

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., June 1, 2004 in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1; Don Stapley, District 2. 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).

POSSIBLE FORMATION OF AN AGGREGATE MINING OPERATIONS ZONING DISTRICT

Discussion regarding the possible formation of an aggregate mining operations zoning district in the vicinity of 115th Avenue and Beardsley Road, in accordance with ARS §11-830.

Darren Gerard, Deputy Director, Planning & Development

Darren Gerard said that 105 signatures have been received to create a mining district in the vicinity of 115th Avenue & Beardsley Road. The petitions were presented pursuant to ARS §11-830, which states that the County shall establish such a district on the petition of at least 100 persons who reside within ½ mile of an existing aggregate mining operation. He said that the 105 signatures on the petition have been verified and most are from residents of Coyote Lakes subdivision, which is located within the City of Surprise. Much of the Agua Fria riverbed downstream is in unincorporated Maricopa County and the mining operation in question is located on unincorporated County land. Mr. Gerard indicated that aerial photos have shown at least four other existing mining operations along this segment of the river. Because of the fairly close proximity of these five mining operations to established or planned residential developments, staff's recommendation was to establish the Aggregate Mining Operations Zoning District to encompass all unincorporated territory within a 1-mile radius of the floodway of the Agua Fria River between Bell Road on the south and a point approximately 1-mile northeast of the Jomax Road river crossing. Staff also recommended that the Board appoint an operations committee for the district. The Committee can be comprised of an equal number of residents and representatives of the mining industry. The resident members of the committee must be independent of the mining industry and the maximum number of members for the committee is 14.

After further review staff recommended that the district be expanded to span the area between Grand Avenue on the South and the CAP canal on the north in order to incorporate additional mining operations nearby. The operations committee will establish work-related regulations for adoption by the County that could impact the following County departments: Planning and Development, Environmental Services, Transportation and the Flood Control District. The County must notify all mining operations within the district of its formation within 90 days of establishing the committee. Discussion ensued on the number of members to appoint and the actual authority granted to the committee.

Lyle Tuttle, a resident of Coyote Lakes, came forward to speak in favor of this district in the area described. He said residents are having problems with some of the mines and this is the first step residents can take to try to help themselves.

Richard Wenbe, said he represented the residents living on the west side of the Agua Fria River and that they have had to contend with these mining operations for longer than any of the other developments in the area. He expressed concern at the number of "regulations that don't seem to be anyone's responsibility." He explained that whether he talks to the mining inspectors, the Flood Control District or others, they are limited to certain actions only, and there are no laws pertaining to "things that these gravel pits are doing." He felt that in forming a district all the agencies could come together to form recommendations to bring for the Board's approval. He reported that the mines have moved to within 100 feet of some of the homes in Rose Garden Lane. This and the dust problem are the most serious concerns. Dust control problems are aggravated by the long-term prevailing drought conditions," and

there doesn't seem to be anybody responsible for that (dust control) or anyone who has the authority to made decisions that make good sense." He said that Salt River Mines would water the area several times a day when they plowed new roads and were in contact with residents and conscious of what they were doing, even offering to build a wall along the perimeter to protect residences from the dirt. He said that because of the long drought "the water table is down so far that the dust is about three times more serious than it was before." He looked forward to having a committee, saying that, "somebody overseeing or taking a look at this would be greatly appreciated."

Supervisor Wilson said that houses are still being built next to the gravel operation's lands and the problem could get worse. "It doesn't make any difference who was there first."

Connie Stover, Coyote Lakes HOA president lives 600 feet from the mine and urged the formation of this district. She said she recently toured the Sun State mine with Air Quality Control people who instructed her on the elements they could control and those that they couldn't control. A major issue with residents is the air quality surrounding their homes and fogging the area. She cited examples of abuses for which no one will claim responsibility. She said that when she bought her property six years ago she signed a disclaimer on the mining operation as they had surveyed the area at different times and decided they could "live with it." But there are residents in their HOA who did not sign a disclaimer and who had no idea that the mines were there. She said that the Sun State manager had showed them future excavation plans, which she pointed out on a map. She said, "You can see how close these come, and how many more homes are going to be affected by this one mine coming that far south. There is nothing to stop them from doing this. We need a voice who will protect those people who are not informed, and there's no way they could have been informed about this mine and the air pollution dangers that they're going to be living with." With regards to the committee, Ms. Stover said that residents who do not have an elected leadership role but have assumed one for themselves through interest should be appointed. She suggested that a committee representative should be earmarked from the planned future residential area as well. She felt an oversight committee for the area in question is critically important. In response to a question from Chairman Kunasek on expanding the area included in the district because of the four other mines, she said she thought it was a very good idea to extend the district south to Grand Avenue and also felt the northern alignment was appropriate. She said, "Keeping it within a smaller area that can be controlled by the residents rather than having an area so large that people are not directly affected" would be best.

Russell Bowers, representing Arizona Rock Products Association, did not register a preference for or against a district but said the association perceives the best hope to come from this would be as a method of dispute resolution. He said that common problems within the industry that consistently have to be addressed are dust, sound, light and traffic. Similar conditions are found in other parts of the valley with such operations. He felt there may be a need to augment the plan but said this may suffice for now. He added that major players will need to work together to address common problems for the area. He indicated that there are other interests such as the issues channelization project that could "bump into one another" and these must be considered when creating this new entity. He added, "This district, by statute, may not make recommendations in excess of permitting levels. We already have dust permits." He said there were certain issues that the district should be able to address.

Supervisor Wilson responded to Mr. Bowers by saying, "If we approach this, or if we begin this by listing the ways that it won't work, I can assure you that it won't work. We're setting standards with this first one, we're trying to bring some different mining operations into this, and we're trying to bring in some different groups and cities that are surrounded by these mines. We know there will be some people who aren't happy with it but by doing this - we hope it can be of benefit in several ways."

Mr. Bowers replied, "We have anticipated the formation of a district and we look forward to doing all that we can to make it successful."

Motion was made by Supervisor Wilson and seconded by Supervisor Wilcox to initiate the formation of an Aggregate Mining Operations Zoning District in accordance with ARS §11-830.

The Chairman asked if the motion included the extended area as discussed and Supervisor Wilson said that it did.

Paul Golab questioned changing the boundary from that which was publicly noticed and recommended that the approval be established as presented in the backup material with the idea of coming back and amending it appropriately when action is taken regarding committee membership. Mr. Gerard said there would be no problem in doing this.

Supervisor Wilson agreed to amend his motion, with concurrence on the second by Supervisor Wilcox, by adding: "The boundaries of the district shall be all unincorporated territory within a 1-mile radius of the floodway of the Agua Fria River between Bell Road on the south and a point approximately 1-mile northeast of the Jomax Road river crossing. Additionally, establish and appoint members to an Operations Committee of five (5) resident members and five (5) industry representatives according to statutory provisions." Supervisor Wilson also indicated that he wanted the by-laws for this committee to be written so there would be no misunderstandings about the authority or lack of authority that resides with the committee.

Motion carried unanimously (3-0-2) to initiate the formation of an Aggregate Mining Operations Zoning District as outlined above. (C44040060) (ADM2023)

2004 MARICOPA INTEGRATED HEALTH SYSTEM NURSING ANNUAL REPORT

Presentation regarding the 2004 Maricopa Integrated Health System Nursing Annual Report. (C9004190M) (ADM2100)

Barb Weber, Nursing Project Manager
Donna O'Connor, RN, Director of Education and Quality Outcomes Management
Judy MacMillan, RN, Director of Peri-Operative Services
Karen Ford, RN, Director of Case Management
Jan Garrity, Chief Nursing Officer

Jan Garrity is a recent appointment to the staff at Maricopa Integrated Health System (MIHS) and she introduced herself to the Board, saying she was very pleased to be here and considered it a privilege to serve the County as well as the community at large.

Barb Weber explained that the annual report submitted today is for 2003 and 2004 combined and covers five categories, Patient Focused Activities, Patient Safety, Stewardship, Healthy Work Environment and Future State. She said that in December of 2003 the Nursing Executive Council met to review the previous year and plan for the coming year. They decided to take a "back to basics" approach to focus on "the simplicity of what we need to be focusing on." They chose Stewardship, Trust and Integrity as their nursing motto. She also read their Mission, Vision and Credo.

Donna O'Connor reviewed projects that are patient focused, which are important to keep them from becoming so task oriented that they lose their focus on patients. These projects included Care Maps, Acuity System, JCAHO Preparation/Survey/Tracer Methodology (for hospital accreditation), Case Management, Director of Nursing Grants Research, Safety Project – Massage/Yoga Therapy for Burn Patients, Pediatric Process Improvement and Pediatric Collaborative Practice Committee. Ms. O'Connor focused on the upcoming JCAHO survey and said that previously JCAHO would come in and make a cursory examination of charts, looking at policies and procedures to see if the standards of care are being met. It has been changed this year to tracer methodology which traces a patient throughout his continuing care and includes inquiring of staff members (not management) what they did for this patient. She said this is a new challenge and she likes what they have done because now everyone needs to know what the standards are for joint commission review. This survey will be conducted sometime this summer or fall and processing the learning curve for staff is a main focus.

Patient Safety has become a huge concern in medical institutions. Judy MacMillan said that medical errors are the eighth leading cause of death in America, ranking higher than breast cancer, HIV disease and car accidents. Approximately 50,000-100,000 Americans die each year from medical errors and \$17-38 billion is spent annually on repeat tests, disability and death caused by medical error. The following MIHS and national practices have been implemented by the nurses.

2004 National Patient Safety Goals

- Improve the accuracy of patient identification
- Improve the effectiveness of communication among caregivers.
- Improve the safety of using high-alert medications.
- Eliminate wrong-site, wrong-patient and wrong-procedure surgery.
- Improve the safety of using infusion pumps.
- Improve the effectiveness of clinical alarm systems.
- Reduce the risk of health care-acquired infections.

2003 Nursing MIHS Patient Safety Projects

- Patient Transportation Team
- Conscious Sedation
- Resuscitation
- Medication Administration Team
- Blood Transfusion (Blood Bank ID Band)
- Allergy arm band

Karen Ford said that Stewardship is divided into two categories; Financial and People/Training. She explained that tending to one without the other creates an imbalanced work environment. Both people and finance require mindful and deliberate planning and evaluation of effectiveness. In 2003, Nursing engaged in several activities to develop changes to develop and promote the Nursing staff. Concurrently, Nursing made substantial process changes to improve fiscal health and accountability. The "people" activities included a quarterly education fair, establishing a learning organization, annual emergency medicine seminar and a critical care seminar. On the financial side, a grievance and appeals process was implemented, a cardiac/cath lab, an emergency department, special order requests, enhanced charge process review, special order billing for requests, plasmaphoresis, dialysis services and automated staff scheduling system to trace personnel profiles, certifications, credentials, salary history and performance evaluations. She provided interesting statistics on the increases in billing amounts, cardiac patient procedures and case management revenue increases through appeals on denial of services.

Healthier Work Environment focused on recruitment and retention, which remains one of MIHS' greatest challenges. Seventy-four percent of the nurses who left MIHS last year had been there for less than three years. Donna O'Connor said, "People are the only assets in any organization that multiply their output if given a little understanding, recognition and care." Using this concept several new things have been done to try to retain nurses: a new grad program, a preceptor program, health fairs, health academy, health advancement and career ladders, the nursing practice council (NPC), unit based NPC and nursing peer review. To date, this is the only nursing peer review in the valley so it is unique to the MIHS nursing staff.

Jan Garrity said she was very excited about being at Maricopa, "because I think there is much opportunity and we have wonderful, wonderful people at Maricopa." She said that the staff is there for several reasons, one of which is because they truly believe in the mission and they really want to serve the community. She said she had been at other hospitals where that is not the case. The second reason she cited was the professional and interpersonal relationships that people developed with their peers and this accentuates the pride in the care that is provided. Again, she said she has not always found this to be the case in hospitals where she has worked. She indicated that changes would be to more aggressively pursue actions that will move the staff forward and upward and she felt the nurses who have been at MIHS for years share her excitement over that concept. She mentioned several changes, including workforce stabilization and professional practice development. She said the hospital uses many "travelers" and other external resources and these need to be converted to internal staff. (Travelers are nurses who may come here as "snowbirds" or for other short-term reasons, and work for a few months and leave, often on a cyclic basis.) She said they have developed a strategic plan for this conversion but won't wait until the plan is completed as they have begun to implement this during the past few weeks. She explained, "We have to refill the pipeline and we've lost the pipeline from what I can see. I've talked to nurses who used to work here and there are many programs that we have to rebuild."

Ms. Garrity mention other areas that would be pursued that included recruitment and retention where they will develop an overall, comprehensive strategic plan and she said that nurses came to her last week after hearing of this to volunteer for and give ideas on structure in forming a new nursing retention committee that would be made up of staff nurses only. She said it was important for everyone to contact former nurses and ask them to come back, and she reported that even in this short time two have promised to do this. She said that JCAHO would take much of their resources, attention and focus during the coming months. "We want to be ready for JCAHO, we want to move the regulations and we have recently redesigned the entire approach and created a mobilization plan."

She stated that one of the other two items is the creation of an alumni advisory council. This was suggested by one of the former nurses she has met with who told her, "Many such alumni grew up at Maricopa and there are many nurses throughout the state, some who hold state offices, and many retired nurses, etc., and they probably feel as I do and want to give something back." The other large initiative deals with the creation of a center for nursing excellence. She said that many of the things that are so interconnected would be improved so that as we move forward we will raise the bar of professional practice in nursing and achieve a standard of excellence in the community. "I think that can be achieved. I know that in the past you achieved national awards and I think we can do that again in the future. I really have no doubt of that." She said she knew that years ago Maricopa had a steady stream of fellows and they've fallen off for some reason. "We need to look at what those reasons are ... I have a feeling it's funding, but we have to look at that. She also wants to build an intern program of new nursing graduates and possibly get their commitment to stay. She mentioned the highly specialized areas at the hospital, such as the burn unit, and spoke of developing residency programs for experienced nurses for them. "The key is that we need to be the center of education in order to draw many of those people and that's what we can build."

Supervisor Wilson said he knew of one area where there can be problems and it is in the relationship between doctors and nurses. He asked if there were avenues for the nurses to pursue if problems arose.

Ms. Garrity said she works to see that there are effective relationships – she said this was one of her assessment questions when she walked in the door and she had been told that for the most part these are very positive. She said that this has to start at the top and leadership has to be shown at the top and she and Dr. Kennedy decided right away to be very colloquial and collaborative in their relationship and have talked every day and decided together how to handle the things that have come up.

Supervisor Wilson said, “I learned a long time ago that no matter how much I was getting paid or what the job was I could directly relate it to who I was working for and, that individual could either make it a good experience for me or a difficult or learning experience.”

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated June 14, 2004, as follows.

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

1. **Compromise Cases – Abraham Cabrera, Daniel Cloyd, Aisha Elagha, Roberto Gonzalez, Natasha Hebert, Judith Labat, Jeffrey Lamb, Ernest Patterson, Patricia E. Vogel.**
Barbara Caldwell, Outside Counsel
2. **Write-Off Cases – Chad Harty, Michael Jackson, Mia Pileggi.**
Barbara Caldwell, Outside Counsel

RECORDS OR INFORMATION EXEMPT BY LAW FROM PUBLIC INSPECTION -- ARS §38-431.03(A)(2)

3. **Maricopa Integrated Health System Physician Credentialing**
Christopher Keller, Chief Counsel, Division of County Counsel
Louis Gorman, Deputy County Attorney, Division of County Counsel
James Kennedy, M.D., Maricopa Integrated Health System, Director of Medical Affairs
Ed Fenstermacher, M.D., Maricopa Integrated Health System, HP Medical Director
William Ellert, M.D., President, Maricopa Integrated Health System Medical Staff
Stephanie Davee, Director, Medical Staff Services

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

4. **Air Evac Services, Inc. v. Maricopa County, No. LC2003-000173-001-DT**
Christopher Keller, Chief Counsel, Division of County Counsel
Sandi Wilson, Deputy County Administrator
Shawn Nau, Director, Health Care Mandates
Jan Ringgenberg, Health Care Mandates
Donald W. Bivens, Attorney, Meyer Hendricks & Bivens
Michael Ross, Attorney, Meyer Hendricks & Bivens

Bruce P. White, Deputy County Attorney, Division of County Counsel

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

5. Contract: AHCCCS & ALTCS Amendment: YH04-022-10

Legal Advice: MIHS Policy re: Early termination

Christopher Keller, Chief Counsel, Division of County Counsel

Tom Manos, Chief Financial Officer

Ted Shaw, CEO, MIHS

James Kennedy, M.D., MIHS V.P. Medical Affairs

Bill Sims, Attorney-at-Law, Outside Counsel

Louis B. Gorman, Deputy County Attorney, Division of County Counsel

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

6. Maricopa County v. Parmesh Khamre, et al., CV 2000-016852

Jean Rice, Deputy County Attorney, Division of County Counsel

Mike Ellegood, Director of Public Works, Transportation and County Engineer

Mike Wilson, Public Works Land Right-of-Way Division Manager

Gary Scott, Right-of-Way Acquisition Manager

William Lawson, Esq., Outside Counsel

CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF REAL PROPERTY -- A.R.S. §38-431.03(A)4 AND (A)(7)

7. Sale of Dove Valley real estate

Tom Manos, Chief Financial Officer

Dennis Lindsey, Real Estate Manager

Terry Eckhardt, Deputy County Attorney, Division of County Counsel

Bill Riske, Deputy County Attorney, Division of County Counsel

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

8. Litigation regarding Phoenix Memorial Hospital claims for medical care of indigents and County jail inmates (PMH V. Maricopa County CV1998-02035, CV1998-08111, CV1998-11303, CV1998-16450, CV1998-19242, CV1999-02005, CV1999-09427, CV1999-17153, CV1999-20359, CV2000-01081, CV2000-03622, and related pre-litigation claims)

Shawn Nau, Director, Health Care Mandates

Jan Ringgenberg, Health Care Mandates

Bruce P. White, Deputy County Attorney, Division of County Counsel

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

9. Liquor License Transfer – Thunder Pass Food & Spirits

Dennis Carpenter, Deputy County Attorney, Division of County Counsel

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

10. Patricia Hattois Claim – MM 9002027575

Maria R. Brandon, Deputy County Attorney, Division of County Counsel
Peter Crowley, Risk Manager
Ted Howard, Risk Management
Patrick Spencer, Risk Management

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

11. John King

Mary C. Cronin, Deputy County Attorney, Division of County Counsel

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

12. Medical Professional Associates of Arizona, P.C. (MedPro) C90020591)

Christopher Keller, Division Chief, Division of County Counsel
Tom Manos, Chief Financial Officer
Ted Shaw, MIHS, CEO
Matt Nelson, MIHS , CFO
Louis Gorman, Deputy County Attorney, Division of County Counsel

MEETING ADJOURNED

At the conclusion of discussion on the matters listed above, and there being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board