

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., August 16, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2, Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White and Victoria Mangiapane, Deputy County Attorneys. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Betty Colwell, Clerk of the Board's Office, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Fran McCarroll, Clerk of the Board, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

David Weissman introduced the "Pet of the Month" from Maricopa County Animal Care & Control. Kiki is a gray, domestic shorthair cat with piercing yellow eyes and a lot of curious energy who needs a loving home. Mr. Weissman said the animal center at 5231 North 35<sup>th</sup> Avenue has been converted to an exclusive cat adoption center. He added that 2,000 cats at the shelter will find a home this year but 12,000 cats coming into the center won't be that lucky. The \$85 adoption fee includes neutering, all vaccinations and licensing. Interested citizens can go to the website, [www.pets.maricopa.gov](http://www.pets.maricopa.gov) to learn more and see photos of many potential pets.

**PROCLAMATION – SADIE THERESA SLOVENSKY DAY**

Supervisor Wilson read the following proclamation for a citizen living in District 4 who will turn 100 years old on August 28, 2006. He stated that this date is hereby proclaimed Sadie Theresa Slovensky Day in Maricopa County. (ADM654)

**PROCLAMATION  
Sadie Theresa Slovensky Day**

**WHEREAS**, Sadie Theresa Slovensky has demonstrated kindness and Caring to her family and the citizens of Maricopa County, and

**WHEREAS**, she has unselfishly donated time and expertise to many organizations, such as, the Information & Referral Services, the 4H Club, the Telephone Pioneers, and the American Legion, and

**WHEREAS**, she has served with professionalism & dignity as President of her Sun City Condominium Association, and

**WHEREAS**, on August 28<sup>th</sup>, she will celebrate her 100<sup>th</sup> birthday, and

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors does hereby proclaim August 28<sup>th</sup>, 2006 to be "**Sadie Theresa Slovensky Day**"

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**DATED** this 16<sup>th</sup> Day of August 2006.

/s/ Don Stapley, Chairman, District 2  
/s/ Fulton Brock, Supervisor, District 1  
/s/ Andy Kunasek, Supervisor, District 3  
/s/ Max W. Wilson, Supervisor, District 4  
/s/ Mary Rose Wilcox, Supervisor, District 5

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**RECOGNITION OF BOARDS AND COMMISSIONS**

Al Macias introduced members from the following Boards and Commissions who were called forward to receive a Certificate of Appreciation and a photo-op with their immediate supervisors and the Board of Supervisors. A brunch for all was held prior to the meeting to recognize and honor the appointees to the various boards and commissions that serve Maricopa County so well. (ADM662):

- o Air Pollution Hearing Board
- o Citizens' Transportation Oversight Committee
- o Transportation Advisory Board
- o Travel Reduction Program Regional Task Force
- o Voluntary Vehicle Repair and Retrofit Program Advisory Committee

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications "b" and "c." The application for the Greg Hintz Ranch was withdrawn by the applicant prior to the hearing. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the liquor license applications "b" and "c.":

- a. Application filed by Gregory Alan Hintz for an Original Series 6 Liquor License: (LL6195)

Business Name: Greg Hintz Ranch **WITHDRAWN**  
Location: 32439 W. Ashler Hills Drive, Whittmann, 85361  
**This item was continued from the July 26 meeting and has been withdrawn by the applicant.**

- b. Applications filed by Jason Morris for Person-to-Person Transfers of Series 9 Liquor Licenses from Glenn Edmondson at these locations:

Business Name: CVS Pharmacy #9217 (LL6196)  
Location: 10720 West Bell Road, Sun City 85351

Business Name: CVS Pharmacy #9230 (LL6197)  
Location: 19602 R H Johnson Blvd, Sun City West 85375

Business Name: CVS Pharmacy #9340 (LL6198)  
Location: 3610 West Anthem Way, Anthem 85086

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- c. Application filed by Eddie Moore for a Person-to-Person Transfer of a Series 7 Liquor License from Eddie Moore, Sr.: (LL6199)

Business Name: E. J. Spirits  
Location: 3417 W. Broadway Road, Phoenix 85041

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**ROAD DECLARED (ROAD FILE NO. 5352)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6406295000)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 26<sup>th</sup> day of July, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Rainbow Valley Ranch, a subdivision as shown in Book 613 of Maps, Page 13, M.C.R.  
Rainbow Valley Ranch, a portion of the Southeast Quarter of the Southwest Quarter of Section 18, and the North Half of the Northeast Quarter of the Northwest Quarter of Section 19, Township 1 South, Range 2 West of the Gila and Salt River Base and Meridian.  
General Vicinity: Narramore Road and 209th Avenue

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

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of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 16<sup>th</sup> day of August 2006.

**COSTAR DATABASE NETWORK SOFTWARE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a three-year sole source contract with CoStar Group for a not-to-exceed amount of \$195,000 for the purchase and use of the CoStar database. This computer network software is used by the Assessor's Office to obtain detailed sales of all commercial property including, but not limited to, all extensive data regarding these sales by using the recent sales of comparable properties. This software provides the tools to assign property values based on the guidelines set by the Arizona Department of Revenue and the International Association of Assessing Officers. The county is not aware of any other providers of this service or compatible software for this need. (C1207001000)

**DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the donation of six shelves valued at approximately \$30 to \$50 per unit, to the Make-A-Wish Foundation and authorize the execution of all the necessary conveyance documents. (C0607009M00) (ADM119)

**CHILD SUPPORT ENFORCEMENT PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement between Arizona Department of Economic Security - Division of Child Support Enforcement and the Clerk of the Superior Court for an amount not-to-exceed \$1,963,935 for the period October 1, 2006 through September 30, 2007, with indirect costs calculated at \$488,789 or 36.20%. Grantor reimburses at a rate of 66% (including indirect cost recovery), not-to-exceed \$1,296,197. Maricopa County's cost contribution is 34%, not-to-exceed \$667,738, for the continuation of this Child Support Enforcement Program. The Clerk noted that the entire term of this contract begins October 1, 2006, and extends to September 30, 2010. (C1607001300)

**SETTLEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve on behalf of Maricopa County the proposed settlement of Electric Lightwave v. Arizona Department of Revenue, TX 2002-000570 and Broadwing v. Arizona Department of Revenue, TX 2003-000005. This item was discussed in Executive Session on July 10, 2006. (C1907002M00) (ADM704-001)

**JUDGMENT APPEAL**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County Attorney to appeal the summary judgment entered in Sun City Grand Community

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Association v. Maricopa County, TX 2004-000799. This item was discussed in Executive Session on June 19, 2006. (C1907003M00) (ADM413-001)

**GRANT FUNDS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of the following grant funds. These grant agreements commence on July 1, 2006, and will terminate on June 30, 2007. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.82%. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

- a. From the Oversight Council on Driving or Operating under the Influence Abatement in the amount of \$93,712. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution, prevention, and abatement of driving or operating under the influence occurrences. The non-recoverable indirect cost of administering this grant is \$12,951. Authorize the increase of the County Attorney's (190) Grant Fund (219) revenue and expenditure appropriations for FY 2006-07 by \$93,712. (C1907004300)
- b. From the Arizona Peace Officer Standards and Training Board in the amount of \$8,000.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the Asset Forfeiture Training Seminar to be held during the month of August 2006. The non-recoverable indirect cost of administering this grant is \$1,105.60. Authorize the increase to the County Attorney's (190) Grant Fund (219) revenue and expenditure appropriations for FY 2006-07 by \$8,000.00. (C1907008300)

**FEDERAL ANNUAL CERTIFICATION REPORT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the FY 2005-06 Federal Annual Certification Report which accounts for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice. The Federal Annual Certification reports revenue and expenditures through June 30, 2006. Treasury funds are tracked separately from Justice Funds. (C1907009000) (ADM400)

**COMPENSATION OF ELECTION AND TALLY BOARD OFFICERS**

Item: Approve the schedule of hourly and flat rates of compensation for election and tally board officers effective July 1, 2006. Under A.R.S. §16-536, the compensation of the election and tally board officers shall be fixed by the Board of Supervisors. This is the first increase since the 1996-97 election year. The pay schedule is as follows: (C2107003700) (ADM1720)

**Pay Per Hour**

Early Ballot Processing Boards and Special Elections Boards	\$9 to \$12
Central Processing Boards – Supervisors	\$15
Central Processing Boards – Central Board Worker	\$10

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Central Processing Boards – Troubleshooters \$10, \$15

**One-Time Pay**

Premium Inspectors	\$145
Regular Inspectors	\$115
Judges, Marshall, Clerks	\$100
Attendance at Precinct Setup Meeting	\$5
Attendance at Training Class	\$10
Mileage	County Rate/Mile

Supervisor Brock commented that he hoped these changes would generate positive results to boost election efforts and attract and help retain election officials and workers.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the above item.

**ELECTION ACTIVITIES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following election activities for the Primary and General Elections to be conducted September 12, 2006 and November 7, 2006:

- o Polling places for each precinct, including designation of polling places in adjacent precincts due to the lack of a suitable polling place available within a precinct;
- o Authorization to the Director of Elections to select and designate additional polling places if needed due to changes or unavailability of polling places;
- o The appointment of election boards and tally boards necessary to conduct the election upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors; and
- o Provision for payment of election board communication expenses. (C2107004700) (ADM1700) (ADM1709) (ADM1710)

**PURCHASE OF VOTING BOOTHS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a five-year sole source contract with Election Systems & Software for the purchase of Gemini VII voting booths. Total contract expenditures will be approximately \$360,000 over the contract term, depending on the number of new voting precincts created in the upcoming years. The Elections Department currently has over 5,400 Gemini VII Voting booths, a standard number of booths are packaged with the voting machines sent to each of the County's 1,142 precincts. The Gemini VII is a two-booth package which allows for easier storage in the Elections Department warehouse and shipping to the voting precincts. The Elections Department knows of no other vendor offering voting booths comparable with our current inventory. (C2107005800)

**AMENDMENT TO LEASE AGREEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to agenda item C5004004400, dated June 18, 2003, which approved Lease No. L7336 with Corporate Holdings, Inc. d.b.a. Temple Air Center, for 3,480 square feet of aircraft

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hangers (3) at 6801 N. Glen Harbor Boulevard, Glendale, AZ at the Glendale Municipal Airport. Effective immediately, the building for the subject lease has been sold to the City of Glendale, AZ. The lessor is the only change to the Hanger Lease Agreement, all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C5004004402)

#### **LAW ENFORCEMENT AND BOATING SAFETY FUNDS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of an increase of \$123,107.64 in grant funds from Arizona State Parks Board, Law Enforcement and Boating Safety Funds. This increase is formula based according to boater registration fees received. This increase will bring the total grant award from \$210,000 to \$333,107.64. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. This funding will support 50% of the salaries for two new deputy positions while a required 50% soft match will be supported from the General Fund (100). Experienced deputies will be re-deployed for this duty. It is anticipated the soft match would be funded through the vacancy savings. These new positions will continue as long as grant funding is available to enhance boating law enforcement on the lakes and rivers. The Sheriff's Office indirect cost rate for FY 2006-07 is 17.8%. 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 increase are estimated to be \$21,913.16. (C5006511301)

#### **FEDERAL EQUITABLE SHARING AGREEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- o Federal Equitable Sharing Agreement, valid through September 30, 2008;
- o Federal Certification Report, accounting for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice, for the period ending June 30, 2006; and
- o Amended Federal Certification Report, accounting for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice, for the period ending June 30, 2005.

Treasury funds are tracked separately from Justice Funds. (C5007003200) (ADM3900)

#### **DEFENDANT CELLULAR CALLS FOR BAIL PROJECT**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of \$10,512 from General Government (470) General Fund (100) Reserved Contingency (4711) Technology Reserve to a new line in General Government (470) General Fund (100) Other Programs (4712) entitled, "Defendant Cellular Calls for Bail Project." Approval of this request will provide a temporary fix concerning collect calls for bail requests that could impact average length of stay. (C5007006800) (ADM3900-003)

#### **WIRELESS COMPUTING TECHNOLOGIES**

Pursuant to A.R.S. §42.17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to transfer expenditure appropriation in the amount of \$411,831

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from General Government (470) General Fund (100) reserved General Contingency (4711) Technology Reserve to a new line in General Government (470) General Fund (100) Other General Fund Programs (4712) called "Sheriff's Office Mobile Data Computer (MDC) Program." Approval of this item will allow the Sheriff's Office to implement Phase I of the MDC pilot program in 15 Sheriff's Office marked vehicles by providing wireless computing technologies to patrol and field resources. This will provide the means to communicate in a secure manner and test new technology that will improve the dispatch process and more readily link Deputies to critical vehicle and suspect/subject information sources. (C5007007800) (ADM3900-002)

#### **ONE-TIME ADDITION TO FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a one-time addition to fleet of red-lined vehicle #11956. This vehicle is being removed from the fleet due to high mileage and repair costs; however, it is the only Ward Commanders vehicle in the Transportation Division with a prisoner cage and its use is required daily for special transport of inmates as requested by court order. Estimated operating costs are \$5,000. This vehicle will be retired when it is not longer repairable with no funding from the general fund or detention fund for its replacement. (C5007008M00) (ADM3104)

#### **VEHICLE EXEMPTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of regular Arizona license plates and exemptions from markings, pursuant to A.R.S. §38-538.03 and A.R.S. §28-2511(A), for 23 replacement Sheriff's Office detective vehicles in the county fleet. The confidential list is on file in the Clerk of the Board's Office. (C5007009M00) (ADM3104V)

#### **SURPLUS MATERIALS POLICY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve adoption of Maricopa County Surplus Materials Policy to be administered by the Maricopa County Sheriff's Office Surplus Property Manager on behalf of the county. This policy will become effective upon Board of Supervisors approval. The Sheriff's Surplus Manager will administer and coordinate the disposal of county surplus materials on behalf of the county. The Sheriff's Office Financial Management Bureau will be responsible for all levels of recordkeeping, sale proceeds, and journal vouchers including the posting of revenues for all county departments. (C5007010600) (ADM631)

##### **A. INTRODUCTION**

Maricopa County has established a contract with a private auction vendor for the disposition of all County surplus materials. This contract includes pickup and disposal charges for all County surplus materials that go to auction. Because of increased disposal charges, it is necessary to implement a procedure for the handling of surplus to include details that permit Department Surplus Liaisons to dispose of items deemed as having "no salvage value" instead of paying to transport them to auction. The implementation of this policy will reduce pickup and disposal charges and increase the net proceeds from auction sales.

##### **B. PURPOSE**

The purpose of this policy is to provide Department Surplus Liaisons with a clear and concise guide on how to dispose of County surplus materials, including items that have no salvage value (broken, damaged, or items with parts removed) at the Surplus Property Auction. This surplus disposal policy

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will ensure that County surplus materials have been used to the maximum value beyond their worth, and that their disposal is conducted in an equitable, efficient, and cost effective manner within the guidelines of County Policy.

The Surplus Property Manual has been prepared for the purpose of providing a comprehensive and understandable guide to be utilized in the definition, organization, and operational control of the Maricopa County Surplus Property Management Program. This manual will provide the user with valuable information to develop, implement, and maintain an effective Surplus Property Management Program.

The policy is intended to help County departments manage the disposal of all County surplus property, manage all aspects of the County's Procurement Code (Article 8) and the Maricopa County Capital Asset Manual, and maximize the return on sale of surplus property while minimizing operational costs.

The Sheriff's Office Surplus Property Manager ("Sheriff's Surplus Manager") will administer and coordinate the disposal of County surplus property on behalf of the County. Each County department will identify a Department Surplus Liaison who will be responsible for coordinating that department's interaction regarding the Surplus Property Management Program.

All items are to be sold "as-is" with no warranty(ies), express, implied or otherwise.

**1. Financial Reporting**

Sheriff's Office Financial Management Bureau will be responsible for all levels of recordkeeping, sale processes, and journal vouchers including the posting of revenues for all County departments.

Quarterly and annual financial reports will be prepared by the Sheriff's Office Financial Management Bureau and will be provided to all County departments.

However, it is the responsibility of the Department Surplus Liaison to process and complete the Fixed Asset Disposition Input Form and submit to the Department of Finance to dispose of the department's capitalized fixed assets in accordance with the Maricopa County Department of Finance Capital Assets Property Manual.

**C. DEFINITIONS**

To decide the best method to dispose of County surplus materials that have no salvage value, the following definitions should be applied:

**Functionally Obsolete:** The current estimated value of the surplus material is less than the proceeds that may be received at auction.

**Technically Obsolete:** Any technical equipment that has been rendered obsolete due to technological advances, and which the current estimated value of the surplus material is less than the proceeds that may be received at auction.

**Beyond Economical Repair:** The current estimated value to repair surplus materials exceeds the proceeds that may be received at auction.

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**No Salvage Value:** Refers to an item that is functionally or technically obsolete, broken beyond repair, or has been used for parts. When the cost including freight to sell an item or group of items at auction exceeds the proceeds returned. For example, if the cost to transport 20 used chairs is \$50 and the auction proceeds for those chairs is \$25, the chairs would be considered to have "no salvage value."

**Salvaged Equipment:** For some items it may be considered advantageous by the department to use components of one unit to help reconstruct another, extending the asset life to the County. This process may leave nothing more than an empty shell of absolutely no salvage value.

**Modular furniture:** A system of modular panels, work surfaces, storage, tool bars, equipment, connectors, etc., that combines to make a modular workspace.

**D. POLICY**

It is the policy of Maricopa County to fully exhaust the utility of an asset (to use an asset for spare parts or until it becomes functionally obsolete). The cost to dispose of an asset generally exceeds the proceeds that may be received. Therefore, salvage value of all assets is zero.

**E. PROCEDURES**

When it has been determined by the user department that an item has served its original purpose and no longer provides value to the original department the item shall be slated for determination of its eligibility for County surplus property disposition.

The decision to designate an item for the County surplus disposition is made by the Department Surplus Liaison where the County surplus material (furniture / equipment) is located.

Should a circumstance present itself where there is no one in the department who is in a position to make a surplus determination, then the final decision will be made by the Sheriff's Surplus Manager.

If the condition of County surplus materials is deemed as having "no salvage value," then at the discretion of the Department Surplus Liaison an item may be disposed of in a County dumpster.

The decision to remove parts from equipment to reconstruct another unit belongs to the Department Surplus Liaison who is involved in the reconstruction process. The Department Manager must be notified and must authorize the disposal of County surplus materials (equipment and/or furniture) that have had parts removed from them and must authorize the disposal of scrap before the scrap is discarded in a County dumpster.

**1. Antiquities, Artwork, or Memorabilia**

Items perceived to have a potential special value (i.e., antiquities, artwork, or memorabilia) will be handled separately by each Department Surplus Liaison in direct conjunction with their Department Manager.

**2 Modular Furniture**

All modular furniture designated as surplus by the Department Surplus Liaison shall be transferred to the AIM Warehouse. If any component of the modular furniture system is deemed as having "no salvage value," then at the discretion of the AIM Administrator at

Facilities Management (506-1141), an item may be disposed of in a dumpster at the AIM warehouse.

**3. Compliance with Surplus Property Disposal Policy**

The Sheriff's Surplus Manager shall maintain the primary responsibility to administer and monitor compliance with this procedure.

**4. Record Keeping**

In all instances, if County surplus materials have a barcode or County asset tag number, it is necessary to report the status of the item to the appropriate County Asset person prior to the transfer or disposal. It is also the responsibility of the Department Surplus Liaison to keep records of the disposal of all department assets.

**5. Overview of Disposal of Surplus Property**

The Sheriff's Surplus Manager is responsible for managing the disposition of all County surplus property through the contract established with a vendor and within the County's Finance and Procurement policies.

To dispose of the County's surplus property an outside vendor has been contracted to pickup all items for auction to be held on the first Saturday of every month. A schedule of auction dates, dates and times of pickups, and pickup locations is available to the Department Surplus Liaison. See Appendix A for the due dates of auction forms and for surplus property pickup dates.

**5. Department Surplus Liaisons**

All County departments will provide a contact name and telephone number of an employee to represent their department as the Department Surplus Liaison. The Sheriff's Surplus Manager will then coordinate the process of disposing surplus property between the department and the vendor.

All County departments are required to utilize and complete the Surplus Property Asset Transfer Form found in Appendix D. A sample of this form, which can be used as reference, can be found in Appendix B.

The Sheriff's Surplus Manager will contact, administer, and coordinate the surplus property disposal between County departments and vendor. A list of all Department Codes to be used in disposing of all assets is listed in Appendix C.

**6. Instructions For Surplus Property Asset Transfer Forms**

When a Department Surplus Liaison needs to dispose of surplus property, a Surplus Property Asset Transfer Form (Appendix D) must be completed and submitted to the Sheriff's Surplus Manager.

- a. All fields on the Surplus Property Asset Transfer Form must be completed in order to process the disposal.
- b. A Department Code must be on each Surplus Property Asset Transfer Form in order to dispose the surplus property.

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- c. All accounting strings with fund, agency, and org must be completed as per the sample form in Appendix B in order to allocate the proceeds from the sales to each department.
- d. Each lot must be listed on a separate line with a bar code number prefaced with the letter "B". Any items that have a County issued fixed asset number (departmental or fixed asset) must be reported to the appropriate County capital asset person.
- e. A detailed description of each lot must be provided in order to provide the right type of transport vehicle for disposal.
- f. A copy of the Surplus Property Asset Transfer Form must be emailed to the Sheriff's Surplus Manager for arrangement of pickup by the date provided on the schedule in Appendix A. Sheriff's Surplus Manager will coordinate all pickups with the vendor. Any forms received after the scheduled date will be held for the next pickup.
- g. A supply of bar code stickers for disposing of each lot will be assigned to the Department Surplus Liaison. A sticker will need to be placed on each lot. The bar code sticker should be placed in the upper front corner.
- h. The items with the bar code stickers, along with the completed Surplus Property Asset Transfer Form, must be brought to the designated location of pickup. The pickup location must be accessible by a large truck.

NOTE: For Health and Safety reasons, no hazardous items will be picked up for disposal.

**7. Pickup of Disposal Surplus Property**

There will be one scheduled pickup date for each month's auction. The deadlines to submit items to be auctioned are available from the Sheriff's Surplus Manager.

Transportation arrangements will be set up by the Sheriff's Surplus Manager. Times for pickup at all locations on schedule date will be between 8:30 a.m. and 3:30 p.m. Any requests for item pickup received after that day will be picked up on the next scheduled pickup date.

The Department Surplus Liaison will meet with the driver of the pickup vehicle and check off the lots as they are picked up. The Department Surplus Liaison will document the time on scene and have the driver sign for the picked up items.

**8. Process After Surplus Auction**

After the auction, every Department Surplus Liaison who submitted items for auction will be provided with a detailed sales report in a timely manner. The report will include all items received for auction, items sold, sales price, commission and expenses for auction, and all items not sold.

Items not sold will be auctioned a second time. If the items still do not sell, they will be disposed at a cost to the department. The disposal costs are located in the contract.

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Sheriff's Office Financial Management Bureau will prepare journal voucher entries to allocate the proceeds of the sales to the departments accounting strings provided from the Surplus Property Asset Transfer Forms.

NOTE: All Departments are strongly encouraged to submit disposition forms of all fixed asset capitalized equipment at the time of disposal and not wait until the year-end validation process.

**RESPONSE/RESCUE VEHICLE AND TEMPORARY ADDITION TO FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a one-time addition to fleet of one Lenco Bear, which is a specialized response/rescue vehicle with ballistic-engineered armor, bullet-proof glass, radiation and gas detection and camera system that costs approximately \$350,000. The Sheriff's Office was awarded partial funding for this item (C5006516300) through the Arizona Department of Emergency Management, in the amount of \$100,000. The remainder of funding has been provided by the City of Phoenix through the Homeland Security Urban Areas Security Initiatives \$250,000. This vehicle and its components are expected to cost \$5,000 per year to operate and maintain. The operating and maintenance costs will be funded by the General Fund (100). It will be retired at the end of its useful life with no funding from the general fund for its replacement. (C5007502300) (ADM3104)

**NEIGHBORHOOD NARCOTICS ENFORCEMENT TEAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the agreements between the Maricopa County Sheriff's Office and the El Mirage and Goodyear Police Departments, whereby one police officer from each agency will be assigned to the Maricopa County Neighborhood Narcotics Enforcement Team. The term for these agreements is July 1, 2006 through June 30, 2007. The Sheriff's Office is the administrating agency for the MCNNET grant, funded through the Arizona Criminal Justice Commission, which was approved by the Board of Supervisors on June 7, 2006 (C5007500M00). The amount designated for salary reimbursement is \$134,000 and these funds are budgeted. (C50075042ZZ)

<b>Contractor</b>	<b>Number</b>	<b>Amount</b>
El Mirage Police Department	C5007505200	\$72,000
Goodyear Police Department	C5007506200	\$62,000

**ADDITION TO THE FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of four intermediate vehicles to the Maricopa County fleet. The vehicles will be purchased from the Adult Probation Fees Fund (201) at a total purchase price not-to-exceed \$80,000. It is estimated that fuel for these vehicles will cost approximately \$8,000 annually and this amount has been budgeted within General Fund (100) appropriation for FY 2006-07. These vehicles will be used for surveillance purposes. Adult Probation will submit a separate agenda item at a later time to request these vehicles be exempt from markings including decals and government plates pursuant to A.R.S. §38-538.03. (C1107002M00) (ADM3104)

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**VEHICLE PURCHASES AND ADDITION TO FLEET**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of one-time expenditure authority in the amount of \$80,000 (\$0 annualized) from FY 2006-07 General Government (470) Grant Fund (249) General Government Grants (4711) for "Potential Fee Increases" to the Juvenile Probation (270) Special Fee Fund (228). Approval of this action will allow the Juvenile Probation Department to use existing fund balance to purchase four additional intermediate sedan vehicles at a total estimated cost of \$80,000. The purchase of these vehicles will allow the department to use county vehicles to replace personal vehicle use by some Juvenile Probation and Surveillance Officers. Approve the permanent addition of these four intermediate sedan vehicles to the Maricopa County Fleet. Operating and maintenance costs for the new vehicles, estimated to be \$20,000 annually, will be funded from the department's current General Fund (100) expenditure appropriation. Funding from the General Government (470) General Fund (100) will be used for replacement of the vehicles. (C2706010M00) (ADM3104)

**FAMILY COUNSELING PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to participate, by resolution, in the State of Arizona Family Counseling Program for FY 2006-07, administered by the Juvenile Court, pursuant to A.R.S. §8-26(4)1 through 8-265(A) for the purpose of strengthening family relationships and prevention of juvenile delinquency. Authorize \$90,772 of (budgeted) matching General Funds for FY 2006-07. (C2706011300) (ADM1400)

**BOARD OF SUPERVISORS RESOLUTION**

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION, FAMILY COUNSELING  
FISCAL YEAR 2006-2007**

The Maricopa County Board of Supervisors hereby elects to have the county participate in the Family Counseling Program as provided for in A.R.S. §8-26(4)1 through 8-265(A) for fiscal year 2006-07.

The Board of Supervisors resolves that \$90,772 in matching funds will be provided by this county's Board of Supervisors for Maricopa County, Arizona.

**DATED** this 16<sup>th</sup> day of August 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**TERMINATION OF LEASE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve termination of Lease No. L7050 with Hannon B, LLC for the Arcadia Biltmore (East Phoenix, No. 2) Justice Court facility located at 4109 N.12th Street, Phoenix, Arizona. The lease provides an early termination option with no penalty by giving 90-days written advance notice. This termination, if approved, will exercise the option as of December 31, 2006. This approval will also authorize notice of termination to the landlord under the lease. (C2496002407)

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**TERMINATION OF LEASE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve termination of Lease No. L7375 with the City of Phoenix, an Arizona municipal corporation, lessor, for 5,730 square feet of office space at 411 N. Central Ave., Suite 400, as of November 30, 2006. The termination date includes a one-month holdover period after the regular lease term expiration date of October 31, 2006. This lease contains both a 30-day termination provision, and a month-to-month holdover provision. Also, pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$99,679 from Appropriated Fund Balance (480) Detention Fund (255) General Contingency (4811) to a new line in Appropriated Fund Balance (480) Detention Fund (Fund 255) Other Programs (4812) entitled "Lease Terminations". Approval of this action will authorize the county to pay the monthly lease costs for the Integrated Criminal Justice Information System in FY 2006-07 up to the point the department relocates to the new Downtown Regional Court Center. (C4207001400) (C4205002400)

**PASS-THROUGH GRANT FUNDING – MIHS BURN CENTER**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the amended Partnership Resolution No. C2006031300 to reflect the new amount of grant dollars being pursued and the fiscal years in which the dollars are received from the Gila River Indian Community for Proposition 202 Indian Gaming Funds. Maricopa Integrated Health System (MIHS) will seek \$264,531.87 in FY 2006-07 and \$61,081 in FY 2007-08 for a two year total of \$325,612.87. This action will require an appropriation adjustment increasing the revenue and expenditures in General Government (470) Grant Fund (249) Other Programs (4712) in FY 2006-07 by \$264,531.87 plus the addition of a new line item in General Government (470) Grant Fund (249) Pass Through Grants (4712) entitled "MIHS Burn Center". The FY 2007-08 expenditure budget will reflect the \$61,081.13 requested for FY 2007-08. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. 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. (C2006031301)

**RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR MARICOPA INTEGRATED HEALTH SYSTEM TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** by the Chairman and Board of Supervisors of Maricopa County, Phoenix, Arizona as follows:

- Section 1.** The Maricopa County Manager's Office is authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$264,531.87 in FY 2007 and \$61,081.13 in FY 2008.

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**Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Maricopa Integrated Health System.

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**DATED** this 16<sup>th</sup> day of August 2006. (C2006031301)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PASS-THROUGH GRANT FUNDING – NATIVE AMERICAN COMMUNITY SERVICES CENTER (4520 N. CENTRAL AVENUE**

Pursuant to A.R.S. §42-17105, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Manager's Office, via a Partnership Resolution between Maricopa County and Native American Community Service Center (NACSC), to apply for Gila River Indian Community Gaming Funds in the amount of \$500,000. This project funds a portion of the Capital Campaign, or fundraising plan for the Native American Community Services Center. This Center is a collaborative project between the Phoenix Indian Center, Inc., Native American Connections, Inc. and Native Health, Inc. The three organizations have come together to purchase a building at 4520 N. Central Avenue. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application. Approve the grant funds and resolutions. If funds are received, authorize the County Manager's Office to pass funds through to the NACSC. Upon receipt of funds this action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2006-07 revenue and expenditure budgets by \$500,000, and the creation of an appropriate new line item in General Government (470) General Government Grant Fund (249) Miscellaneous Revenue (4712). Maricopa County will act as the pass-through agency for NACSC and will pass through \$500,000 in FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board. Maricopa County will act as the pass-through agency for NACSC and will pass through the entire amount of the grant. (C2007002300)

**RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR NATIVE AMERICAN COMMUNITY SERVICE CENTER TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** by the Chairman and Board of Supervisors of Maricopa County, Phoenix, Arizona as follows:

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- Section 1.** The Maricopa County Manager's Office is authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$500,000 in FY 2007.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Native American Community Service Center.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**DATED** this 16<sup>th</sup> day of August 2006. (C2007002300)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PASS-THROUGH GRANT FUNDING – HUMAN SERVICES CAMPUS**

Pursuant to A.R.S. §42-17105, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve submission of a resolution to the Gila River Indian Community in order to apply for up to \$200,000 in grant funds through the 12% gaming revenue program in FY 2006-07. If funds are awarded, this action will require an appropriation adjustment General Government Fund (249), increasing the FY 2006-07 revenue and expenditure budgets by \$200,000, and the creation of an appropriate new line item in General Government (470) General Government Grant Fund (249) called "Human Services Campus." Maricopa County will put this grant funding toward the Human Services Capital Campaign. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. 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. (C2007005300)

**RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR MARICOPA COUNTY HUMAN SERVICES CAMPUS TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** by the Chairman and Board of Supervisors of Maricopa County, Arizona as follows:

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$200,000 in FY 2006-07.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Maricopa County Human Services Campus, a non-profit organization.

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**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**DATED** this 16<sup>th</sup> day of August 2006. (C2007005300)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Item: Approve clarifying amendments to the Maricopa County Student Loan Repayment Assistance Program, (originally approved June 21, 2006, under C52060068) pursuant to A.R.S. §11-251 and Maricopa County Employee Compensation Plan §II. Approve amendments to the Maricopa County Loan Repayment Assistance Program. The amendments ensure that eligible attorneys serve two consecutive years before program eligibility, exclude student loans that have been consolidated with non-educational loans, clarify administrative procedures, and restate Board of Supervisors fiscal control over the program. (C5207001600) (ADM3308-004)

Supervisor Brock noted that this item covers all attorneys in the County Attorney's Office with two years of eligibility and he considers it to be a positive step.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve clarifying amendments to the Maricopa County Student Loan Repayment Assistance Program, which is printed below:

**Maricopa County Student Loan Repayment Assistance Program**

**A) Purpose**

To provide retention incentives for attorneys who work for Maricopa County and to provide a recruitment tool to assist Maricopa County to better compete for talented legal professionals. The mission of the Maricopa County Loan Repayment Assistance Program (LRAP) is to support attorneys choosing and wishing to remain in employment with the County, and to assist the County in recruiting and retaining experienced lawyers. Implementation of this program directs benefits to employees who would otherwise be precluded from accepting a position with the County, or who would be unable to continue to work for the County, because they hold lower paying government service jobs, compared to the private sector, coupled with high student loan debt.

**B) Authority**

This Loan Repayment Assistance Program has been authorized by the Maricopa County Board of Supervisors pursuant to A.R.S. § 11-251 and the Maricopa County Employee Compensation Plan § II.

**C) Modifications/Review**

- 1) The Maricopa County Board of Supervisors reserves the right to modify the LRAP within its sole discretion and any modifications will be applied to all eligible attorneys. Continuation of the LRAP is contingent upon the availability of resources and annual appropriation by the Maricopa County Board of Supervisors.

- 2) The effectiveness of the program will be reviewed by the Board of Supervisors after three years to determine if the program should be continued, adjusted or terminated.

**D) Loan Repayment Assistance Program**

**1) Objectives**

The specific objectives of this Program are:

- a) To enable lawyers, who have the background and dedication to provide effective legal representation in service to the citizens of Maricopa County, the opportunity to do so;
- b) To increase diversity among those providing legal services to the citizens of Maricopa County by enabling attorneys from various economic backgrounds to take government service positions;
- c) To enable attorneys who enter government service with Maricopa County to remain in their chosen field; and
- d) To help Maricopa County compete for talented legal professionals.

**2) Attorney Eligibility**

- a) To be eligible, an attorney must be a regular employee in an attorney or attorney supervisor position with the Office of the County Attorney, Public Defender, Legal Defender, or Legal Advocate. Part-time attorneys are eligible for prorated benefits if they work at least half time. Contract and temporary attorneys are not eligible. An attorney must have received a rating of at least "meets expectations" on the attorney's most recent annual evaluation preceding each reimbursement.
- b) Attorneys are eligible to apply for participation in the program upon completing 24 consecutive months of employment in a qualifying position immediately preceding the date of the application submitted under Section E below. Attorneys will begin receiving benefits for the quarter in which they are accepted into the program. Attorneys who complete 24 consecutive months of employment in a qualifying position in the middle of a quarter will be eligible to receive benefits for the following full quarter upon acceptance into the LRAP.
- c) Employees eligible for loan repayment funds from other sources (i.e. governmental programs, NAPIL or EJW fellowships, law school programs, etc.) must first apply to these programs for assistance. Employees must apply for and participate in all other sources of loan repayment assistance, forgiveness, and cancellation that are available to them. Amounts an attorney is required to pay after taking advantage of all other programs are eligible for this program. Attorneys shall certify that they have taken advantage of all other programs available to them and that they are otherwise eligible for reimbursement on the initial application and quarterly proof of payment forms.

**3) Educational Debt Eligibility**

- a) A student or educational loan is eligible for repayment under this Program if it is a:
  - (i) **Stafford Direct Subsidized or Unsubsidized Loan** - A loan made, insured, or guaranteed under Part B of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071, 20 U.S.C. § 1078-8, and 20 U.S.C. § 1087a, et. seq.;
  - (ii) **Perkins Loan** - A loan made, insured, or guaranteed under Part D or E of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1087aa-1087ii;
  - (iii) **Federal Consolidated or Federal Direct Consolidated Loan** - A loan made, insured, or guaranteed under section 428C or 455 (g) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1078-3 and 20 U.S.C. § 1087e(g) to the extent that such loan was used to repay a Federal Direct Stafford, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or section 428H of such Act;

- (iv) **Private Educational Loans or Private Educational Consolidated Loan** – A private commercial educational loan or private commercial educational consolidated loan, subject to the provisions of Subsection 3(b) ; or
  - (v) **Bar Study Loan** – A commercial credit-qualified private loan specifically intended by the lender to help cover expenses incurred after graduation while a student prepares for the Arizona Bar Examination.
  - b) All need-based undergraduate and law school loan debt, and loan debt incurred in joint degree programs where one degree is a juris doctorate, that meet the requirements of the preceding section, are eligible. Federal PLUS loans are not eligible. All need-based institutional loans used for educational expenses that meet the requirements of the preceding section are eligible. Eligible loans do not include private loans from friends or family members, or credit card or other consumer debt used to finance legal education. Loans consolidated with non-educational loans are not eligible. Educational loan debt that has been paid and satisfied and/or discharged is ineligible for reimbursement under this program.
  - c) Loans consolidated with spouses' loans are eligible if both spouses and all loans consolidated meet the eligibility requirements of this program. However, if one spouse reaches the 24 consecutive months of employment prior to the other spouse, that spouse is eligible to receive benefits even though the other spouse is not yet eligible. Each spouse's benefit is limited to the amount they could have received absent the consolidation. Upon application of an eligible spouse, that spouse's share of the remaining balance of the consolidated loan will be determined based on that spouse's share of the original consolidated loan, and that amount will be used to determine that spouse's benefit under this program.
  - d) Attorneys must submit documentation verifying educational loan debt and repayment schedules. Attorneys must also submit information on each loan including proof of the original principal amount for each loan and the calculated monthly repayment. Attorneys are then required to submit documentation each quarter of the actual payments made on each loan to qualify for matching reimbursement, up to the maximum allowable benefit. Therefore, the amount of monthly loan payments may affect the actual reimbursements made in that award amounts will never exceed actual payments made.
  - e) It is the obligation of the attorney applicant to provide sufficient documentation to prove eligibility of each educational loan.
- 4) Benefit Disbursements**
- a) The program reimburses eligible attorneys for payments made on their student loans up to \$1,800 per quarter. The program provides a maximum total benefit of \$50,400.
  - b) Attorneys currently employed by Maricopa County who have met the eligibility requirements will be eligible for benefits upon the effective date of the program.
  - c) In order to receive reimbursement, the participating attorney must submit proof of educational loan payment(s) made during the documentation period provided in Section E(1) below. In order to receive the full benefit repayment, the proof of educational loan payment must equal the benefit amount. The program benefit payment will, in no instance, be more than the amount of loan repayment paid by the attorney. In addition, the attorney must show that qualifying employment has been maintained during that same quarter.
  - d) Receipt of benefits does not constitute a legal entitlement to future benefits nor does it constitute a right, promise or entitlement to continued employment. Employees must report any changes in eligibility to their Office's Program Administrator within 30 days of the change.

**5) Program Participation Voluntary**

Participation in the program is voluntary. A participating attorney may decide to end his/her participation in the program at any time.

**6) Separation Policy**

In case of voluntary or involuntary separation from employment with Maricopa County, an employee becomes immediately ineligible to receive benefits under the program.

**7) Tax Consequences**

Under current tax laws, benefits paid under this program will be considered taxable income and tax liability associated with participation in this program is the obligation of the participating attorney. Maricopa County will provide appropriate notice of receipt of income in compliance with existing law. As a form of compensation to the employee, benefits paid under this program will be subject to deductions for the Arizona State Retirement System.

**E) Procedure/Administration**

**1) Employee Responsibilities**

- a) Employees shall submit an application for participation in the program no later than the last day of the first month of the first quarter to be reimbursed, except that the initial application period is extended to September 29, 2006 for attorneys who are fully eligible as of July 1, 2006. The employee shall submit with the application documentation showing that each loan was for educational purposes only, the original principal loan amount for each loan, the amount of debt remaining on each loan, the name, address and phone number of each lender, and the account number for each loan, and any further documentation required by the Plan Administrator.
- b) Employees shall submit proof of educational loan payments made during the most recent quarter, and any other supporting documentation required by the Plan Administrator, in accordance with the schedule set forth below.
- c) Employees shall report any change in eligibility within 30 days of such change.
- d) Employees who fail to comply with this policy shall be ineligible for LRAP benefits claimed for the quarter during which such noncompliance occurred.
- e) The schedule for documentation submission for participants is as follows:

April 30:	Documentation for 1st quarter (January, February, March)
July 31:	Documentation for 2nd quarter (April, May, June)
October 31:	Documentation for 3rd quarter (July, August, September)
January 31:	Documentation for 4th quarter (October, November, December)

For example, if the attorney completes 24 consecutive months of eligible employment on November 18, 2006, the attorney must submit an application for participation in the program no later than January 31, 2007 (the last day of the first month of the quarter to be reimbursed). The attorney is then required to submit proof of payments for the qualifying quarter no later than April 30, 2007 (i.e. proof of payments for January, February, and March).

**2) Agency Responsibilities**

- a) Each Agency will designate a Plan Administrator to administer the LRAP for that Agency.
  - (i) The Plan Administrator is ineligible for benefits under this program while serving as Plan Administrator.
  - (ii) The Plan Administrator in each agency will determine all questions of eligibility, subject to the dispute resolution process outlined in Section E(3)(c) below.
  - (iii) The Plan Administrator will make available to employees the official LRAP application form and process all LRAP applications and subsequent documentation.
  - (iv) The Plan Administrator will provide Maricopa County Payroll with all necessary documentation within 60 days of the end of each quarter to ensure that County payroll can reimburse each eligible employee.

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- (v) The Plan Administrator will verify that the employee was eligible to receive benefits under the program during each quarter that the employee makes a claim for educational loan reimbursement.
  - (vi) The Plan Administrator will maintain all records related to the LRAP including employee applications, eligibility verification documents, MFR required documents and a list of the employees participating in the program.
  - b) As an activity in Maricopa County's Managing For Results, each Agency will be responsible for measuring the performance and impact of LRAP by:
    - (i) Tracking attorney turnover and attrition rates for a period beginning with the market increase implemented in fiscal year 2006.
    - (ii) Tracking attorney turnover and attrition rates for attorneys with 0 to 9 years of service to Maricopa County.
- 3) LRAP Administrative Panel**
- a) An LRAP Administrative Panel is established, consisting of the following three people:
    - (i) One Plan Administrator from the Public Defender's Office, Legal Defender's Office or Legal Advocate's Office;
    - (ii) The Plan Administrator from the County Attorney's Office; and
    - (iii) A representative of OMB.
  - b) The Panel shall develop any administrative procedures required to implement this program.
  - c) The Panel shall be the final arbiter of any disputes that arise under the program. An employee who disagrees with a decision of their Plan Administrator may appeal the decision to the LRAP Administrative Panel by submitting a written memo. The memo must specify the disagreement, attach any supporting documentation, and be submitted to the Panel within 30 days of the Plan Administrator's decision.

### **EDUCATIONAL OPPORTUNITIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an affiliation agreement between Correctional Health Services and Midwestern University. Approval would provide Doctor of Osteopathy students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The term of the agreement period is effective from Board of Supervisors' approval for a period of five years with four one-year renewal options. There is no financial impact (C2607001000)

### **EXCEPTION TO EMPLOYEE COMPENSATION PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to request an exception to the Maricopa County Employee Compensation Plan, Section VI – Permanent Salary Advancements, granting approval of non-merit salary advancements retroactive to July 3, 2006. The department will absorb the financial impact of this action. In November 2005, a Nurse Series market study was completed by Total Compensation. Recommended salary ranges were given to Correctional Health Services along with a structure to be used to place employees in their respective pay rate according to total years of both internal and external applicable job experience. It was recently discovered the years of total experience noted for an employee were not correct resulting in a lower pay rate. This action will appropriately place this employee in the correct salary range from \$33.18 to \$34.71, retroactive to July 3, 2006, which will allow our employee, Luis Dira, to receive the performance merit increase on top of the corrected pay rate. (C2607002800) (ADM3308-001)

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**PERSONNEL AGENDAS**

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

**AUDIOMETRY AND TYMPANOMETRY SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No.1 to the intergovernmental agreement between Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System and Maricopa County Department of Public Health for the provision of audiometry and tympanometry services to patients with tuberculosis. The term of the amendment is July 1, 2005 through June 30, 2010, with automatic renewals for additional terms of one year. The Board of Supervisors approved the estimated cost of the agreement of \$7,500 on May 17, 2006 (C8606053200). This amendment increases the estimated cost for the service by \$12,500, to not-exceed \$20,000 per year. The increase in expense of \$12,500 will be absorbed by Department of Public Health in their budget for a net countywide impact of zero. (C8606053201)

**USE OF SCHOOL FACILITIES FOR PUBLIC HEALTH EMERGENCIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve non-financial Memoranda of Understanding agreements between Maricopa County, through the Department of Public Health, and 21 Maricopa County School Districts, for the use of their school facilities in the event of a public health emergency. The term of the agreements shall begin upon Board of Supervisors' approval and shall remain intact until terminated by either party with 30-days written notice. (C8606861MZZ)

<b>School</b>	<b>Contract</b>
Cave Creek Unified School District	C8606862M
Agua Fria Union High School District	C8606863M
Buckeye Union High School District	C8606864M
Chandler Unified School District	C8606865M
Deer Valley Unified High School District	C8606866M
Dysart Unified School District No. 89 of Maricopa County	C8606867M
Fountain Hills Unified School District	C8606868M
Gila Bend Unified School District	C8606869M
Gilbert Unified High School District	C8606870M
Glendale Union High School District	C8606871M
Higley Unified District	C8606872M
Mesa Unified School District	C8606873M
Paradise Valley Unified School District	C8606874M
Peoria Unified School District	C8606875M
Phoenix Union High School District	C8606876M
Queen Creek Unified School District	C8606877M
Saddle Mountain Unified School District	C8606878M
Scottsdale Unified School District #48	C8606879M
Tempe Union High School District	C8606880M
Tolleson Union High School District	C8606881M
Wickenburg Unified School District	C8606882M

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**TRANSFER OF OWNERSHIP OF KODAK X-RAY PROCESSOR**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of ownership of Kodak X-ray Processor owned by Maricopa County Department of Public Health's Clinical Services Division. Merry X-Ray Chemical Corporation will take ownership of the processor for \$250 effective upon Board of Supervisor approval. The x-ray processor contains hazardous materials (silver remnants and PCB Capacitors). Maricopa County Surplus will not handle any equipment that has hazardous chemicals or properties. It has little or no value and is un-auctionable for the same reasons. Pursuant to A.R.S. §11-251(9), the Board of Supervisors may dispose of such surplus equipment and materials in any manner authorized by the Board. (C8607003100) (ADM119)

**DIETETIC EXPERIENCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following:

- a. An intergovernmental agreement between Maricopa County, through its Department of Public Health, and the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS), to provide clinical dietetic experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is from July 1, 2006 through June 30, 2011. Retroactive approval is requested due to the delay in negotiating the final agreement. (C8607006000)
- b. A non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and the Pinal County, Department of Health and Human Services, Division of Public Health, to provide public health dietetic experiences for graduate students in the dietetic internship. The agreement is non-financial, and the term is from May 17, 2006 through June 30, 2011. Retroactive approval is requested due to the delay in receiving the signed documents. (C8607007000)

**ROBERT WOOD JOHNSON FOUNDATION GRANT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve submission of a grant proposal for the Robert Wood Johnson Foundation's (RWJF) Call for Proposals – Common Ground: Transforming Public Health Information Systems – for the amount not-to-exceed \$30,000, for 15 months by the Maricopa County Department of Public Health (MCDPH). The purpose of this grant is to prepare local public health agencies on methods to analyze and redesign their business processes. These funds will primarily be used to pay required travel to RWJF-sponsored meetings, equipment, supplies, other project related expenses, and indirect costs. MCDPH's indirect rate for FY 2006-07 is 18.10%. Grant indirect costs are reimbursable at the rate of 12%. Full indirect costs are estimated at \$4,848, of which \$3,214 is recoverable and \$1,634 is unrecoverable. Funding for the agreement is provided by a grant from RWJF and will not increase the county general fund budget. If the grant is awarded, approve revenue and expenditures appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in an amount not-to-exceed \$30,000. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this

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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. (C8607008300)

**SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement with the Washington School District to provide school-based tobacco use prevention and education services. The term of the agreement is from July 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$31,500. (C8607449200)

**AMENDED AND RESTATED EMPLOYEE BENEFIT PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt four amended and restated plan documents required by Internal Revenue Code Section 125, governing the Maricopa County employee benefits plan. Pursuant to Internal Revenue Code Section 125 and A.R.S. §11- 251, the Maricopa County Board of Supervisors adopted the employee benefit plan documents, effective January 1, 1985. The 2006 benefit plan documents amend and restate the original plan documents. The 2006 benefit plan documents are updated to comply with changes in the Internal Revenue Code and reflect all amendments adopted by the Board of Supervisors since initial adoption. Adoption does not require any change in plan, policies or procedures. The Maricopa County employee benefits plan design grants the following:

- o Maricopa County Cafeteria Plan, allows Maricopa County to offer tax-free benefits and cash in lieu of benefits; (ADM3351)
- o Maricopa County Dependent Care Plan, allows employees to be reimbursed for eligible dependent care expenses on a tax free basis;
- o Maricopa County Health Care Plan, allows employees to be reimbursed for eligible health care expenses on a tax free basis; and
- o Maricopa County Accident and Health Insurance Premium Plan, allows employees to make salary reduction elections to pay for eligible insurance coverage on a tax free basis.

Maricopa County and its employees each save approximately \$1,200,000 per year in FICA/Medicare tax savings by participating in these plans. Employees save an additional amount on federal and state income taxes. (C3507002700) (ADM3350)

**NON-PROFIT ECONOMIC DEVELOPMENT CONTRACTS**

Item: Approve the following seven FY 2006-07 nonprofit economic development contracts for a total of \$1,174,776. (C17070341ZZ)

<b>Contract</b>	<b>Amount</b>	<b>Contract Number</b>
Greater Phoenix Economic Council (GPEC)	\$674,776	C1707035100
Greater Phoenix Chamber of Commerce (GPCC)	\$165,000	C1707036100
Greater Phoenix Convention & Visitors Bureau (GPCVB)	\$250,000	C1707037100
Maricopa County Sports Commission (MCSC)	\$25,000	C1707038100
East Valley Partnership (EVP)	\$20,000	C1707039100
Western Maricopa Enterprise Zone (WMEZ)	\$15,000	C1707040100
Collaboration for a New Century (CNC)	\$25,000	C1707041100

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Supervisor Brock noted that Maricopa County proudly supports a number of non-profits on both the east and west sides of the Valley.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue support to the above non-profit organizations.

**DONATION OF COPIER AND FAX MACHINE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the donation of a Lanier 7366 Copier and 5780 OkiData Fax Machine by the Community Development Department (MCCD) to the Human Services Campus, LLC for use at the Human Services Campus. MCCD, with its strong links to economic development activities and the Human Services Campus, believes it would serve both purposes by donating the office equipment to the Human Services Campus, LLC, a 501(c)(3) charitable organization, responsible for governance of the campus. This use would also be consistent with Community Development Block Grant requirements; the funding source for the original purchase of the equipment. (C1707043M00) (ADM2519) (ADM1500)

**DELIVERY OF CUSTOMIZED TRAINING**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County Human Services Department, Workforce Development Division to award a variety of contracts (C2207089100 through C2207103100) to multiple employers for the delivery of customized training that meets the specific training needs of an employer or group of employers. The employer or group of employers makes a commitment to employ, or in the case of incumbent workers, continue to employ, and when feasible, to provide promotions in either pay or job duties upon successful completion of participant's training. It is anticipated that approximately \$150,000 Employed Worker Training Program funds will be awarded during FY 2006-07. There are no county funds included in this action. (C22070881ZZ)

**HEAD START PROGRAM DEVELOPMENT SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract for services with Nicole Hoffman in the amount not-to-exceed \$29,958 to provide Head Start Program Development services. The period of performance is from July 10, 2006 to January 9, 2007, with an option to renew for one additional six month period. Funding for this contract is federal Head Start funding provided to Maricopa County by the U.S. Department of Health and Human Services. This contract does not contain any county general funds. (C2207089200)

**KENNEL PERMIT RENEWAL**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewal for Arthur McKay, d.b.a. Harquahala Kennels, 10602 S. 540th Avenue, Tonopah, AZ 85354, Permit #377 for the term of July 12, 2006 through July 11, 2007. The cost of the kennel permit is \$90, plus a return trip charge of \$49, totaling \$139. (Supervisorial District 4) (C7907001C00) (ADM2304)

**DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of the following donations to Maricopa County Animal Care & Control. Donation revenue funds are deposited into Fund (573) as they are received.

- a. Restricted donation from Michele Kocour of Paradise Valley, AZ, in the amount of \$300, for the care and well being of the animals at the West Valley Animal Care Center. (C7907002700) (ADM2300)
- b. Donation from the Ryan Newman Foundation of Statesville, North Carolina, in the amount of \$4,000.00 to be used for Adoption and Spay/Neuter programs. (C7907003700) (ADM2300)

**ANIMAL CONTROL FIELD SERVICES FOR CITY OF LITCHFIELD PARK**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) C7904028200 between Maricopa County Animal Care & Control and the City of Litchfield Park to extend the IGA for animal control field services from July 1, 2006 through June 30, 2007. The FY 2006-07 basic hourly level of service is estimated to be \$3,000. (C7907004200)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are 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 are incorporated herein by this reference.

**AMENDMENT TO LEASE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 2 to Lease No. MC10144 with Human Services Campus, LLC, lessee, for 7,687 square feet of warehouse space located at 1214 W. Madison, Phoenix, AZ. This second amendment will extend the term of the existing lease 12 months, commencing September 18, 2006 to September 17, 2007, with an option to renew for one additional year. The annual rental rate is \$1.00 per year. The lessee wishes to continue to utilize this facility as a "low demand" shelter. This lease contains a 90-day termination provision and a six-month holdover provision. (C1804027402)

**TEMPORARY USE OF PROPERTY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to amend Agenda Item C1804052B00, approved July 7, 2004, to authorize the Chairman of the Board to execute a Right of Entry amendment with the City of Phoenix for the temporary use of county property located south of Jefferson and west of 6th Avenue. This amendment will allow the city to continue the use

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of the property until March 31, 2007. Thereafter, the city at the county's sole discretion may use the property on a month-to-month basis until such time that the property is needed for county purposes. This amendment is fully revocable by the city or county upon 30-day written notice. (C1804052B01) (ADM810)

### **PURCHASE OF CHAMBERS BUILDING**

Item: Amend Agenda Item C1806049100, approved June 21, 2006, to authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the purchase of the former Chambers Building (land and improvements) located at 301 S. 4th Avenue, Phoenix, Arizona. Also authorize the Chairman to execute all necessary documents with SBC Telecommunications, Inc., the current non-Maricopa County lessee, AGL Networks, LLC., a current licensee, and with any existing services contractors, deemed necessary by the Facilities Management Department to continue service and operation of the building.

Pursuant to A.R.S. §42-17106(b), this also amends the Five-Year Capital Improvement Program in the General Fund County Improvement Fund (Dept. 480, Fund 445) by creating a new project entitled "Chambers Building". This item also approves the transfer of \$10,600,000 from the General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item "Purchase of Chambers Building" to the line item "Transfer to CIP Funds". Then transfer the same amount from there to the General Fund County Improvement Fund (445) Chambers Building Project (Dept. 480, Org 4813, Function Class TBD). This action will require appropriation adjustments increasing the revenue and expenditure budgets of Appropriated Fund Balance (480) General Fund County Improvements Fund (445) by \$10,600,000, with offsetting revenue and expenditure eliminations in the Eliminations Fund (Dept. 980, Fund 900). These actions will have a Countywide impact of zero. (C1806049101)

Supervisor Wilcox said that this purchase adds major input to the County's downtown campus plan and thanked staff for their diligent research on plan boundaries. Supervisor Brock added that the County leases approximately 1.5 million square feet of office space yearly in the nearby downtown area and this purchase is a wise investment representing forward action in owning vs. leasing necessary space.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the above item amendment dealing with the purchase of the Chambers Building

### **FILL THE GAP LEGISLATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to certify by authority of A.R.S. §41-2421 (the so-called "Fill the Gap" legislation) that total revenues received in FY 2005-06 by the Justice Courts and the Superior Court including the Clerk of Superior Court are greater than court revenues received in FY 1997-98. Authorize the County Treasurer to immediately distribute the FY 2005-06 revenue deposited with the Maricopa County Treasurer pursuant to A.R.S. §41-2421 (amounting to five percent of total court revenues from fees) as follows:

- o 21.61% to State Aid to County Attorney Fund \$868,386.77;
- o 20.53% to State Aid to Indigent Defense fund \$824,987.52;
- o 57.37% to Local Courts Assistance Fund \$2,305,384.03; and
- o 0.49% to State Treasurer for Dept of Law \$19,690.40. (C1807001800) (ADM1819)

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**BID FOR PUBLIC AUCTION PARCEL**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the highest bid received for parcels No.159-06-003, 005 and 006 sold at public auction on July 19, 2006, from Arizona Conference of Seventh Day Adventists and authorize the Chairman of the Board to execute all documents necessary to complete the sales transaction. The minimum bid of \$612,000, for the parcel was accepted and a deposit meeting the minimum required has been received. The auction was held pursuant to authorization previously given by the Board of Supervisors on June 2, 2004, under C1804042B. (C1807002B00) (ADM812)

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) 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)

**Awards**

- 06005-S Construction Equipment Rental** (\$2,400,000 estimate/three years with three one-year renewal options). Price agreement to rent construction equipment for various county departments on an as required basis.
- o Empire Machinery
  - o Hertz Equipment Rental
  - o R. D. O. Equipment Company
  - o Southwest Charter Lines
- 06039-S Card Access System Devices; Repair, Maintenance, Up-grades, and Installation** (\$300,000 estimate/three years with three one-year renewal options). Price agreement to support Hirsch Momentum Card Access Systems located throughout Maricopa County facilities.
- o Benson Security Systems Inc.
- 06044-RFP Nortel Support and Maintenance** (\$3,000,000 estimate/three years with three one-year renewal options). Contract to supply support and maintenance for the county's Nortel telephone switch. Contract will also provide for the purchase of hardware as needed to support, upgrade, and expand this countywide system.
- o Black Box Network Services

**Renewals/Extensions:**

**The renewal/extension of the following contracts:** (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until June 30, 2007**

- 01079-RFP Vision Services, Maricopa County Employees (\$700,000 estimate/six months).** Contract to provide vision care services for Maricopa County

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employees and dependants as required. This is a six-month extension will bring the contract in compliance with the county's fiscal year.

- o Avesis Third Party Administration

**Until September 30, 2009**

**03117-S Moving Services (\$629,000 estimate/three years).** Price agreement for moving services for county agencies on an as needed basis.

- o ABC Moving, Inc.

**An increase in the price agreement amount for the following contracts.** This request is due to an increased usage by County departments.

**03006-C Police Equipment and Supplies: Guns, Stun, Taser (\$100,000 increase).** Increase price agreement value from \$350,000 to \$450,000. This \$100,000 increase is requested by the Sheriff's Office to cover additional Taser purchases, training and supplies for Deputies and Detention Officers. The original price agreement was approved on a Materials Management Department Agenda on March 27, 2003, for \$100,000. The contract was renewed on a Materials Management Department Agenda on March 18, 2004, for \$330,000. A price increase of \$1,400,000 was requested and approved by the Board of Supervisors on June 16, 2004. The contract was again renewed on a Materials Management Department Agenda on October 13, 2005, for \$350,000. The contract will expire on March 31, 2008.

- o Davidson's

Supervisor Brock commented on the additional funding of police equipment that shows an ongoing effort to support public safety in the Sheriff's Office and the importance of training as evidenced by the new, large training center in the west valley to train deputies and detention officers.

#### **SETTLEMENT OF JAMES HAMILTON ESTATE V. MARICOPA COUNTY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve settlement in the Estate of James Hamilton v. Maricopa County, Superior Court No. CV2005-000266, in the amount of \$150,000. This item was discussed in Executive Session on July 10, 2006. (C7507004100) (ADM409)

#### **SETTLEMENT OF WILLIAMS V. MARICOPA MEDICAL CENTER**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve settlement in Renisha and Shatera Williams v. Maricopa Medical Center, CV05-006874, in the amount of \$400,000. This item was discussed in Executive Session on July 10, 2006. (C7507005100) (ADM409)

#### **IRREVOCABLE STANDBY LETTER OF CREDIT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the Maricopa County Treasurer to execute an Irrevocable Standby Letter of Credit with Bank of America. The amount of the Letter of Credit is \$9,797,315, with the Industrial Commission of

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Arizona as beneficiary. The Letter of Credit will serve as security for the county's projected liability for workers compensation claims for FY 2006-07. The Letter of Credit will be secured by the county's existing \$35,000,000 Line of Credit with Bank of America effective July 1, 2006. The Line of Credit will be restricted by the amount of the Letter of Credit. The cost of the Letter of Credit for FY 2006-07 is projected to be approximately \$40,122.42, not-to-exceed \$45,000, which has been budgeted in FY 2006-07. It is not expected that there will be reason for the Letter of Credit to be drawn on; however the Industrial Commission of Arizona requires the negotiable security. (C7507006100) (ADM3712)

**WAIVER OF CLAIM IN MATERN SETTLEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve waiver of county's claim for attorney's fees in Cherlynn and Chester Mattern v. City of Phoenix, County of Maricopa, and Burns Pest Elimination, CV2005-019626, and authorize the County Manager or his designee to execute the settlement document releasing the county from all liability to the Plaintiffs. This item was discussed in Executive Session on July 24, 2006. (C7507007000) (ADM409)

**OSHA AWARENESS AND EQUIPMENT TRAINING**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to renew the non-financial educational service agreement as amendment #1 from July 1, 2006, through June 30, 2008, between Maricopa County, Risk Management Department, Safety Division, and the Maricopa County Community College District, on behalf of GateWay Community College, regarding the educational services agreement for college credit for OSHA Awareness and Equipment Training for county employees. (C7507008000) (C75030060)

**PM 2.5 MONITORING NETWORK OPERATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept additional grant funds in the amount of \$23,284, from the US EPA Grant PM-96955001-1, for the continued implementation and enhancement of the PM 2.5 monitoring network operation designed to attain the PM 2.5 standard. In addition, extend the term of the grant award from September 30, 2005 to November 30, 2006. Indirect cost recovery is allowed and fully recoverable at 13.63%, which equals \$2,793. Upon award acceptance, pursuant to A.R.S. §42-17106B, approve a transfer of revenue and expenditure authority in the amount of \$23,284 between the General Government Grants Fund (Department 470, Fund 249) and the Air Quality (850) Air Quality Grant Fund (503). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund (Department 470, Fund 249) by \$23,284 and increasing the FY 2006-07 Air Quality (850) Air Quality Grant Fund (503) by \$23,284. These adjustments will result in a countywide net financial impact of zero. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. 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. (C8506004301)

**ENHANCEMENT TO AIR MONITORING ACTIVITIES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively, approve Amendment No. 3 to the United States Environmental Protection Agency (EPA), Cooperative Agreement BW-97972101-3, to accept an additional \$135,032 to enhance the existing air monitoring activities of the Maricopa County Air Quality Monitoring Program. The grant period is for this

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amendment is November 1, 2005 through April 30, 2006, and expenses have already been incurred. All indirect costs are allowable and fully recoverable. The department's FY 2005-06 authorized indirect cost rate of 13.63% will be applied and total estimated indirect costs are \$16,197. The original grant agreement was approved by the Board of Supervisors on September 9, 2003 (C88040083). (C8506024300)

**ENHANCEMENT TO BIOWATCH PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application and acceptance of \$358,433 from the United States Department of Homeland Security, Cooperative Agreement #2006-ST-091-000003, to enhance the existing monitoring activities of the BioWatch Program within Maricopa County. The performance period is May 1, 2006 through April 30, 2009, with an initial period of performance from May 1, 2006 through April 30, 2007. All indirect costs are allowable and fully recoverable. The department's FY 2006-07 authorized 13.63% will be applied and total estimated indirect costs of \$42,994. This is a reimbursement grant and no matching funds are required in the grant. (C8506025300)

**TRAVEL REDUCTION PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. A grant-like Government Services Contract (GSC) EV06-0006, and Amendment No. 1 between Maricopa County and the State of Arizona Department of Environmental Quality (ADEQ) in the amount of \$948,575.00 to provide funding for the Maricopa County Travel Reduction Program (TRP). The amendment extends the contract period through June 30, 2007. All indirect costs are allowable and fully recoverable. The department's FY 2006-07 authorized indirect cost rate is 14.70% and will be applied. The total estimated indirect costs are \$70,306. This is a reimbursement grant and no county matching funds are required. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. 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. (C8506028300)
- b. An intergovernmental agreement (IGA) between Maricopa County and the regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000, for professional services to the Maricopa County Regional Travel Reduction Program. Funding to support these activities is from a grant to Maricopa County from the Arizona Department of Environmental Quality. The RPTA will carry out project work activities such as issuing requests for proposals and hiring consultants as necessary. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not-to-exceed June 30, 2007. (C8507003100)

**VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a one-year extension of the sole source contract C8506001300 with Kachina Automotive

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Equipment, Inc., as the exclusive distributor for Neutronics Enterprises, Inc. The contract, in the amount of \$535,000, will allow the Air Quality Department to meet requirements set forth in A.R.S. §49-474.03. The duration of the contract period will be from July 1, 2006 through June 30, 2007. This extension will continue the Voluntary Vehicle Repair and Retrofit Program. Administrative costs have been reserved through this appropriation. (C8507001100)

**AIR POLLUTION CONTROL PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Assistance Amendment No. 1 to the United States Environmental Protection Agency (EPA) Cooperative Agreement #A-00905206-1, to accept additional grant funds in the amount of \$89,419 for the Air Pollution Control Program. The grant period for this amendment is October 1, 2005 through September 30, 2006. All indirect costs are allowable and fully recoverable. The Department's FY 2006-06 authorized indirect cost rate of 13.63% will be applied and total estimated indirect costs are \$10,726. The Base Grant Agreement was approved by the Board of Supervisors on May 17, 2006 (C8506007300). Upon award of the grant funds and pursuant to A.R.S. §42-17106(B), approve the transfer of revenue and expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Air Quality Grant Fund (Department 850, Fund 503). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grant Fund revenue and expenditures by \$89,419 and increasing the FY 2006-07 Air Quality Grant Fund (503) revenue and expenditures by \$89,419. These adjustments will result in a countywide net financial impact of zero. The grantor required an upfront cash match in the original funded amount; however, a match is not required in this amendment. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. 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. (C8507004000)

**BUCKEYE HILLS SHOOTING RANGE**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the following amendments to the FY 2006-07 Five-Year Capital Improvement Plan:

- o The Intergovernmental Capital Projects Fund revenue and expenditure budgets (Department 480; Fund 422; Org 4813) for the Buckeye Hills Shooting Range (Function Class BBHS) by \$6,850,000 (Year 1), and by \$1,600,000 (Year 2), increasing the project cost by \$8,450,000, from \$2,000,000 to \$10,450,000.
- o Transfer \$5,250,000 of expenditure authority from the General Government Grant Fund (Dept. 470, Fund 249, Org 4711 – Potential Fee Increases) to the Appropriated Fund Balance Intergovernmental Capital Projects Fund (Dept. 480, Fund 422). These funds are generated from the sale of Peoria property proceeds.
- o Increase the Parks and Recreation Grant Fund (Dept. 300, Fund 230) revenue and expenditure budgets by \$1,600,000 for receipt of Arizona Game and Fish grant monies for the Buckeye Hills Shooting Range project. These are non-local revenues and are not subject to budget limitation. 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. Transfer these funds to Appropriated Fund Balance Intergovernmental Capital Projects Fund (Dept. 480, Fund 422). This action will require appropriation adjustments increasing the revenue and expenditure budgets of the Appropriated Fund

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Balance Intergovernmental Capital Projects Fund (Dept. 480, Fund 422) by \$1,600,000 with offsetting revenue and expenditure eliminations in the Eliminations Fund (Dept. 980, Fund 900). These actions will have a countywide impact of zero. \$1,600,000 will be received in FY 2007-08 to fund the remaining project expenditures.

- o The Five-Year Capital Improvement plan by (Department 480; Fund 445; Org 4813) by adding the Buckeye Hills Shooting Range Project (Function Class BBHS).
- o A fund transfer in the amount of \$8,100,000 from Appropriated Fund Balance – Other Programs (Dept. 480, Fund 100, Org 4812) “Unfunded Liabilities” line to the “Transfer to CIP funds” line. Then transfer the same amount from there to the General Fund County Improvements Fund (445), Appropriated Fund Balance Dept. (480), Org (4813), Function Class (BBHS). This action will require appropriation adjustments increasing the revenue and expenditure budgets of Appropriated Fund Balance Dept. (480), General Fund County Improvement Fund (445) by \$8,100,000, with offsetting revenue and expenditures eliminations in the Eliminations Fund (Dept. 980, Fund 900). These actions will have a countywide impact of zero. (C7007008800) (ADM1820) (ADM3917)

Supervisor Wilcox commented that this shooting range was long awaited and moving the range to a new location would provide necessary room for expansion in the fast-growing West Valley as use of the range increases.

**ADDITION OF VEHICLES TO FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of four vehicles to the county fleet for the Planning and Development Department, consisting of the following types: two compact extended cab 4-wheel-drive short bed pickup trucks; one 5-passenger 4-wheel-drive sport utility vehicle; and one full-size 2-wheel-drive extended cab short bed pickup truck. These vehicles will be used by the department's code enforcement officers and drainage inspectors to conduct inspections in the unincorporated areas. (C4407001800) (ADM3104)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) 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)

A282.010            Project No.: TT011 - Tuthill Road (Queen Creek to Pecos Road) - Agreement for Right  
(HH)                    of Entry - Parcel No.: 400-58-043F, 400-58-043M - Narrahill, L.L.C., an Arizona limited  
                                 liability company - for the sum of \$500.00.

A338.003            Project No.: TT112 - MC 85 (107th Avenue - 91st Avenue) - Quit-claim Deed - Parcel  
(DLK)                    No.: 101-20-001K - Carl E. Weiler and Patricia J. Weiler, Trustees - for the sum of  
                                 \$500.00.

A338.013 &        Project No.: TT112 - MC 85 (107th Avenue - 91st Avenue) - Letter Form Right of Entry -  
A338.014            Parcel No.: 101-15-001 & 002 - Elizabeth O. Garretson, Trustee - for the sum of  
(CS)                    \$100.00.

A338.020 &        Project No.: TT112 - MC 85 (107th Avenue - 91st Avenue) - Letter Form Right of Entry -  
A338.021            Parcel No.: 101-14-008D, 008F, 008G, 008J - Elizabeth O. Garretson LLC - for the sum

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(CS) of \$100.00.

DD-10496 R/W Dedication - Warranty Deed - Parcel No.: 220-21-001Y - Michael E. Gehlen and  
(GL) Dana Gehlen - for the sum of \$10.00.

DD-10496 R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 220-21-  
(GL) 001Y - Michael E. Gehlen and Dana Gehlen

**ON-CALL TRAFFIC ENGINEERING SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 2 to Contract No. 2004-034 with Kimley-Horn and Associates, Inc., for on-call traffic engineering services, which will extend the contract performance period through July 30, 2006; the contract amount of \$250,000 will not be increased. (C6404132502)

**ELLSWORTH ROAD: HUNT HIGHWAY TO CLOUD ROAD**

Item: Approve Change Order No. 1 for the preliminary design and design services of Ellsworth Road, Hunt Highway to Cloud Road, Contract 2005-058 with RBF Consulting in a lump sum fee amount of \$710,351.87. These services will be completed no later than 365 calendar days from the notice-to-proceed. Approve an amendment to the current FY 2007-11 five-year CIP for Fund (234) Transportation Capital Projects Fund, adopted by the Board of Supervisors on June 19, 2006, by decreasing the FY 2006-07 (Year 1) capital budget for Project T195, Northern Avenue: SR303 to Grand Avenue capital budget by \$1,100,000 and increasing the FY 2006-07 (Year 1) capital budget for Project T178, Ellsworth Road: Hunt Highway to Chandler Heights Road by \$1,100,000. This decrease will offset the increase for a countywide impact of zero. The project budget for FY 2007-08 will be adjusted next fiscal year after the budget is adopted. (Supervisorial District 1) (C6406082501)

Mike Ellegood, Transportation Director, related his professional opinion that the most difficult and tractable transportation issue in Maricopa County is in Queen Creek where traffic has more than quadrupled in three years from 4,500 vehicles per day along Ellsworth Road to more than 16,000 a day, and is still escalating. He said, "There is no solution in sight – no regional money, no other funds available to help resolve this very difficult issue that was not of the town's making but driven by rapid growth in Pinal County." This item's readjustment of the County's five-year CIP to accelerate improvements, "will be a rather small but very significant step in attempting to do what the County can do with existing resources to help resolve this problem." He urged the Board's support of this change order.

Supervisor Brock agreed with Mr. Ellegood's assessment and added that the Queen Creek traffic problem is one of the most difficult in the State and arguably one of the worst in the Southwest. He said that rapid growth and development in Pinal County, "creates a massive traffic jam in a little, tiny town that is struggling with back-ups at their one stop light." He commented that the Citizen's Advisory Committee had also voiced similar concerns and frustrations over this situation at the breakfast for Boards and Commissions held earlier in the day. The Board was in agreement that Pinal County and ADOT will hopefully join Maricopa County in taking action to resolve this dilemma.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 1 for the preliminary design and design services of Ellsworth Road, Hunt Highway to Cloud Road,

**SIGNAL MODERNIZATION IN SUN CITY**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve amendments to the current FY 2007-11 Five-Year CIP for Fund (234) Transportation Capital Projects Fund adopted by the Board of Supervisors on June 19, 2006. The decreases will offset the increases for a countywide impact of zero.

- a. Decrease the FY 2006-07 (Year 1) capital budget for Project T002, Project Reserves capital budget by \$710,000, and increase the FY 2006-07 (Year 1) capital budget for Project T236, Signal Modernization in Sun City by \$710,000 (Supervisory District 4) (C6406191502) (ADM2000-003)
- b. Decrease the FY 2006-07 (Year 1) capital budget for Project T002, Project Reserves capital budget by \$510,000, and increase FY 2006-07 (Year 1) capital budget for Project T237, Signal Modernization in Sun City by \$510,000. (Supervisory District 4) (C6406192501) (ADM2000-003)

**ANNEXATION BY THE TOWN OF AVONDALE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to rescind the action on July 12, 2006 (C6406287000), which approved the annexation by the Town of Avondale, due to an incomplete legal description. Also approve the corrected legal description, included in this agenda item, which is the annexation by the Town of Avondale of County right-of-way within Indian School Road (Dysart Road to El Mirage Road), in accordance with Ordinance No. 646-97. (Supervisory District 4) (C6406287001) (ADM4201)

An Ordinance of the Mayor and Council of the Town of Avondale, Arizona, annexing certain real property to the Town of Avondale pursuant to ARS 9-471.N certain County rights-of-way to the existing City limits and generally described as all county right-of-way within:

Indian School Road

That portion of Sections 22, 23, 24, 25, 26 and 27, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Section 22

The South 33.00 feet of the East 40.00 feet

Section 23

The South 33.00 feet of the Southwest quarter and the Southwest quarter of the Southeast quarter

EXCEPT: The East 25.00 feet;

The South 33.00 feet of the Southeast quarter of the Southeast quarter

EXCEPT: The East 10.00 feet of the West 40.00 feet, and the West 10.00 feet of the East 65.00 feet;

The North 42.00 feet of the South 75.00 feet of the East 55.00 feet of the Southeast quarter

Section 24

The South 75.00 feet of the West 55.00 feet.

The South 102.00 feet of the West 55.00 feet.

Section 26

The North 55.00 feet thereof  
EXCEPT: the East 10.00 feet of the West 40.00 feet of the Northeast quarter of the  
Northeast quarter and the East 65.00 feet.  
The South 102.00 feet of the West 55.00 feet.  
Section 27  
The North 55.00 feet of the East 40.00 feet.  
Thomas Road  
That portion of Sections 25,26, 35 and 36, Township 2 North, Range 1 West and  
Sections 29, 30, 31 and 32, Township 2 North, Range 1 East of the Gila and Salt River  
Base and Meridian, Maricopa County, Arizona, more particularly described as follows:  
Section 25  
The South 40.00 feet thereof.  
Section 26  
The South 40.00 feet thereof;  
EXCEPT: The West 40.00 feet.  
Section 35  
The North 40.00 feet thereof.  
EXCEPT: The West 40.00 feet.  
Section 36  
The North 40.00 feet thereof.  
Section 29  
The South 75.00 feet of the Southwest quarter.  
Section 30  
The South 33.00 feet and the South 22.00 feet of the North 55.00 feet of the East 33.00  
feet thereof;  
EXCEPT: The East 35.00 feet of the West 68.00 feet.  
Section 31  
The North 33.00 feet thereof;  
EXCEPT: The East 35.00 feet of the West 68.00 feet.  
Section 32  
The North 55.00 feet of the Northwest Quarter.  
107<sup>th</sup> Avenue  
That portion of Sections 35 and 36, Township 2 North, Range 1 West and Sections 5 and  
6, Township 1 North, Range 1 East Gila of the Salt River Base and Meridian, Maricopa  
County, Arizona, more particularly described as follows:  
Section 5  
The North 33.00 feet of the West 33.00 feet.  
Section 6  
The North 23.00 feet of the East 33.00 feet and the South 10.00 feet of the North 33.00  
feet of the East 23.00 feet.  
Section 31  
The East 33.00 feet thereof;  
EXCEPT: The North 55.00 feet.  
Section 32  
The West 33.00 feet of Section 32 and the East 22.00 feet of the Northwest quarter of the  
Northwest quarter;  
EXCEPT: The North 55.00 feet.  
McDowell Road  
That portion of Sections 1 and 2, Township 1 North, Range 1 West and Section 6,

Township 1 North, Range 1 East and Sections 35 and 36, Township 2 North, Range 1 West and Section 31, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Section 1

The North 40.00 feet thereof;

EXCEPT: The West 25.00 feet of the East 58.00 feet.

Section 2

The North 40.00 feet thereof;

EXCEPT: The West 65.00 feet and the East 10.00 feet of the Northwest quarter of the Northeast quarter.

Section 6

The North 23.00 feet thereof;

EXCEPT: The East 35.00 feet of the West 68.00 feet and the East 33.00 feet. Section 31

The South 60.00 feet of the Southwest quarter;

EXCEPT: The East 35.00 feet of the West 68.00 feet.

AND

BEGINNING at the point of intersection of the North line of the South 60 feet with East line of the West 68 feet of said section 3: THENCE Easterly along said North line of the South 60 feet a distance of 10 feet to a point; THENCE Northwesterly to a point on the said East line of the West 68 feet that is 10 feet North of the point of intersection; THENCE Southerly along said East line a distance of 10 feet to the point of BEGINNING.

Section 35

The South 40.00 feet thereof;

EXCEPT: The West 65.00 feet and the East 10.00 feet of the Southwest quarter of the Southeast quarter.

Section 36

The South 40.00 feet thereof;

EXCEPT: The West 25.00 feet of the East 58.00 feet.

127<sup>th</sup> Avenue

The West 10.00 feet of the Northwest quarter of the Northeast quarter of Section 2, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Encanto Boulevard

The North 33.00 feet of the Southeast quarter and the South 33.00 feet of the Northeast quarter of Section 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT: The West 70.00 feet and the East 58.00 feet.

El Mirage Road

That portion of Sections 35 and 36, Township 2 North, Range 1 West Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Section 35

The East 33.00 feet of that portion of Section 35 lying South of the Northwesterly Right of Way line of the Aqua Fria River Channel

EXCEPT: South 40.00 feet.

Section 36

The West 33.00 feet of that portion of Section 36 lying South of the Northwesterly Right of Way Line of the Aqua Fria River Channel.

EXCEPT: South 40.00 feet

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**RAINBOW ROAD BRIDGE AT BUCKEYE CANAL**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the solicitation of bids for Rainbow Road Bridge at Buckeye Canal, Project No. T253 and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. (C6407001500)

**LOOP 303: INDIAN SCHOOL ROAD TO CLEARVIEW BOULEVARD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the declaration of approximately 52 acres as excess land. The property was originally acquired for construction of the Loop 303 and has been determined by Maricopa County staff as excess to the needs of the project. This parcel is situated near Loop 303 and Grand Avenue and will be sold to the highest bidder at public auction, pursuant to A.R.S. §11-251. The property will be sold at fair market value which will be established through the appraisal process. The property has been estimated to be worth approximately \$6,000,000, which is a conservative estimate. (ADM2005)

Also approve the addition of Project T109, Loop 303: Indian School Road to Clearview Boulevard with expenditure budget of \$198,000 to the Department of Transportation's FY 2006-07 TIP (CIP) Budget (Year 1), Department (640), Fund (234).

Also approve an amendment to the current FY 2007-11 Five-Year CIP for Fund (234) Transportation Capital Projects Fund adopted by the Board of Supervisors on June 19, 2006 by **decreasing** the FY 2006-07 (Year 1) capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T006	Unallocated Force Account	<\$5,000>
T189	Apache Blvd Bridge at the Tempe Canal	<\$193,000>

This decrease will offset the increase for a countywide impact of zero.

Also approve an amendment to the current FY 2007-11 Five-Year CIP for Dept. (640), Fund (234) Transportation Capital Projects, adopted by the Board of Supervisors on June 19, 2006, by increasing the FY 2006-07 (Year 1) revenue budget for Project Number T109, Loop 303: Indian School Road to Clearview Boulevard, by \$6,000,000. (Supervisorial District 4) (C6407005000) (ADM2000-003)

**PINNACLE PEAK ROAD FROM 107TH AVENUE TO 83RD AVENUE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the City of Peoria for a Design Concept Report (DCR) for Pinnacle Peak Road from 107th Avenue to 83rd Avenue. The county will act as the lead agency for the DCR, with the city financially contributing 50% of the total costs. The DCR is currently estimated at \$231,618. Approve an amendment to the current FY 2007-11 Five-Year CIP for Dept. (640), Fund (234) Transportation Capital Projects, adopted by the Board of Supervisors on June 19, 2006, by increasing the FY 2006-07 (Year 1) revenue budget for Project Number T124, Pinnacle Peak Road: Lake Pleasant to 83rd Avenue, by \$115,809. (Supervisorial District 4) (ADM2000-003) (C6407006200)

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**67th AVENUE FROM PINNACLE PEAK ROAD TO HAPPY VALLEY ROAD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the City of Peoria for improvements to 67th Avenue from Pinnacle Peak Road to Happy Valley Road. The county will contribute \$375,000, as their financial contribution to the project, plus prepare all drawings and/or specifications necessary for the design and construction of the project. The city will act as the lead agency for this project. Approve an amendment to the current FY 2007-11 Five-Year CIP for Fund (234) Transportation Capital Projects Fund adopted by the Board of Supervisors on June 19, 2006, by decreasing the FY 2006-07 (Year 1) capital budget for Project T195, Northern Avenue: SR303 to Grand Avenue capital budget by \$150,000, and increasing the FY 2006-07 (Year 1) capital budget for Project T128, 67th Avenue: Pinnacle Peak Road to Happy Valley Road by \$150,000. This decrease will offset the increase for a countywide impact of zero. (Supervisorial District 4) (ADM2000-003) (C6407007200)

**TRAFFIC SIGNAL DESIGN, INSTALLATION AND MAINTENANCE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the City of Peoria for traffic signal design, installation and maintenance at the intersection of 83rd Avenue and Pinnacle Peak Road and 91st Avenue and Pinnacle Peak Road.

- o **83rd Avenue and Pinnacle Peak Road Project.** The county will act as the lead agency for the design work, with the city acting as the lead agency for the construction phase.
- o **91st Avenue and Pinnacle Peak Road Project.** The county will act as the lead agency for the entire project, with the city contributing 25% of the total costs.

Also approve an amendment to the current FY 2007-11 Five-Year CIP for Dept. (640), Fund (234) Transportation Capital Projects Fund adopted by the Board of Supervisors on June 19, 2006, by decreasing the FY 2006-07 (Year 1) capital budget for Project T195, Northern Avenue: SR303 to Grand Avenue by \$130,000, and increasing the FY 2006-07 (Year 1) capital budget for Project T216, Pinnacle Peak Road at 83rd Avenue and 91st Avenue Intersections by \$130,000. The decrease will offset the increase for a countywide impact of zero. (ADM2000-003)

Also approve an amendment to the current FY 2007-11 Five-Year CIP for Dept. (640), Fund (234) Transportation Capital Projects, adopted by the Board of Supervisors on June 19, 2006, by increasing the FY 2006-07 (Year 1) revenue budget for Project T216, Pinnacle Peak Road at 83rd Avenue and 91st Avenue, by \$178,375. (Supervisorial District 4) (C6407008200)

**AERIAL EASEMENT FOR MCQUEEN ROAD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Aerial Easement from Maricopa County, a political subdivision of the State of Arizona, to the Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona. This easement describes aerial rights acquired by Maricopa County Department of Transportation for Project No. 68949, McQueen Road, Pecos Road to Queen Creek Road, for the relocation of a 69 KV transmission line that was required as part of the construction for the McQueen Road Improvement Project. A public notice is to be published in the Arizona Business Gazette for four consecutive weeks beginning July 6, 2006. (Supervisorial District 2) (C6407009000) (ADM2013)

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**TRAINING INTERN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Professional Trainee Program Assignment Agreement between Maricopa County Department of Transportation and Aramco Training Services Company, which allows an engineer from Saudi Aramco Oil Company (Roads Division) to travel to the United States as a training intern for a fixed period of time approximately six months. Aramco Services Company and the Saudi Aramco Oil Company will pay all costs associated with the internship training program. There will be no financial impact to the county. (C6407010000)

**SURVEYING UTILITY LOCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following on-call contracts for surveying utility location services in the amount not-to-exceed \$500,000 for each contract. The contracts are effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first.

- a. On-Call Contract No. 2006-054 with Baseplans U.S.A, Inc. (C6407013500)
- b. On-Call Contract No. 2006-055 with TBE Group, Inc. (C6407014500)

**JACKRABBIT TRAIL FROM INDIAN SCHOOL ROAD TO BELL ROAD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County, the City of Surprise, and the Town of Buckeye for the Access Management and Corridor Study for Jackrabbit Trail from Indian School Road to Bell Road. The county will act as the lead agency for this project. The project cost is currently estimated at \$425,000, with the City of Surprise contributing \$90,000 and the Town of Buckeye contributing \$15,000, as their total financial contribution to the project. Approve an amendment to the current FY 2007-11 Five-Year CIP for Dept. (640), Fund (234) Transportation Capital Projects, adopted by the Board of Supervisors on June 19, 2006, by increasing the FY 2006-07 (Year 1) revenue budget for Project Number T005, Candidate Assessment Reports, by \$105,000. (Supervisory District 4) (ADM2000-003) (C6407015200)

**GUADALUPE STREET IMPROVEMENT PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the Town of Guadalupe for the Guadalupe Street Improvement Project (Small Cities Transportation Assistance Program - SCTAP). The county will provide SCTAP funding in the amount of \$167,363 to Guadalupe for needed improvements to the following streets: North of Calle Iglesia, East of Avenida del Yaqui and west of the Highline Canal. (Supervisory District 5) (C6407017200)

**SALE OF SURPLUS PROPERTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the sale of Maricopa County Department of Transportation property, known as a portion of MCDOT Parcel Number Z1-0746A- EX and authorize the signing of the escrow documents and special warranty deed. The parcel is being sold to Navid Zamani for \$715,000. This parcel is a remnant parcel

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from the 99TH Avenue and Southern Acquisition approved by the Board of Supervisors to sell on agenda item C6404100500. (C6407018000) (ADM2005)

**JOMAX ROAD: TILLMAN BOULEVARD TO LOOP 303**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Consultant Services Contract No. 2005-020 with URS Corporation for a lump sum fee amount not-to-exceed \$281,345.96, for the preparation of a Corridor Improvement Study for Jomax Road (East Section) Tillman Boulevard to Loop 303, Project No. T005. The Corridor Improvement Study shall be completed within 420 calendar days of the notice-to-proceed. (Supervisorial District 4) (C6407020500)

~Supervisor Kunasek left the dais because of a conflict of interest in the following item ~

**DEVELOPMENT AGREEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-0-1) to approve a partial assignment of the Development Agreement with William Lyon Homes, Inc., to Standard Pacific of Arizona, Inc. The Board of Supervisors approved the Development Agreement on November 2, 2005 (C6406075000). The agreement was recorded as document #2005-1719819 on November 14, 2005. The Development Agreement details regional transportation issues, including roadway construction, right-of-way requirements and cost share contributions for offsite roadway improvements associated with the approved development known as Coldwater Ranch. The roadways identified for improvement include portions of El Mirage Road and Happy Valley Road, and will be constructed by the developer, to county standards, at no cost to Maricopa County. The proposed partial assignment complies with the requirements of the Development Agreement. (C6407021000)

~ Supervisor Kunasek returned to the dais ~

**QUEEN CREEK ROAD FROM ARIZONA AVENUE TO MCQUEEN ROAD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 6 to Contract No. 2000-02 with Carter and Burgess, for design services for T087 (68966), Queen Creek Road from Arizona Avenue to McQueen Road, which will extend the contract performance period through July 30, 2006; the contract amount will not be increased. (C6499303505)

**APPOINTMENTS AND RESIGNATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following actions:

- a. **Air Pollution Hearing Board** – Re-appoint Phil Noplos, representing Supervisorial District 2, whose term is effective from August 24, 2006 through August 23, 2009. (C0607006900) (ADM2353-003)
- b. **Transportation Advisory Board** – Re-appoint Jason Morris, representing Supervisorial District 3, whose term is effective from September 8, 2006 through September 7, 2009. (C0607007900) (ADM2038-001)

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- c. **Merit System Commission** – Appoint Thomas Nixon, representing Supervisorial District 1, whose term is effective from Board of Supervisors' approval through December 31, 2009. (C0607008900) (ADM3315-001)
- d. **Travel Reduction Program Regional Task Force** – Accept the resignation of Coco Sheldon, representing Supervisorial District 2, effective upon Board of Supervisors approval. (C8507002300) (ADM2358-001)

**HEARINGS SET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to set the following hearings. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

**Road File Declaration** – Set a public hearing to declare the following road into the county highway system for 9:00 a.m., Wednesday, September ~~20~~ 25, 2006. (The Clerk announced the changed date prior to the vote.)

**Road File No. 5353.** All streets consistent with the rights-of-way, as depicted in Colter Commons, in the vicinity of Dysart Road and Colter Street. (Supervisorial District 5) (C6407022000)

**HEARING SET - PLANNING AND ZONING CASES**

No schedule of public hearings was submitted on zoning cases for the September 25, 2006, meeting.

**ASRS CLAIMS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

Walton, Kay    \$55,170.74

**APPOINTMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Official Appointments of Elizabeth Evans as Limited Duty Special Deputy Clerk in the Clerk of the Board's Office. (ADM700-001)

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting.

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**CLASSIFICATION CHANGES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
102-74-274a	2005	Caryn Reynolds	LC/4	LC/3
117-31-093	2005	Amelia Giordano	LC/4	LC/3
120-33-058d	2005	Donald Perry	LC/4	LC/3
125-24-014	2005	Manuel Atayde	LC/4	LC/3
125-17-040a	2005	Kathleen Brown	LC/4	LC/3
126-24-568	2005	Nancy Hippe	LC/4	LC/3
132-70-007	2005	Pedro Castellon	LC/4	LC/3
133-28-448	2005	Caroline Kirkham	LC/4	LC/3
133-34-150	2005	Edmund Gravel	LC/4	LC/3
133-35-379	2005	Cecilia Martin	LC/4	LC/3
133-38-074	2005	Linda Stein	LC/4	LC/3
133-41-513	2005	Burel Carney	LC/4	LC/3
153-10-010	2005	Viola Anderly	LC/4	LC/3
208-14-449	2005	Stanley Howell	LC/4	LC/3
215-36-204	2005	Darla Brandon	LC/4	LC/3
232-04-187	2005	Kenneth Martin	LC/4	LC/3
301-01-716	2005	Marian Chvatal	LC/4	LC/3
301-47-524	2005	Lee Teacher	LC/4	LC/3
301-50-729	2005	Shirley Bowers	LC/4	LC/3
301-77-217	2005	Warren Dewey	LC/4	LC/3
301-91-877	2005	Michael Pizzi	LC/4	LC/3
301-93-131	2005	Terry Evans	LC/4	LC/3
303-64-641	2005	Allan Zettler	LC/4	LC/3
308-07-090	2005	Susan May	LC/4	LC/3
507-04-427	2005	Franklin Walton	LC/4	LC/3
102-74-274a	2004	Caryn Reynolds	LC/4	LC/3
117-31-093	2004	Amelia Giordano	LC/4	LC/3
120-33-058d	2004	Donald Perry	LC/4	LC/3
125-17-040a	2004	Kathleen Brown	LC/4	LC/3
125-24-014	2004	Manuel Atayde	LC/4	LC/3/4
126-24-568	2004	Nancy Hippe	LC/4	LC/3
132-70-007	2004	Pedro Castellon	LC/4	LC/3
133-34-150	2004	Edmund Gravel	LC/4	LC/3
133-35-379	2004	Cecilia Martin	LC/4	LC/3
133-38-074	2004	Linda Stein	LC/4	LC/3
133-41-513	2004	Burel Carney	LC/4	LC/3
153-10-010	2004	Viola Anderly	LC/4	LC/3
208-14-449	2004	Stanley Howell	LC/4	LC/3
215-36-204	2004	Darla Brandon	LC/4	LC/3
232-04-187	2004	Kenneth Martin	LC/4	LC/3
301-01-716	2004	Marian Chvatal	LC/4	LC/3
301-47-524	2004	Lee Teacher	LC/4	LC/3

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301-50-729	2004	Shirley Bowers	LC/4	LC/3
301-77-217	2004	Warren Dewey	LC/4	LC/3
301-91-877	2004	Michael Pizzi	LC/4	LC/3
301-93-131	2004	Terry Evans	LC/4	LC/3
303-64-641	2004	Allan Zettler	LC/4	LC/3
308-07-090	2004	Susan May	LC/4	LC/3
507-04-427	2004	Franklin Walton	LC/4	LC/3
102-74-274a	2003	Caryn Reynolds	LC/4	LC/3
117-31-093	2003	Amelia Giordano	LC/4	LC/3
120-33-058D	2003	Donald Perry	LC/4	LC/3
125-17-040A	2003	Kathleen Brown	LC/4	LC/3
126-24-568	2003	Nancy Hippe	LC/4	LC/3
132-70-007	2003	Pedro Castellon	LC/4	LC/3
133-34-150	2003	Edmund Gravel	LC/4	LC/3
133-35-379	2003	Cecilia Martin	LC/4	LC/3
133-38-074	2003	Linda Stein	LC/4	LC/3
133-41-513	2003	Burel Carney	LC/4	LC/3
153-10-010	2003	Viola Anderly	LC/4	LC/3
208-14-449	2003	Stanley Howell	LC/4	LC/3
232-04-187	2003	Kenneth Martin	LC/4	LC/3
301-01-716	2003	Marian Chvatal	LC/4	LC/3
301-47-524	2003	Lee Teacher	LC/4	LC/3
301-50-729	2003	Shirley Bowers	LC/4	LC/3
301-91-877	2003	Michael Pizzi	LC/4	LC/3
301-93-131	2003	Terry Evans	LC/4	LC/3
303-64-641	2003	Allan Zettler	LC/4	LC/3
308-07-090	2003	Susan May	LC/4	LC/3
507-04-427	2003	Franklin Walton	LC/4	LC/3

**CODE ENFORCEMENT CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the continuation of the review of the Hearing Officer's Order of Judgment in the following Zoning Code Violation Cases until October 18, 2006:

- a. **V2001-00041, Leo R. LeRoy.** This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005, August 24, 2005, and February 15, 2006. (Supervisory District 5) (ADM3417-013)
- b. **V2001-00718, Donald Hutman.** This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005, August 24, 2005, and February 15, 2006. (Supervisory District 5) (ADM3417-012)

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**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on July 24, 2006. (ADM407)

Fernando Aguirre	\$3,000.00
Matilda Alvarez	\$1,033.34

**COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for June 2006. List is on file in the Clerk of the Board's office. (ADM4006)

**ANNUAL DONATION REPORT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the annual report received from Parks and Recreation for a total cash/non-cash donation of \$232,866.21 for FY 2005-06 and to accept the annual report from the Sheriff's Office for an unspecified amount. (ADM1810-001)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Irma Rojas	360557951	Expense	\$500.00
Jay Snow	360542919	Expense	\$195.72
Kenisha Hammond	270003761	Payroll	\$513.31
William Slagel	370003378	Expense	\$412.00

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
George Tom	Laveen SD #59	59009152	\$221.64
Sigler-Commercial HVAC	Higley USD #60	460124503	\$9,022.03
Len Paschall	Osborn SD #8	160115612	\$403.04
Mary Massellis	Queen Creek SD #95	470003206	\$120.00
CCS Presentation Systems	Murphy Elem SD #21	460132682	\$18,217.71
Lynda Scott	Avondale Elem SD	170000448	\$402.38
Arizona Education Assoc	Agua Fria Union High SD #216	460123683	\$1,959.80
Kari Lynn Klimasewski	Agua Fria Union High SD #216	103468	\$494.94

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Michael Zimmerman	Treasurer	170148693	\$1,286.22
Quliter Hightower	Treasurer	170148644	\$512.01
Guadalupe Munoz	Murphy Elem SD #21	16115811	\$487.29
Clara Vinzant	Paloma Elem SD #94	460138568	\$729.31
Paul Vinzant	Paloma Elem SD #94	460138574	\$60.00
Paul Vinzant	Paloma Elem SD #94	460136718	\$466.48
Stefanie Jacobelli	Roosevelt SD #66	170001853	\$307.98
Copymax	Littleton SD	460100612	\$27.74
Anita White	Littleton SD	460138268	\$474.40
Kelley Grantham	East Valley Institute of Technology	170001108	\$532.65
Shelley Brown	Liberty SD #25	25539059	\$294.17
Polly Wright	Laveen SD #59	59008735	\$147.76
Tiffany Enriquez	Laveen SD #59	59009543	\$3,580.29
Dennis Mader	Tolleson Union High SD #214	160123037	\$642.29
Safety Kleen Corp	Queen Creek SD #95	95553303	\$795.47
The Professional Group	Fowler SD	470000831	\$131.25
Kaleidoscope Ed Consulting	Fowler SD	460125487	\$5,000.00
Barbara Stern	Regional SD #509	170001057	\$784.22
Melissa Thom	Fowler SD	16122416	\$321.35
Monica Needler	Fowler SD	16122446	\$320.42

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held March 17, 2006, March 20, 2006, March 27, 2006, March 29, 2006, April 5, 2006, April 17, 2006, April 19, 2006, May 1, 2006, May 3, 2006, May 4, 2006, May 15, 2006, June 14, 2006, June 19, 2006, and June 26, 2006.

**PRECINCT COMMITTEEMEN**

No appointments or cancellations of appointment of Precinct Committeemen were requested for this meeting. (ADM1701)

**PUBLIC DEFENDER COST PER CASE ANNUAL REPORT**

Pursuant to ARS 11-584(A)(3), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the Public Defender Annual Report which provides the average cost of defending a felony case in the Public Defender's Office. This report is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM511)

**REDEMPTION OF WAIVERS FOR INDIVIDUALS AND ORGANIZATIONAL EXEMPTIONS**

Pursuant to A.R.S. §42-11153B, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the redemption of waivers for individuals and organizations requesting exemptions for the 2005 tax year during the period of March 1, 2006 through July 21, 2006. The list is on file in the Clerk of the Board's office and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

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**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2003	25857	25860	-\$1,670.90
2004	12171	12174	-\$3,083.64
2005	11606	11637	-\$149,364.96
2005	11639	12016	-\$3,276,046.82
2004	12291	12313	-\$286,338.28
2003	25933	25952	-\$294,545.50
2002	19578	19579	-\$101,922.84
2004	60209	60209	-\$33,410.25
2002	60210	60210	\$369.88
2002	60211	60211	\$217.20
2002	60212	60212	\$3.72
2004	60208	60208	\$3,757.56
2005	60207	60207	-\$36,767.04
2005	12168	12476	-\$891,619.74
2004	12349	12401	-\$45,434.04
2003	25986	26130	-\$43,848.40

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases dated August 16, 2006. (ADM704)

<b>2004/2005</b>	<b>Possessory Interest</b>
ST2004-000273	<b>2002/2003/2004</b>
<b>2005</b>	4519204
TX2004-000737	<b>Outside Counsel</b>
<b>2005/2006</b>	TX2005-050180
TX2004-000882	
<b>2006</b>	
TX2005-050335	
TX2006-050009	

**STALE DATED WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Sunbridge Estrella Care & Rehab	\$11,675.06
Shandie Ross	\$278.02

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**TAX ABATEMENTS**

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

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Edmond Loya, citizen, came forward to report alleged wrongdoing by Sheriff Arpaio and the Estrella Jail with regards to the perceived mistreatment of his girlfriend who is interred in the jail. He said she should be treated as innocent until proven guilty. (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

David Smith welcomed Chairman Stapley back from his emergency hospitalization in New York and mentioned that neither of them had been able to attend the national NACo conference in Chicago held during the same period of time. He said there were quite a few NACo Achievement Award winners from Maricopa County and a formal recognition would be held on August 30<sup>th</sup> to recognize and honor them. (ADM606)

Supervisor Wilcox attended a recent event to recognize the new ASU Downtown Campus with 5,000 new college students attending classes beginning next week. She said the County was mentioned for their aid in establishing the architectural center in the Securitys Building.

Chairman Stapley said, "I don't think there has been anything in past history or anything planned for the future that will serve to change the dynamics of downtown Phoenix more than the Arizona State University campus and the growth we will see in the next decade."

Supervisor Kunasek asked about the vote on item #85, the sale of a surplus MCDOT property remnant, and Tom Manos explained that a unanimous roll-call vote was only required on the sale of a property to a non-profit if it sold for less than 90% of the appraised value.

Supervisor Brock commented on the many NACo awards that Maricopa County received, saying he almost felt he had to "back the truck up to the door" to load everything. He said it made him very proud and he saluted the many County employees and department heads who had helped make it possible. Mr. Brock also remarked that he was impressed by a speech given by Dr. Lattie Coor in his role as CEO and President of the Center for the Future of Arizona, a think-tank that is generating enthusiastic response for the three major projects they are working on.

Supervisor Wilson, represents the County on the Homeland Security Board, and said it is important for everyone to have their own plan for family members to meet in case of an emergency, and to have the necessities on hand that their family would need. He added that a copy of a suggested emergency plan is available on the website.

All members of the Board expressed their appreciation in having Chairman Stapley back and on the mend from his recent emergency surgery. Chairman Stapley expressed his thanks to all those who had sent him well wishes and said, "I want you to know that the power of prayer is real and that I felt it and I appreciate it. Thank you for welcoming me back so kindly."

**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. Joy Rich, Assistant County Manager, 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.     **Z2006-033**     **District 1**  
      **Applicant:**   Commission initiative for Chandler Heights Community Organization and affected property owners  
      **Location:**    1) Southwest corner of Riggs Road & Tangelo Avenue (in the Chandler Heights area)  
                      2) South of the southeast corner of San Tan Boulevard & Mandarin Drive (in the Chandler Heights area)  
      **Request:**     Rezone from R-5 to Rural-43 RUPD (approximately 6.05 acres, cum.) – Chandler Heights Rezone

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2006-033, subject to the following stipulation “a”. Commissioner Bowers seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development and use of the sites shall be subject to all stipulations of case Z2005-006 as may be applicable, including:
- i.     The use regulations, height regulations, parking regulations and sign regulations of the Rural-43 RUPD zoning district are the same as the Rural-43 zoning district.
  - ii.    The yard regulations of the Rural-43 RUPD zoning district are the same as the R-4 zoning district.
  - iii.   The intensity of use regulations of the Rural-43 RUPD zoning district are the same as the R1-35 zoning district except that:
    - The average lot area per dwelling unit shall be 43,560 sq. ft.
    - The minimum lot width shall be 120’.
  - iv.    Any parcel rezoned that is substandard or otherwise nonconforming in regard to the Rural-43 RUPD zoning district must document Legal Non-Conforming (LNC) status with the Planning & Development Department. It is the responsibility of the property owner to document LNC status.
  - v.     There shall be no relief granted to the development standards of the Rural-43 RUPD development standards except with Variance approval by the Board of Adjustment.

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- vi. Secondary dwelling units (guest homes, casitas, etc.) shall be allowed in the Rural-43 RUPD zoning district with demonstration of adequate liquid waste disposal at the discretion of the Environmental Services Department.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to approve this rezoning with stipulation "a."

- 2. Z2006-034 District 1**
- Applicant:** Commission initiative for Chandler Heights Community Organization and Chandler Heights Citrus Irrigation District
- Location:** Southeast of the southeast corner of Riggs Road & Power Road (in the Chandler Heights area)
- Request:** Rezone from C-3 Rural-43 RUPD (approximately 0.47 acres) –Chandler Heights Rezone

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2006-034, subject to the following stipulation "a". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be subject to all stipulations of case Z2005-006 as may be applicable, including:
  - i. The use regulations, height regulations, parking regulations and sign regulations of the Rural-43 RUPD zoning district are the same as the Rural-43 zoning district.
  - ii. The yard regulations of the Rural-43 RUPD zoning district are the same as the R-4 zoning district.
  - iii. The intensity of use regulations of the Rural-43 RUPD zoning district are the same as the R1-35 zoning district except that:
    - The average lot area per dwelling unit shall be 43,560 sq. ft.
    - The minimum lot width shall be 120'.
  - iv. Any parcel rezoned that is substandard or otherwise nonconforming in regard to the Rural-43 RUPD zoning district must document Legal Non-Conforming (LNC) status with the Planning & Development Department. It is the responsibility of the property owner to document LNC status.
  - v. There shall be no relief granted to the development standards of the Rural-43 RUPD development standards except with Variance approval by the Board of Adjustment.
  - vi. Secondary dwelling units (guest homes, casitas, etc.) shall be allowed in the Rural-43 RUPD zoning district with demonstration of adequate liquid waste disposal at the discretion of the Environmental Services Department.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to approve this rezoning with stipulations "a."

3.     **Z2004-092**     **District 3**  
   **Applicant:**     Ted & Sharee Brookhart  
   **Location:**     North of Skinner Drive, west of 56th Street between Dixileta Drive and Dynamite Boulevard (in the north Phoenix area)  
   **Request:**       Special Use Permit (SUP) for a Horse Boarding Facility in the Rural-43 zoning district (approximately 4.92 acres) – Radstar Stables

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2004-092, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of the site shall comply with the site plan entitled "Plan of Development for the Brookhart Residence, 5424 E Skinner Drive", consisting of one (1) sheet, stamped received June 5, 2006 except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Radstar Riding & Boarding Stable Application for Renewal of Special Use Permit Z92-43", consisting of ten (10) pages, revised June 12, 2006 and stamped received June 16, 2006, except as modified by the following stipulations.
- c.     All trees shall be double-staked when installed.
- d.     A continuous parapet shall screen all roof-mounted equipment.
- e.     All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f.     Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g.     All outdoor lighting shall conform with the Maricopa County Zoning Ordinance. Minimal outdoor lighting will be utilized after 9:00 p.m.
- h.     Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- i.     Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

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- j. All on-site drives and parking spaces shall meet PM-10 requirements for dust control as acceptable to the Air Quality Division of the Maricopa County Environmental Services Department (MCESD).
- k. In no instance shall manure be placed, rolled or kept in the arenas. Manure shall be kept in an enclosed container and removed from the site twice weekly. Strict adherence to Chapter XI of the Maricopa County Environmental Health Code shall be required.
- l. A maximum of thirty-five (35) horses may be kept on the property at any given time.
- m. All barns or buildings housing animals shall be equipped with fly deterrent systems to minimize fly populations.
- n. This Special Use Permit shall expire fourteen (14) years from the date of approval by the Board of Supervisors. If not renewed the horse barns, covered corral and mare motel will be for owner's personal use only.
- o. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- p. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to approve this Special Use Permit with stipulations "a" through "r."

- 4.     **Z2005-138**     **District 5**  
       **Applicant:**     Infranext and Cingular Wireless for Crown Castle International  
       **Location:**     North of Indian Springs Road and west of 133rd Avenue (in the Avondale area)

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**Request:** Special Use Permit (SUP) for co-location on an existing Wireless Communications Facility in the Rural-43 zoning district and Cellular Use District 1 (approximately 0.21 acres) –Cingular Wireless PIR Site #P753

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of Z2005-138, subject to the following stipulations “a” through “n”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0. Commissioner Aster abstained.

- a. Development and use of the site shall comply with the site plan entitled “Cingular Wireless PIR #P753 Special Use Permit Z2005-138 ”, consisting of five (5) full size sheets, dated May 24, and stamped received June 15 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan that addresses the following item:
  - The SUP permit area is 0.16 acres
- b. Development and use of the site shall comply with the narrative report entitled “SPECIAL USE PERMIT Z2005138 TO ALLOW FOR CINGULAR WIRELESS COMMUNICATION FACILITY ON EXISTING CELL TOWER”, consisting of four (4) pages, dated May 17, stamped received June 15, 2006, except as modified by the following stipulations.
- c. The following Drainage Review stipulations shall apply:
  - Prior issuance of any building permits or the issuance of drainage clearance, the developer or his representative is required to contact the Drainage Permitting Office at (602) 506-7149 and the Planning and Zoning Office, both located at 501 N. 44th Street, second floor, for a building permit.
- d. The following Flood Control District stipulations shall apply:
  - Prior to any new development building permits, Floodplain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- e. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.
- f. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- g. The applicant shall submit a written report outlining the status of the development at the end of (5) five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- h. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable

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fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. The maximum height of the monopole shall not exceed 102' as shown on the approved site plan.
- l. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to approve this Special Use Permit with stipulations "a" through "n."

5.     **Z2004-128**     **District 5**  
   **Applicant:**     Sudbeck Consultants, Inc. for Rummel Enterprises, LLC  
   **Location:**     West of 59th Avenue, between Buckeye Road and the Roosevelt Irrigation Canal  
                           (in the southwest Phoenix area)  
   **Request:**     Major Amendment to a Precise Plan of Development for a Construction Storage  
                           Yard in the IND-2 zoning district (approximately 4.8 acres) – DBA Site

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2004-128, subject to the following stipulations "a" through "n". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

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- a. Development of the site shall comply with the site plan entitled "DBA Construction Major Amendment to Z86-99 & Z2002-124 Plan of Development", consisting of one (1) full-size sheet, dated (revised) May 3, 2006 and stamped received May 18, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "DBA Construction Major Amendment to Z86-99 & Z2002-124 Plan of Development", consisting of thirteen (13) pages, dated (revised) 9/29/05, and stamped received December 13, 2005, except as modified by the following stipulations.
- c. A continuous parapet shall screen all roof-mounted equipment.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. Within thirty (30) days of Board of Supervisors approval, the applicant shall apply for as-built permits for all buildings not currently permitted on this site. Any buildings that do not meet criteria for permitting shall be brought up to code or removed from the site.
- g. Within thirty (30) days of Board of Supervisors approval, all temporary trailers shall be removed from the property.
- h. Within thirty (30) days of Board of Supervisors approval, the applicant shall submit an elevation certificate on the approved Federal Emergency Management Agency's forms to Flood Control District and shall apply for a Floodplain Use Permit prior to as-built permit issuance of the concrete block building. Failure to obtain the Floodplain Use Permit will result in demolition or relocation of the building out of the floodplain and application for an Administrative Amendment to the Precise Plan of Development.
- i. Within thirty (30) days of Board of Supervisors approval and prior to zoning clearance, the applicant shall record the access easement to the site from 59th Ave.
- j. The applicant shall contact Salt River Project (SRP) regarding possible conflict with SRP facilities. For transmission conflict checks (69KV and above), call Daryl Smith at 602-236-8007. If the project cannot be redesigned to avoid the conflict noted, or if there are additional questions contact Becky Thomas, Expeditor New business Commercial at 602-236-0696.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to approve this amendment to this Plan of Development with stipulations "a" through "n."

- 6. S2006-007 District 3**  
**Applicant:** Julie DeMaria of CMX, LLC  
**Location:** Southeast corner of Anthem Way & Daisy Mountain Drive (in the Anthem area)  
**Request:** Replat in the C-2 CUPD zoning district for the Anthem Village Center (approximately 4.2 gross acres)

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

**REGULAR AGENDA DETAIL:**

- 7. TA2006-003 All Districts**  
**Applicant:** Commission initiative  
**Location:** County-wide  
**Request:** Text Amendment to the Maricopa County Zoning Ordinance (MCZO) in regard to outdoor storage and interim industrial uses – revising language to Articles 805.2.20 and 1301.1.27, and adding Article 1301.1.43

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of TA2006-003. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard explained the text amendment revisions and how they would improve the current process. Ed Bull, L&J Transport, was present to answer questions, but the Supervisors had none. The recommendation is for approval of the following (language changes are underlined):

Article 805.2.20  
Commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of no less than one acre.

Article 1301.1.27

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Commercial storage, or impoundment (not to include salvage operations, dismantling or sale of parts) of automobiles, mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of not less than one acre.

Article 1301.1.43

Outdoor storage including wholesale and retail sales of landscape materials, storage rental yards, construction yards and similar, interim industrial uses.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of these text amendments to the Maricopa County Zoning Ordinance.

8.     **TA2006-005     All Districts**  
      **Applicant:**     Commission initiative  
      **Location:**     County-wide  
      **Request:**     Text Amendment to the definition of "Mobile Home Subdivision" in Chapter 2 of the Maricopa County Zoning Ordinance (MCZO) in order to allow housing choice

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of TA2006-005. Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard gave the background for implementing this revision to the Zoning Ordinance and said the recommendation was for approval of the following Chapter 2 definitions:

*Mobile Home Subdivision: A subdivision designed and intended for residential use where residence is in ~~mobile homes exclusively~~. allows housing choice that may include site-built homes, manufactured homes and mobile homes.*

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this text amendment.

9.     **CPA2005-04     District 4**  
      **Applicant:**     Saddle Mountain Park, LLC  
      **Location:**     East of 411th Avenue & Osborn Road (in the Tonopah area)  
      **Request:**     Comprehensive Plan Amendment (CPA) to the Tonopah/Arlington Area Plan to change the land use designation from Mixed Use and Rural to Medium Density Residential (approximately 99 acres) – Saddle Mountain Foothills Adoption is by Resolution

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of CPA2005-04, subject to the following stipulations "a" through "o". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development and use of the site shall comply with the narrative report entitled, "Saddle Mountain Foothills Comprehensive Plan Amendment to the Tonopah/Arlington Area Plan", a document dated revised February 6, 2006 consisting of ten pages plus appendix including a 24"x36" land use plan dated February 2, 2006, except as modified by the following stipulations.

- b. If Special Use Permits for phase 1 of the proposed projects as identified in the narrative report referenced in stipulation 'a' have not been approved within three (3) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Mixed Use and Rural (0-1 d.u./ac) designations.
- c. If any approved special use permits associated with development of the site are revoked or expire, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Mixed Use and Rural (0-1 d.u./ac) designations.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met prior to approval of any Special Use Permits for the site:
  1. The applicant has provided a Traffic Impact Study (TIS) and the development will be required to comply with all recommendations in the MCDOT-approved TIS.
  2. The applicant will be required to provide a contribution (monetary and/or construction) to this development. Offsite improvements will be required per an approved Traffic Impact Study (additional lanes and traffic signal).
  3. The applicant will be required to comply with all other standard MCDOT recommendations, including but not limited to:
    - a. Provide all-weather access
    - b. Provide two means of access at all times
    - c. Provide paved access to the nearest paved roadway
    - d. Provide ultimate full-width construction of public streets and half-width construction of perimeter streets
    - e. All construction must be to minimum county standards in public right-of-way.
  4. The applicant will be required to provide documentation of approval and any requirements of any other agencies (i.e. ADOT).
  5. Address secondary access to this development (both north and south sides of Osborn Road).
  6. MCDOT Transportation Planning recommends improvement of 407th Avenue from Thomas and Osborn Roads for circulation and perimeter traffic distribution purposes. Please explain why you are not proposing to preserve right-of-way for and construction of 407th Avenue alignment.

7. Should the Clarendon Avenue corridor be used for secondary access to the part of this development north of Osborn, provide confirmation that right-of-way exists to 411th Avenue.
- e. The following Flood Control District stipulations shall be met prior to approval of any Special Use Permits for the site:
  1. Preliminary floodplain boundaries from the Palo Verde Floodplain Delineation Study in relation to the proposed layout need to be shown in the drainage report.
  2. In the drainage report, provide typical details showing the relationship of the proposed road, channel, floodplain, and lots using flow rates for the 100-year event from the Palo Verde Floodplain Study.
  3. A Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District prior to any development within the floodplain.
- f. Prior to approval of Special Use Permits for the first expansion of the RV Park or the new mobile home park, final water and sewer master plans must be approved by the Maricopa County Environmental Services Department.
- g. All landscaping shall be native or near-native Sonoran desert vegetation.
- h. A qualified cultural resources specialist survey of the project area shall be conducted prior to the approval of any Special Use Permits. Such survey shall be forwarded to State Historic Preservation Office (SHPO) and if warranted by the survey results, SHPO may recommend further archeological testing. Further testing shall also be completed prior to approval of any Special Use Permits.
- i. At the time of each residential building permit issuance, the developer shall provide a \$150.00 per residential unit contribution to the Maricopa County Parks and Recreation Department for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the park's special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. Maricopa County Parks and Recreation Department will provide each residential unit in the Saddle Mountain Foothills development with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park, except Lake Pleasant Regional Park.
- j. Prior to approval of Special Use Permits for the site, the applicant shall enter into an agreement with the Maricopa County Library District and local community groups to establish a library facility in the existing dormitory buildings adjacent to the site, which will provide an amenity for the proposed RV park and senior manufactured home community, as well as provide community meeting facilities for local groups.
- k. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at

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the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.

- I. A Traffic Impact Analysis indicating emergency egress routes and evacuation time estimates to ensure that the population within the development will have adequate time and roadway infrastructure to evacuate the area shall be submitted for review and approval by the Maricopa County Department of Emergency Management prior to approval of any Special Use Permits for the site.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of any permits, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Deed restrictions shall include age restrictions as outlined in the narrative report referenced in stipulation 'a'. It shall be the responsibility of the property owner to enforce the deed restrictions. Failure to comply with this stipulation will be considered substantial noncompliance with the Development Master Plan referenced in stipulation 'a' above and grounds for the Board of Supervisors, upon recommendation from the Planning and Zoning Commission to consider revocation of approval of the Comprehensive Plan Amendment and subsequent Special Use Permits for the site.
- o. Within three years from the date of Board of Supervisor approval of the Special Use Permit for the proposed senior manufactured home community, the improvements outlined in the narrative report referenced in stipulation 'a.' to the adjacent dormitory building, also known as the "man camp" building, shall be completed. Failure to comply with this stipulation will be considered substantial noncompliance with the Comprehensive Plan Amendment narrative report referenced in stipulation 'a.' above, and grounds for the Planning and Zoning Commission to consider revocation of this Comprehensive Plan Amendment and any subsequent special use permits for the site to revert back to its original land use designation and zoning.

Darren Gerard gave background on this land use case saying that opposition has been received and the applicant has worked to make requested adjustments. The recommendation is for approval with stipulations as given above.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o." Adoption is by the following resolution.

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RESOLUTION OF AMENDMENT  
EYE TO THE FUTURE 2020, MARICOPA COUNTY COMPREHENSIVE PLAN

Resolution Amending the Maricopa County Comprehensive Plan  
Case Number: CPA 2005-04  
Saddle Mountain Foothills

**BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

**WHEREAS**, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

**WHEREAS**, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

**WHEREAS**, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

**WHEREAS**, Case number CPA200504 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

**WHEREAS**, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

**WHEREAS**, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

**NOW, THEREFORE, BE IT RESOLVED** that the comprehensive plan amendment application for case number CPA200504, is hereby approved this 16<sup>th</sup> day of August, 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

10. **Z2005-136**      **District 4**  
**Applicant:**      Burch & Cracchiolo, PA for Ed Carhart  
**Location:**      1,000' south of Northern Avenue on the east side of El Mirage Road (in the west Glendale area)  
**Request:**      Special Use Permit (SUP) to allow Commercial Storage of Manufactured Homes in the Rural-43 zoning district (approximately 4.81 acres) – L & J Transporting

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2005-136, subject to the following stipulations “a” through “n”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled “L & J Transporting Inc. Offices & Yard For Ed and Michelle Carhart Special Use Permit” consisting of one (1) full-size sheet, dated May 29, 2006 and stamped received June 7, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “L and J Transporting Rezoning Narrative Report” consisting of twenty dated June 7, 2006 and stamped received June 7, 2006 except as modified by the following stipulations.
- c. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e. The sale of manufactured homes shall be prohibited on the site.
- f. The following Maricopa Department of Environmental Services (MCESD) shall be met:
  - Prior the issuance of a building permit, a construction approval will be obtained from MCESD for the new onsite wastewater disposal system.
  - The adjoining private well will serve this facility, plus two other lots. Currently, it appears that the well does not meet the criteria as a Public Water System (15 service connections or serving 25 people or more). If, in the future, this system is found to meet the PWS criteria, then it must be registered as PWS with MCESD.
- g. The following Maricopa County Department Transportation (MCDOT) stipulations shall be met:
  - Provide a total-width right-of-way of 65 feet of El Mirage Road.
  - Bond for a total half-width improvements including pavement, curb, gutter, and sidewalk for El Mirage Rd.
- h. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and ten (10) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard reported on the background of this request for a commercial storage Special Use Permit located near Luke Air Force Base. The recommendation is for approval. Supervisor Wilson commented that his earlier concern of a possible conflict with Luke was alleviated after the Base sanctioned the request. .

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

- 11. Z2005-146 District 4**  
**Applicant:** T-Mobile for JND Resources, LLP  
**Location:** South of Northern Avenue and east of Sarival Avenue (in the west Glendale area)  
**Request:** Special Use Permit (SUP) for a Wireless Communications Facility in the Rural-43 zoning district, Airport Zone 4, and in Cellular Use District 1 (approximately 0.010 acres) – Dunn's Arena

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-146, subject to the following stipulations "a" through "j". Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "Dunns Arena Wireless Communication Facility-Special Use Permit Z2005-146", consisting of five (5) full-size sheets, dated revised April 18, 2006, and stamped received April 28, 2006, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "T-Mobile Project Narrative For Special Use Permit Case Z2005-146", consisting of three (3) pages, dated revised April 19, 2006, and stamped received April 28, 2006, except as modified by the following stipulations.
- c. The overall height of the wireless communication facility shall be limited to 55'-9" including all antennas and attachments.
- d. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- g. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- h. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- i. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard reported on the background of this Special Use Permit and said the recommendation is for approval. Supervisor Wilson said any concerns he'd had about the close proximity to Luke Air Force Base had been alleviated after talking to Base officials.

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Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "j."

- 12. Z2005-046 District 3**  
**Applicant:** DFD Cornoyer Hedrick for State Line, LLC  
**Location:** Southwest corner of Scottsdale Road & Mayo Boulevard (in the northeast Phoenix/north Scottsdale area)  
**Request:** Precise Plan of Development for Phase 1 and a Conceptual Plan of Development for Phase 2 in the C-2 CUPD zoning district (approximately 20.49 acres) – The Shops at Chauncey Ranch

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2005-046, subject to the following stipulations "a" through "p". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "The Shops at Chauncey Ranch" consisting of a precise plan, one (1) full-size sheet, prepared by DFD Cornoyer Hedrick, dated June 2, 2006 and stamped received June 5, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the elevations entitled "The Shops at Chauncey Ranch" consisting of three (3) full-size sheets, prepared by DFD Cornoyer Hedrick, dated June 2, 2006 and stamped received June 5, 2006, except as modified by the following stipulations.
- c. Development and use of the site shall be in substantial compliance with the signage package entitled "The Shops at Chauncey Ranch" consisting of three (3) 11 x 17 sheets, prepared by Bleiier Industries, dated May 18, 2006 and stamped received June 5, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, a revised signage package shall be submitted which shall clarify the labels and layout to be consistent with the site plan.
- d. Development and use of the site shall comply with the narrative report entitled "Precise Plan Narrative Report June 2, 2006 for The Shops at Chauncey Ranch", consisting of four (4) pages, dated June 2, 2006, and stamped received June 5, 2006, except as modified by the following stipulations.
- e. Landscaping of the site shall be generally consistent with the landscape plan entitled, "The Shops at Chauncey Ranch", consisting of two (2) full-size sheets prepared by DFD Cornoyer Hedrick, dated June 2, 2006, and stamped received June 5, 2006, except as modified by the following stipulations.
- f. Development and use of the site shall comply with all use regulations and development standards of the C-2 CUPD zoning district as approved under Z2000-063 and amended by Z2001118.
- g. Development and use of the site shall remain in compliance with all applicable stipulations of approval under Z2000-063 and Z2001-118 except as modified or superseded by the following stipulations.

- h. The following Maricopa County Flood Control District (FCD) stipulation shall be adhered to:
- Prior to any construction, a Floodplain Use Permit must be obtained in conjunction with the necessary building permits. In addition, all finished floor elevations of structures will be required to be elevated two (2) feet above natural grade to comply with the Floodplain Regulations for Maricopa County.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. All trees shall be double-staked when installed.
- l. A continuous parapet shall screen all roof-mounted equipment.
- m. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- n. All interior roadways will be constructed to the minimum commercial/nonresidential standards of Maricopa County or City of Phoenix standards (where applicable).
- o. Major changes to this plan of development (the precise plan of development and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. For the purpose of this application, a minor amendment may include changes to the location, configuration and/or type of the site plan, adjustments to interior streets, etc., as long as such amendment does not increase the overall intensity, and otherwise complies with the C-2 CUPD development standards approved for site.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Darren Gerard reported on this Plan of Development for a shopping center. Recommendation is for approval. Late comments were received from the City of Phoenix that included three items on which they would like revisions. Staff has concerns that these changes could result in significant site plan grading issues. The applicant is negotiating with Phoenix for a compromise plan revision during annexation discussions. Dee Turner, Vertical Holdings, was present to answer questions, but there were none.

Supervisor Kunasek felt the annexation by City of Phoenix would resolve any remaining concerns they might have.

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Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "p."

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

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