

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

MARICOPA COUNTY FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Approve or amend the recommended Maricopa County Five-Year Capital Improvement Program (FY 2003-2004 through FY 2007-2008). (C49030338) (ADM1820)

Sandi Wilson, Deputy County Administrator

Chris Bradley, Director, Management and Budget, **did not attend**

Brian Hushek, Director, Management and Budget

Steve Conner, Director, Facilities Management

Heidi Birch, Director, Capital Facilities Development Department

Brian Hushek reported that thirteen projects had been completed in the County's Capital Improvement Program (CIP) between January 1, 2001 and June 30, 2003. These are the Estrella Support Building, Southeast Facility Parking Garage, Durango Utility Relocation, Jackson Street Storm Sewer Relocation, Jackson Street Parking Garage, Clerk of Court Customer Service Center, Facilities Management Building Renovation/Expansion, Durango Microwave Tower, Durango Parking Center, Forensic Science Center, Juvenile Residential Treatment Center, Land Acquisition – Lake Pleasant and the Durango Central Services Facility.

Slides and a corresponding handout were presented covering the updates on the Downtown Master Plan, other County projects, and the Transportation Department's CIP projects and budgets. Mr. Hushek said that \$238 million had been allocated for the General Fund CIP projects in FY 2001-02 and \$160 million each in FY years 2002-03 and 2003-04. However, \$3 million had been saved (because the courts had not been moved out while remodeling was done) and it will be added to FY 2003-04 making that total \$163 million. From this amount \$78 million has already been spent, leaving a balance of \$85 million.

Heidi Burch, Bill Valentine and Michael Wright discussed the County's Downtown Master Plan complex and showed slides of the proposed build-out and a production schedule for the implementation of the various public buildings and parking garages. The design is for the space bounded by Jefferson and Jackson and 5th and 7th Avenues. The Overview is to keep the buildings six stories or less for the early phases and to have a flexible master plan that is phase-able and responsive to pedestrian circulation. Discussion ensued on the debate with the City of Phoenix raised by problems of closing Madison Street for the two blocks running through the proposed complex. Supervisor Stapley advised that the County should maintain their option to close it off for the present. Several reasons to keep the street in use were suggested but Supervisor Stapley asked for a review to find a more creative way to incorporate it into the complex, saying that pedestrians and cars don't mix well.

Items discussed included costs of a high-rise vs. low-rise (six floors); advice given to keep this design attractive but not 'unusual' with the emphasis on efficiency and conservation; having the Supervisors auditorium incorporated into the main building vs. a stand-alone building; and the importance of addressing the "concept of light" in all parts of the buildings. The increased costs and expansion of the plans for the Sheriff's Office construction were also discussed. Heidi Burch said it was the result of the original budget being developed before all elements were identified and there had not been enough initial analysis prior to approval. Supervisor Stapley called for a briefing from someone at the Sheriff's Office on

the additional space changes. The separate small parking garage for Supervisors was discussed. Supervisor Kunasek said he had never felt any danger in the public parking and asked that the cost and necessity be reviewed before a final incorporation into the plan. He indicated that if there is a question of safety, all employees should be protected equally. It was also stated that there should be adequate parking for the public.

Other projects discussed included building the Human Services Campus, upgrading the Security Building, Northwest consolidated Justice Court, the new Southeast Justice Court consolidation, Southeast Regional Courtroom build-out, Northeast Superior Court expansion, Star Call Center buildout, Administrative Building renovations, plans for the Public Health Clinic and Environmental Services building, administrative services parking garage, Buckeye Hills shooting range, an Elections facility, the Sheriff's warehouse and a Sheriff's training facility, a West Regional Center, the 4th Avenue Jail and Lower Buckeye jails, Juvenile Detention/Durango and Juvenile Detention/Mesa, Facilities Management Maintenance Facility, Project Reserve summary, Transportation's capital projects and the Flood Control District's capital projects

The FY 2003-04 recommended Capital Improvement Program Budget totals \$315,599,813. Final budget adoption is set for June 23, 2003. The CIP breakdown is as follows:

General Government Capital Improvement Fund	\$23,851,077
Capital Improvement Lease Revenue Bond Fund	\$22,029,606
Intergovernmental Capital Projects Fund	\$20,900,213
Detention Capital Projects Fund	\$117,361,689
Transportation Capital Projects Fund`	\$77,457,228
Flood Control Capital Projects Fund	\$54,000,000
TOTAL	\$315,599,813

Chairman Brock asked how much approval of this item would "lock us into?"

Mr. Hushek explained that approval would give OMB guidance to finalize the budget but it wouldn't lock the Board into any of the projects. He indicated that the Board could make modifications at the tentative budget or final budget meetings.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) (Supervisor Wilcox was not present) to approve the five-year Capital Improvement Program budget of \$556,238,642 with a FY 2003-04 budget of \$261,599,813 for the first five items listed above.

~ Chairman Brock left the meeting ~

CHECK ENFORCEMENT BUREAU INITIATIVE REQUEST

Discussion and presentation regarding the County Attorney's 2003-2004 Results Initiative Request (RIR) for general fund support of the Check Enforcement Bureau. On January 30, 2003, the County Attorney's Office submitted RIR's in 11 different areas that are considered critical to the aggressive prosecution of crime and service to the Board and County departments. The one issue for the Check Enforcement Bureau has time sensitive components that will impact all law enforcement agencies in the County, as well as citizens across the County.

Rick Romley, County Attorney
Carol McFadden, Executive Chief, County Attorney's Office
Sally Wells, Division Chief, Pre-Trial Division (includes the Check Enforcement Bureau)

Mr. Romley asked the Board to instruct OMB to do an analysis of a budget request allocating up to \$200,000 additional General Fund dollars to the Check Enforcement Bureau. This Bureau receives service fees from those who write bad checks but is no longer able to maintain its self-sufficiency in conducting its business. He presented a slide program showing how this bureau provides an efficient way to recover financial losses to the citizens of Maricopa County due to check fraud by providing direct restitution to victims of bad checks and said that it also augments crime prevention through partnerships with the business community.

He noted that this Bureau saves money by handling these cases early on, thereby lessening the number of criminal complaints that are filed. This reduces caseloads, which reduces the number of public defenders, prosecutors, Justices of the Peace and possibly even Superior Court Judges who would otherwise become involved.

Large businesses comprise 10% of the clients using this program, 80% of the checks are from small businesses, and the remaining 10% involve individuals. He said that two County departments, MIHS and Planning & Zoning, are using this program to try to recover funds for the County and the State Department of Economic Security also uses it. He indicated that others would like to use this program but to stretch resources any further would require the funding he is requesting today. They charge the perpetrator the amount of the lost funds plus a statutorily set percentage of the total for processing. During FY 2001-02 19,229 checks were received valued at \$3.9 million. In that same period \$1.9 million was collected and \$1.3 million was returned to the victims and 2,942 criminal cases were filed on perpetrators unwilling to reimburse their victims. He said that without this service more than 25,000 criminal charges would have been filed on these cases, greatly increasing workloads in all areas of law enforcement as well as the courts.

Supervisor Kunasek asked about raising the penalty to increase operating funds.

Mr. Romley said he felt that the criminal should pay 100 percent of the costs but the legislature had set the penalty percentage years ago and would have to act to increase it. He indicated that this could be done, however, this bureau is feeling a money crunch now and needs additional funds to keep the program running.

Supervisor Stapley asked what the current budget was for the Check Enforcement Bureau. Mr. Romley said last year it was approximately \$800,000, plus they use the \$600,000 in fees that are collected. When asked if it would be possible to balance costs and income by making further staffing cuts and other adjustments. Mr. Romley responded that his staff has already been cut by 19% and because of the volume he doesn't believe it possible to cut it further. He said the program will have to be closed if his requested funds are not provided. Discussion ensued on this and suggestions made to set a dollar level under which his office would not accept claims. Mr. Romley clarified that he was only asking to have OMB review this request with regards to funding it.

Brian Hushek responded to the question of whether OMB (Office of Management and Budget) could do this in the allotted time by saying that they would begin their analysis and if it could not be completed before the end of this fiscal year (June 30), and should the Board be inclined to approve the allocation, the matter could be reintroduced after July 1st with the recommendation that contingency funds be allocated for the amount.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to direct the Office of Management and Budget (OMB) to review, analyze, and make a recommendation

on the County Attorney's 2003-2004 Results Initiative Request (RIR) for general fund support of the Check Enforcement Bureau. (C19030488) (ADM404)

MARICOPA COUNTY HEAD START/EARLY HEAD START POLICY COUNCIL EXECUTIVE COMMITTEE

Presentation by the Maricopa County Head Start/Early Head Start Policy Council Executive Committee. The presentation will include the following:

- An introduction of the Executive Committee to the Board.
- A statement of appreciation to the Board for their continued strong support of young children, age birth to five, and their families who reside in Maricopa County.
- An announcement that the Maricopa County Head Start and Early Head Start Program recently applied for and has been designated by the National Head Start Association as a nationally recognized "Program of Excellence" making Maricopa County the first ever awardee of its type in Region IX and one of only 16 such awards across the nation.
- The Policy Council Position Statement on the upcoming federal reauthorization of Head Start and Early Head Start. (C2203114M)

Rich Marshall, Director of Human Services, reported that the Head Start Policy Council serves as the requisite governing body and is composed of volunteers as required by federal regulations for all Head Start Programs across the Country. Head Start and Early Head Start serve preschool low income and special needs children in the County who are 0-5 years of age.

Dr. Kathy Hayden said currently the Program is serving more than 2,500 children in the County. She said this program will receive a National Program of Excellence Award in May and thanked the Supervisors for their continued support of Head Start in the County. She introduced Ms. Sullivan, chairwoman of the Policy Council who introduced Michael Lopez, member-at-large on the Council. Ms. Sullivan spoke of the many facets of work done by the Policy Council to help the Head Start programs produce quality services and cited some of the things achieved during the past year. She said that President Bush has submitted a proposal to dismantle Head Start and Early Head Start from the U.S. Department of Health and Human Services and move it to the Department of Education. Local program facilitators are opposed to this action. She indicated it would mean the loss of needed comprehensive services to the low income families whose children are enrolled in Head Start. She read a policy statement drawn by members of the Policy Council denouncing this idea.

Discussion ensued on why the President was proposing this action and an alternate plan, which would put Head Start under the control of State governments. Possible solutions that could be taken to further support this program and keep it viable were discussed.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda for May 5, 3002, as follows.

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

Compromise Cases

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
May 5, 2003**

Barbara Caldwell, Outside Counsel

Lisa Atkins
Guy Atwell
Denia Carranza
David Carranza-Nora
Diego Gonzalez
Rosa Gonzalez
Jeri Livingston
Estephanie Medina
Wanda Reece
Wyatt Willie

Write-Off Cases

Barbara Caldwell, Outside Counsel
Mark Arnold
Alexandra Ball aka Alexandra V. Viverito

PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(4)

Robert A. and Phyllis B. Levy v. Maricopa County; TX 2000-000380

Jerry A. Fries, Deputy County Attorney, Division of County Counsel

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

Jamie Demery, et al. v. Maricopa County Sheriff Joseph Arpaio, et al., U.S. District Court No. CIV 01-0983-PHX-EHC

Richard A. Stewart, Deputy County Attorney, Division of County Counsel

Maricopa County v. Cole Desert Palms Holdings, LLC

Cary Hipps, Deputy County Attorney, Division of County Counsel
William Knopf, Deputy County Attorney, Division of County Counsel

State v. Hyde CR 1991-002152

Paul Golab, Deputy County Attorney, Division of County Counsel
Dean Wolcott, Outside Counsel
Mark Kennedy, Director, Office of Contract Counsel

MEETING ADJOURNED

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

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
May 5, 2003**