

**SPECIAL SESSION
September 15, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Special Session at 9:00 A.M. Wednesday, September 15, 2004, in the Supervisors' Conference Room, 301 W. Jefferson Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2 Also present: Fran McCarroll, Clerk of the Board, Monica Farine, Minutes 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).

Chairman Kunasek called the meeting to order.

CANVASS OF PRIMARY ELECTION

Item: The Maricopa County Elections Department has prepared the Official Returns from all county precincts, declaring the vote for the Primary Election held on September 7, 2004. The Elections Department requests that the Board of Supervisors Canvass these returns and approve the Official Canvass for this election pursuant to A.R.S. 16-642 through 16-645. The Board of Supervisors is required to canvass these returns within fifteen days following the election. The Official Canvass is on file with the Clerk of the Board of Supervisors. (C2105002700) (ADM1709)

Helen Purcell, Maricopa County Recorder

Karen Osborne, Maricopa County Elections Director

Helen Purcell presented the complete Canvass of the September 7th election along with a disk of the information. She explained it includes the provisional ballots, and winners of the write-in races. There was a 22 percent overall turnout for the primary. Ms. Purcell added that only about half of the people who are eligible to vote are registered to vote. This could make a 22 percent turnout equate to an 11 percent turnout. Broken down by party, the turnout was: Republicans, 37%; Democrats, 20%; and Libertarian almost 16%.

Karen Osborne explained that the second packet contained information derived from the new HAVA Rules. There will be a recount in Legislative District 20 for the House of Representatives where two candidates are four votes apart. The Secretary of State has set Canvass for Monday at 2:30 p.m. The order will be given at 4:30 p.m. for a recount. At 9:00 a.m. on September 21st, the Elections Department will begin the recount process in order to bring the amended canvass forward. In response to Supervisor Wilcox' question as to their prediction for the presidential election turnout, they said there may be a 75 to 80 percent turnout. Ms. Purcell believed the interest is partly carried over from the 2000 election. Supervisor Brock thanked them for the comprehensive summary; and asked they share early voting statistics. Ms. Osborne said a little over half will vote early; and the general election will have 500,000 votes. Supervisor Brock requested the people be reminded of ways to register on county website, or by checking party headquarters, libraries and post offices. Karen Osborne said a postmark by midnight October 4 was necessary to register to vote in the general election.

Supervisor Wilson said in his household elections are very important. This year, after chatting with a woman who never voted before, he assisted her in filling out a registration form. Upon seeing her after the election he questioned how it felt to vote for the first time? She responded by saying she forgot. He jokingly commented, the next time, he'll have to go, pick her up, and take her there. Supervisor Wilson asked what reasons are given for not voting.

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Ms. Purcell indicated most people feel their vote does not count; nor make any difference, and when she speaks with school children, she passes out the handout showing how one vote counted. She said Hitler became chancellor because of one vote. She said generations of children in the 60's and 70's did not have the importance of voting impressed upon them. There is a group called Student/Parent Mock Elections that helps instill the voting habit to children. Supervisor Wilson said he feels when casting his vote, he is part of America and this privilege is one people have died for. Ms. Osborne said there were four votes difference in District 20, proving each vote counted. Supervisor Brock thanked them for materials given last month; which he took while speaking at a college. To his surprise, all wanted registration packets. The particular handout stated Charles II of England lost his head by one vote. Ten years ago his predecessor in a Legislative seat found himself in a tie vote. The candidates went to the governor's office and drew playing cards out of deck to see who was the winner. Supervisor Wilcox commented one couldn't complain if they don't vote and is amused when people call just to tell her they voted. September 30th will be the first mailing of the first General Election early ballots with the exception of District 20.

Supervisor Wilcox inquired how the new election office is working out. Helen Purcell said it was a pleasure to have everything in one place with room to do everything and you can vote there up to the Friday before the election day. Ms. Purcell indicated the last election information showed voting was two to one Republican. Chairman Kunasek said for his example of how each vote counts, he remembered 8 or 9 years ago getting called on his "cinderblock size" cell phone with the news he won the election by 13 votes. Chairman Kunasek stated Ms. Purcell's department does a fine job and the Board is proud of their efforts. Helen Purcell gave special thanks to her staff stating she appreciated them and said they make her look very good.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the canvass of election returns for the September 7, 2004, Primary Election in accordance with the Official Results prepared by the Maricopa County Elections Department.

AMENDMENTS TO THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Item: In accordance with A.R.S. Section 42-17106(B), authorize the following amendments to the FY 2004-05 Five-Year Capital Improvement Plan:

- a. Amend the Downtown Consolidated Justice Court Project, to include four additional floors of office space for use by Trial Courts, Adult Probation, Clerk of Superior Court, Integrated Criminal Justice Information Systems (ICJIS) and Public Defender. (ADM1820)
- b. Amend the budget for the Downtown Consolidated Justice Court Project by increasing the total project cost by \$24 million, from \$8,750,000 million to \$32,750,000, Function Class DCJC. (ADM1820)
- c. Reduce prior year expenditures by \$331,854 from \$331,867 to \$13 (Fund 445), and adjust the project budget as follows: 1) Increase Year 1 (FY 2004-05) budget by \$331,854 from \$168,133 to 499,987 (Fund 445) and by \$4,170,244 from \$7,829,769 to \$12,000,013 (Fund 435); 2) Increase Year 2 (FY 2005-06) budget by \$15,979,769 from \$420,231 to \$16,400,000 (Fund 435) and, 3) Increase Year 3 (FY 2006-07) budget by \$3,849,987 from \$0 to 3,849,987 (Fund 435). (ADM1820)
- d. Approve a revenue appropriation adjustment of \$24 million for proceeds from debt financing in General Government (470) Capital Improvement Fund (435). The Department of Finance will secure financing options. (ADM1820)

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- e. Approve the transfer and expenditure of \$1,789,184 from General Government (470) General Fund (100) General Contingency-Reserved Items: Debt Financing (4711), to a new line item in General Government (470) General Fund (100) Debt Service (4716) entitled "Downtown Consolidated Justice Courts" to fund the debt financing associated with this amended project. Lease reversions from Trial Courts, ICJIS and Public Defender will fund the operating costs and partially offset the debt financing costs at an additional \$1,660,024 annually. (ADM1820)
- f. Direct the Department of Finance to identify financing options for Justice Court projects to be approved at a future Board meeting.
- g. Amend Contract No. C-70-04-068-8-00 with D.L. Withers Construction L.C. of Phoenix, Arizona, in the amount of \$25,100,000, for the addition of four levels for a total facility size of 248,000 square feet, and to provide and install all furniture, fixtures, and equipment for the facility. This change was contemplated during the procurement process and is within the approved budget as amended by this agenda item. An additional 194 calendar days is added by this change order for a revised contract completion date of September 15, 2006. (C70050188) (C70040688)
- h. Amend the change order authority for this specific design build contract. This is now a \$32.75 million dollar project and in order to facilitate the construction process, this action requests approval to allow the Department Head authority for \$500,000 in additional change orders and the County Engineer \$1 million in change order authority. (ADM800)

Chairman Kunasek asked Mr. Connor to provide an overview of these items. Mr. Connor explained that the basic request was for an additional \$24 million for the Downtown Consolidated Justice Courts. The additional funding will be used to add four floors to the originally designed one-story building. This addition requires a change to the five-year capital plan. The additional space will allow several county departments to move from leased space to county-owned space, significantly reducing expenditures. The Public Defender's office and the ICJIS group would move into the building. During the entire procurement process for that selection, all respondents or interested parties were notified there was a potential that four floors may need to be added.

Chairman Kunasek said he had been briefed and participated in some of the preliminary discussions. This particular five-story building is on the southwest block of four blocks directly across from the Clerk of the Court's building. The back of the building will face 7th Avenue with very few windows for energy efficiency. The entrance will be from the Jackson Street garage into the south side of the building. This is the first building in the four-block area and will serve as the Cornerstone. Facilities Management is developing a master plan of the remaining three blocks, tying the entire plan into the medical examiner's building. The plan will be reviewed before any other decisions are made regarding the remaining three blocks. Chairman Kunasek agreed that this building seemed to meet the need for the co-located courts, Public Defender, ISJIS, and other offices at the best price.

Supervisor Wilcox wanted to make sure the façade could fit the master plan with flexible entrances so that flow of foot traffic between the buildings would be good. Supervisor Wilson said over last few years while voting for projects, he was a little disappointed in the long-range plan for a building. He commented that he felt that sturdier buildings, although more expensive at construction time were more economical in the long run. He asked Mr. Connor to compile some data about costs associated with a sturdier building (more concrete and steel) where additional floors could be added at a later date. He felt this would be more cost effective than buying more land for buildings in the future. In response to questions regarding the tenants Mr. Connor advised there are 5 justice courts planned for the first floor, and the other floors would be used for Public Defender (2 floors), the ICJIS group and some function of the Superior Court such as Adult Probation.

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Mr. Connor said costs associated with this 248,000 square foot building, if you take the total project, including moving costs, telecom, and infrastructure, is \$132.00 per square foot. The construction costs alone are about \$120.00. Mr. Connor considered that to be very good.

Supervisor Wilcox expressed concern that a satellite justice court may still be needed on the south side even if the main Court was co-located to this building. Supervisor Wilson reiterated that he would like to see some optional construction designs and Chairman Kunasek concurred.

After further discussion, motion was made by Supervisor Wilcox and seconded by Supervisor Brock to authorize the amendments to the FY 2004-05 Five-Year Capital Improvement Plan, in accordance with A.R.S. Section 42-17106(B) as stated above.

Chairman Kunasek said the Board is involved with aesthetic treatments as well as access and orientation issues; and the incorporation of Supervisor Wilson's concerns regarding timeless architecture and design must be included. Supervisor Wilson said he has reservation on this space's utilization while Supervisor Brock said this is a rapidly growing city, and must think of taller buildings.

Mr. Connor did not want to jeopardize the price held on current project and final evaluations will be shown to the board.

David Smith, County Administrative Officer said they have been cautious and have invested wisely in construction needs giving consideration to operational costs, utilities, and maintenance to stand the test of time. The county is cautious to make sure there is money for their pay-as-you-go philosophy. Chairman Kunasek thanked Mr. Smith and indicated the County has proven you can put facilities downtown, not be a blight, and in 400 years, the building will still be there and can be used for something else.

Chairman Kunasek called for the vote, which passed unanimously (4-0-1).

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board