa since she thought this had been agreed to.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve new Justice of the Peace precinct lines as presented in map #10.

AMENDMENT WITH CITY OF LITCHFIELD PARK FOR PUBLIC SAFETY SERVICE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to the action in the intergovernmental agreement between the Maricopa County Sheriff's Office and the City of Litchfield Park to change the start date for the Sheriff's Office to provide an increase of .16 beats of public safety service to the city's existing service of .75 patrol beats to begin January 1, 2006, instead of September 1, 2005. The terms of this agreement are effective July 1, 2003 through June 30, 2006. In FY 2005-06, the City of Litchfield Park will reimburse the Sheriff's Office for public safety services provided, the amount of \$368,453, representing six months at .75 beats and six months at .91 beats of service.

This also approves, pursuant to A.R.S. §42-17106, a decrease in the appropriation adjustment approved in agenda item C5004002002 from \$68,450 to \$41,070 (\$82,140 annualized), to the Sheriff's Office General Fund (100) revenue and expenditure appropriation. Pursuant to Arizona Constitution Article 9, §20(3)(d)(x), "amounts received in return for goods and services pursuant to contract with another political subdivision, and expended by the other political subdivision, pursuant to the expenditure limitation in effect when the amounts are expended by the other political subdivision" are not local revenues, and thus not subject to the county's expenditure limitation. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. (C5004002003)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following donations:

- a. One donation to the Sheriff's Office in the amount of \$650 from Barb Fannon for use by the Maricopa County Sheriff's Office Animal Safe Hospice Unit. (C5006032M00) (ADM3900)

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- b. A \$1,700 donation from the Kachina Kennel Club for designated use by the Maricopa County Sheriff's Office Canine Unit for the purchase of Canine Unit related equipment or equipment for the handlers to use with their assigned K-9's. (C5006033M00) (ADM3900)

EXEMPTIONS FROM MARKINGS FOR MOTOR POOL VEHICLE REPLACEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve exemptions from markings, including the issuance of undercover non-governmental license plates, pursuant to A.R.S. §38-538.03, for 11 new motor pool vehicle replacements designated for Sheriff's Office detectives. This request has been coordinated with Equipment Services. (C5006034M00) (ADM3101V)

TRANSFER APPROPRIATED FUND FOR HELICOPTER OVERHAUL/FLIR REPLACEMENT

Pursuant to A.R.S. §42-17106 B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the transfer of \$626,829 from Appropriated Fund Balance (480), General Fund (100), Reserved Items (4811), for Justice Reserve to a new line in Appropriated Fund Balance (480), General Fund (100), and Other Programs (4812), entitled "Sheriff's Helicopter Overhaul/FLIR Replacement". Approval of this action allows \$376,829 for the Sheriff's Office to overhaul the FOX 1 helicopter, and set aside \$250,000 in funding to replace the forward looking infrared system and upgrade the wiring, following a request for proposal process. (C5006035800) (ADM3900-003)

ADOPT RESOLUTION AND ACCEPT GRANT FOR LAW ENFORCEMENT AND BOATING SAFETY FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt a Resolution to the Arizona State Parks Board and, if awarded, approve acceptance of a grant for Law Enforcement and Boating Safety Funds not to exceed \$210,000. This grant requires a 50% soft match of \$210,000, which is accommodated through existing budgeted funds. The purpose of this grant is to fund 50% of the salaries and benefits for six existing deputy sheriff positions that provide boating law enforcement on the county lakes and rivers. The estimated award period is July 1, 2006 through June 30, 2007. The Sheriff's indirect costs rate is 17.2%. These grant funds are the result of A.R.S. §5-383 and indirect cost recovery is not allowed. The unrecoverable indirect costs associated with this grant are estimated to be \$36,120. (C5006511300)

RESOLUTION

APPROVING THE APPLICATION TO THE ARIZONA STATE PARKS BOARD FOR LAW ENFORCEMENT AND BOATING SAFETY FUND ALLOCATION

WHEREAS, the Legislature under ARS §5-383 has authorized the establishment of the Law Enforcement and Boating Safety Fund (LEBSF) providing funds to the Board of Supervisors of Arizona counties for law enforcement and boating safety; and

WHEREAS, The Arizona State Parks Board is responsible for the administration of the fund program within the State, setting up necessary rules and procedures governing application by County Boards of Supervisors under the program; and

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WHEREAS, said procedures established by State Parks require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds, where appropriate; and

WHEREAS, the project will contribute to the law enforcement and boating safety programs of the County;

NOW, THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors hereby:

1. Approves the filing of an application for FY2006 Law Enforcement and Boating Safety Fund assistance; and
2. Certifies that Maricopa County will comply with all appropriate state regulations, policies, guidelines, and requirements as they relate to the application; and
3. Certifies that Maricopa County has matching funds in the amount of \$210,000 from the following source(s) General Fund; and
4. Authorizes the Sheriff, or his designee, to act on behalf of the Maricopa County Board of Supervisors in conducting negotiations, executing and submitting all documents including, but not limited to, applications, agreements, and other documents which may be necessary for completion of the LEBSF project.

DATED this 7th day of December 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

AMENDMENT TO LEASE FOR OFFICE SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to agenda item C1197006406, dated May 1, 2002, which approved Lease No. C5422 with Earl Property Fund I, LLC, for 8,625 square feet of office space at 3101 E. Shea Boulevard, Phoenix, AZ. Effective November 1, 2005, the building for the subject lease was sold to 3101 E. Shea Boulevard, LLP. All other terms and conditions of the existing lease remain the same. As such, this is an informational request. (C1197006407)

AMENDMENT WITH COVENANT PRESBYTERIAN CHURCH FOR OFFICE SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute amendment to Lease No. L7282 with Covenant Presbyterian Church, lessor, for 440 square feet of office space, located at 1224 W. Virginia Avenue, Phoenix, AZ. This amendment will extend the term of the existing lease from January 1, ~~2005~~ 2006 to December 31, 2009. The agreement provides for Maricopa County to contribute \$325 per month (\$3,900 annually plus rental tax) as reimbursement for its share of operating and utility cost. The lease contains a 90-day termination provision. (Correction made by the Clerk prior to the vote.) (C1199004403)

APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following appointments:

- a. Court Commissioners as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from January 1, 2006 through December 31, 2006, to serve in the various programs in the Justice Courts to reduce trial delay. The Commissioners would serve as Pro Tempore without any additional compensation other than that to which they are entitled as Court Commissioners. The list of Commissioners is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C3806007700) (ADM1001)
- b. Attorneys as Superior Court Judges Pro Tempore in accordance with A.R.S. §12-141. This serves the interests of judicial economy and promotes sound caseload management. The appointment will be for the period commencing January 1, 2006 through December 31, 2006. The attorneys would serve as Judges Pro Tempore without any compensation. The list of attorneys is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C3806008700) (ADM1001)
- c. Individuals as Pro Tempore Justice of the Peace for the period from January 1, 2006 through December 31, 2006, to serve in the various programs in the Justice Courts to reduce trial delay. The individuals would serve as Pro Tempore Justice of the Peace without any compensation. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C3806009700) (ADM1001)
- d. Individuals as Pro Tempore Justice of the Peace for the period from January 1, 2006 through December 31, 2006, to serve in the various programs in the Justice Courts to reduce trial delay. The individuals would serve as Pro Tempore Justice of the Peace without any additional compensation other than that to which they are entitled to as on-call Pro Tempore. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C3806010700) (ADM1001)

NAME DESIGNATION FOR THE JUSTICE COURTS

The following names were submitted by the respective Justices of the Peace for the Maricopa County Downtown, San Tan, and Southwest Regional Court Centers. (Changes were made by the Clerk to the San Tan Regional Court Center and by Supervisor Wilcox to the Southwest Regional Court Center prior to the vote) (C3806011700) (ADM1203)

Downtown Regional Court Center:

- o From Central Phoenix to Encanto Justice Court at the Downtown Regional Court Center
- o From East Phoenix #1 to Downtown Justice Court at the Downtown Regional Court Center
- o From East Phoenix #2 to Arcadia Biltmore Justice Court at the Downtown Regional Court Center
- o From South Phoenix to South Mountain Justice Court at the Downtown Regional Court Center

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- o From West Phoenix to West McDowell Justice Court at the Downtown Regional Court Center

San Tan Regional Court Center:

- o From Chandler to San Marcos Justice Court at the San Tan Regional Court Center
- o From East Tempe to University Lakes Justice Court at the San Tan Regional Court Center
- o From West Tempe to ~~Foothills~~ Kyrene Justice Court at the San Tan Regional Court Center
- o From South Mesa/Gilbert to San Tan Justice Court at the San Tan Regional Court Center

Southwest Regional Court Center:

- o From Buckeye to Estrella Mountain Justice Court at the Southwest Regional Court Center
- o From Gila Bend to Ironwood Justice Court ~~at the Southwest Regional Court Center to~~ remain at Gila Bend
- o From Maryvale to Maryvale Justice Court at the Southwest Regional Court Center
- o From Tolleson to Agua Fria Justice Court at the Southwest Regional Court Center

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve naming the Justice Courts according to a recognizable community or landmark within the precinct and according to the regional courthouse in which these courts shall be located. The Justice Courts shall be re-named according to a primary recognizable community or landmark within the precinct boundaries. Many of these courts currently carry city names which results in confusion with Municipal and Town Court jurisdictions. In an effort to give the public a clear indication of what County region specific courts are located the name will include a suffix indicating the regional courthouse name. The names of the current Justice Courts shall be changed in accordance with the Board's approval and may be deferred until the court is moved to the new regional facility.

TRANSFER EXPENDITURE APPROPRIATION FOR SUPPORT STAFF

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to transfer expenditure appropriation from FY 2005-06 contingency funds in the amount of \$90,179 (\$140,917 annualized), from the General Government (470) General Fund (100) "Justice Reserve" (4711) to the Office of the Legal Advocate (550) General Fund (100). This approval allows the department to add additional support staff in the form of a Human Resources Manager and an Information Technology Manager. (C5506001800) (ADM540)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to reject claim demands October 2005 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 the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$2,128,414.48 and A.R.S. §11-622 \$0.00). (C3906006700) (ADM1804)

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**MONTHLY REPORT
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Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Affiliated Cardiologists	265.00	0.00
Allure Plastic Sugery Pc	60,542.00	0.00
American Ambulance	1,220.58	0.00
Arizona Pulmonary Specialists	1,042.00	0.00
Associated Ophthalmologists	4,370.00	0.00
Associated Radiologists, Ltd	1,243.00	0.00
Associated Retina Consultants	6,822.12	0.00
Banner Baywood Heart	61,726.63	0.00
Banner Desert Medical Ctr	20.14	0.00
Banner Estrella Medical	5,846.23	0.00
Banner Good Samaritan Reg Med	179,095.11	0.00
Bethancourt, Bruce A Md	405.00	0.00
Biltmore Cardiology Pllc	667.00	0.00
City Of Phoenix Ambulance	2,120.17	0.00
Clinical Diagnostic Radiology	1,388.00	0.00
Digestive Hlth Center Of Az	38.00	0.00
Edmonds, Gregory P. Md	941.55	0.00
Emergency Physicians Prof Asso	2,704.00	0.00
Emergency Professional Svcs Pc	2,999.50	0.00
Employer Emergency Physicians	968.00	0.00
Endocrinology Associates, Pa	172.00	0.00
Hulsey, Bradley S. Md	630.00	0.00
J M Kassenbrock Md	61.37	0.00
Jacinto L Marquez, Md	1,980.00	0.00
Maricopa Health Systems	1,368,912.92	0.00
Mayo Clinic Arizona	1,944.50	0.00
Medpro	148,653.96	0.00
Paradise Balley Pathology PI	190.81	0.00
Phoenix Anesthesia Consultants	1,540.00	0.00
Phoenix Baptist Hospital	20,235.20	0.00
Phoenix Memorial Hospital	112,768.32	0.00
Professional Medical Transport	776.90	0.00
Progressive Medical	287.00	0.00
Pulmonary Associates	240.00	0.00
Radiology Services	110.34	0.00
Southwest Ambulance	3,078.35	0.00
St Josephs Hosp Arizona	95,480.00	0.00
St Luke's Medical Center	33,858.78	0.00
Sun City Imaging, Pc	295.00	0.00

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Valley Anesth Consultants Ltd	2,775.00	0.00
Grand Totals:	2,128,414.48	0.00
Restitution	0.00	
Totals Denials:	2,128,414.48	

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas with changes, as noted by the Clerk, in deleting Deborah Donofrio, 3rd name from the top on page 5, and Rich Marshall, last name on page 15, from this list. Exhibits A and B will be found at the end of this set of minutes.

EXPENDITURE ADJUSTMENTS FOR COMPUTER REPLACEMENT PROGRAM

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following expenditure appropriation adjustments totaling \$325,440, by reducing General Government General Fund Reserved Contingency- Desktop /Laptop Refresh Program (100-470-4712) in the amount of \$325,440, and increasing departmental General Fund budgets. This action is required to fund the replacement of general fund computers (PCs and Laptops) that either have expired warranties or warranties that will expire during FY 2005-06. The countywide net impact of these adjustments is zero. (C4906017800) (ADM1831)

IGA WITH SADDLE MOUNTAIN UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) with the Saddle Mountain Unified School District to provide school-based tobacco use prevention and education services. The term of the agreement is retroactive from July 1, 2005 through May 1, 2006, for a contract dollar amount not-to-exceed \$1,500. (C8606445200)

AMENDMENT WITH HOUSING FOR MESA HOMEOWNERSHIP FOR HOUSING PAYMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No.1 to the HOME Community Housing Development Organization agreement for the Housing for Mesa Homeownership Opportunities program to increase the percentage of allowable household gross income that can be used for housing payments from 30% to 40%. This amendment does not change the original contract amount or contract term. (C1706025201)

AMENDMENT WITH EVIT FOR HEAD START FACILITIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 5 to the intergovernmental agreement with the East Valley Institute of Technology (EVIT) to provide the Maricopa County Human Services Department with Head Start classroom facilities and playground at 1601 W. Main, Mesa, Arizona. The purpose of this action was to correct an error made on agenda C2202064204 which listed the amendment as "non-financial" when there is a contract value of \$15,000 in payment for the use of the facility. Funding is provided by the U.S.

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Department of Health and Human Services and no county funding is included. This amendment does not change the term of the contract, which remains July 1, 2005 through June 30, 2006. (C2202064205)

AMENDMENT WITH ARIZONA CALL A TEEN, INC. FOR WIA YOUTH PROGRAM SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 5 to Contract C2204096104 with Arizona Call A Teen, Inc. 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 2005-06. A total of 107 In-School youth program participants will be served by this contract. Amendment No. 5 is an administrative amendment and there is no change to the current amount of funding. This amendment is effective October 17, 2005. The term of this contract remains unchanged from July 1, 2005, to June 30, 2006. (C2204096106)

TRANSFER EXPENDITURE AUTHORITY FOR SAIL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1), pursuant to A.R.S. §42-17106B, to

- Authorize the transfer of expenditure authority of \$77,969 from General Government (470) General Fund (100) Reserved Contingency (4711) line item "Health Reserve" to Human Services (220) General Fund (100),
- Authorize the transfer of expenditure authority of \$260,721 from Appropriated Fund Balance (480) Fund (100) Other Programs (4812) line item "Relocations/New Facility Start-Up" to Appropriated Fund Balance (480) Fund (100) Other Programs (4812) new line item "Human Services: SAIL Relocation." and
- Authorize the transfer of expenditure authority of \$25,948 from General Government (470) General Fund (100) General Contingency (4711) to Human Services (220) General Fund (100) to fund 0.5 FTE for the EASE program.

These actions will have a countywide net impact of zero.

This vote will reduce Revenue and Expenditure appropriation from Human Services (220) Grants Fund (222) by \$210,345. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these funds are not prohibited by the budget law. This appropriation adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. It will also approve the following appropriations adjustments:

- Increase the expenditure appropriation of Human Services (220) General Fund (100) and decrease expenditure appropriation of General Government (470) General Fund (100) by \$103,917; and
- Reduce Revenue and Expenditure appropriation from Human Services (220) Grants Fund (222) by \$210,345.

These actions will allow the SAIL Program to provide case management services to eligible clients so they can receive services to keep living in their homes, thus keeping them out of the more costly Arizona Long Term Care Services Program, as well as, administer the EASE program. (C2206151800) (ADM2500-003)

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IGAs WITH WORKFORCE DEVELOPMENT FOR JOB TRAINING

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following intergovernmental agreements (IGAs) in the amount of \$50,000 each. These agreements will support program services and strategies designed to enhance coordination between the counties and strengthen the statewide workforce development delivery system. These contracts do not contain any county general funds.

- a. Navajo County Workforce Development (C2206161200)
- b. Mojave County Workforce Development (C2206162200)

APPOINTMENTS TO MARICOPA WORKFORCE CONNECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to appoint the following individuals to Maricopa Workforce Connections, which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act of 1998. The terms are effective upon appointment by the Board of Supervisors through June 30, 2007. (C2206163M00) (ADM2512-001)

- o Tom Colombo, Arizona Department of Economic Security Employment and Rehabilitation Services
- o Rex Critchfield, Arizona Department of Economic Security Aging and Adult Administration

ACCEPT SLIF GRANT FROM THE ARIZONA STATE PARKS TO BUILD FLOATING DOCK

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept from the Arizona State Parks the awarded State Lake Improvement Funds (SLIF) grant. The award is for \$128,454 and will be used to build a dock at the Desert Outdoor Center at Lake Pleasant. Approve an appropriation adjustment to Parks & Recreation Grant Fund (230-301) increasing the FY 2005-06 revenue budget by \$128,454 and the expenditure budget by \$128,454. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. (C3006014300)

BIDS AND AWARD CONTRACT FOR RV DUMP STATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize call for bids to construct a RV Dump Station at White Tank Mountain Regional Park and award a contract to the lowest responsible bidder if the bid does not exceed the engineer's estimate by more than 10%. Funding for this project was approved by the Board of Supervisors on September 21, 2005, as a part of agenda item C3006009M00 and is available in the General Government County Improvement Funds (Dept. 470, Fund 445, Org 4713). (C3006015500)

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TRANSFER EXPENDITURE AUTHORITY FOR ASSISTANT DIRECTOR POSITION

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the transfer of expenditure authority in the amount of \$50,085 from General Government (Dept 470) General Fund (Fund 100) General Contingency (4711) to the Parks Department (Dept 300) General Fund (Fund 100) Administration (3039). Approval of this action allows the Parks Department to create an Assistant Director position. Also approve a base budget adjustment to the Parks and Recreation Department FY 2006-07 target budget for annualized funding in the amount of \$118,837. (C3006016800) (ADM3200-001)

KENNEL PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the issuance of the following kennel permits for the term of December 7, 2005 through December 6, 2006. The cost of each kennel permit is \$90, unless otherwise noted.

- a. Dorothy Ivers, d.b.a. Ivers Kennels, 4504 W. Harmont Drive, Glendale, AZ 85302, Permit #413 (C7906030C00) (ADM2304)
- b. Humane Society of Wickenburg, a 501 (C) 3 non-profit corporation, 747 Weaver Street (P.O. Box 147), Wickenburg, AZ 85390, Permit #422 (C7906033C00) (ADM2304)
- c. Patricia Clark, d.b.a. Clark Kennels, 6422 S. 35th Avenue, Phoenix, AZ 85041, Permit #350, plus a return trip fee of \$50, totaling \$140. (C7906040C00) (ADM2304)

RENEW KENNEL PERMITS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of December 7, 2005 through December 6, 2006. The cost of each kennel permit is \$90, unless otherwise noted.

- a. Linda Herr, d.b.a. Herr Kennels, 16118 E. Via De Palmas, Gilbert, AZ 85297, Permit #404; (C7906031C00) (ADM2304)
- b. Friends For Life, a 501 (C) 3 non-profit corporation, 143 W. Vaughn Avenue, Gilbert, AZ 85234, Permit #334 (C7906031C00) (ADM2304)
- c. Teri Williams, d.b.a. Williams Kennels, 1687 S. Villas Lane, Chandler, AZ 85248, Permit #317. The cost of the late penalty is \$25, for a total of \$115. Williams Kennels submitted their permit application past the due date. (C7906032C00) (ADM2304)
- d. Liz Hazen d.b.a. Hazen Farms, 26951 W. Hazen Road, Buckeye, AZ 85326, Permit #340; (C7906035C00) (ADM2304)
- e. Glenn Haskins, d.b.a. Haskins Kennels, 22840 N. 219th Avenue, Surprise, AZ 85387, Permit #406; (C7906035C00) (ADM2304)
- f. Malcom D. Harrison, d.b.a. Harrison Kennels, 930 W. Sunland Avenue, Phoenix, AZ 85041, Permit #027 (C7906035C00) (ADM2304)

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- g. Diane Johnson, d.b.a. Johnson Kennels, 1013 W. Madison Street, Phoenix, AZ 85007, Permit #306 (C7906037C00) (ADM2304)
- h. Sue Collins, d.b.a. Puppy Love Kennel, 1328 E. Echo Lane, Phoenix, AZ 85020, Permit #363 (C7906037C00) (ADM2304)
- i. Susan Di Gregario, d.b.a. S & J Kennels, 1117 N. 11th Street, Phoenix, AZ 85006, Permit #082 (C7906037C00) (ADM2304)
- j. Cheryl D. Wilson, d.b.a. Wilson's Kennels, 28022 N. 30th Lane, Phoenix, AZ 85085, Permit #401 (C7906037C00) (ADM2304)
- k. Marilyn Domhoff, d.b.a. Shante Afghans, 6824 W. Karen Lee Lane, Peoria, AZ 85352, Permit #405 (C7906038C00) (ADM2304)
- l. George Fune, d.b.a. Fune Kennels, 2527 E. Southern Avenue, Phoenix, AZ 85040, Permit #275 (C7906038C00) (ADM2304)
- m. Eddie V. Jarrett, d.b.a. Canine Haven, 3353 E. McDowell Road, Mesa, AZ 85213, Permit #297 (C7906038C00) (ADM2304)

WAIVE MONTHLY REPORTING OF CASH AND NON-CASH DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to waive the monthly reporting requirements of the Maricopa County Donation Policy A2508 and authorize Animal Care & Control to submit an annual summary report excluding pet food and pet-related merchandise to the Clerk of the Board. Animal Care & Control maintains a budgeted Donation Fund and has been approved by the Board of Supervisors to accept all pet food and pet-related merchandise (C7999017700); and, all donations received through the license process (C7900015000) without further Board of Supervisor approval. License donations will be submitted with annual summary. (C7906034M00) (ADM1810)

AGREEMENT WITH DIANE KRAUS, D.B.A. CAST OFF COCKERS TO RESCUE ANIMALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an agreement between Diane Kraus, d.b.a. Cast Off Cockers, 2538 W. Keating Avenue, Mesa, AZ 85202, and Maricopa County, to allow Diane Kraus and Cast Off Cockers, under the New Hope Program, to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 25 New Hope rescues over the term of the agreement, for a total of \$675. The term of this agreement is from December 7, 2005 through December 6, 2006. (C7906036100)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including

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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.

EXECUTE AGREEMENT WITH CITY OF PHOENIX FOR EXCHANGE OF REAL PROPERTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute an agreement with the City of Phoenix for the exchange of real property wherein the county will convey approximately 60,850 square feet of property located east of the Humans Services Campus to the City of Phoenix. The city will convey to the county approximately 56,240 square feet of property, consisting of four parcels located west of 9th Avenue between Jefferson and Madison and four parcels south of Jefferson between 9th Avenue and 8th Avenue. Authorize the needed escrow expenditures and authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to complete this exchange. Legal approval is subject to legal review of the final documents. (C1806028000) (ADM811)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- 05102-S** **Fire Alarm Services** (\$5,000,000 estimate/three years with three one-year renewal options). Price agreement to provide fire alarm systems testing, inspection, and preventative maintenance and associated repairs for county facilities as requested by the Facilities Management Department.
 - o Arizona Fire & Security, Inc.

- 05128-RFP** **Aerial Imaging Services** (\$2,200,000 estimate/three years with three one-year renewal options). Contract for aerial imaging services for the Assessor, Flood Control District and MCDOT.
 - o Sanborn Map Company, Inc.

- 05129-RFP** **Economic Forecasting Services** (\$250,000 estimate/three years with three one-year renewal options). Contract for economic forecasting services for the Office of Management and Budget.
 - o Elliott D. Pollack & Company

Increase in the price agreement amount for the following contract. This request is due to an increased usage by county departments.

- 03029-C** **Candy, Snacks, Frozen Food & Bakery Items** (\$250,000 increase). Increase price agreement value from \$500,000 to \$750,000. This \$250,000 increase is being requested by the Sheriff's Inmate Canteen to cover purchases for stocking their commissary items for resale to the inmates. The Board of Supervisors

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approved the initial price agreement on October 22, 2003, in the amount of \$3,000,000. The price agreement was renewed for a three-month period by the Materials Management Director for \$500,000 on July 28, 2005. This price agreement has an expiration date of January 31, 2006.

CAPA Training

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Air Quality

Wayne McNulty

Finance

April Lopez

Clerk of the Board

Evelyn Bester

Facilities Management

Cadle Collins

Tom Nelson

Michael Sargent

Human Resources

Patty Duncan

Scott Mara

Monica Mendoza

Public Health

Shirley Strembel

SETTLEMENT OF ANTHONY RAMOS V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement of the Anthony Ramos v. Maricopa County, et al. lawsuit, CV2003-004559 in the amount of \$800,000. This item was discussed in Executive Session on November 14, 2005. (C7506010100) (ADM409)

SETTLEMENT OF ZAMORA V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement of the Zamora, et al. v. Maricopa County, et al. U.S. District Court lawsuit, CV2004-009643, in the amount of \$300,000. This item was discussed in Executive Session on November 14, 2005. (C7506012100) (ADM409)

SETTLEMENT OF LARA-MENDOZA V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve settlement of the Lara-Mendoza v. Maricopa County lawsuit, CV2003-021815, in the amount of \$250,000. This item was discussed in Executive Session on November 14, 2005. (C7506013100) (ADM409)

IGA WITH AGUA FRIA UNION HIGH SCHOOL DISTRICT FOR RECEPTION AND CARE CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the non-financial intergovernmental agreement (IGA) between Agua Fria Union High School District and Maricopa County Emergency Management Department concerning the use of district's facilities as a Reception and Care Center during the event of an evacuation or exercise at Palo Verde Nuclear Generating Station. (C1506007000)

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AMENDMENT WITH EARL CAPITAL MANAGEMENT, LLC, FOR OFFICE SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to agenda item C8897046402, dated September 18, 2002, which approved Lease No. L7210 with Earl Capital Management, LLC, for 3,800 square feet of office space at 3101 E. Shea Boulevard, Phoenix, AZ. Effective November 1, 2005, the building for the subject lease was sold to 3101 E. Shea Boulevard, LLP. All other terms and conditions of the existing lease remain the same. As such, this is an informational request. (C8897046403)

CHANGE ORDERS WITH LAYTON CONSTRUCTION COMPANY OF ARIZONA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following change orders with Layton Construction Company of Arizona:

- a. Change Order No. 7 to Contract CFD 03-02 for construction of the Northeast Superior and Justice Courts Design-Build Project No. 2002320930, located at 40th Street and Union Hills Drive in Phoenix, in the amount of \$138,564.64. Change Order No. 7 is the final closeout change order for this project. The increase is within the project budget as amended by the Board of Supervisors agenda item C7004040800. (C7005003504)
- b. Change Order No. 3 for construction of the Southeast Juvenile Detention Facility (Building #2856) Improvements Project #2856-05-008, located at 1810 S. Lewis Street, Mesa, in an amount of \$54,226. Change Order No. 3 will allow for the additional services related to the installation of the air handler equipment at the facility. (C7005016502)
- c. Change Order No. 4 for construction of the Southeast Juvenile Detention Facility (Building #2856) Improvements Project #2856-05-008, located at 1810 S. Lewis Street, Mesa, in an amount not-to-exceed \$50,000. Change Order No. 4 will allow for additional services related to the installation of the air handler equipment at the facility. (C7005016503)

ADJUSTMENT TO MAINTENANCE BUDGET FOR DEMOLITION AND EXPANSION PROJECTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following FY 2005-06 Major Maintenance budget adjustments in Year 1, Appropriated Fund Balance, Department (480), General Fund (100), Org (4832):

- o Decrease Public Health Trailer Gld, Function Class PHGL, by \$24,000
- o Decrease Public Health Trailer 7th, Function Class PHSA, by \$17,000
- o Decrease Smith Peak Radio, Function Class TSMR, by \$123,000
- o Create a new project titled "Durango Building Demolition" in the amount of \$89,000
- o Create a new project titled "MCSO Telecomm Expansion" in the amount of \$75,000

The adjustments have a net zero impact on the overall county budget. (C7006012800) (ADM800-003)

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ADJUSTMENT TO MAINTENANCE BUDGET FOR JAIL IMPROVEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following FY 2005-06 Major Maintenance budget adjustments in Year 1, Appropriated Fund Balance, Department (480), Detention Fund (255), Org (4832):

- o Decrease Lower Buckeye Jail Central Plant, Function Class LBJP by \$400,000 in Year 1
- o Increase Estrella Jail Improvements, Function Class EJIS by \$250,000 in Year 1
- o Increase Towers Jail Improvements, Function Class TIJU by \$150,000 in Year 1.

The adjustments have a net zero impact on the overall county budget. (C7006013800) (ADM800-003)

RESOLUTION FOR IMPLEMENTATION OF SUSTAINABLE BUILDING PRACTICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Resolution for the Implementation of Sustainable Building Practices to be signed by the Chairman of the Board of Supervisors and the Clerk of the Board. The purpose of this resolution is to state the Board of Supervisors' commitment to sustainable building practices and to promote the implementation of these practices for all county facilities. (C7006015M00) (ADM813)

RESOLUTION

**Of the Maricopa County Board of Supervisors Regarding the
Implementation of Sustainable Building Practices**

WHEREAS, Maricopa County has stated its strategic goal to carefully plan and manage land use in Maricopa County in order to preserve and strengthen our environment, and

WHEREAS, Maricopa County seeks opportunities for the County government to serve as a model for implementing conservation projects and reducing energy consumption, and

WHEREAS, the planning, design, construction, operation and maintenance of County facilities have a significant impact on the County's sustainability, and

WHEREAS, sustainable building practices will provide significant environmental benefits to Maricopa County through conserving energy, water and other natural resources, as well as reducing solid waste, and

WHEREAS, sustainable building practices benefit those who occupy sustainable buildings through improved indoor environmental quality, and improved building performance, and

WHEREAS, sustainable building practices benefit the County taxpayer by focusing on life cycle costs, resulting in reduced facility operating and maintenance costs, and

WHEREAS, sustainable building practices benefit the local economy of Maricopa County by promoting the responsible usage of local resources, and generating local markets for environmentally preferable design and construction materials.

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NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors are committed to demonstrating their commitment to environmental, economic, and social stewardship by supporting sustainable building practices within Maricopa County. The Board strongly supports all existing and new County facilities to incorporate sustainable building practices, to the extent possible.

DATED this 7th day of December, 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

AMENDMENTS TO FIVE-YEAR CAPITAL IMPROVEMENT PLAN

In accordance with A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the following amendments to the FY 2005-06 Five-Year Capital Improvement Plan:

- a. Fund (422), Department (470):
- o Decrease FY 2004-05 projected expenditures to final actual expenditures for the Buckeye Hills Shooting Range (Infrastructure), Function Class BBHS, Fund (422), by \$122,934 from \$150,000 to \$27,066, and adjust the project budget by increasing Year 1 (FY 2005-06) by \$122,934, from \$1,778,390 to \$1,901,324.
 - o Decrease FY 2004-05 projected expenditures to final actual expenditures for the Environmental Services Facility, Function Class SESB, Fund (422) by \$686, from \$2,402,838 to \$2,402,152, and adjust the project budget by increasing Year 1 (FY 2005-06) by \$686, from \$100,000 to \$100,686.
 - o Decrease Year 1 (FY 2005-06) Project Reserve, Function Class PRSA, Fund (422) by \$123,620, from \$534,057 to \$410,437.

The requested action was necessary because the actual spending during FY 2004-05 for the Buckeye Hills Shooting Range (Infrastructure) and the Environmental Services Facility were less than anticipated. The requested action has a net impact of zero on the approved project budgets. (C7006016800) (ADM800-003)

- b. Fund (445), Department (470):
- o Increase FY 2004-05 projected expenditures to final actual expenditures for the Northeast Superior Court/Justice Court Expansion, Function Class CNRT, Fund (445) by \$1,620,910, from \$11,727,337 to \$13,348,247, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$1,620,910, from \$2,500,000 to \$879,090.
 - o Decrease FY 2004-05 projected expenditures to final actual expenditures for the Downtown Justice Center, Function Class DCJC, Fund (445) by \$158,712, from \$499,987 to \$341,275, and adjust the project budget by creating a line item in Year 1 (FY 2005-06) in the amount of \$158,712.
 - o Decrease FY 2004-05 projected expenditures to final actual expenditures for the Northwest Consolidated Justice Courts, Function Class RNRC, Fund (445) by \$87,957, from \$479,238 to \$391,281, and adjust the project budget by creating a line item in Year 1 (FY 2005-06) in the amount of \$87,957.

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- Increase FY 2004-05 projected expenditures to final actual expenditures for the Security Building, Function Class SSCB, Fund (445) by \$347,975, from \$4,092,659 to \$4,440,634, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$347,975, from \$5,800,000 to \$5,452,025.
- Increase FY 2004-05 projected expenditures to final actual expenditures for the Comfort Station Improvements, Function Class CSTI, Fund (445) by \$140, from \$60,724 to \$60,864, and adjust the project budget by decreasing Year 1 (FY 2005-06) by \$140, from \$908,376 to \$908,236.
- Decrease FY 2004-05 projected expenditures to final actual expenditures for the Maricopa Regional Trail System, Function Class MRTS, Fund (445) by \$47,000, from \$47,000 to \$0, and adjust the project budget by increasing Year 1 (FY 2005-06) by \$47,000 from \$953,000 to \$1,000,000.

The requested action was necessary because the actual spending during FY 2004-05 for the Northeast Superior Court/Justice Court Expansion, the Security Building and the Comfort Station Improvements was more than anticipated and the actual spending for the Downtown Justice Center, Northwest Consolidated Justice Courts and the Maricopa Regional Trail System was less than anticipated. The requested action has a net impact of zero on the approved project budgets. (C7006018800) (ADM800-003)

c. Fund (455):

- Decrease prior year projected expenditures to final actual expenditures for the Fourth Avenue Jail, Function Class FFAJ, Fund (455) by \$1,227,442, from \$5,372,921 to \$4,145,479. The amount of \$1,227,442 is the projected savings for the Fourth Avenue Jail project, reducing the total project budget in Fund (455) from \$143,320,354 to \$142,092,912.
- Decrease prior year projected expenditures to final actual expenditures for the Durango Juvenile Detention/Treatment Center, Function Class JJDR, Fund (455) by \$2,057,732, from \$6,155,680 to \$4,097,948. The amount of \$2,057,732 is the projected savings for the Durango Juvenile Detention/Treatment Center project, reducing the total project budget in Fund (455) from \$93,383,017 to \$91,325,285.
- Decrease prior year projected expenditures to final actual expenditures for the Lower Buckeye Jail, Function Class LLBJ, Fund (455) by \$426,637, from \$7,661,599 to \$7,234,962. The amount of \$426,637 is the projected savings for the Lower Buckeye Jail project, reducing the total project budget in Fund (455) from \$227,136,289 to \$226,709,652.
- Increase prior year projected expenditures to final actual expenditures for the Madison Street Jail Renovations, Function Class MSJR, Fund (455) by \$117, from \$7,500 to \$7,617, and adjust the project budget by decreasing Year 1 (FY 2005-06) Fund (455) by \$117, from \$4,850,000 to \$4,849,883.

The requested action was necessary because the actual spending during FY 2004-05 for Fourth Avenue Jail, Durango Juvenile Detention/Treatment Center, and the Lower Buckeye Jail was less than anticipated and the actual spending for the Madison Street Jail Renovations was more than anticipated. (C7006019800) (ADM800-003)

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APPROPRIATE FUNDS TO AWARD CONTRACT FOR MANAGEMENT STUDY

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between General Government (Department 470, Fund 249) and Planning & Development Department (440) Planning & Development Fees Fund (226). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (Department 470, Fund 249) by \$124,890 and increasing the FY 2005-06 Planning & Development Department (440) Planning & Development Fees Fund (226) by \$124,890. These adjustments will result in a countywide net impact of zero. Approval of this action was required in order to fund a management study of the department, which will be completed under a contract awarded by the Materials Management Department. (C4406012000) (ADM3400-003)

EASEMENTS AND RIGHTS-OF-WAY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- | | |
|---|---|
| A333.010
A333.011
A333.013
(JPM) | Project No: TT186 – Indian School Road (Litchfield Rd. to Dysart Rd.) – Agreement for Right of Entry- Parcel No.: 508-02-389, 508-02-416, 508-02-417 (portion of) – Dysart Ranch Community Association - for the sum of \$500.00. |
| A339.026
(JPM) | Project No: TT193 – 99 th Avenue at Palmeras Drive - Agreement for Right of Entry - Parcel No.: 230-07 (a portion of Tract F, Sun City Unit 41) – Sun City Home Owners Association - for the sum of \$500.00. |
| W-6305
(JPM) | Project No: TT062 – Ellsworth Road – Warranty Deed - Parcel No.: 218-07-622 (a portion of) – Sajjad A. Minhas and Rukhshanda S. Minhas - for the sum of \$510.00. |
| W-6305
(JPM) | Project No: TT062 – Ellsworth Road – Purchase Agreement and Escrow Instructions - Parcel No.: 218-07-622 (a portion of) – Sajjad A. Minhas and Rukhshanda S. Minhas. |
| N/A
(GL) | Project No: TT123 – Brown Road (94 th St. to Crismon Rd.) – Agreement for Right of Entry - Parcel No.: 220-20-009E – Jeffery Craig Miller - for the sum of \$200.00. |
| N/A
(LS) | Project No: 68931 and 80408 – Alma School Road Bridge at Salt River – Short-Term Use Permit – Salt River Pima-Maricopa Indian Community. |
| N/A
(LS) | Project Nos: 68931 and 80408 – Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) –Grant of Easement for Right-of-Way – United States of America, acting by and through its Superintendent, Salt River Agency, Phoenix Area Office, Bureau of Indian Affairs, Department of the Interior - for the sum of \$486,500.00. |

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RIGHT-OF-WAY PERMIT-32ND STREET & PINNACLE PEAK ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an application for the assignment of Maricopa County Board of Supervisors' interests in a right-of-way permit, granted by the Arizona State Land Department on March 5, 1965. Our interest in this permit will be assigned to the City of Phoenix, a municipal corporation. The right-of-way permit, known as Arizona State Land Department R/W No. 09-3701 is for a 40-foot width of right-of-way located within Sections 13, 14, and 24 of T4N, R3E G&SRB&M, Maricopa County, Arizona on approximately the 32nd Street alignment south of Pinnacle Peak Road. This area has been annexed by the City of Phoenix and is under jurisdiction of the city. A filing fee of \$200 is required by the State Land Department to process this assignment of property rights. This item was continued from the October 5, 2005 and November 2, 2005 meetings. (C6406048B00) (ADM2007-001)

IGA WITH CITY OF PEORIA FOR 83RD AVENUE & PINNACLE PEAK PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the intergovernmental agreement (IGA) among Maricopa County, the Flood Control District of Maricopa County, and the City of Peoria for the construction, construction management and operation, and maintenance of the 83rd Avenue and Pinnacle Peak Road Drainage Improvements Project. The county is contributing one-third of the project costs for the project features from 91st Avenue to 87th Avenue, Cielo Grande to Pinnacle Peak Road, estimated to be \$2,100,000, making the County's estimated share \$700,000. The district will invoice the county for 50% of the one-third cost share upon awarding of a contract for construction. Upon completion of the construction and final accounting, the district will invoice the county for the final 50% of the one-third contribution. Funds will be budgeted in the FY 2007-08 capital budget in Department (640), Fund (234), Project Number T124, Pinnacle Peak Road: Lake Pleasant to 83rd Avenue to provide funding for this agreement. Approval of this agenda item is contingent upon the Board adopting the FY 2007-08 recommended budget. (C6406049000)

AGREEMENT WITH HEWLETT PACKARD FOR SHIP-TO-SITE SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Business Continuity Services Ship-to-Site Agreement with Hewlett Packard. The agreement is \$623 per month for three years, for a total of \$22,428. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2006-07 and FY 2007-08 budgets. (C6406079100)

EXPENDITURE BUDGET FOR TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the addition of Project T205, 99th Ave at Palmeras, with a budget of \$100,000 to the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640), Fund (234). Approve an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for Project T002, Project Reserves Account (MCDOT #69998) capital budget by \$100,000. This decrease will offset the increase requested above for a countywide impact of zero. (C6406080000) (ADM2000-003)

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CONSULTANT SERVICES WITH RBF CONSULTING FOR DESIGN CONCEPT REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Consultant Services Contract No. 2005-058 with RBF Consulting in a lump sum fee amount not-to-exceed \$494,120.91 for the preparation of a design concept report for Ellsworth Road: Hunt Highway to Chandler Heights Road, Project No. T178. The design concept report will be completed in 300 calendar days from the notice-to-proceed. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2006-07 budget. (C6406082500)

SALT RIVER PROJECT EASEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the granting of an easement to Salt River Project for a transmission line relocation project. Salt River Project needs an easement for transmission line relocation on Ocotillo Road between Sossaman Road and Hawes Road. This easement is being granted at no cost to SRP because the Town of Queen Creek is planning on annexing the roadway and asked SRP to relocate their transmission lines. In a future road widening project, the transmission lines would need to be relocated and either the county or the Town of Queen Creek would have to pay the relocation costs. By granting them an easement, the county can save relocation costs incurred at a future date. (C6406084000) (ADM2013)

APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve or continue the following appointments/reappointments:

- a. **Planning and Zoning Commission** – Re-Appoint Mr. Jerry Aster, representing Supervisorial District 3, whose term will be effective from Board of Supervisors' approval through December 17, 2009.
- b. **Deferred Compensation Committee** – Appoint Supervisor Fulton Brock, representing Supervisorial District 1 **CONTINUED TO DECEMBER 21, 2005.** (ADM3312-001)

SETTING OF HEARINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to set the following hearings. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

- a. **Road File Declaration** – Set a public hearing to declare the following roads into the county highway system for 10:00 a.m., Wednesday, January 4, 2006.
 - i. **Road File No. A261.** In the vicinity of 191st Avenue from Van Buren Street to Indian School Road. (Supervisorial District 4) (C6406083000)
 - ii. **Road File No. A354.** In the vicinity of San Tan Boulevard on the West portion of the intersection at Higley Road. (Supervisorial District 1) (C6406087000)

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HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor, seconded by Supervisor , and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for January 4, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-106; Z2005-023

APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following official appointments for Deputy County Recorder:

- o Ashley DiMaggio,
- o Raquel Soto,
- o Cathy Knappenberger, and
- o Jeanette Frausto.

ASRS CLAIMS

No claims were submitted by the Arizona State Retirement System at this time. (ADM3309-001)

CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts, as follows. (Canvass results are on file in the Office of the Clerk of the Board.)

Fountain Hills Sanitary District	ADM 4442
Maricopa Water District	ADM 4391
Olivewood Estates IWDD #29	ADM 4364
Queen Creek Irrigation District	ADM 4318
Rancho Grande Landerwood IWDD #24	ADM 4360
San Tan Irrigation District	ADM 4321
Scottsdale Waterfront Commercial Community Facilities District	ADM 4300
Sunburst Farms Irrigation District	ADM 4323
Western Meadows Irrigation District	ADM 4326

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	CLASS FROM	CLASS TO
111-33-090	2005	Ciadella Paul S	CI/5	CI/6.1
118-02-075	2005	Craig Graham	CI/4	CI/3
138-27-030	2005	Maddock, Robert	CI/4	65% CI/6.1

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PARCEL NO.	YEAR	OWNER	CLASS FROM	CLASS TO
149-47-215	2003	Geneva Grinstead	CI/4	35% CI/3
149-47-215	2004	Geneva Grinstead	CI/4	CI/3
149-47-215	2005	Geneva Grinstead	CI/4	CI/3
154-30-019	2005	David Stovall	CI/4	CI/3
174-20-228	2004	Supriya Ransinghani	CI/4	67% CI/4 33% CI/3
174-20-228	2005	Supriya Ramsinghani	CI/4	CI/3
175-58-183	2005	David Kradin	CI/4	CI/3
215-67-374	2003	Rochelle Kaecher	CI/4	CI/3
215-67-374	2004	Rochelle Kaecher	CI/4	CI/3
215-67-374	2005	Rochelle Kaecher	CI/4	CI/4
217-25-221	2003	Richard Owens	CI/4	CI/3
217-25-221	2004	Richard Owens	CI/4	CI/3
217-25-221	2005	Richard Owens	CI/4	CI/3
167-27-076	2005	Lu Ann C Powell	CI/4	CI/3

COMBINED CHARITABLE CAMPAIGN

No cash or in-kind contributions for the 2006 Combined Charitable Campaign through corporate sponsorships and donations were presented at this time. (ADM3311-002)

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested compromises as payment in full. This item was discussed in Executive Session on November 14, 2005. (ADM407)

Grisby, Elijah	\$1,880.00
Hyden, Seth	\$3,000.00
Mercado, Carmen	\$175.00

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the Treasurer's Statement of Collections and Investment summary reports for October 2005 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

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COUNTY

Ryan Neville	260018376	General	\$1,092.55
Cheryl R. Compton	260000806	HSD County	\$137.72
Kyla L. Braker	260021891	Payroll	\$1,628.21
Advance Forensic Assessments	360500312	Expense	\$1,382.00
Laura Ruskin	360515742	Expense	\$1,000.00

SCHOOLS

Thomsen Learning	Agua Fria Union High SD	460043604	\$1,014.13
Steve and Barry's University Sports	Agua Fria Union High SD	460043600	\$310.55
Michelle Amparano	Agua Fria Union High SD	160033368	\$200.13
Yolanda Huynh	Queen Creek SD #95	160006517	\$696.65
Hammond & Stephens	Higley SD #60	460006098	\$171.24
Kristi Pashley	Madison SD #38	38077357	\$378.19
Corrina Hernandez	Roosevelt SD #66	160040366	\$336.39
Crystal Brown	Higley SD #60	150051942	\$153.58
Hae Rim Cho	Phoenix Elem SD #1	160043675	\$975.28
Vanessa Bond	Maricopa Regional SD #509	160045987	\$1,026.96
Greater Phoenix Educational Mgt Cncl	Riverside SD #2	460015806	\$872.00
Michael Anthony Robert	Phoenix Elem SD #1	160043621	\$1,407.65
Jill Reichard	Agua Fria Union High SD	160028808	\$1,168.74

DUPLICATE WARRANT CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to rescind the following county duplicate warrant approvals. (Clerk's Note: See the meeting of December 21, 2005, for additional action on this item.)

- o Warrant to John Buffington, approved for issuance on January 5, 2005, in the amount of \$104.66, and
- o Warrant to Judith Butora, approved for issuance on March 9, 2005, in the amount of \$80.00

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held September 21, 2005, September 30, 2005, October 5, 2005 and October 19, 2005.

MINUTES CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the typographical corrections to the Board of Supervisors' minutes. (ADM726-001)

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Meeting Date	Item	Incorrect Information	Correct Information
May 18, 2005	Order Establishing Addition No. 2 to Anthem I Street Lighting District	Incorrect Order language	Correct order language
August 13, 2003	Payment of Claims Authorized	No payment of claim list	Add payment of claim list
August 15, 2005	Improvement Districts ID-1	No ADM #	Add ADM 1815
August 8, 2005	IGC Presentation	No ADM #	Add ADM 686
August 2, 2005	Facilities Management CIP Projects A-2	No ADM #	Add ADM 800-003
August 1, 2005	CIP Presentation	No ADM #	Add ADM 800-003
June 3, 2005	County Assistance Program	No ADM #	Add ADM 2100-005 & ADM 4496
April 19, 2005	Public Health Clinic Ribbon Cutting	No ADM #	Add ADM 2150
March 16, 2005	Presentation of Items to Joint City/County	No ADM #	Add ADM 4800
January 11, 2005	Presentation Regarding Federal Issues	No ADM #	Add ADM 1650

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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 December 7, 2005, 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 ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections to the Secured Tax Rolls. (ADM705)

TAX ROLL	FROM NO.	TO NO.	NET RESULT
2005	35578	35578	-\$660.65
1997	35589	35589	-\$29,156.08
1997	35581	35581	-\$6,560.50
1997	35583	35583	-\$20,894.66
1997	35584	35584	-\$8,635.80
1997	35580	35580	-\$3,075.85
1997	35586	35586	-\$2,689.00
1997	35587	35587	-\$5,531.94
1997	35588	35588	-\$18,701.45
1997	35585	35585	-\$4,713.66
1997	35592	35592	-\$12,718.42
1997	35579	35579	-\$3,259.91

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1997	35590	35590	-\$17,393.27
1997	35591	35591	-\$7,320.20

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of tax cases dated December 7, 2005. (ADM704)

<p>2002 CV 2003-024534 2002/2003/2004/2005 TX 20-000638</p>	<p>2005 TX 20-000602 TX 04-000611 TX 04-000614 TX 04-000621 TX 04-000873 2006 TX 20-050175</p>
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STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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)

NAME	AMOUNT
Dale Eugene Van Dusen	\$35.73
Julie Ann Hernandez	\$48.00
Leticia Comparan	\$1,004.10

TAX ABATEMENTS

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

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested write-offs, listed below, for accounting purposes only, and accept the write-offs of the Sheriff's Uncollectible Accounts in the amount of \$21,732.80. This item was discussed in Executive Session on November 14, 2005. (ADM407)

Ealim, Bobby & Derrick	\$5,582.68
Priddy, Rebecca	\$18,240.21
Sheriff's Cost	\$21,732.80

AUDIT OF MARICOPA COUNTY REGIONAL SCHOOLS DISTRICT/ACCOMMODATION SCHOOLS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to direct the Maricopa County Auditor's Office to conduct a review of the books, accounts, and any other matters related to the budget and finances of the Maricopa County Regional Schools

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District/Accommodation Schools and authorize any actions necessary to accomplish this audit. This item was discussed in Executive Session on November 14, 2005 and December 5, 2005. (Addendum item A-1) (C0606027M00) (ADM3814) (ADM2600)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Diane Barker, citizen, spoke regarding light rail information “that the City of Phoenix has given at least \$500,000 out of the city aviation funds though the public transit to the RPTA (Regional Public Transportation Authority). She asked the Board to ask the Legislature to make changes to that measure because she doesn’t approve of the RPTA (a non-government authority) having a direct check out of the treasury after funding. She indicated that she opposed having such a direct check written without the accountability inherent in elected positions. She asked that the Legislature be asked to maintain a tighter constraint on funding in transit matters. (ADM605)

SUPERVISORS’/COUNTY MANAGER’S SUMMARY OF CURRENT EVENTS

Supervisor Brock commented on the recent AAAAA high school football playoffs. He referenced the serious spinal injury received by Joe Jackson, a receiver on the football team at Hamilton High School, on November 21. He remarked that at the semi-final playoff between Westwood High School and Hamilton High School, Westwood had put up signs and banners “Our thoughts and prayers are with you, Joe.” He said that signs were also erected at the finals, when Brophy High School prevailed as champions. He said that some schools have held fund raisers for Joe Jackson and his family. He offered his thoughts and prayers for the Jacksons and saluted the spirit of love and cooperation shown by the various schools. (ADM606)

Supervisor Stapley informed the Board and the public that Supervisor Andy Kunasek has been elected to serve as President of the County Supervisors’ Association, which has a membership of all the county supervisors In the state of Arizona. The Association acts as a collective voice at the State Legislature to unify the counties on issues that are important to all.

Supervisor Wilcox said that on December 14 the Laveen Conveyance Channel will be dedicated. She said that Laveen originated in a flood area and when this channel was built it opened the Laveen area up for the development that is there today. She thanked the Flood Control District, Salt River Project, City of Phoenix and the landholders in that area for their cooperation in bringing this achievement to fruition. The channel is a safety measure and opens up the downtown area for greater development.

Chairman Wilson addressed the traffic problems on Bell Road, an issue brought to him by one of his constituents. He said that as her sense of frustration grew during their discussion, she finally said, “Well, why don’t you just do it!” and walked away. He explained, “If I could, ‘just do it’ I would, along with many other traffic problems in the Valley that are long over-due to be resolved.” He said that traffic flow is critical to the Valley and if the current problems aren’t solved “we will be shut down and unable to move.” He suggested that this should be the #1 priority in Maricopa County from now until this Valley-wide problem is solved.

[Please note that the following matter is of a quasi-judicial matter and the Board will review the Hearing Officer’s decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred. New evidence is not considered at these hearings.]

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CODE ENFORCEMENT REVIEW – BARRY AND JULIE LYNCH

This is the time for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2004-01110, Barry and Julie Lynch. This item was continued from the November 16, 2005 meeting. (ADM3417-031)

~ Supervisor Wilcox left the meeting ~

Darren Gerard gave background information on the non-compliance issues for this case, which began on February 28, 2003, when the Lynch's applied for building permits for a single family residence and for shed. It was later learned that they had gone ahead and built the structures before obtaining any permits. This first came before the Board of Supervisors at their November 16th meeting at which time the Lynch's architect testified in their behalf.

Mr. Gerard said the house had not been built at grade level and asked that the fines be capped at \$2,000 to encourage continuing efforts to meet compliance standards. However, if compliance has not been achieved by April 30, 2006, he recommended that the fines could resume and the case brought back before the Board.

Supervisor Brock said that this matter had endured for nearly three years with little being done to rectify the situation. He called on the architect representing the Lynch's to report on what had transpired since the last Board meeting, November 16th.

Mr. Ashworth said he met with the planning staff on November 18th and told them that he would do whatever necessary to get this matter resolved, and he had resubmitted the plans on November 21st. On November 30th he received a fax from Bill Hurst stating several things. One item, "was that the grading and drainage plan was not sealed, which it is, and that there was no detail of the wall, which there was." He questioned why these items were being wrongly reported to the Board. He said that staff had required that a speed bump be installed on the property. He said that because the house was not at grade level on one corner they had decided the only solution "was to put a sea-wall around it so that no water could ever get into it." He stated that ingress and egress still had to be allowed and he said "it just happened that it worked out that the ingress and egress is on the downstream side." He added that this wall would be very expensive for the family to build but it seemed to be their only solution. He assured the Board that, "The grading and drainage plan has been sealed by a registered civil engineer and we sealed the architectural plans." He added they were ready to file this with the County Recorder and then submit the total package to planning.

Supervisor Brock expressed a need for clarification between the different stories from the architect and what the staff is saying. He asked Mr. Ashworth what he thought would be a reasonable time for this to be completed. Mr. Ashworth said, "One week."

~ Supervisor Wilcox returned to the meeting ~

Darren Gerard noted that compliance is not just to issue building permits but also to have the building permits finalized. He said, "While the applicant may be close to obtaining a drainage review sign-off, which is all that's required for these three building permits to be issued," he added that building inspections would still be needed. He said this is why the staff recommendation was to cap the existing fines and allow time to achieve compliance by the end of April.

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Supervisor Brock agreed that inspections were necessary since no inspections had been done during the construction of the house. He said the Hearing Officer, last September, had given until December 1 for this site to be brought into compliance and it had not been done.

Chairman Wilson commented, "We don't have the time or the staff ... to have these hearings over and over again, 99.9% of the people in Maricopa County comply with the rules and regulations and they're not afforded these kind of meetings." He added that he hoped this matter would not have to come before the Board again.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to uphold the hearing officer decision but cap the non-compliance fines at \$2,000.00, if compliance is achieved by April 30, 2006. If compliance is not achieved by this date, fines will begin accruing at \$30.00 per day.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, 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. **S2004-080** **District 4**
 Applicant: Coe & Van Loo
 Location: West of Citrus Road and the northwest corner of Seldon Lane and 181st Avenue
 (in the Surprise area)
 Request: Final Plat in the R1-6 RUPD and Rural-43 zoning districts for White Tanks
 Foothills Parcel 5 (approx. 34.228 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

REGULAR AGENDA DETAIL:

2. **TA2005-005** **All Districts**
 Applicant: Commission Initiative
 Request: Text Amendment to the Maricopa County Local Additions and Addenda to adopt
 the 2003 International Fire Code, as amended. Specifically, the amendment
 would add a new Section 306 for the adoption of the 2003 International Fire
 Code, revise section(s) of the 2003 International Fire Code; and delete all
 references to the International Existing Building Code.

COMMISSION ACTION: Commissioner Aster moved to recommend approval of TA2005-005. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

Darren Gerard said that this text amendment was for the adoption of the 2003 International Fire Code, as amended.

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Tom Ewers, Fire Division Manager, said this change is to comply with an intergovernmental agreement with the City of Phoenix and it would only apply to County-owned buildings within municipal boundaries, so it is not being adopted County-wide. He said he had read the code and most of what is in this code is also covered in the building codes that have already been adopted by the County. Much has to do with fire services, water services and special things like cryogenics that have little or no impact on County buildings and no impact through enforcement.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this text amendment. Changes are as follows:

AMENDING THE MARICOPA COUNTY LOCAL ADDITONS AND ADDENDA TO ADD A NEW SECTION 306

SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code for properties owned by Maricopa County, regardless of the jurisdiction within which the properties lie, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE

Delete all references to the International Existing Building Code from Sections 102.3, 102.4, 102.5 and any other Sections.

Revise Section 104.6 to read:

104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits. Delete Section 107 Maintenance. Delete Section 109.3 Violation Penalties. Delete all Appendices A through G.

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board