

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
June 7, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., June 7, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, Vice Chairman, District 1. 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**

Fran McCarroll-Wolcott, Clerk of the Board, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

James Candland, District 2 Chief of Staff, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Bank, Maricopa County Animal Care & Control, brought two black and white kittens as the pets of the month. She said that June is Adopt A Cat Month and there is a "two fur one" cat special all month – the two-fur \$99 charge includes neutering and all vaccinations. She said there are "hundreds of cats" available at the animal control facilities and all of them want a home. This weekend there will be a fund raiser kick-off campaign so that the Pet Adoption Center at 35<sup>th</sup> Avenue north of Camelback can be transformed into a cat-only facility. Ms. Bank said that there will be a bar-b-cue, clowns, face painting and other family activities along with "lots of kitties available for adoption." There are photos of adoptable dogs and cats to view at their website, [www.pets.maricopa.gov](http://www.pets.maricopa.gov).

**The Chairman announced he would take the four addendum items at this time.**

**REWARDING IDEAS PROGRAM**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize an employee award from the Rewarding Ideas Program in the amount of \$2,500 and present the award on June 7, 2006. (Addendum Item A-1) (C2006036M00) (ADM3333-002)

**APPOINTMENT – MERIT SYSTEM COMMISSION**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Ms. Jean McGrath, representing Supervisorial District 4, whose term is effective from Board of Supervisors' approval through December 31, 2007. (Addendum item A-2.) (C0606075900) (ADM3315-001)

**REGIONAL SCHOOL DISTRICT #509**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt Resolution #4 which directs staff to discuss and develop with all interested parties, options for providing an alternative means of education for juveniles in detention, and other related matters. (Addendum item A-3.). (ADM-3814-002)

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**RESOLUTION # 4  
BOARD OF SUPERVISORS OF MARICOPA COUNTY  
CONCERNING THE MARICOPA COUNTY  
REGIONAL SCHOOL DISTRICT NO. 509**

**WHEREAS**, the Maricopa County School Superintendent ("CSS") established an accommodation school district called the Maricopa County Regional School District No. 509 ("District"); and

**WHEREAS**, the Board of Supervisors ("Board") has enacted three previous resolutions in 2006 concerning the District, received the Special Request Audit of the District dated May 31, 2006 ("Audit") and taken other actions related to the District.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The County Manager, in conjunction with currently-engaged outside counsel, are directed to investigate and take all necessary steps to present the Board with alternatives other than the District for school year 2007-08, for providing the detention schools function and any other functions of the District. A report to the Board should be made after consultation with the Presiding Judge of the Arizona Superior Court in Maricopa County or any other interested parties.
2. The County Manager and counsel are directed to examine the recently completed Special Request Audit dated May 31, 2006, and any other information and/or documents available, and to independently investigate to determine if any taxpayer monies may be recovered from any person or entity. A report shall be made to the Board as soon as possible.
3. Pursuant to the earlier resolutions of this Board concerning the District, and this Resolution, the County Manager is ordered and directed to take all necessary actions including but not limited to: securing any assets of the District that will not be needed after June 30, 2006 and recommend to this Board as to the disposition of those assets to carry out the intent of this Board's resolutions and to satisfy or partially satisfy the debts of the District, notifying district staff, district vendors and parents of students attending 308(B) services of the elimination of county funding and discontinuation of Board authorization to provide 308(B) services.

**ADOPTED** this 7<sup>th</sup> day of June 2006.  
/s/ Don Stapley, Chairman of the Board  
ATTEST:  
/s/ Fran McCarroll, Clerk of the Board

**CLAIMS REGARDING SUPERINTENDENT OF SCHOOLS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to direct the County Manager's Office to research and provide options to the Board of Supervisors for filing claims or counter-claims concerning the Superintendent of Schools (Addendum item A-4.). (ADM-3814-002)

**TEEN COURT SERVICES IN MARICOPA COUNTY SERVICE AWARDS**

All the Supervisors left the dais to assist Bill Graham in the presentation of Service Award Plaques to 52 individuals - citizen volunteers, county and judicial staff - commemorating their leadership and dedication to the Teen Court program in Maricopa County during the past 16 years. Mr. Graham said that these individuals assisted in the establishment and operation, and then provided unflagging support to the Teen Courts that are currently operating in more than 25 schools and in seven courtrooms throughout the County. He said that Teen Courts started as an ongoing class assignment in criminal justice in a Tempe high school classroom in the late 1980's. They became a widespread resource as a result of that first partnership between the Tempe Justice Court, the Tempe Union High School and the Maricopa County Juvenile Courts with Justice of the Peace Margaret Trujillo as the premier judge. Judge Trujillo was called forward to receive the first honoree plaque. Names of other honorees receiving plaques from the Board of Supervisors are as follows: (C2706009900) (ADM1200) (ADM650)

Judge Carlos Mendoza, Downtown Justice Court  
Judge John Ore, University Lakes Justice Court  
Judge Sam Goodman, San Tan Justice Court  
Judge Emmet J. Ronan, Presiding Juvenile Court Judge, Superior Court, Maricopa County  
Judge Quentin V. Tolby, Manistee Justice Court  
Judge Ron Johnson, Chandler Justice Court  
Judge Hercules Dellas, Maryvale Justice Court  
Judge Ted Armbruster, Fountain Hills Municipal Court  
Judge Gary La Fleur, Chandler Municipal Court  
Angela Shane, Connolly Middle School  
Tom Camp, Maryvale High School  
Beth Herbert, Basha High School  
Audra Police, Basha High School  
Stefanie Jackson, Desert Ridge High School  
Stacy Masciangelo, Desert Ridge High School  
Rachel Bennett, C.O. Greenfield School  
Matt Gaimari, C.O. Greenfield School  
David Nach, Mountain Pointe High School  
Jeff Martinson, Powell Jr. High School  
Lee Overholt, McClintock High School  
Mike Ward, Brophy College Preparatory  
Charlene Roll, Xavier College Preparatory  
Janet Klue, Westview High School  
Jeff Westfall, Fountain Hills High School  
Amy Ryan, Washington High School  
Jeff Parsons, Washington High School  
Linda Hopson, Chandler High School  
Lorraine Newsome, High School  
Miguel Marrero, Desert Washington Vista High School  
Russ Born, Maricopa County Office of the Public Defender  
Dan Lowrance, Maricopa County Office of the Public Defender  
Hugo Zettler, Attorney, City of Tempe Municipal Court  
Bob Jastrow, Attorney  
Gary Burger, Attorney  
Alysson Abe, Maricopa County Office of the Public Defender

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Elisa Donnadiu, Maricopa County Office of the Public Defender  
Tom Garrison, Maricopa County Office of the Public Defender  
Judy Huddleston, Maricopa County Office of the Public Defender  
Bryn Kanter, Maricopa County Office of the Public Defender  
Jason Leach, Maricopa County Office of the Public Defender  
Art Merchant, Maricopa County Office of the Public Defender  
Chris Phillis, Maricopa County Office of the Public Defender  
Suzanne Sanchez, Maricopa County Office of the Public Defender  
Eleanor Terpstra, Maricopa County Office of the Public Defender  
Ann Whitaker, Maricopa County Office of the Public Defender  
Terri Zimmerman, Maricopa County Office of the Public Defender  
Officer John Duhigg, Mesa Police Dept.  
Officer Dave Woodard, Chandler Police Department  
Officer Stacie Derge, Phoenix Police Department  
Jeff Schrade, Arizona Foundation for Legal Services and Education

Judge Ronin, Presiding Judge, Superior Court Juvenile Division, was asked to provide closing remarks for the ceremony. He related that he had been born and raised in the East Valley and now lives in Mesa. He referenced a recent city election where the electees said they were "happy" with the 28% voter turnout and stated, "Twenty-eight percent! We've come to accept almost mediocrity in terms of our citizenship duties." He said that Teen Court gives adults an opportunity to teach kids about the value and the responsibility of U. S. citizenship. He added that as Presiding Judge he often has the opportunity of traveling around the country and said, "I've found that Maricopa County is widely recognized as a leader for a number of our Juvenile Court programs and this kind of recognition starts with the leadership in the County." He thanked the Supervisors for recognizing and honoring those individuals who have worked so long and so hard on the establishment of the Teen Courts. He also thanked the Board Members for their continuing support of the Teen Court program, "Because it is a really good deal for everyone."

Chairman Stapley said it was unfortunate that Supervisor Brock was out of town. "He has been a real champion of the Teen Courts for a long time and helped make all of us aware of their worth and how this concept has blossomed." He added that the County is reaping some great results from the creative thinking that has gone into this program.

**REWARDING IDEAS AWARDS**

Item: Presentation of employee awards from the Rewarding Ideas Program. (C2006035M00) (ADM3333-002)

Jesse Locksa, Deputy Chief, Sheriff's Office, said that Maricopa County has been nationally recognized as an outstanding professional organization, "And as we all know, any organization is only as good as the people within it, and Maricopa County has thousands of outstanding employees." He said that two employees who have shown initiative and innovation in submitting suggestions that will save Maricopa County and our citizens almost a quarter of a million dollars, will be honored today.

Catherine Gray, Clerk of the Court, suggested a proposal to reduce the information packet that is sent to more than 28,000 employees annually from 9 pages to 4 pages. The new technique, used since 2005, is realizing a savings of over 50% in postage, mailing supplies and paper, and has resulted in a tangible savings of \$13,584 so far. Ms. Gray was awarded a check for \$2,500 and a Certificate of Appreciation.

Roxanna Rojo, Parks and Recreation Department, suggested using the SRP esthetic fund to furnish the underground installation of electrical service for the San Tan Mountain Regional Park Entry Station. Implementation of this suggestion resulted in a tangible savings of \$233,000. She received a check for \$2,500 and a Certificate of Appreciation for this money-saving idea.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications. The Clerk announced that application “d” should be continued to June 21, 2006. No speakers coming forth at the Chairman’s call, motion was made by Supervisor Wilson and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications, “a” “b” “c” “e” and “f”.

- a. Application filed by Guy B. Sromek, Agent, for a Permanent Extension of Premises/Patio: (ADM664-91)

Business Name: Lakeview Lanes d.b.a. Viewpoint Cafe  
Location: 10502 Thunderbird Boulevard, Sun City, 85351

- b. Application filed by Sandra Jean Crowell for a Permanent Extension of Premises/Patio: (ADM664-92)

Business Name: Mommas’ Country Kitchen  
Location: 3<sup>rd</sup> Street and US Highway 60, Aguila, 85320

- c. Application filed by Cory R. Marsh for an Original Series 12 Liquor License: (LL6185)

Business Name: Lovejoys Kansas City Bar-B-Q  
Location: 7019 N. Litchfield, Glendale, 85307

- e. Application filed by H. J. Lewkowitz for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Stephen Verhey Hudak/Pink E’s Fun Food Spirits: (LL6187)

Business Name: Maricopa County Events Center  
Location: 19403 N. R.H. Johnson Boulevard, Sun City West, 85375  
Former Location: Pink E’s Fun Food Spirits  
3227 E. Bell #151, Phoenix, 85032

One letter of protest was received from John Schiewek. Mr. Schiewek was not present at the meeting to voice his objection in person.

- f. Application filed by Randel Dauer for a Special Event Liquor License: (SELL735) (F23191)

Business Name: Speedworld R/C Flyers  
Location: 19421 W. Jomax Road, Wittmann, 85361  
Date/Time: June 24, 2006 10:00 pm – 12:00 am  
June 25, 2006 12:00 am – 4:00 am

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Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye."

- d. Application filed by Kim Kenneth Kwiatkowski for an Original Series 10 Liquor License: (LL6186)

Business Name: Circle K Stores #AZIRIGGS **CONTINUED**  
Location: SEC of Arizona Avenue & Riggs Road, Chandler, 85249

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue the application from Circle K Stores, "d" to the June 21, 2006, meeting.

**PUBLIC HEARING – ROAD DECLARED, REVISION OF RESOLUTION, ROAD FILE NUMBER A332-R**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following Resolution be passed and adopted: (C6406087001) (C6405223501)

**WHEREAS**, on the 9<sup>th</sup> day of March, 2005, 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 a County Highway; and

**WHEREAS**, on the 6<sup>th</sup> day of April, 2005, the Board adopted a Resolution designating Road File Number A332 declaring said road into the County Highway system; and

**WHEREAS**, that said petition and Resolution is being revised to amend the legal description approved on the 6<sup>th</sup> day of April, 2005;

**NOW, THEREFORE, BE IT RESOLVED**, that the legal description be amended to read as follows:

All of the Streets in their entirety in Sweetwater Estates Unit Two, a subdivision of portion Northwest quarter (NW4) of Section 14, Township One (1) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and Recorded in Book 139 of Maps, Page 03 MCR.

(Said alignment is also known as Streets within Sweetwater Estates Unit 2 Recorded in Book in 139 of Maps, Page 03, in Supervisor District No. 4)

**DATED** this 7<sup>th</sup> day of June 2006.

**PUBLIC HEARING – ROAD DECLARED, REVISION OF RESOLUTION, ROAD FILE NUMBER A354-R**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following Resolution be passed and adopted: (C6406087001) (C6406087001)

**WHEREAS**, on the 7<sup>th</sup> day of December, 2005, 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 a County Highway; and

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**WHEREAS**, on the 4<sup>th</sup> day of January, 2006, the Board adopted a Resolution designating Road File Number A354 declaring said road into the County Highway system; and

**WHEREAS**, that said petition and Resolution is being revised to amend the legal description approved on the 4<sup>th</sup> day of January, 2006;

**NOW, THEREFORE, BE IT RESOLVED**, that the legal description be amended to read as follows:

A roadway of a width of 33 feet, together with all appurtenances and easements of record, lying within the Southeast quarter of Section Thirty-four (34), Township Two (2) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

The North 33 feet of the East 532.76 feet of the Southeast quarter (SE4) of said Section 34.

(Said alignment is also known as San Tan Boulevard on the west portion of the intersection at Higley Road lying in Supervisor District Number 1)

**DATED** this 7<sup>th</sup> day of June 2006.

**PUBLIC HEARING – PEST ABATEMENT DISTRICT IN WESTERN MARICOPA COUNTY – CONTINUED**

Item: This is the time scheduled to continue the public hearing regarding an impact statement for the proposed Pest Abatement District in Western Maricopa County located in the City of Phoenix area. At this time, the Board will hear a spokesperson for interested parties who wish to speak for or against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the persons proposing the district to circulate petitions regarding the organization of the district. The impact statement is on file in the Clerk of the Board's Office. Pending approval and in accordance with section A.R.S. §48-261(C), direct the persons proposing the creation of the district to post a reasonable bond to be filed with the Board of Supervisors. This item is continued from April 5, 2006 and May 3, 2006. (C0606041700) (ADM4487-001)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this item to July 12, 2006. Both Supervisors said they believe the confusion and legitimate questions regarding this action need to be resolved before a vote is taken.

**EXPENDITURE AUTHORITY FOR FUEL COSTS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in an amount not-to-exceed \$5,000 from General Government (470) General Fund (100) Contingency (4711) "General Contingency" to the Constable's Office (250) General Fund (100) at the end of FY 2005-06. The transfer will only be used if, at fiscal year end, the Constable's Office is unable to cover General Fund expenditures within its current appropriation due to increased vehicle fuel costs associated with higher-

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than-anticipated fuel prices. Service of Process Activity Revenue for FY 2005-06 is projected to be 12% higher than originally anticipated for the year. (C2506007800) (ADM1300-003)

Supervisor Wilcox asked for a report on the County's use of hybrid cars and other fuel efficiencies, believing that gas prices will become a greater issue in the future. Chairman Stapley agreed and asked staff to provide this information to all Districts.

**GRANT FUNDING FOR HELP AMERICA VOTE ACT OF 2002**

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

- a. Authorize the Election's Department to modify previously approved applications for grant funding for the State Sub-Grants for Health and Human Services, Election Assistance for Individuals With Disabilities program administered by the Secretary of State, and authorize the Chairman to approve the receipt of any and all such funds awarded. Also authorize revenue and expenditure appropriations for the County Elections Department Grant Fund associated with the aforementioned grant. 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 request does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The funding will support the Department's Help America Vote Act of 2002. The total amount of funds requested is \$45,397.50. The grant must be completely drawn down by September 30, 2008. The department's indirect cost rate is 21.23%. Since the grant funds are being used to purchase voting supplies and capital equipment, indirect costs (\$9,637.89) are unrecoverable, and no matching dollars pertain to this grant. (C2104008001)
- b. Authorize the Election's Department to submit application for grant funding for the State Sub-Grants for Health and Human Services, Election Assistance for Individuals with Disabilities Program administered by the Secretary of State, and authorize the Chairman to approve receipt of any and all such funds awarded. The funding will support the Department's Help America Vote Act of 2002. The total amount of funds requested is \$82,810.00. The grants must be completely drawn down by September 30, 2009 for \$21,120.00, and by September 30, 2010 for \$61,690.00. The department's indirect cost rate is 23.91%. Since the grant funds are being used to purchase voting supplies, equipment, and provide for Americans with Disabilities Act training, indirect costs (\$19,799.87) are unrecoverable, and no matching dollars pertain to the grant. Also authorize revenue and expenditure appropriations for the County Elections Department Grant Fund associated with the grant. 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 request does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2106010000)

**GRANT FUNDING FOR THE HELP AMERICA VOTE ACT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve receipt of grant funding pertaining to the approved Memorandum of Understanding (MOU)

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and Addendum Number 1, between the Board of Supervisors, the State of Arizona, and the Secretary of State (Agenda Number C2106001M00), which outlines how the Board of Supervisors and the County Recorder will be responsible for the county's compliance with the agreement and reporting requirements in return for Help America Vote Act (HAVA) funds for its purchase of qualifying voting systems, equipment, external labor or other HAVA qualifying items. The anticipated amount of this grant is approximately \$6,200,000 and is in effect through the federal fiscal year of 2007. The department's indirect cost rate is 23.91%. The non-recoverable indirect cost of administering these additional funds is \$1,482,420. Also authorize revenue and expenditure appropriations for the County Elections Department Grant Fund for the awarded amount of the grant. 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 request does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2106011000)

**LAW ENFORCEMENT SERVICES WITH TOWN OF FOUNTAIN HILLS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Intergovernmental Agreement for Law Enforcement Services between the Town of Fountain Hills and the Maricopa County Sheriff's Office to increase service from 3.5 beats to 3.8 beats effective July 1, 2006, or as soon thereafter as two additional deputy positions can be established. Also approves an addition to fleet of one fully-equipped patrol SUV. The Town of Fountain Hills requires increased service because it is annexing land for future development that will require gradual increases in patrol services starting with this increase of .3 beats. Intergovernmental agreement revenues are not local revenues for purposes 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. If approved, the total value of the contract with the Town of Fountain Hills for FY 2006-07 will be increased from the anticipated amount of \$1,992,856 for 3.5 beats of service to \$2,142,421 for 3.8 beats of service, plus one-time costs of \$66,884. A General Fund (100) revenue budget adjustment of \$216,450 (149,566 annualized) and an expenditure adjustment for direct costs of \$210,889 (\$144,005 annualized) are required and will be coordinated with the Office of Management and Budget prior to adoption of the FY 2006-07 budget. The increase in indirect costs for vehicle and equipment depreciation is \$5,561. (C5005002201) (ADM3104)

**DONATIONS AND TEMPORARY ADDITIONS TO FLEET**

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

- a. Amend the original action to replace accepting one year's use of three Toyota Tundra Trucks to accepting donations of three 2006, 2-wheel drive, double cab, Toyota Tundra Trucks, model #7744 from the Valley Toyota Dealers Association. These vehicles are valued at approximately \$28,000 each and will cost approximately \$5,000 per year to operate and maintain. Approve three non-permanent additions to fleet for these vehicles, which will be retired at the end of their useful lives with no funding from the General Fund for replacement. Specific vehicle identification information will be sent under separate cover. Approval of this item will allow the Sheriff's Office to accept three Toyota Tundra Trucks from the Valley Toyota Dealers Association to use in the course of daily business. The vehicles will bear standard Sheriff's Office markings plus the Toyota Dealers logo and on each truck's tailgate there will be markings, indicating: "This vehicle provided by

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Valley Toyota Dealers." Larry Miller Toyota of Peoria, Power Toyota of Tempe, and Superstition Springs Toyota of Mesa would deliver one vehicle each. It is estimated that the 12-month operation costs for each of these vehicles will be \$5,000 to be funded by the General Fund (100). (C5006057M01) (ADM3104)

- b. Approve the acceptance of a donation and the one-time addition to fleet of a 2006 Jones 6-stall, stainless steel dog trailer, serial number 1J9DB131161092871, valued at \$14,150 to the Sheriff's Office Animal Safe Hospice MASH Unit from Maricopa Prevention of Cruelty to Animals Posse. This is a temporary addition to fleet and will be retired at the end of its useful life with no funding from the General Fund for replacement and the county's fleet will automatically be reduced. Approval of this item will allow the Sheriff's Office MASH Unit to accept and use this trailer to support the MASH and Animal Cruelty Units. This trailer is equipped with a self-contained generator to keep it cool. Operating costs, estimated to be \$400 per year, will be funded from MASH designated donations in the Sheriff Donations Fund (203). (C5006072M00) (ADM3104)

**VEHICLE EXEMPTION AMENDMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to reduce the issuance of undercover non-governmental license plates including exemptions from markings, pursuant to A.R.S. §38-538-03 by one, to 26 replacement Sheriff's Office detective vehicles in the county fleet. The list that was submitted on May 3, 2006, and approved by the Board of Supervisors, included vehicle #11604 that is assigned to the Maricopa County Attorney's office thus it should be removed from the Sheriff's Office list. The revised list is on file in the Clerk of the Board's office. (C5006059M01)(ADM3401V)

**DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the acceptance of one donation to the Sheriff's Office in the amount of \$1,000 from Tempe Union High School District for use by the MCSO Animal Safe Hospice Unit. (C5006064M00) (ADM3900)

**VEHICLE EXEMPTION AND TEMPORARY ADDITION TO FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a one-time addition to fleet of one 2005 white Ford Expedition to replace vehicle #63, and be used by the Selective Enforcement Unit. Due to the nature of its use, also approve exemption from markings and issuance of non-governmental license plates pursuant to A.R.S. §38-503.03. Confidential vehicle information is on file in the Clerk of the Board's Office. The Selective Enforcement Unit conducts numerous undercover investigations involving narcotics, child pornography, murder-for-hire, threats, money laundering and other crimes that fall under the RICO statutes. This vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement. The vehicle will be purchased and maintained using RICO funds. The cost for the vehicle is \$24,800 with estimated annual operating costs of \$4,500. (C5006065M00) (ADM3101V)

**TEMPORARY ADDITIONS TO FLEET**

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

- a. **Sky Watch Mobile Security Tower.** A one-time addition to the Sheriff's Office equipment fleet of a 24-foot, self-contained Sky Watch Mobile Security Tower, valued at \$60,550. This tower was purchased with Jail Enhancement Funds and will be used to increase security in the Tents Area, North Yard of the Durango Complex, where approximately 700 to 900 prisoners are housed. With the ever-growing inmate population, an additional tower will increase the level of security. There are currently three mobile towers at the Durango Complex. The annual cost to operate this item is estimated to be \$1,500 and will be paid by the Detention Fund (255). This item is a temporary addition to fleet with no funding from the detention fund for its replacement. (C5006066M00) (ADM3104)
- b. **1999 Dual-Axle Car Hauler.** A one-time addition to fleet of a 1999 dual-axle car hauler, primer gray in color, VIN #AZ277622, released from the Court for use by the Enforcement Support Division of the Sheriff's Office, pursuant to A.R.S. §12.941. This hauler will be used to transport promotional community outreach law enforcement and crime prevention golf-style carts to parades and other special events such as Motor Mania and Stars Camp. This vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement. (C5006067M00) (ADM3104)
- c. **Red-lined 2000 Ford Excursion.** A one-time temporary addition to fleet of a red-lined 2000, white Ford Excursion, (VIN #1FMSU41F4YEC79874) vehicle #31016. This vehicle will be used locally by the Sheriff's Office Technology Bureau. This vehicle currently has 141,000 miles on the odometer and is scheduled to be taken to auction. Light bars, radios, etc. are to be removed from the vehicle and used in other vehicles. The estimated fuel and maintenance is \$4,000 per year and will be paid by the General Fund (100). No vehicle replacement cost is associated with this vehicle since it is a one-time temporary addition to the county fleet and will automatically be removed when its useful life has expired with no funding from the General Fund for its replacement. (C5006068M00) (ADM3104)
- d. **Red-lined 2000 Ford Crown Victoria.** A one-time temporary addition to fleet of a red-lined 2000 Ford Crown Victoria, red in color, (VIN #2FAFP74W7YX213432) vehicle #11064. This vehicle will be used by the Sheriff's Office Bureau Hearing Officers for short trips to travel between the jails. This vehicle will be used to replace vehicle #52201, one-time addition to fleet purchased with Jail Enhancement Funds (1992 Chevrolet Corsica), which is in need of costly repairs and is considered unsafe to operate. The estimated fuel and maintenance is \$4,000 per year and will be paid from the Inmate Services Fund (252). No vehicle replacement cost is associated with this vehicle since it is a one-time temporary addition to the county fleet and will automatically be removed when its useful life has expired with no funding from the Detention or General Fund for its replacement. (C5006069M00) (ADM3104)
- e. **Red-lined 1984 Long Run Trailer.** A one-time temporary addition to fleet of a red-lined 1984, long run trailer, (VIN #130AU1210DC001157), equipment #261. This trailer will be used by the Sheriff's Office Trails Division. The trailer is in relatively good condition and will be maintained by the Trails Division staff. No equipment replacement cost is associated with this trailer since it is a one-time temporary addition to the county fleet and

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will automatically be removed when its useful life has expired with no funding from the General Fund for its replacement. (C5006071M00) (ADM3104)

**EXPENDITURE AUTHORITY FOR INCREASED COSTS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in an amount not-to-exceed \$2,300,000 from General Government (470) Detention Fund (255) Contingency (4711) "Detention Fund Operating" to the Sheriff's Office (500) Detention Fund (255) at the end of FY 2005-06. The transfer will only be used if, at fiscal year end, the Sheriff's Office is unable to cover Detention Fund expenditures within its current appropriation because of increased food, laundry, and overtime costs associated with a higher-than-anticipated jail population. Actual jail population growth from FY 2004-05 to FY 2005-06 is approximately 6.0%, which is higher than the 3.0% growth assumed in the budget. Pursuant to A.R.S. §42-17106, approve the transfer of expenditure authority from FY 2005-06 contingency funds in the amount of \$300,000 from General Government (470) Detention Fund (255) Reserved Contingency (4711) for "Sheriff Overtime" to the Sheriff's Office (500) Detention Fund (255). (C5006070800) (ADM3900-003)

**COPLINK SOLUTION SUITE AND EXCEPTION TO TFP**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the sole source purchase of COPLINK Solution Suite from Knowledge Computing Corporation. Also approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase the necessary hardware and software for the installation of COPLINK. This authorization is required to complete the one time purchase of COPLINK and related hardware and software within the grant period which expires March 31, 2007. This equipment will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of its useful life. Sole source is not-to-exceed \$541,271. Once installed and operational, this system will require ongoing maintenance estimated to be \$50,000 annually and will be funded by RICO (214). (C5006516301)

**GRANT FUNDS ACTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the following actions relating to Sheriff's Office grants during FY 2006-07: (ADM1608)

- o Approve an exception to the Policy for Administering Grants (A2505) Section D. 1 to the Sheriff's Office for FY 2006-07 that would allow the Sheriff's Office to apply for unnamed law enforcement or detention related grants that may or may not allow indirect cost recovery. The Sheriff's Office indirect cost rate for FY 2006-07 is 17.8% (tentative). If any funds are awarded, the Sheriff's Office would return to the Board of Supervisors for approval of acceptance.
- o Approve the acceptance of \$1,623,919 to the Sheriff's Grant Fund (251) for specific law enforcement and detention program grants. The Sheriff's Office proposed indirect cost rate for FY 2006-07 is 17.8%.
- o Authorize the Chairman to sign all applications, certifications, assurances, etc. that are included in the grant application process, and documents corresponding to the

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acceptance of awards that are in effect from July 1, 2006, or become effective by June 30, 2007, or when signed by both parties, whichever is later.

This is an exception to the Policy for Administering Grants (A2505) section D.1 for the Maricopa County Sheriff's Office in FY 2006-07. It authorizes the Sheriff's Office to apply for new law enforcement or detention related grants; and to apply for and accept specific law enforcement and detention related grants within its FY 2006-07 appropriations. It also authorizes the Chairman to sign corresponding applications, certifications, assurances, etc. for amounts up to the budgeted amounts for the grants.

The amount of grant awards covered by this agenda item represents approximately 25% of the Sheriff's Office overall FY 2006-07 recommended grants fund (251) budget. The Sheriff's Office FY 2006-07 anticipated indirect cost rate is 17.8%. Unrecoverable indirect costs are estimated to be \$166,269 with \$4,549 being recoverable. Related cash matches, which were anticipated in the FY 2006-07 tentative budget recommendations are \$172,212. The Sheriff's Office will return to the Board of Supervisors for acceptance/approval for new grants that are not included on the schedule and for the annual mid-year reconciliation. (C5007500M00)

#### **VEHICLE EXEMPTIONS**

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the issuance of non-governmental license plates and the exemption from markings, including Maricopa County seals, for seven vehicle replacements which will be used by Adult Probation officers on a full-time basis for the supervision and surveillance of convicted felons who reside in the community, as well as for the location of convicted felons who have absconded from probation supervision. Vehicle list is on file in the Clerk of the Board's Office. (C1106006M00) (ADM3101V)

#### **AMENDMENTS TO LEASES**

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

- a. An amendment to agenda item C2496002404, dated August 10, 2005, which approved Lease No. L7050 with Christine V. Acridge, for 5,229 square feet of office space at 4109 N. 12th Street, Phoenix, Arizona. Effective May 1, 2006, the building for the subject lease was sold to Hannon B, LLC. Only the ownership of the building and the lease will change hands. All terms and conditions of the current lease remain the same. As such, this is an informational request. (C2496002405)
- b. An amendment to agenda item C2499009400, dated March 17, 1999, which approved Lease No. L7275 with DLLR Properties, LLC, an Arizona limited liability company, for 17,166 square feet of office/court space at 5222 W. Glendale Ave, Glendale, AZ. Effective December 1, 2004, the building for the subject lease was sold to Justin-Villa, LLC. The lessor is the only change to the lease agreement; all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C2499009401)

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**ELECTRONIC E-COURTROOM AND COMMUNICATION EQUIPMENT**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to transfer expenditure appropriation in the amount of \$231,898 from General Government (470) General Government Grant Funds (Fund 249) reserved contingency for Potential Fee Increases (4711) to the Trial Courts (803) Justice Courts Special Revenue Fund (245). Approval of this action will allow the courts to purchase and install electronic e-courtroom and communication equipment for Northeast, Northwest and Downtown Justice Court complexes as one-time expense items from existing fund balance. (C3806018800) (ADM1002-002)

**COURT CASE MANAGEMENT FEES UTILIZATION**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to transfer revenue and expenditure authority in the amount of \$100,000 from General Government (470) General Government Grants Fund (Fund 249) reserved contingency for potential fee increases to the Trial Courts (803) Justice Courts Special Revenue Fund (Fund 245). Approval of this action will allow the courts to more fully utilize the revenue generated by the Justice Courts Case Management Fee to improve case management and to meet its obligations. (C3806019800) (ADM1002-003)

**PURCHASE OF PRINTERS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to transfer expenditure appropriation in the amount of \$500,000 from General Government (470) General Government Grants Fund (Fund 249) reserved contingency for Potential Fee Increases (4711) to the Trial Court (809) Trial Courts Special Revenue Fund (259). Approval of this action allows the courts to purchase two CTS backbone production printers as one-time expense items from existing fund balance. (C3806020800) (ADM1002-002)

**EXPENDITURE AUTHORITY FOR LEGAL SERVICES**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in an amount not-to-exceed \$1,300,000 from General Government (470) General Fund (100) Contingency (4711) "General Contingency" to the Office of Contract Counsel (560) General Fund (100) at the end of FY 2005-06. The transfer will only be used if, following the transfer of any year-end General Fund savings from the Offices of the Public Defender (520), Legal Defender (540) and Legal Advocate (550) to the Office of Contract Counsel by the County Manager, the Office of Contract Counsel is unable to cover remaining General Fund expenditures within its current appropriation due to higher than originally anticipated legal services expenditures. (C5606001800) (ADM530-003)

**SHOWCASE AND STATE QUALITY AWARDS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve \$9,750 from FY 2005-06 General Government (470) General Fund (100) Contingency (4711) to a line in General Government-Other Programs entitled "Showcase and Governor's Awards" (100-470-4712), for the purpose of covering the costs associated with the submission of eight Showcase and one State Quality awards by various county General Funded departments. (C2006059800) (ADM1600-002)

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**EXCEPTION TO MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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 date of promotion. Approval of this action will correct the pay rate of Donald Pack at the hourly rate of \$35.58, retroactive to his date of promotion, of December 5, 2005. The department will absorb the financial impact of this action. (C2606006800) (ADM3308-001)

**FUNDS FOR INCREASED COSTS**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the transfer of a not-to-exceed amount of \$1,700,000 at fiscal year end from General Government (470) Detention Fund (255) General Contingency (4711) to Correctional Health Services (260) Detention Fund (255) to cover higher than expected costs relating to usage of registry staff, medical expenses and medical supplies. This action, upon approval, will require appropriation expenditure adjustments at fiscal year end increasing the Correctional Health Detention Fund budget and reducing the General Government Detention Fund budget by a not-to-exceed amount of \$1,700,000 for a countywide net impact of zero. (C2606007800) (ADM2131-003)

**CHANGES TO HEALTH BENEFITS OF SHCD**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve appropriation adjustments to decrease the revenue and expenditure appropriations of the Employee Health Initiatives (350) HealthSelect Self-Insured Trust Fund (652) by \$11,396,019 and the Employee Health Initiatives (350) Benefits Trust Fund (685) by \$3,790,672 for a countywide revenue and expenditure reduction of \$15,186,691. Approval of this action allows for the budget changes necessary for the Employee Health Initiatives budget to reflect the impact associated with the Special Health Care District (SHCD) discontinuing benefits coverage through the county and to align revenue and expenditure budgets by benefit plan rather than by employee medical plan choice. (C3506011800) (ADM3703) (ADM3350)

**AMENDMENT TO LEASE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute Amendment No. 1 to Lease No. L7340 with Presson Advisory, LLC, a limited liability company, lessor, for 11,556 square feet of office/voice-data space located at Airport Office Park, 2516 E. University Street, Building "C", Floor 2, and voice/data room on the ground floor. This amendment extends the term of the existing lease four months, from October 1, 2006 through January 30, 2007. The monthly rental rate is \$16 per square foot or a monthly rate of \$15,408, plus rental tax. (C6004092401)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Prior to

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the vote the Clerk noted two corrections to the entry for Susan Schuerman, both were a dollar amount change from \$31.20 to \$30.63. Exhibits A and B will be found at the end of this set of Minutes.

**PERFORMANCE-BASED SALARY ADVANCEMENT PLAN**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to amend the "FY 2006-07 Performance-Based Salary Advancement Plan" for Maricopa County departments to allow for one-time lump sum performance payments to eligible employees who are at the maximum of their salary range (i.e., "redlined" employees). Individual increases may not exceed 3.5% of the individual's base rate of pay. The provisions of this document supersede Section VI, Paragraph A of the Maricopa County Compensation Plan, entitled "Salary Advancements". (C4906028602) (ADM3308)

**FY 2006-07 Performance-Based Salary Advancement Plan**

(Approved by the Board on March 15, 2006, amended on May 17, 2006, and again on June 7, 2006.)

**Purpose:**

The purpose of this plan is to recognize employees' performance in an equitable manner so that they will be motivated to continue to perform.

**Background:**

The compensation strategy described in this document is a continuation of the pay for performance compensation strategy began in FY 2004-05, which facilitated the County moving to a more regular compensation funding and distribution system.

There are two compensation options identified. The first provides permanent salary adjustments to eligible employees who are below the maximum of their salary range. The second provides a one-time lump sum payment to eligible employees who are at the maximum of their salary range (i.e., "redlined" employees).

**Applicability:**

The guidelines and process outlined in this plan will apply to all performance-based salary advancements awarded in FY 2006-07. No performance-based salary advancements will be awarded outside of this process. Participation in this process is a condition for Board appropriation of funds. For elected and judicial branch agencies, the Office of Management and Budget may approve minor variances from specific guidelines in this plan if they are consistent with the overall direction, and there is no increased annualized budgetary impact.

Upon adoption by the respective boards of directors for the Flood Control District, Stadium District and Library District, the references herein to County departments shall be deemed to refer to the special district as appropriate.

**Employee Eligibility:**

Employees will be eligible for performance-based salary advancements if they meet the following criteria:

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- a) Employed on a full or part-time basis in classified, unclassified or contract status; temporary employees are not eligible.
- b) Employed continuously in their current position/job title for at least one year as of the effective date of their salary advancement. Salary advancements for employees eligible mid-year will be pro-rated based on the remaining time in the fiscal year.
- c) Employed by any County department except the Maricopa Managed Care System.
- d) Have a current performance appraisal (completed within the last 12 months) on file in Human Resources as of the effective date of the salary advancement, with a performance rating of 3 (Meets or Base Performance) or higher.
- e) May not be on initial or performance probation as of the effective date of their salary advancement.

Employees will be eligible for a performance-based, one-time lump sum payment if they meet the following criteria:

- a) Must be "redlined" – that is, earning at or above the maximum salary allowable for their position based on a market analysis completed and implemented by the Employee Compensation Division.
- b) Employed on a full or part-time basis in classified, unclassified or contract status; temporary employees are not eligible.
- c) Employed continuously in their current position/job title for at least one year as of the effective date of their salary advancement.
- d) Employed by any County department except the Maricopa Managed Care System.
- e) Have a current performance appraisal (completed within the last 12 months) on file in Human Resources as of the effective date of the salary advancement, with a performance rating of 3 (Meets or Base Performance) or higher.
- f) May not be on initial or performance probation as of the effective date of their salary advancement.

#### **Department Expenditure Caps:**

The annualized cost of each department's implementation plan for performance-based salary advancements may not exceed not more than 3.5% of its budgeted regular salaries and associated variable benefits by fund (excluding amounts budgeted for positions with salaries defined by statute, such as elected officials, and executive-level positions, which will be funded centrally).

#### **Employee Award Guidelines:**

Eligible employees will receive performance-based salary adjustments based on their current performance evaluation. Increases will be applied to the employee's current base salary (unless the employee is over the maximum pay rate for their position). Within a department, the highest percentage increase awarded to any employee with a specific performance rating must be less than the lowest percentage increase awarded to any employee with the next highest performance rating. For example, an employee with a rating of "3" may not receive a 5% increase if any other employee in the same department with a rating of "4" is to receive an increase of less than 5%.

Although performance increases must average not more than 3.5% in order for departments to stay within their funding allocation, individual increases may and should vary from this amount based on individual performance ratings. Please note that performance increases exceeding 10% will require approval by the

Compensation Review Committee prior to inclusion on the personnel agenda, which may delay implementation of these increases.

Employees eligible for performance-based, one-time lump sum payments will receive them based on their current performance evaluation. Individual increases may not exceed 3.5% of the individual's base rate of pay. Within a department, the largest one-time payment awarded to any employee with a specific performance rating must be less than the smallest one-time payment awarded to any employee with the next highest performance rating. For example, an employee with a rating of "3" may not receive a larger incentive payment than any other employee in the same department with a rating of "4" or higher.

**Allocation Guidelines:**

Given that pay increases will be based solely on performance, department directors are strongly encouraged to meet with their managers and supervisors regarding standards and expectations for performance plans and appraisals. Supervisors and managers are encouraged to attend County-sponsored training on this topic. Managers and supervisors should evaluate employees based on established performance plans, which tie directly to the department's strategic plan and goals. Employees should be evaluated on criteria that are objective and measurable. All employees must be rated on the County's standard five-point scale, unless an exception is requested and granted by the Human Resources Department.

It should be noted that funds have been earmarked in FY 2006-07 to cover market adjustments for some staff. Departmental management is encouraged to communicate with the Employee Compensation Division within OMB on market-based salary concerns. All requests will be prioritized based on demonstrated recruitment and retention difficulties, as well as impact on service delivery and ability to meet departmental goals. Please do not attempt to address market-based salary issues through the performance pay process.

**Funding Allocation:**

Departments' expenditure appropriated budget targets will be adjusted as necessary to fund implementation of this approved performance-based salary adjustment plan, **not to exceed 3.5%** of budgeted regular salaries and associated variable benefits by fund (excluding amounts budgeted for positions with salaries defined by statute and executive-level positions).

**Effective Dates:**

For initially eligible employees, salary advancements will be effective July 3, 2006. For employees who become eligible later in the fiscal year, effective dates may be at the beginning of the next pay period after their eligibility date up to June 30, 2007.

**Approval and Implementation:**

1. Departments will be provided a standardized spreadsheet which lists all employees. Departments are expected to verify that all employees are included, and that employee-level information (such as position, position entry date, etc.) is correct, and indicate each employee's performance rating. Spreadsheets will be submitted to OMB, Employee Compensation Division for review. Copies of employee evaluations should be sent to Employee Records prior to submission of the pay for performance spreadsheet in order to document the ratings listed in the spreadsheet.

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2. OMB will review each department's implementation plan for completeness and adherence to the approved guidelines. Funding will be reserved for employees with less than one year in their position.
3. Once a department plan is approved, the Office of Management and Budget will work with departments to implement the salary advancements as soon as possible. Retroactive pay will be provided if adjustments cannot be implemented by the targeted effective date.

**PAYMENT OF TAX APPEALS AND RETAINERS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the transfer of \$280,000 from the General Fund Contingency (Agency 470, Fund 100, Org 4711) to General Government Tax Appeals (Agency 470, Fund 100, Org 4741) for payment of tax appeals and retainers through the end of June 2006. (C4906057800) (ADM1801-003) (ADM401)

**DISEASE REPORTING LINE SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to contract with Banner Health System d.b.a. Banner Good Samaritan Medical Center to provide disease reporting line services. The contract term is from July 1, 2006 to June 30, 2007, for a dollar amount not-to-exceed \$35,000. (C8604079102)

**MEDICAL SERVICES FOR HOMELESS YOUTH**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to Sole Source Contract C8605567101 for Maricopa County's Health Care for the Homeless Program with Phoenix Children's Hospital (PCH) for PCH to provide medical services to homeless youth via a mobile medical clinic. Decrease funding by \$26,237.25 for the remainder of the term of the contract from November 1, 2005 to October 31, 2006. The amendment dollar amount will decrease from not-to-exceed \$160,000.00, to not-to-exceed \$133,762.75, for this term. The total contract amount will decrease from not-to-exceed \$308,142.00, to not-to-exceed \$281,904.75 for the period of January 1, 2005 to October 31, 2006. All other terms and conditions of the original agreement shall remain in full force and effect. (C8605567102)

**WELL WOMAN HEALTH CHECK SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Contract C86060101 with Mountain Park Health Center to provide well woman health check services to uninsured or underinsured women. This amendment increases the contract dollar amount by \$15,000. Total funding for the contract term ending June 30, 2006, will increase from not-to-exceed \$52,500, to not-to-exceed \$67,500. All other terms and conditions of the original contract shall remain in full force and effect. Mountain Park Health Center was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606010102)

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**SERVICES FOR HEALTH CARE FOR THE HOMELESS CLIENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the intergovernmental agreement between Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) and the Health Care for the Homeless Program for MIHS to provide necessary services for Health Care for the Homeless clients. The terms of this contract are retroactive from July 1, 2005 to June 30, 2010. The estimated cost is \$36,000 per year and may change based on the number of clients actually served. There is no cap. (C8606054200)

**NATIONAL INCIDENT MANAGEMENT SYSTEM TRAINING**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve an intergovernmental agreement between Maricopa County Department of Public Health (MCDPH) and the Arizona Board of Regents, d.b.a. Arizona State University (ASU). ASU will provide National Incident Management System training to MCDPH employees. ASU will train up to 500 employees between June 1, 2006 and August 20, 2006. MCDPH shall pay ASU an amount not to exceed \$60,975. (C8606068200)

**GRANT FOR OUT-OF-STATE TRAVEL**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve the intergovernmental agreement from the Arizona Governor's Office of Highway Safety Federal 402 Grant, to be awarded to the Maricopa County Department of Public Health, Office of Health Promotion and Education. The award is in the amount of \$1,000, for the contract term beginning May 1, 2006 and ending September 30, 2006. The Maricopa County Department of Public Health's indirect rate for FY 2005-06 is 16.67%. Indirect costs are not allowed by the grant source. Estimated unrecoverable indirect costs on this award are \$166.70. Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in an amount of \$1,000. 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 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. (C8606070200)

**NEEDS ASSESSMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve a cost reimbursement sub-recipient agreement between TERROS, Inc. and Maricopa County Department of Public, HIV Program for participation in a needs assessment of recently released prisoners with a history of substance abuse. The aim of the assessment is to take measures to help combat the high risk of contracting HIV and viral hepatitis associated with substance abuse. The term of the contract is from October 1, 2005 through September 30, 2010, with an anticipated dollar amount not-to-exceed \$13,000 annually. The Department of Public Health's indirect cost rate is 16.67%. The grantor does not allow indirect costs under this grant-like agreement because the Department of Public Health is only a sub-recipient. Unrecoverable indirect costs are estimated at \$2,167. Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 861, Fund 532) associated with the aforementioned grant-like contract in an amount not-to-exceed \$13,000 per year. The appropriation adjustment is necessary because these funds were not included in the FY 2005-06 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. 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. (C8606071100)

**HEADSTART CLASSROOM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to a non-financial intergovernmental agreement (IGA) between the Chandler Unified School District #80 and Maricopa County's Human Services Department to add Section IV-Facilities to the agreement. Chandler School District has offered to provide the Human Services Department with one classroom for the Head Start Program. This amendment is effective July 1, 2006 through June 30, 2007, which is the date the original IGA terminates. (C2205021201)

**COMMUNITY ACTION PROGRAMS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendments No. 2 with the following entities to exercise option year two of two one-year options for the continued operation of the Community Action Programs for the delivery of various community and emergency services for low-income Maricopa County residents. Programs and services will be targeted to meet the goals of securing and maintaining employment, securing adequate education, better income management, securing adequate housing, providing emergency services, improving nutrition, creating linkages among anti-poverty programs, and achieving self-sufficiency. The term of the intergovernmental agreement renewals will be July 1, 2006 to June 30, 2007. Approval is contingent upon the final approval of the county's FY 2006-07 budget and the receipt of fully-executed agreements with the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue this program beyond the term of the amendments. Service levels are contingent upon the availability of funding.

- a. **Town of Gila Bend for the Gila Bend Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$75,214. The funding is being provided by the Arizona Department of Economic Security (\$50,188) and Maricopa County (\$25,026). (C2205036202)
- b. **Town of Guadalupe for the Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$79,598. The funding is being provided by the Arizona Department of Economic Security (\$53,438) and Maricopa County (\$26,160). (C2205038202)
- c. **City of Tolleson for the Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$84,132. The funding is being provided by the Arizona Department of Economic Security (\$56,141) and Maricopa County (\$27,991). (C2205039202)
- d. **Tempe Community Action Agency for the Tempe Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$247,931. The funding is being provided by the Arizona Department of Economic Security (\$187,326) and Maricopa County (\$60,605). (C2205078102)

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- e. **Foundation for Senior Living, Inc. for Wickenburg and Peoria Community Action Programs.** The one-year contract amount is not-to-exceed the amount of \$191,847. The funding is being provided by the Arizona Department of Economic Security (\$135,141) and Maricopa County (\$56,706). (C2205079102)
- f. **Community Services of Arizona, Inc. for Chandler Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$170,891. The funding is being provided by the Arizona Department of Economic Security (\$123,876) and Maricopa County (\$47,015). (C2205080102)
- g. **Community Services of Arizona, Inc. for Gilbert Community Action Program.** The one-year contract amount is not-to-exceed the amount of \$93,880. The funding is being provided by the Arizona Department of Economic Security (\$67,635) and Maricopa County (\$26,245). (C2205081102)

#### **WIA SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following Amendments No. 1 to the contracts for the provision of Work Investment Act (WIA) services and to lead workshops and provide training to participants utilizing an established curriculum. These actions exercise option year one of three one-year contract extension options authorized by the contracts. The terms of the contract amendments are from July 1, 2006 to June 30, 2007. These contracts do not contain any county general funds.

- a. **Right Management Consultants, Inc.** Amendment No. 1 to Contract C22051461, increasing the total contract funding by \$300,000, from \$325,000 to \$625,000. (C2205146101)
- b. **Andrew Stevens and Associates.** Amendment No. 1 to Contract C22051481, increasing the total contract funding \$25,000, from \$50,000 to \$75,000. (C2205148101)

#### **WIA PARTNERSHIP**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve an intergovernmental agreement between Maricopa County Human Services Department and City of Phoenix Community Economic Development Department. This agreement is to establish a Workforce Investment Act (WIA) Partnership. This partnership allows both agencies to utilize each other's resources, staff and programs. The period of performance is from July 1, 2005, to June 30, 2007. This contract does not contain any county general funds. (C2207065200)

#### **HEAD START AND EARLY HEAD START SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a cost reimbursement contract between Catholic Charities Community Services, an approved Delegate Agency, and Maricopa County's Human Services Department for the provision of Head Start and Early Head Start services in the western part of the county. The target population includes low-income children ages 0-5 years and their families. The contract amount is \$7,016,647. Funding under this agreement is based on "Financial Assistance Award" by the funding source, U.S. Department of Health

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and Human Services, not-to-exceed \$7,500,000. This contract is effective on July 1, 2006, and shall terminate June 30, 2007. This contract does not include any county general funds. (C2207067000)

**AMENDMENT TO JOINT USE AGREEMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute Amendment No. 3 to the original Joint Use Agreement, adopted September 8, 1981, (C3099010000) between Maricopa County, acting through its Parks and Recreation Department and the Flood Control District of Maricopa County regarding the property now referred to as Adobe Dam Regional Park. The original agreement, as amended, did not provide terms and conditions for TERM or TERMINATION and other provisions that required update. No financial impact. (C3006033200)

**PARKS SOUVENIR FUND**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an appropriation adjustment increasing the FY 2005-06 Parks Souvenir Fund (Dept 300 Fund 239) revenue budget by \$35,000 to reflect additional revenue, an appropriation adjustment increasing the FY 2005-06 Parks Souvenir Fund (Dept 300 Fund 239) expenditure budget by \$35,000 to increase the Transfer-Out to the Parks Enhancement Fund (Dept 300 Fund 241), an appropriation adjustment increasing the FY 2005-06 Parks Enhancement Fund (Dept 300 Fund 241) revenue budget by \$35,000 for the Transfer-In from the Parks Souvenir Fund (Dept 300 Fund 239), and appropriation adjustments decreasing revenues and expenditures in the Eliminations Fund (Dept 300 Fund 900) by \$35,000 to offset the fund transfer. These actions will allow for an increase in the transfer of funds at the end of the fiscal year from the Parks Souvenir Fund (Dept 300 Fund 239) to the Parks Enhancement Fund (Dept 300 Fund 241) in accordance with A.R.S. §11-941(D). (C3006034800) (ADM3200-003)

**KENNEL PERMIT**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the issuance of Kennel Permit #428 to Colleen Martin, d.b.a. Martin Kennels, 5217 S. 108th Drive, Tolleson, AZ 85353, for the term of June 7, 2006 through June 6, 2007. The cost of the kennel permit is \$328. (Supervisory District 5) (C7906117C00) (ADM2304)

**RENEW KENNEL PERMITS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the kennel permit renewal for Cathy Dicus, d.b.a. Dicus Kennels, 35334 W. Madison, Tonopah, AZ 85354, Permit #414 for the term of June 7, 2006 through June 6, 2007. The cost of the kennel permit is \$328. (Supervisory District 4) (C7906118000) (ADM2304)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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.

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**EASEMENTS FOR ELECTRIC LINES**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the execution of an easement in consideration of \$10 and two aerial easements in consideration of \$10 each with Salt River Project Agricultural Improvement and Power District, its successors and assigns, to construct, operate and maintain underground and overhead electric lines and appurtenant facilities up, across, over and under the surface of the county-owned property at the southeast corner of 67th Avenue and Glendale, and also authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to execute such easements. (C1806045000) (ADM2013)

**EXCHANGE OF PROPERTY WITH CITY OF CHANDLER**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the exchange of property with the City of Chandler wherein the county will convey approximately 8,525 square feet located east of the new San Tan Regional Court Center to the City of Chandler and the city will convey to the county approximately 4,054 square feet, located northeast of the new San Tan Court Regional Court Center. The exchange will improve access to the county's and city's properties. Authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete this exchange. Pursuant to A.R.S. §11-251(44) public notice will be published. Legal approval is subject to review of the final documents. (C1806046000) (ADM811)

**CONVEY EASEMENT - WHITE TANK COUNTY CEMETERY**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute an agreement with the United States of America and its assigns wherein the county will convey a Quit Claim Deed Conveying Easement, in consideration of \$89,636, on approximately 29.9 acres of the 37.5 acres known as the White Tank County Cemetery located southwest of Luke Air Force Base. The Quit Claim Deed of Conveying Easement will allow a right-of-way for the free and unrestricted operation of aircraft to and from the air base and will allow the county to continue burials for the indigent. Authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the agreement and conveyance. Also include an increase to the FY 2006-07 revenue appropriation of Dept of Finance (180) General Fund (100) in the amount of \$89,636. (C1806047100) (ADM127) (ADM5002)

**SOLICITATION SERIALS**

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

**Awards:**

- 06016-S**      **Overhead Door Repair, Maintenance and Replacement** (\$2,250,000 estimate/three years with three one-year renewal options). Price agreement for overhead door maintenance, repair and replacement for locations throughout Maricopa County.
- o      Evans Overhead Door, LLC

**Trade-In**

The trade-in of a Model CRT 370 (SN #431, Asset #60893) Challenge Cutter to Heidelberg USA, Inc. in the amount of \$2,400 toward the purchase of a new Polar 92X Cutter (Serial 06022-X, approved by Materials Management Director in the amount of \$65,000).

**BUDGET ADJUSTMENT FOR WORK ORDERS AND SERVICES**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the approval of an increase in budgeted revenue (Fund 681, Department 410) and budgeted expenditures (Fund 681, Department 410) for FY 2005-06 in an amount not-to-exceed \$1,659,942, for the Chief Information Officer due to increased expenditures driven by customer work orders and carrier provided services. The revenue from charges will offset the increased expenses. This will require an offsetting revenue and expenditure adjustment to Eliminations (Department 980 Fund 900) not-to-exceed \$1,659,942, which will have a net zero impact to the budget. (C4106006800) (ADM2700-003)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an administrative correction to agenda item C1506006300 to add language for increased revenue and expenditure authority regarding the acceptance of this grant in the original action approved by the Board of Supervisors on January 18, 2006. Also approve and accept \$220,000 in Federal Homeland Security Grants Nos. 2004-GE-T4-0030 and 2005-GE-T5-0051, and approve an appropriation increase to revenue and expenditures in the amount of \$220,000 over the next two fiscal years. This will require a revenue and expenditure appropriation increase to the Emergency Management Grant Fund (150-215) in the amount of \$55,000 for FY 2005-06. The remaining \$165,000 will be included in the base budget for Emergency Management in FY 2006-07. This is a reimbursable grant. The funds are being awarded to develop a Comprehensive Mass Evacuation Strategy/Plan for Maricopa County. Maricopa County Department of Emergency Management's current indirect cost rate is 12.8% for FY 2005-06. Indirect costs are allowable and recoverable. Estimated indirect cost is \$28,160, and is recoverable. 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. (C1506006302)

**COMMUNITY EMERGENCY RESPONSE TEAMS GRANT FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and accept \$136,747.00 in FY 2006-07 Community Emergency Response Teams (CERT) Grant funds, Grant No. 2005-GE-T5-0030, from the Office of Domestic Preparedness. This is a reimbursable grant, of which \$97,686.00 will go to Maricopa County Emergency Management Department to cover expenses for the Citizen Corps Coordinator (salary, travel, brochures, etc.) and \$39,061.00 will be used to assist the Arizona Central Region Citizen Corp Councils. The Maricopa County Department of Emergency Management's indirect cost rate is 17.01% for FY 2006-07 and the unallowable/unrecoverable portion of indirect costs associated with this grant is \$23,260.55. The grant award period is October 1, 2004 through March 31, 2007. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not

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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. (C1506015300)

**BUDGET ADJUSTMENT FOR INCREASED FUEL COSTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the approval of an increase in budgeted revenue (Fund 654, Department 740) and budgeted expenditures (Fund 654, Department 740) for FY 2005-06 in an amount not-to-exceed \$2,169,417, for the Equipment Services Department due to increased fuel costs. The revenue from charges for fuel will offset the wholesale expense. This will require an offsetting revenue and expenditure adjustment to Eliminations (Department 980 Fund 900) not-to-exceed \$2,169,417 that will have a net zero impact to the budget. (C7406006800) (ADM3100-003)

**CHANGE ORDER FOR NORTHWEST CONSOLIDATED JUSTICE COURTS PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Change Order No. 5 to Contract C7004067000 with Sahara, Inc. for construction of the Northwest Consolidated Justice Courts Project, located in the City of Surprise at Tierra Buena and Statler Boulevard, in an amount of \$83,557. The recommended changes are within the project budget. (C7006022801)

**ADDITION TO FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the addition to the fleet of one Landoll Pivot Mast Forklift used at the MCSO Elections Warehouse located at 3rd Avenue and Lincoln in Phoenix, Arizona. The funds for the purchase of this equipment were within the project budget for the original construction of the facility in 2004. (C7006041M00) (ADM3104)

**WIRELESS SOFTWARE MODULE AND INSTALLATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a sole source purchase order with Acella, Inc. for a not-to-exceed amount of \$85,000 for Acella Wireless software module and installation services as an addition to the existing permitting application, Permits Plus (an Acella product). This funding request is one-time in nature and in the Planning and Development FY 2005-06 budget. This purchase will allow field deployed code enforcement officers, drainage, building and zoning inspectors to retrieve daily work schedules, complete inspection forms, and file results from laptops while in the field. (C4406023000)

**HASSAYAMPA SUPER FUND**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a transfer of expenditure authority at fiscal year end from General Government (470) General Government Grant Fund (249) to Solid Waste Management (670) Solid Waste Management Fund (580) of an amount not-to-exceed \$500,000. This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) General Government Grant Fund (249) expenditure budget by not-to-exceed \$500,000, and increasing the FY 2005-06 Solid Waste Management (670) Solid Waste Management Fund (580) expenditure budget by not-to-exceed \$500,000. Approval of this action allows the increase in budgeted expenditure authority to

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accommodate the annual Hassayampa Super Fund Site assessment and unexpected expenditures for repairs, maintenance, and monitoring of three closed landfills to meet ADEQ compliance requirements. Cash will come from available fund balance. These adjustments will result in a countywide net impact of zero. (C6706008800) (ADM2075-003)

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

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

- |                         |  |
|-------------------------|--|
| A339.025<br>(JPM)       | Project No.: TE193 - 99th Avenue at Palmeras Drive - Warranty Deed - Parcel No.: 230-08-common area - The Heritage Sun City Owners Association, an Arizona non-profit corporation, in Trust - for the sum of \$1,600.00.         |
| DD-10171<br>(CS)        | R/W Dedication - Warranty Deed - Parcel No.: 303-55-013R - James T. Williams and Linda L. Williams - for the sum of \$10.00.   |
| DD-10171<br>(CS)        | R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 303-55-013R - James T. Williams and Linda L. Williams.   |
| DD-10281<br>(LJS)       | R/W Dedication - Warranty Deed - Parcel No.: 503-53-035H - MEHROB, L.L.C., an Arizona limited liability company - for the sum of \$10.00.  |
| DD-10281<br>(LJS)       | R/W Dedication - Drainage Easement - Parcel No.: 503-53-035H - MEHROB, L.L.C., an Arizona limited liability company - for the sum of \$1.00.   |
| DD-9883<br>(GS)         | R/W Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 504-09-029 - Scott B. Schroder and Barbara L. Schroder - for the sum of \$10.00.  |
| MI-4N1W-27.001<br>(JPM) | Project No.: TE212 - RH Johnson Boulevard at Meeker Boulevard - Agreement for Right of Entry - Parcel No.: 232-01-281A - Recreation Centers of Sun City West, Inc., an Arizona non-profit corporation - for the sum of \$500.00. |

**ROAD IMPROVEMENTS – WARNER ROAD TO WATER TANK ROAD**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an intergovernmental agreement between Maricopa County and the Town of Gilbert for cost-sharing on improvements to Gilbert Road from Warner Road to Water Tank Road (Project No. T122). The purpose of the project is to widen Gilbert Road to a uniform six-lane urban principal arterial and eliminate irregular lane constrictions fronting county islands. The total project cost is estimated at \$1,220,000. The county will contribute \$400,000 in FY 2005-06 as its full contribution. (C6406257200)

**BELL ROAD INCIDENT MANAGEMENT PROGRAM**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the amendment to the intergovernmental agreement (IGA) between the Maricopa County Department of Transportation and the City of Surprise for the Bell Road Incident Management Program. The purpose of the amendment is to clarify the allocation, transfer of equipment, and/or procurement of

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equipment and payment of operational costs allowable for reimbursement. The original IGA was signed and executed on September 8, 2004 (C64050572). (C6406258000)

**EMERGENCY TRAFFIC MANAGEMENT MUTUAL AID**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the intergovernmental agreement between Maricopa County and the City of Surprise for Emergency Traffic Management Mutual Aid (Regional Emergency Action Coordinating Team - REACT). All participating governmental agencies and municipalities in this discretionary agreement, agree for the purpose of Emergency Traffic Management Response, that specific formal operating procedures shall be followed in terms of requesting and operating at the scene of emergency incidents. (C6406261200)

**TRANSPORTATION PLANNING SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award on-call contracts for pending and new projects that require transportation planning services. The contracts are effective for a period of two years with an option to renew for three additional one-year periods, following Board of Supervisors' approval or until the expenditure of \$500,000 per contract, whichever occurs first. Approval of these agenda items is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 and FY 2007-08 budgets.

- a. On-Call Contract No. 2006-021 with Lima and Associates (C6406262500)
- b. On-Call Contract No. 2006-022 with DMJM Harris (C6406263500)
- c. On-Call Contract No. 2006-023 with Wilson and Company, Inc. (C6406264500)

**AMENDMENT TO FIVE-YEAR CIP**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to the current FY 2005-06 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget Decrease</b>
T047	PM10: PH 4 in North Valley	\$142,936
T048	PM10: PH 4 in SW Valley	\$105,000
T062	Ellsworth Road: University-McLellan	\$90,000
T087	Queen Creek Road: AZ Avenue-McQueen Rd	\$60,000
T099	75th Ave: MC85-Van Buren	\$470,000
T102	Williams Field Road at Higley Road	\$40,000
T140	Meridian Road: Hunt/Baseline CS	\$200,000
T155	Northern Ave at 107th Avenue	\$300,000
T170	McDowell Road: Alma School-SR87	\$50,000
T186	Indian School Road: Litchfield-Dysart	\$53,500
T209	MC 85 at 119th Avenue	\$30,000
T210	MC 85 at El Mirage Road	\$80,000
T211	Olive Ave at Litchfield Road	\$70,000

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<b>Project Number</b>	<b>Name</b>	<b>Capital Budget Decrease</b>
T212	Indian School Rd at Old Litchfield Road	\$60,000
T214	SR303 off Ramp at Grand Avenue	\$60,000
T217	R.H. Johnson Blvd at Stardust	\$40,000
T218	SR303 at Waddell Road	\$80,000

Adjust the following projects by increasing the FY 2005-06 (Year 1) capital budget for each of the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget Increase</b>
T001	TIP Development	\$150,000
T004	Warranted Traffic Improvements	\$200,000
T005	Candidate Assessment Reports	\$50,000
T008	Property Management	\$30,000
T011	ROW In-Fill/Road Inventory	\$225,000
T019	AZTECH Smart Corridors	\$75,000
T025	Bell Road: SR303-L101 ITS	\$125,000
T039	PM10: Box Bar & Needle Rock	\$5,000
T040	PM10: 12th St-Circle Mountain to TNF	\$70,000
T043	PM10: McNeil: 35th Avenue - 31st Avenue	\$1,000
T072	MC85 at Agua Fria Bridge Scour	\$1,000
T098	Williams Field: Gilbert-Lindsay	\$10,000
T108	McDowell Shoulder Widening	\$10,000
T114	Chandler Heights at Sonoqui Wash	\$50,000
T120	Bell Road at R.H. Johnson Boulevard	\$225,000
T122	Gilbert Road: Warner-Water Tank	\$2,000
T123.	Brown Road; Ellsworth-Crismon	\$80,000
T124	Pinnacle Peak: Lake Pleasant - 83rd Avenue	\$1,000
T126	Bush Hwy: Usery-Stewart Mountain	\$5,000
T142	Alma School: N Bridge Grade Control Structure	\$10,000
T154	Bell Road: SR303-Grand Avenue	\$15,000
T160	Greenway Road at SR303	\$50,000
T166	MC85: SR85 to 75th Avenue	\$65,000
T167	El Mirage: Northern-Bell	\$30,000
T172	Sun City Mill & Overlay: Ph 1	\$100,000
T182	Deer Valley at Aqua Fria River	\$10,000
T191	Vineyard: 143rd Ave-PIR	\$167,936
T193	Desert Hills at Skunk Creek	\$35,000
T195	Northern Ave: SR303- Grand Avenue	\$2,500
T196	Table Mesa Rd:I-17 to TNF	\$1,000
T208	MC85 at83/91/99/107/115th Avenue	\$20,000
T216	Pinnacle Peak at 83rd/91st Avenue	\$60,000
T230	Camelback Road at Litchfield Road	\$50,000

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6406265800) (ADM2000-003)

**ADDITION OF PROJECTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of the following projects and corresponding expenditure budget to the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640), Fund (234):

<b>Project Number</b>	<b>Name</b>	<b>Budget</b>
T254	Riggs Road at Sonoqui Wash	\$30,000
T255	Northern Avenue at Reems Road	\$10,000
T256	Northern Avenue at El Mirage Road	\$10,000
T257	Olive Avenue at 114th Avenue	\$10,000
T258	Del Webb Boulevard at 99th Avenue	\$10,000

Also approves an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for Project No. T006, Unallocated Force Account, by \$70,000. This decrease will offset the increase requested above for a countywide impact of zero. (C6406266800) (ADM2000-003)

**CITIZEN'S AUDIT ADVISORY COMMITTEE APPOINTMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Ms. Jill Rissi, representing Supervisorial District 2, whose term is effective from Board of Supervisors' approval through April 4, 2008. (C0606071900) (ADM2602)

**TRAVEL REDUCTION PROGRAM REGIONAL TASK FORCE APPOINTMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Coco Sheldon, representing Supervisorial District 2, whose term is effective from Board of Supervisors' approval through January 31, 2008. (C0606074900) (ADM2358-001)

**RE-APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MARICOPA COUNTY**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following reappointments

- o Mr. David W. Ronald, representing Supervisorial District 4, whose term is effective from Board of Supervisors' approval through December 17, 2009. (C1806043900) (ADM4500-001)
- o Mr. Alan E. Maguire, representing Supervisorial District 1, whose term is effective from Board of Supervisors' approval through December 17, 2011. (C1806043900) (ADM4500-001)
- o Mr. Charles P. Thompson, representing Supervisorial District 3, whose term is effective from Board of Supervisors' approval through December 17, 2011. (C1806043900) (ADM4500-001)

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**PLANNING AND ZONING COMMISSION APPOINTMENT**

Item: Appoint Mr. Rusty Bowers, representing Supervisorial District 2, whose term is effective from Board of Supervisors' approval through November 6, 2009. (C0606072900) (ADM3415-001)

Motion was made by Supervisor Kunasek and seconded by Supervisor Wilcox to approve the appointment of Rusty Bowers to the Planning and Zoning Commission. Supervisor Wilson expressed concern because Mr. Bower's employer is suing the County and he believed there was the possibility of a conflict of interest. Supervisors Kunasek, Wilcox and Stapley differed with that assessment, all said they had questioned the appointment originally, however, they had concluded that Mr. Bowers' diverse background and experience more than compensated and he would make a valuable Commission member. Mr. Bowers has stated that he would recuse himself should a conflict arise.

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

**MARICOPA WORKFORCE CONNECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint and/or re-appoint the following members, whose terms are effective from Board of Supervisors' approval through June 30, 2008, as follows: (C2206173M00) (ADM2512-001)

**Appointments:**

<b>Name</b>	<b>Position</b>	<b>Representation</b>
Lari Braun	Henry & Horne, LLP	Private Industry
Charles Brewer	State Farm Insurance Company	Private Industry
Kathryn "Che" Collins	Phoenix Job Corp.	One Stop Partner
John Corella	Corella Companies	Private Industry
Laonda Jacobs	Arizona Small Business Association	Private Industry
Rodrick Miller	Greater Phoenix Economic Council	Economic Development
Jack Milligan	Leathers, Milligan & Associates	Private Industry
James Mohan	USAA	Private Industry
Diana Vowels	The Arizona Republic	Private Industry

**Re-Appointments:**

<b>Name</b>	<b>Position</b>	<b>Representation</b>
Belinda Hanson	Arizona Department of Economic Security – Employment Administration	One Stop Partner
Blair Liddicoat	Rio Salado College	One Stop Partner
Gabe Loyola	Loyola Associates	Private Industry
Charles McCarty	Harrah's Ak-Chin Casino	Private Industry
Ted Murphree	Arizona State Building & Construction Trades Council	Private Industry
Bob Neckes	Macayo's Mexican Kitchen	Private Industry
Steve Prokopek	City of Peoria Economic Development Department	Economic Development
Pam Ross	Honeywell	Private Industry
Therese Valadez	American Express	Private Industry

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**PHOENIX EMA RYAN WHITE PLANNING COUNCIL – WITHDRAWN**

Item: Appoint the following individuals, whose terms are effective July 1, 2006 through June 30, 2009 (C8606073900) (ADM2153-001) (The Clerk announced that this item was withdrawn at the request of the County Manager.)

<b>Name</b>	<b>Representation Category</b>
Darrel Johnson	Institutional Member
Fernando Kitcheyan	Institutional Member
Harvey Miller	Service Provider Member
Jacque Miller	Service Provider Member
Jerry Prentice	General Public Member
Miguel Garruna	General Public Member
Norris Reber	General Public Member
Ron Hill	General Public Member
Steven Varnadore	Institutional Member
William Portwood	General Public Member

The proposed change to the reflectiveness of the Planning Council is listed below, based on the acceptance of the above members:

Race/Ethnicity	Epi Profile	Proposed	Membership Category	Current	Proposed New Membership
White	61%	66%	General Public	10	15
African American	12%	16%	Service Provider	10	12
Hispanic	22%	9%	Institutional	5	8
Asian/Pac. Islander	1%	0%	Male/Female	14/11	23/12
American Indian/NA	3%	6%	HIV- +	33%	43%
Multiple Race/Other	1%	3%			

**REGIONAL SCHOOL DISTRICT #509**

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) regarding action on the following vouchers:

Approve Voucher # 5165 in the amount of \$77,055.52

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Staff may update the Board of Supervisors on regional schools operations and finances. There were no vouchers to be ratified and no staff reports for this meeting. (ADM3814-005)

**HEARING SET**

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

- a. **Road File Declaration** – Set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, July 12, 2006.
  - i. **Road File No. A307.** In the vicinity of Forepaugh Road. (C6406268000)
  - ii. **Road File No. A357.** All of the streets in their entirety in Powell's Second Subdivision. (C6406269000)
  - iii. **Road File No. A358.** All of the streets in their entirety in Powell's First Subdivision. (C6406270000)
  - iv. **Road File No. A359.** All of the streets in their entirety in Milton Ray's First Subdivision. (C6406271000)
  - v. **Road File No. A360.** All of the streets in their entirety in Eagle View Estates. (C6406272000)
  - vi. **Road File No. A361.** All of the streets in their entirety in Eagle View Estates Unit One. (C6406273000)
  - vii. **Road File No. A362.** In the vicinity of Black Eagle Road and US Highway 60. (C6406274000)
  - viii. **Road File No. A363.** In the vicinity of Church Drive from Eagle Eye Avenue to 1<sup>st</sup> Street. (C6406275000)
  - ix. **Road File No. A364.** In the vicinity of Valley Street, from Eagle Eye Avenue to 1st Street. (C6406276000)
- b. **Road File Amendment** – Set a public hearing to amend the legal description for the following road for 9:00 a.m., Wednesday, July 12, 2006.

**Road File No. A322-R.** In the vicinity of MC85 from Turner Road to State Route 85 (C6405194501)

**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated

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areas of Maricopa County for July 12, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2005-114; Z2004-053; Z2005-087; Z2005-005; DMP2004-005; CPA2005-01; CPA2006-05

**ASRS CLAIMS**

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

**AMEND RESOLUTION – FAIRVIEW LANE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt a new resolution that amends and corrects the resolution approved by the Board of Supervisors on April 5, 1995, with recording number 95-0342697, in which the description of the 1977 recorded information for the two quit claim deeds along Fairview Lane was incorrectly stated. These two deeds were accepted to provide a public right-of-way for the construction of a County road along Fairview Lane. (844) (ADM4302) (ADM2007-001)

**AMENDED RESOLUTION ACCEPTING TWO QUIT-CLAIM DEEDS ALONG FAIRVIEW LANE**

**WHEREAS**, the Board of Supervisors as the governing body of Maricopa County may lay out, maintain, control and manage public roads within the county pursuant to Title 11, Chapter 2, Article 4 of the Arizona Revised States, as amended, and

**WHEREAS**, the Board of Supervisors has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision plat or other lawful means for public streets, and

**WHEREAS**, the Board of Supervisors organized the Fairview Lane improvement District on June 22, 1994 for the purpose of paving the existing dirt road, and

**WHEREAS**, the Board of Supervisors, in their capacity as Board of Directors of the Fairview Lane Improvement District, recognizes that Fairview Lane has been open to public use and therefore deems the road to be public as authorized under A.R.S. 48-911, and

**WHEREAS**, the public welfare and benefit will be promoted by establishing Fairview Lane as a public road, and

**WHEREAS**, easements along this same portion of Fairview Lane were previously granted to the public by the following quit claim deeds and legal descriptions.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors, by this resolution, accepts the following described properties for public right-of-way:

1. Docket 12572, Page 207 and re-recorded in Docket 15045, Page 207, Maricopa County Records.

The South Twenty-five (25) feet of the North half of the Southwest quarter; and the North Twenty-five (25) feet of the Southeast quarter of the Southwest quarter of Section Thirty-four (34), Township One (1) South, Range Six (6) East, of the Gila and

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Salt River Base and Meridian, Maricopa County, Arizona, as recorded by quit claim deed for irrigation, public utilities, ingress and egress in Docket 12572, Page 207 and re-recorded in Docket 15045, Page 207, Maricopa County Records.

2. Docket 12572, Page 198 and re-recorded under 2006-0610153, Maricopa County Records.

The North Twenty-five (25) feet of the North half of the Southwest quarter of the Southwest quarter of Section Thirty-four (34), Township One (1) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as recorded by quit claim deed for ingress and egress in Docket 12572, Page 198, Maricopa County Records.

**DATED** this 7<sup>th</sup> day of June 2006  
/s/ Don Stapley, Chairman of the Board  
**ATTEST:**  
/s/ Fran McCarroll, Clerk of the Board

**CANVASS OF ELECTIONS**

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

**CLASSIFICATION CHANGES**

No changes were received from the Assessor for this meeting. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested compromises as payment in full. This item was discussed in Executive Session on May 15, 2006. (ADM407)

Maria/Tomas Campos	\$13,445.01
Lisa Rodriquez	\$1,650.00
Cynthia Sanchez	\$2,000.00
Mary Zabala	\$2,500.00

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

Accept the Treasurer's Statement of Collections and Investment summary reports for April 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

**DUPLICATE WARRANTS**

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

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**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Paul John Knox	260034260	Expense	\$127.25
The Home Depot Supply, Inc	360551166	Expense	\$527.47
Ritoch-Powell & Associates	360551083	Expense	\$22,248.00
DPI Arizona	360555167	Expense	\$18,110.70
The Khoshbin Company	360539148	Expense	\$1,234.72
Dr. Leonardo Garcia-Bunuel, MD	360550986	Expense	\$2,143.75
Griffin and Associates	360554641	Expense	\$669.20
Valley Metro – RPTA	360550620	Expense	\$40,059.43
Maricopa County Bar Association	360554171	Expense	\$592.50

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Erica Smith	Madison SD #38	160039150	\$1,973.66
1st Quality School Supply	Littleton SD	460078527	\$680.63
Laurel Hinrichsen	Fowler SD	160087451	\$305.82
Cindy J Eldard	Isaac SD	160086816	\$346.09
Mindy Macias	Alhambra SD #68	160097978	\$246.20
Luena Harmon	Queen Creek SD #95	1600096468	\$673.99
Roderick P Kaloostian	Agua Fria Union High SD #216	160072209	\$247.66
U.S. Games	Phoenix Elem SD #1	460103127	\$629.69
Cynthia Cody	Littleton SD	460109398	\$50.56
Mathew H Snell	Saddle Mountain #90	160040675	\$235.49
Mathew H Snell	Saddle Mountain #90	160030783	\$78.50
Hometown Buffett	Roosevelt SD #66	460113929	\$160.00
Greater Arizona Puppet Theater	Roosevelt SD #66	460106194	\$24.00
Barbara Carlton	Litchfield Elem SD #79	160102951	\$124.14
Thermo Fluid	Tolleson Union High SD #214	460093802	\$45.00

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held April 7, 2006 and April 12, 2006.

**PRECINCT COMMITTEEMEN**

There were no appointments or cancellations of appointment for Precinct Committeemen for this meeting. (ADM1701)

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**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) 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>
2000	60190	60190	\$32.32
2004	11469	11516	-\$458,059.58
2005	9896	9948	-\$218,302.06
2003	25471	25564	-\$330,892.34
2002	19421	19471	-\$638,452.18
2004	11517	11567	-\$59,506.40
2001	40007	40057	-\$764,224.50
2002	19410	19420	-\$134,278.28
2002	19472	19501	-\$16,216.52
2003	25565	25652	-\$98,267.84
2004	11568	11695	-\$209,586.22
2005	9949	10434	-\$305,488.52
2005	10436	10465	-\$203,789.62
2004	11696	11697	-\$9,391.50
2003	25653	25660	-\$1,995.30
2002	19502	19506	-\$1,198.46
2001	40074	40075	-\$404.92
2005	10466	10524	-\$75,039.46
2003	25661	25670	-\$1,201.06
2000	13084	13143	-\$863,145.46
2000	13082	13083	-\$1,571.38
2004	11714	11733	-\$14,198.08
2005	10526	10569	-\$1,435,588.54
2004	11734	11796	-\$640,937.88
2003	25671	25701	-575371.18
2002	19507	19507	-\$2,273.22

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the settlement of tax cases dated June 7, 2006. (ADM704)

**2004/2005**

CV2004-000674  
**2005**  
 ST2004-000199  
 ST2004-000279  
 TX2004-000791

**2005/2006**

ST2004-000117  
 ST2005-000034  
 TX2004-000972  
**2006**  
 TX2005-050278  
 TX2005-050225  
 TX2005-050420

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**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Warren Howard Eisenhart	\$63.00
Sharon Kay Bourne	\$80.00

**RESCIND ACTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to rescind the action taken on April 19, 2006 at the Formal Board meeting to approve the amendment to Road File No. A322-R. This item requires a public hearing. The public hearing will be set on June 7, 2006, and scheduled for July 12, 2006, as noted earlier in these minutes. (C6405194501)

**TAX ABATEMENTS**

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

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

No member of the public came forward to speak at this time. (ADM605)

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

Supervisor Wilson told about the past weekend's ceremony he and David Smith had attended when Director of Flood Control District, Tim Phillips, received his Brigadier General's star, and he congratulated General Phillips on this achievement. Chairman Stapley added his congratulations and said there were plans to publicly honor General Phillips in the near future. (ADM606)

Supervisor Wilcox also commended Brigadier General Phillips on this honor. She said another County resident, Michael Carbajal, will also be honored by being inducted into the Boxing Hall of Fame in New York next Saturday. Carbajal is a five-time World Champion boxer in his weight class.

**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:**

- Z2004-125**      **District 4**  
**Applicant:**      Carter & Burgess for Peoria 180 LLC

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**Location:** West of Reems Road between Olive Avenue and Peoria Avenue (in the Glendale area)  
**Request:** Rezone from Rural-43 to R1-35 (approx. 171.91 ac.) – Twelve Oaks Estates II

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004-125, subject to the following stipulations “a” through “k”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the preliminary plat/zone change exhibit entitled “Twelve Oaks Estates II Preliminary Plat and Zoning Exhibit”, consisting of eleven (11) full-size sheets prepared by Carter Burgess dated March 3, 2006, stamped by the Civil Engineer March 22, 2006, and stamped received March 28, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the project narrative entitled “Twelve Oaks Estates II Zoning/Preliminary Plat-Narrative”, consisting of six (6) pages plus exhibits, prepared by Carter Burgess, dated revised March 21, 2006, and stamped received March 28, 2006, except as modified by the following stipulations.
- c. All trees shall be double-staked when installed.
- 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.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office (SHPO) prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact (SPHO) the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - o Provide a total half-width of 65’ right-of-way on Peoria Ave.
  - o Coordinate with MCDOT Planning Division regarding developer contribution to regional transportation infrastructure. Developer shall contribute \$3,281.00 per dwelling unit.
  - o Update Traffic Impact Study (TIS) from original Twelve Oaks Development to include “Twelve Oaks Estates II”. Development must comply with all recommendations in MCDOT approved TIS.
- 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

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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. Major changes to the zoning exhibit 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. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. 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 Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation to approve this rezoning request with stipulations "a" through "k."

- 2.      Z2000-090      District 4**  
**Applicant:** Tom Russell for White Tank Palms, LLC  
**Location:** Northeast corner of Bethany Home Road and Citrus Road (in the east Glendale area)  
**Request:** Removal of a Special Use Permit (SUP) for a retail plant nursery in the Rural-43 zoning district (approximately 7.16 acres) White Tank Nursery and Garden Center

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2000-090. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation to remove this Special Use Permit.

- 3.      Z2005-118      District 1**  
**Applicant:** Lowell Patterson for LGP Enterprises, Inc.  
**Location:** Arizona Ave. approximately ½ mi. south of Riggs Road (in the south Chandler area)  
**Request:** Plan of Development in the IND-2p zoning district, for assembly, storage and sales of golf carts (approximately 6.55 acres) A-1 Golf Carts

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2005-118, subject to the following stipulations "a" through "m". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Precise Plan of Development A-1 Golf Carts", consisting of two (2) sheets, dated (revised) March 9, 2006, and stamped received March 10, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the narrative report entitled "A-1 Golf Carts Precise Plan of Development in IND-2 Zone", consisting of three (3) pages, dated (revised) March 9, 2006, and stamped received March 10, 2006, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. 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 screened.
- g. 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.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall provide to the Maricopa County Planning and Development Department, written verification of driveway approval from the Arizona Department of Transportation for access to Arizona Avenue.
- 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. 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 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.
- 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 Chapter 3 (Conditional Zoning).

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation to approve this Plan of Development with stipulations "a" through "m."

- 4. Z2005-147 District 3**  
**Applicant:** Permit Consultants, Inc. for Wells Fargo Bank  
**Location:** Daisy Mountain Drive west of Gavilan Peak Parkway (in the Anthem area)  
**Request:** Plan of Development in the C-2 CUPD PAD zoning district for a bank (approximately 1.6 acres) – Anthem Wells Fargo Bank

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2005-147, subject to the following stipulations "a" through "n". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the Plan of Development entitled "Wells Fargo Denovo", consisting of three (3) full-size sheets, dated revised March 21, 2006, and stamped received March 21, 2006, (excepting the floor plans depicted on Sheet A2.00) except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Wells Fargo Anthem – Daisy Mountain", consisting of six (6) pages, revised March 21, 2006, and stamped received March 21, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Wells Fargo Denovo", consisting of one (1) full-size sheet, dated revised March 21, 2006, and stamped received March 21, 2006, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the signage plan entitled "Wells Fargo Denovo", consisting of two (2) full-size sheets, dated revised March 21, 2006, and stamped received March 21, 2006, except as modified by the following stipulations.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - i. Install sidewalk and ramps to meet ADA requirements at new driveway on west side (as shown).
  - ii. Any landscaping installed within right-of-way must comply with Maricopa County requirements (MCDOT) Roadway Design Manual, Chapter 9) on Daisy Mountain Drive.
- h. 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

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be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- 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.
- l. 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 Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation to approve this plan of development with stipulations "a" through "n."

- 5. S2005-071 District 2**  
**Applicant:** Countrywalk Homes, Inc.  
**Location:** Boise Street, east of Crismon Road (in the east Mesa area)  
**Request:** Replat of Tract 8 of Hacienda del Este (.81 acre)

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve this replat.

- 6. S2005-094 District 3**  
**Applicant:** Jack Leslie  
**Location:** 726 E. Shawna Court (in the Desert Hills area)  
**Request:** Replat of Lot 5 of Ryan Estates (1.134 acres)

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Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve this replat.

**REGULAR AGENDA DETAIL:**

7. **TA2003-005 All Districts**  
**Applicant:** Commission Initiative  
**Location:** All areas of the unincorporated county  
**Request:** Commission initiated Text Amendment to the Maricopa County Zoning Ordinance (MCZO) regarding Temporary Use Permits and Conditional Use Permits.

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of TA2003-005. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard said that there were changes in Chapters 2, 3, 5, 8, 9, 13 and 17 of the Maricopa County Zoning Ordinance with the bulk of the changes in Chapter 17. These amendments were mostly designed to simplify and clarify the permitting process.

Motion was made by Director Wilson, seconded by Director Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval of this Text Amendment as follows:

**TA2003-005 CHANGES**

**CHAPTER 2**

**SECTION 201. DEFINITIONS<sup>\*1</sup>**

*For the purpose of this Ordinance, certain words are hereby defined:*

**~~CONDITIONAL USE:~~**

~~A use of property permitted by right within a zoning district only as long as required conditions are met.<sup>\*25</sup>~~

**~~CONDITIONAL USE PERMIT:~~**

~~The permit issued for a conditional use in accordance with the provisions of Chapter 13.<sup>\*25</sup>~~

**TEMPORARY USE:**

A USE OF PROPERTY PERMITTED ON A TEMPORARY BASIS WITHIN A ZONING DISTRICT AS LONG AS REQUIRED CONDITIONS ARE MET.

**TEMPORARY USE PERMIT:**

THE PERMIT ISSUED FOR A TEMPORARY USE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 13, SECTION 1302.

**YARD, REQUIRED:**

The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required (see "BUILDABLE AREA").

**CHAPTER 3**

**ARTICLE 303.1. CREATION AND MEMBERSHIP:** There is hereby created one Board of Adjustment representing the five supervisorial districts of Maricopa County. The Board of Adjustment shall be composed of five members. One member shall be appointed from each of the five supervisorial

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districts. Each member shall be a resident and taxpayer of the ~~unincorporated area of the~~ supervisorial district from which he or she is appointed. The appointments shall be for staggered terms of four years each, except that the first members of such board shall be appointed for the following terms: One member for one year, one member for two years, one member for three years, two members for four years. Members of such board shall be appointed by the Board of Supervisors. The Board of Supervisors shall also have the authority to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The jurisdiction of the Board of Adjustment shall include all five supervisorial districts from which the members thereof are appointed.<sup>\*4, \*11</sup>

303.5.1. Accurate plot plans and description of the property involved, description of the REQUEST ~~proposed use~~, preliminary floor plans and elevations of all proposed buildings, ~~and an estimate of the valuation of the proposed construction.~~ THE ZONING INSPECTOR MAY AUTHORIZE OMISSION OF ANY OR ALL OF THE PLANS AND DRAWINGS REQUIRED BY THIS SECTION IF THEY ARE NOT NECESSARY.

**ARTICLE 303.6. PUBLIC HEARINGS:**

~~303.6.3. **Continuation of a Conditional Use Permit:** Upon receipt in proper form of a fifth consecutive status report for continuation of a Conditional Use Permit for a model home sales complex or construction yard (etc.). The Board of Adjustment shall hold a public hearing pursuant to public notice by posting the property at least **ten days** in advance of the public hearing. A decision regarding continuance of the Conditional Use Permit will normally be made at that public hearing.~~<sup>\*\*8</sup>

**CHAPTER 5**

**ARTICLE 501.2.USE REGULATIONS:** A building or premises shall be used only for the following purposes:

16. DELETED – Public riding stables and boarding stables. (See Chapter 13, Section 1301.1., Article 1301.1., Item 1301.1.20.<sup>\*\*3</sup>

20. Accessory buildings and uses customarily incidental to the above uses, including:<sup>\*\*11</sup>

a. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current ~~Uniform Building Code (U.B.C.)~~ COUNTY BUILDING CODE, are met and maintained:

3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.

4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pool barriers as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.

5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.<sup>\*6,\*7,\*9,\*11,\*12,\*17</sup>

~~22. Conditional uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.~~<sup>\*\*14</sup>

2223. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1303  
1302.\*\*11

2324. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.\*\*11

24. TEMPORARY MODEL HOME SALES COMPLEX - A MODEL HOME SALES COMPLEX AS PART OF AN APPROVED, RECORDED SUBDIVISION PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

- A. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. MODEL HOMES MUST BE LOCATED ON-SITE.
- B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE MODEL HOME SALES COMPLEX SHALL BE REMOVED. CESSATION OF USE SHALL BEEN DEEMED TO HAVE OCCURRED IF THERE HAVE BEEN NO ACTIVE BUILDING PERMITS FOR A ONE (1) YEAR PERIOD OF TIME.
- C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
- D. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
- E. TEMPORARY FLAGPOLES OF UP TO 60 FEET IN HEIGHT ARE ALLOWED FOR MODEL HOME SALES COMPLEXES. THESE TEMPORARY FLAGPOLES MUST BE REMOVED AT THE CESSATION OF USE AS OUTLINED IN 501.2.24.B ABOVE.
- F. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

25. TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX – CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX WHICH MAY INCLUDE A SECURITY OFFICE OR RESIDENCE FOR A SECURITY GUARD PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

- A. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. OFF-SITE CONSTRUCTION OFFICE/YARD COMPLEXES MAY BE ALLOWED SUBJECT TO APPROVAL BY THE BOARD OF ADJUSTMENT.
- B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE CONSTRUCTION OFFICE/YARD COMPLEX SHALL BE REMOVED.

- C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
- D. ALL ITEMS STORED ON SITE SHALL ONLY BE THOSE REQUIRED FOR THE CONSTRUCTION ON SITE.
- E. THE ALLOWED USES MAY ENCROACH INTO SETBACK AREAS.
- F. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
- G. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

**CHAPTER 6**

**ARTICLE 601.2.USE REGULATIONS:** A building or premises shall be used only for the following purposes:

- 13. Accessory buildings and uses customarily incidental to the above uses, including:
  - b. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current ~~Uniform Building Code (U.B.C.)~~ COUNTY BUILDING CODE, are met and maintained:
    - 1. Such pool and incidental installations are located in other than the required front yard.
    - 2. Such pools are set back from all lot lines a distance of not less than **three feet**.
    - 3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.
    - 4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pools as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.
    - 5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current ~~U.B.C.~~ COUNTY BUILDING CODE.<sup>\*6, \*7, \*9, \*11, \*12, \*19</sup>
- 15. ~~Conditional uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1303.~~<sup>\*\*13</sup>

1546. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. <sup>\*\*13</sup>
1647. Special uses may be allowed on any lot in the district as authorized in Chapter 13, Section 1301. <sup>\*\*13</sup>
17. MODEL HOME SALES COMPLEX - A MODEL HOME SALES COMPLEX AS PART OF AN APPROVED, RECORDED SUBDIVISION PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
- G. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. MODEL HOMES MUST BE LOCATED ON SITE.
  - H. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE MODEL HOME SALES COMPLEX SHALL BE REMOVED.
  - I. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
  - J. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
  - K. TEMPORARY FLAGPOLES OF UP TO 60 FEET IN HEIGHT ARE ALLOWED FOR MODEL HOME SALES COMPLEXES. THESE TEMPORARY FLAGPOLES MUST BE REMOVED AT THE CESSATION OF USE AS OUTLINED IN 601.2.17.B ABOVE.
  - L. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.
18. TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX – CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX WHICH MAY INCLUDE A SECURITY OFFICE OR RESIDENCE FOR A SECURITY GUARD PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
- A. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. OFF-SITE CONSTRUCTION OFFICE/YARD COMPLEXES MAY BE ALLOWED SUBJECT TO APPROVAL BY THE BOARD OF ADJUSTMENT.
  - B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE CONSTRUCTION OFFICE/YARD COMPLEX SHALL BE REMOVED.
  - C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.

- D. ALL ITEMS STORED ON SITE SHALL ONLY BE THOSE REQUIRED FOR THE CONSTRUCTION ON SITE.
- E. THE ALLOWED USES MAY ENCROACH INTO SETBACK AREAS.
- F. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
- G. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

**CHAPTER 8**

**ARTICLE 801.2.USE REGULATIONS:** A building or premises shall be used for the following purposes:

- 4. ~~Conditional uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1303.~~<sup>\*\*6-</sup>
- 45. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.<sup>\*\*5</sup>
- 56. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.<sup>\*\*5</sup>
- 6. TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX – CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX WHICH MAY INCLUDE A SECURITY OFFICE OR RESIDENCE FOR A SECURITY GUARD PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
  - A. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. OFF-SITE CONSTRUCTION OFFICE/YARD COMPLEXES MAY BE ALLOWED SUBJECT TO APPROVAL BY THE BOARD OF ADJUSTMENT.
  - B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE CONSTRUCTION OFFICE/YARD COMPLEX SHALL BE REMOVED.
  - C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
  - D. ALL ITEMS STORED ON SITE SHALL ONLY BE THOSE REQUIRED FOR THE CONSTRUCTION ON SITE.
  - E. THE ALLOWED USES MAY ENCROACH INTO SETBACK AREAS.
  - F. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
  - G. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

**ARTICLE 802.2.USE REGULATIONS:** A building or premise shall be used only for the following purposes:

- 10. ~~Conditional uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1303.<sup>4</sup>~~
- 1044. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.<sup>4</sup>
- 1142. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.<sup>4</sup>
- 12. TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX – CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX WHICH MAY INCLUDE A SECURITY OFFICE OR RESIDENCE FOR A SECURITY GUARD PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
  - A. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. OFF-SITE CONSTRUCTION OFFICE/YARD COMPLEXES MAY BE ALLOWED SUBJECT TO APPROVAL BY THE BOARD OF ADJUSTMENT.
  - B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE CONSTRUCTION OFFICE/YARD COMPLEX ARE REMOVED.
  - C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
  - D. ALL ITEMS STORED ON SITE SHALL ONLY BE THOSE REQUIRED FOR THE CONSTRUCTION ON SITE.
  - E. THE ALLOWED USES MAY ENCROACH INTO SETBACK AREAS.
  - F. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
  - G. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

**CHAPTER 9**

**ARTICLE 803.2.USE REGULATIONS:** A building or premises shall be used only for the following purposes:

- 37. Restaurants and cafes, including drive-through service with no outside eating facilities, but not including those having dancing or shows, or drive-in car service. The sale of alcoholic beverages for on-site consumption only may be permitted as an accessory use subject to the following requirements:

- a. The kitchen facilities in the restaurant shall be no less than **20%** of the floor area.
  - b. The floor plan of the restaurant shall be approved by the ~~Department of~~ Planning and Development DEPARTMENT.
- ~~46. Conditional uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1303.<sup>9</sup>~~
4647. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.<sup>9</sup>
4748. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.<sup>9</sup>
48. TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX – CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX WHICH MAY INCLUDE A SECURITY OFFICE OR RESIDENCE FOR A SECURITY GUARD PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
- H. THE USES ARE ONLY ASSOCIATED WITH THE DEVELOPER/OWNER AND SUBDIVISION OR PROJECT IN WHICH THEY ARE LOCATED. OFF-SITE CONSTRUCTION OFFICE/YARD COMPLEXES MAY BE ALLOWED SUBJECT TO APPROVAL BY THE BOARD OF ADJUSTMENT.
  - B. UPON SALE OF THE DEVELOPMENT, CESSATION OF THE NEED FOR THE USE (**95% BUILDOUT**), OR CESSATION OF THE USE, ALL STRUCTURES, MODIFICATIONS TO STRUCTURES AND USES RELATED TO THE CONSTRUCTION OFFICE/YARD COMPLEX ARE REMOVED.
  - C. THOSE USES OF STRUCTURES ALLOWED SHALL MEET ALL BUILDING CODE REQUIREMENTS.
  - D. ALL ITEMS STORED ON SITE SHALL ONLY BE THOSE REQUIRED FOR THE CONSTRUCTION ON SITE.
  - E. THE ALLOWED USES MAY ENCROACH INTO SETBACK AREAS.
  - F. ALL NECESSARY PERMITS MUST BE ISSUED PRIOR TO PLACEMENT ON THE SITE.
  - G. IF THESE REQUIREMENTS CANNOT BE MET, THE REQUEST SHALL BE PROCESSED THROUGH THE BOARD OF ADJUSTMENT AS A TEMPORARY USE PERMIT.

**CHAPTER 13**  
1302.2.2.

**Temporary Event:** Temporary events such as, but not limited to, circuses, carnivals, concerts, revivals, horse shows, rodeos, sales promotion events, and charity events. Any such event shall last no longer than a total of **30 days** within a **six-month period**. No continuations shall be approved. Any application submitted for such a use shall address the issues and satisfy the requirements identified in the Board of Supervisors Action dealing with

temporary events on ~~December 15, 1980~~, and as subsequently amended. AS OUTLINED BELOW:

1. SITE PLANS – TEN (10) COPIES DRAWN TO SCALE INDICATING ALL ACTIVITIES AND FACILITIES PROPOSED AS PART OF THE TEMPORARY EVENT USE. IF THE PROPOSED TEMPORARY EVENT IS PROPOSED TO USE A PORTION OF AN EXISTING FACILITY OR USE, AN ADDITIONAL PLAN SHOWING THE ENTIRE FACILITY OR USE AS WELL AS THE LOCATION OF THE TEMPORARY USE IS REQUIRED.
2. AUTHORIZATION TO USE THE SITE – A SIGNED COPY OF THE LEASE OR OTHER AGREEMENT WHICH IS BEING USED BY THE OWNER TO ALLOCATE THE SPACE AND TIME FRAME OF THE TEMPORARY EVENT IS REQUIRED.
3. NARRATIVE REPORT – TEN (10) COPIES OF A NARRATIVE REPORT WHICH ADDRESSES THE FOLLOWING ITEMS IS REQUIRED:
  - a. POLICE PROTECTION/TRAFFIC CONTROL.
  - b. WATER FACILITIES
  - c. FOOD CONCESSIONS. QUALITY AND QUANTITY OF FOOD AND LOCATION OF CONCESSIONS MUST BE APPROVED BY THE MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT (MCESD) PRIOR TO ISSUANCE OF ANY USE PERMIT.
  - d. SANITATION FACILITIES. ALL SANITATION FACILITIES MUST BE APPROVED BY THE MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT PRIOR TO ISSUANCE OF ANY USE PERMIT.
  - e. MEDICAL FACILITIES AND FIRE PROTECTION
  - f. PARKING AREAS – IDENTIFY AMOUNT AND LOCATION OF PARKING FOR ATTENDEES OF THE TEMPORARY EVENT. PARKING SHALL BE REQUIRED TO MEET MINIMUM REQUIREMENTS AS OUTLINED IN SECTION 1102 OF THE MARICOPA COUNTY ZONING ORDINANCE (MCZO). ADEQUATE DUST CONTROL SHALL BE PROVIDED AS PER MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT (MCESD) REQUIREMENTS.
  - g. ACCESS, TRAFFIC AND PARKING CONTROL – IDENTIFY INGRESS/EGRESS FOR TEMPORARY EVENT.

- h. HOURS OF OPERATION – IDENTIFY DURATION OF THE PROPOSED TEMPORARY EVENT (DATES AND HOURS OF OPERATION).
- i. ILLUMINATION – STATE IF PROPOSED AND IDENTIFY HOW IT IS TO BE PROVIDED. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 1112 OF THE MCZO.
- j. OVERNIGHT CAMPING FACILITIES – ALL OVERNIGHT CAMPING FACILITIES SHALL BE REVIEWED AND APPROVED BY THE MCESD PRIOR TO ISSUANCE OF ANY USE PERMIT.
- k. OTHER – IDENTIFY THE ANTICIPATED NUMBER OF ATTENDEES; INCLUDE ANY OTHER INFORMATION WHICH STAFF DEEMS NECESSARY.

1302.2.5

**CARETAKER(S) QUARTERS:** AN ADDITIONAL DETACHED ACCESSORY DWELLING UNIT FOR CARETAKER(S) MAY BE PERMITTED, PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS ARE MET:

- 1. THE ADDITIONAL DWELLING UNIT MAY BE A MANUFACTURED HOUSE, MOBILE HOME OR A RECREATIONAL VEHICLE. IT MAY NOT BE A SITE BUILT (PERMANENT) STRUCTURE.
- 2. THE JUSTIFICATION FOR THE CARETAKER SHALL NOT BE MERELY THOSE ACTIVITIES ASSOCIATED WITH THE NORMAL RESPONSIBILITIES OF A RESIDENT TO MAINTAIN HIS PROPERTY, INCLUDING THE CARE OF A LIMITED NUMBER OF FARM ANIMALS. AN UNUSUAL CONDITION(S) MUST EXIST WHICH REQUIRES THE ON-SITE RESIDENCY OF A CARETAKER TO PERFORM THE DUTIES IDENTIFIED. SAID CONDITION(S) SHALL BE IDENTIFIED AS PART OF THE TEMPORARY USE PERMIT APPLICATION. AN UNUSUAL CONDITION(S) MAY CONSIST OF:
  - a. DOCUMENTED EXTENDED ABSENCES FROM THE PROPERTY BY THE OCCUPANT(S) OF THE PRINCIPAL RESIDENCE.
  - b. MEDICAL CONDITION(S), WHEN DOCUMENTED BY A NOTORIZED STATEMENT FROM A PHYSICIAN. IN THE CASE OF A MEDICAL CARETAKER, THE CARETAKER OR THE RECIPIENT OF THE CARE MAY LIVE IN EITHER THE PRINCIPAL RESIDENCE OR THE ADDITIONAL PERMITTED RESIDENCE (CARETAKER'S QUARTERS).
  - c. OTHER SIMILAR CONDITIONS AS DETERMINED BY THE ZONING INSPECTOR.
- 3. ONLY **ONE** ADDITIONAL DWELLING UNIT SHALL BE PERMITTED ON ANY PROPERTY BY APPROVAL OF A TEMPORARY USE PERMIT.

- 1302.2.6     **TEMPORARY SEASONAL SALES:** TEMPORARY SEASONAL SALES OPERATIONS PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
1.     ANY SUCH USE SHALL BE LIMITED TO **30 DAYS** AND SHALL NOT BE RENEWED. TEMPORARY USE PERMITS FOR THIS TYPE OF USE SHALL BE PERMITTED NOT MORE THAN FOUR TIMES DURING ANY CALENDAR YEAR.
  2.     THE SITE SHALL BE CLEARED OF ALL INDICATIONS THAT SUCH A USE OCCURRED WITHIN **TEN DAYS** OF THE TERMINATION OF THE TEMPORARY USE PERMIT.
  3.     THE PARKING REQUIREMENTS OF CHAPTER 11, SECTION 1102 SHALL NOT APPLY TO THIS USE. HOWEVER, APPROVED ACCESS AND ADEQUATE SAFE PARKING SHALL BE REQUIRED AS A CONDITION OF APPROVAL.
  4.     AN ANNUAL STATUS REPORT IS NOT REQUIRED.
- 1302.2.7     **TEMPORARY MODEL HOME SALES COMPLEX:** A MODEL HOME SALES COMPLEX THAT DOES NOT MEET THE REQUIREMENTS OUTLINED IN ARTICLE 501.2.24.
- 1302.2.8     **TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX:** TEMPORARY CONSTRUCTION YARD AND CONSTRUCTION OFFICE COMPLEX THAT DOES NOT MEET THE REQUIREMENTS OUTLINED IN ARTICLE 501.2.25.
- 1302.2.9.1   **OTHER USES:** OTHER USES NOT LISTED HERE, AS DETERMINED BY THE ZONING INSPECTOR, WHICH MAY BE APPROPRIATE AS TEMPORARY USES AS OUTLINED IN ARTICLE 1302.2.1. TEMPORARY USE PERMITS FOR THESE USES SHALL BE PROCESSED IN ACCORDANCE WITH ARTICLE 1302.3.
- 1302.3.1.    **Application Requirements:**
3.     Upon acceptance of a complete application for a new Temporary Use Permit, the subject property shall be posted with a "Notice of Application" for a **ten-day** period. If a written letter of opposition is received within the **ten-day** posting period, the request for a Temporary Use Permit shall be placed on the Agenda of the first available Board of Adjustment ~~Meeting~~ HEARING for Resolution and noticed in accordance with Chapter 3, Section 303, Article 303.6. If no written letter of opposition is received within the posting period, then a Temporary Use Permit may be approved by the zoning inspector.
- 1302.3.3.    **Extension of Temporary Use Permit:** The duration of a Temporary Use Permit shall only be extended by the Board of Adjustment. Upon application, the Board may grant a one-time only extension of the duration of any Temporary Use Permit for up to **two years** (except a temporary event OR SEASONAL SALES), provided that all other requirements for the Temporary Use Permit must be met and the applicant presents justification to the Board of unusual or exceptional circumstances not of the applicant's own creation. Further, any such request for extension must be applied for prior to expiration of the current Temporary Use Permit.

- 1302.4.5 CARETAKER'S QUARTERS ALL RURAL ZONES
- 1302.4.6 TEMPORARY SEASONAL SALES ALL RURAL ZONES, C-S, C-1, C-2, C-3

**SECTION 1303. CONDITIONAL USE**

The uses, buildings and structures permitted in this Section shall be established and maintained so as to provide minimum interference with the use and enjoyment of neighboring uses, buildings and structures and to ensure public health, safety and convenience. Conditional uses shall only be permitted as authorized within this Section.

**ARTICLE 1303.1. PURPOSE:**

1203.1.1. The provisions of this article are based on the recognition of buildings and structures which, because of their unique characteristics:

1. Should not be permitted on a permanent basis but which may be either necessary or desirable for a limited period of time, or
2. Requires careful regulation especially regarding location, duration of use and operation.

**ARTICLE 1303.2. CONDITIONAL USES:** Conditional Uses shall be limited to the following:

1303.2.1. **Caretaker(s) Quarters:** An additional detached accessory dwelling unit for caretaker(s) quarters may be permitted, provided that all of the following conditions are met:

1. The additional dwelling unit may be a manufactured house, or a mobile home.
2. The justification for the caretaker shall not be merely those activities associated with the normal responsibilities of a resident to maintain his property, including the care of a limited number of farm animals. An unusual condition(s) must exist which requires the on-site residency of a caretaker to perform the duties identified. Said condition(s) shall be identified as part of the Conditional Use application. An unusual condition(s) may consist of:
  - a. Documented extended absences from the property by the occupant(s) of the principal residence.
  - b. Medical condition(s), when documented by a notarized statement from a physician. In the case of a medical caretaker, the caretaker or the recipient of the care may live in either the principal residence or the additional permitted residence (caretaker's quarters).
  - c. Other similar conditions as determined by the zoning inspector.

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3. Upon sale of the property, cessation of the conditions requiring on-site residence of the caretaker, or termination of the Conditional Use Permit, the caretaker's quarters (additional unit) are to be removed.

1303.2.2. ~~**Model Home Sales Office Complex:**~~ Model home sales complex and/or office provided that the following conditions are met:

1. The uses are only associated with the developer/owner and subdivision or project in which they are located.

2. Upon sale of the development, cessation of the need for the use (**95% buildout**), cessation of the use, or termination of the Conditional Use Permit, all structures, modifications to structures and uses related to the Conditional Use are removed.

3. Allowed uses may be located in a mobile home.

4. Those uses of structures which may be approved for Conditional Use shall meet all Building Code requirements for the appropriate commercial category of construction.

5. Every fifth consecutive status report for continuance of a Conditional Use Permit for this use shall be reviewed by the Board of Adjustment at a public hearing to determine continued compliance with required conditions.

6. A **six foot** temporary, open, security fence may be provided for model home complexes.

1303.2.3. ~~**Construction Office/Yard Complex:**~~ Construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:

1. The uses are only associated with the developer/owner and subdivision or project in which they are located.

2. Upon sale of the development, cessation of the need for the use (**95% buildout**), cessation of the use, or termination of the Conditional Use Permit, all structures, modifications to structures and uses related to the Conditional Use are removed.

3. These allowed uses may be located in a mobile home.

4. Those uses of structures which may be approved for Conditional Use shall meet all Building Code requirements for the appropriate commercial category of construction.

5. Every fifth consecutive status report for continuance of a Conditional Use Permit for this use shall be reviewed by the Board of Adjustment at a public hearing to determine continued compliance with required conditions.

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6. A **six foot** solid screen fence shall be provided around the perimeter of any construction yard site and no outdoor storage of materials above the height of the solid screen fence shall be permitted.

1303.2.4. ~~**Temporary Seasonal Sales:**~~ Temporary seasonal sales operations provided that the following conditions are met:

1. Any such Conditional Use shall be limited to **30 days** and shall not be renewed. Conditional Use Permits for this type of use shall be permitted not more than four times during any calendar year.

2. The site shall be cleared of all indications that such a use occurred within **ten days** of the termination of the Conditional Use Permit.

3. The parking requirements of Chapter 11, Section 1102, shall not apply to this use. However, approved access and adequate safe parking shall be required.

4. An annual status report is not required.

**ARTICLE 1303.3. CONDITIONAL USE PERMIT REGULATIONS:** All Conditional Use Permits identified in this Section shall be subject to the following regulations:

1303.3.1. A Conditional Use shall be subject to all regulations of the Zoning District within which it is located, unless specifically exempted in Chapter 13, Section 1303, Article 1303.2.

1303.3.2. Conditional Uses shall only be permitted upon application for and approval of a Conditional Use Permit. Application requirements shall be determined by the zoning inspector.

1303.3.3. Submission of an annual status report, unless specifically exempted in Chapter 13, Section 1303, Article 1303.2. Failure to submit a required status report (including fee), shall be considered as a notification by the applicant of the discontinuance of the need for the Conditional Use and shall be grounds for revocation of the Conditional Use Permit. Upon failure to meet any required conditions, the zoning inspector shall revoke the Conditional Use Permit.

1303.3.4. Only **one** additional dwelling unit shall be permitted on any property by approval of a Conditional Use.

1303.3.5. Upon approval of a Conditional Use, a Conditional Use Permit shall be issued to the applicant by the zoning inspector. This permit shall indicate the use approved as well as the date that the annual status report is due.

**ARTICLE 1303.4. LOCATION OF CONDITIONAL USES:** Conditional Uses shall be permitted in zoning districts as follows:

**CONDITIONAL USES:** \_\_\_\_\_ **PERMITTED ZONING DISTRICTS:**

1303.4.1. Caretaker's Quarters \_\_\_\_\_ All Rural Zones

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- 1303.4.2. ~~Model Home Sales/~~ ~~All Rural and Residential Zones~~  
~~Office Complex~~
- 1303.4.3. ~~Construction Office/~~ ~~All Zones~~  
~~Yard Complex~~
- 1303.4.4. ~~Temporary Seasonal~~ ~~All Rural Zones, C-S, C-1, C-2, C-3~~  
~~Sales~~

**CHAPTER 16**

ARTICLE 1601.1. **PURPOSE: To consolidate in one location in the Ordinance all regulations relating to fees, fines and penalties. This Article establishes the amounts and types of fees, fines and penalties to be charged.**

<b>FEE TYPE</b>	<b>DESCRIPTION (per offense &amp; conviction)</b>	<b>MINIMUM FEE BY USE SINGLE FAMILY</b>	<b>MINIMUM FEE BY USE ALL OTHER USES</b>
Civil Fines	Initial	\$100	\$300
	Initial Non-compliance	\$200	\$500
	Daily Non-compliance	\$20	\$30
	Recurrence	\$300	\$500
Criminal Fines		Class 2 MISDEMEANOR	Class 2 MISDEMEANOR
Investigation Fee	Charged when compliance achieved by administrative means	Amount equal to permit or application fee	Amount equal to permit or application fee

ARTICLE 1602.1. **FEES:** \*3, \*4, \*5, \*6, \*8, \*7, \*\*\*9, \*\*\*\*10, \*\*\*11, \*\*12, \*13, \*15, \*16, \*23, \*24 The following fees shall be charged for the filing for amendment to this Ordinance or approval of a Plan of Development with no provision for refund:

<b>FEE TYPE</b>	<b>DESCRIPTION</b>	<b>FEE</b>
Non-site Plan Zoning Change	Change of zoning to Rural Zoning District.	<b>\$500 plus \$50 per acre or portion there of Maximum fee - \$30,000</b>
Non-site Plan Zoning Change	Change of zoning to Single-Family Residential Zoning District.	<b>\$500 plus \$50 per acre or portion there of Maximum fee - \$30,000</b>
Non-site Plan Zoning Change	Change of zoning to Senior Citizen Overlay Zoning District (only as a separate application).	<b>\$500 plus \$50 per acre or portion there of Maximum fee - \$30,000</b>
Non-site Plan Zoning Change	Change of zoning to Two-Family or Multi-Family Residential Zoning District.	<b>\$500 plus \$50 per acre or portion there of Maximum fee - \$30,000</b>
Non-site Plan Zoning Change	Change of zoning to C-O, C-1, C-2 & C-3 Zoning Districts.	<b>\$500 plus \$50 per acre or portion there of Maximum fee - \$30,000</b>
Concept Plan	Concept Plan review only in Planned	<b>20% of \$1,000 plus \$100 per</b>

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	Development Overlay Zoning District.	<b>acre or portion thereof Maximum fee - \$6,000</b>
Precise Plan	Precise Plan review only in Planned Development Overlay Zoning District.	<b>80% of \$1,000 plus \$100 per acre or portion thereof Maximum fee - \$24,000</b>
Site Plan Zoning Change <sup>*23</sup>	Planned Area Development (PAD).	<b>\$1500 + \$100 per acre or portion thereof Maximum Fee - \$30,000<sup>*23</sup></b>
Site Plan Zoning Change	Unit Plans of Development for R.U.P.D. or C.U.P.D. <sup>*19</sup>	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Special Use Permits	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Plan of Development for (C-S) Planned Shopping Center Zoning District.	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Commercial Zoning Districts.	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Precise Plan review in Planned Development Overlay Zoning District when in conjunction with another zoning district change.	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Industrial Zoning Districts	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Site Plan Zoning Change	Plan of Development review pursuant to the Hillside Development regulations	<b>\$1,000 + \$100 per acre or portion thereof Maximum Fee - \$30,000</b>
Amendments to Zoning Ordinance Text	Zoning Ordinance Text	<b>\$1,000 per Section Maximum Fee - \$5,000</b>
Amendments to Zoning Ordinance Application	Zoning Application	<b>\$100 for each occurrence in progress</b>
Comprehensive Plan Amendments to Zoning Ordinance Text	Comprehensive Plan Amendment	<b>\$500 + \$10 per acre or portion thereof Maximum Fee - \$30,000</b>
Administrative Site Plan Amendments*24	Minor Amendments to approved site plans for Special Use Permits, Plans of Development, and Unit Plans of Development	<b>\$250.00</b>
Modification of Stipulation	Modification of Stipulation	<b>\$250 per stipulation Minimum fee - \$500 Maximum fee - \$1,500</b>
Special Use Permit	Special Use Permit for mobile home / manufactured home per lot of record in a rural zoning district <sup>*16</sup>	<b>\$225 plus \$25 per acre</b>

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Zoning Clearance	Any request for Zoning Clearance.	<b>\$25</b>
Continuance of Public Hearing	An additional fee shall be charged for any continuance of a public hearing granted by the Commission at the request of a petitioner or petitioner's representative.	<b>\$250</b>
Automation Fee	An automation fee shall be charged in addition to each of the other above-noted fees. <sup>-20</sup>	<b>\$25</b>

**ARTICLE 1605.1. USE PERMITS:** The following fees shall be charged with no provision for refund:

<b>FEE TYPE</b>	<b>DESCRIPTION</b>	<b>MIN FEE BY USE</b>
Conditional Use Permit	Residential	<b>\$75</b>
Conditional Use Permit	Residential Status Report	<b>\$25</b>
Conditional Use Permit	Non-Residential	<b>\$250</b>
Conditional Use Permit	Non-Residential Status Report	<b>\$100</b>
Temporary Use Permit	Residential	<b>\$100 per year</b>
Temporary Use Permit	Non-Residential	<b>\$350 per year</b>

**CHAPER 17**

*SECTION 1701. INDEX*

Conditional Use: ~~13-13~~

EVENTS, TEMPORARY: 13-11

HOUSING, TEMPORARY: 13-11

NONRESIDENTIAL USE OF MOBILE HOME: 13-12

TEMPORARY EVENTS: 13-11

TEMPORARY HOUSING: 13-11

Temporary Seasonal Sales: ~~13-15~~ 13-13

UNDERAGE OCCUPANCY: 13-12

Use, Conditional: ~~13-13~~

**SECTION 1703. REVISIONS/ADDITIONS**

<b>AMENDMENT</b>	<b>CHANGES/ADDITIONS/DELETIONS</b>	<b>AFFECTED SECTIONS</b>	<b>DATE</b>
2002-004	REFORMATTED	ALL	

**8. Z2001-010 District 5**  
**Applicant:** Faye Stewart  
**Location:** Southwest corner Old US Highway 80 and Desert Rose Road (in the Arlington area)  
**Request:** Rezone from Rural-190 to Rural-43 SUP and C-2 PD with Special Use Permit (SUP) for RV Park Desert Rose RV Park and Bar (approximately 4.76 acres)

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**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z2001-010, subject to the following stipulations “a” through “p”. Commissioner Makula 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 “Site Plan and Grading & Drainage Plan for Desert Rose RV Park”, consisting of two (2) full-size sheets, prepared by Keogh Engineering, dated revised April 2006 and stamped received April 14, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Desert Rose RV Park”, consisting of four (4) pages, stamped received January 16, 2001, except as modified by the following stipulations.
- c. The RV Park is considered a Destination RV Park as defined by the Maricopa County Zoning Ordinance. Prior to placement of any RV on the site, the applicant shall obtain a permit from the Planning and Development Department. No mobile homes shall be allowed on site.
- d. Prior to zoning clearance for any phase of construction for the RV Park, the applicant shall provide written evidence of legal access along the north side of the property.
- e. The northern, western and southern boundaries of the RV Park shall be screened by a six (6) foot tall masonry wall unless said wall requirement is waived by the Board of Adjustment.
- f. The applicant shall obtain a Right-of-way Encroachment Permit from the Maricopa County Department of Transportation (MCDOT) for any encroachments into the public right-of-way. Said encroachments shall be removed from the MCDOT right-of-way at the owner’s expense upon the request of MCDOT.
- g. Outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance for any phase or portion of the RV Park, the applicant shall obtain an Operating Permit from Maricopa County Environmental Services Department (MCESD). Said Operating Permit shall require three (3) separate permit processes, with separate application and fees, as outlined below:
  - i. Trailer Coach Park
  - ii. Approval to Construct the water system for the park
  - iii. Septic system for the park
- i. Prior to zoning clearance for any phase of construction for any portion of the site including the commercial portion, the applicant shall meet the following Drainage Review stipulations:
  - i. A detailed drainage report with respect to hydrology and hydraulics in conjunction with grading, drainage and paving plans shall be submitted.
  - ii. Provide the perpendicular cross sections through the site.

- iii. Show finished floor elevations (FFE) of the proposed building on the plan. The FFE must be two (2) feet above the 100-year flood elevation.
  - iv. Provide and certify the statement such as "all finished floors shown on this plan are free from inundation during the 100-year peak runoff event" on the plan.
  - v. Drainage area shall be subdivided to sub-drainage areas to corresponding to each individual retention basin. Make sure each retention basin will provide enough retention volume to satisfy the volume required. Indicate the outfall elevation for each individual retention basin for peak flow event.
  - vi. Provide the compaction note on the plan.
- j. Prior to zoning clearance for any phase of construction for any portion of the site including the commercial portion, the applicant shall meet the following Flood Control District stipulations:
- i. Provide off-site hydrology establishing discharge rates, the entrance and exit points, and how the flow is routed through the site.
  - ii. Provide on-site hydrology to show how the on-site flows are to be routed to retention basins.
  - iii. Provide calculations to show that each retention basin will drain within 36 hours.
  - iv. For proposed buildings/mobile home/RV sites, show finished floor/pad elevations and certify that the finished floor elevations are above the 100-year floodplain water surface elevation.
  - v. Show that the site will be protected from erosion and lateral migration.
  - vi. Show how the roofs of the new buildings will drain.
  - vii. An Arizona Registered Professional Civil Engineer must seal both, the precise plan and drainage report.
- k. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office (SHPO) prior to issuance of a Grading Permit or zoning clearance. The applicant shall contact SHPO prior to initiating any new disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by Buckeye Valley Rural Fire District (BVRFD). Prior to issuance of zoning clearance, the applicant shall seek review and comment from BVRFD, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. The Special Use Permit for the RV Park shall expire 15 years from the date of approval by the Board of Supervisors. The applicant shall submit a written report outlining the status of the RV Park 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.
- n. Major changes to the site plan for either the Special Use Permit or the commercial rezone shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Major changes to the Special Use Permit may require a Citizen Participation Process as determined by the

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Planning and Development Department. Minor changes may be administratively approved by the Planning and Development Department.

- o. 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.
- p. 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 corrected a typo in the detail of this case and said the rezone is from Rural-190 to C-2 CUPD and Rural-43 (SUP). He said that the Desert Rose area is a historical site and the applicant has agreed to proper maintenance as given in stipulation "k." The recommendation for the Desert Rose RV Park rezoning is for approval.

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval of this rezoning request with stipulations "a" through "p."

9.     **Z2005-143**     **District 4**  
   **Applicant:**     Damon S. Williams Associates, LLC for Arizona American Water Company  
   **Location:**     Del Webb Boulevard between Edgewood Drive and Meade Drive (in the Sun City area)  
   **Request:**       Special Use Permit (SUP) for a wireless communications facility in the Rural-43 SC zoning district, Wireless Communication Use District 1 (approximately 0.27 acre) – Sun City Water Plant #5

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005143, subject to the following stipulations "a" through "i". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Sun City Water Plant 5 Proposed SCADA Tower Site Plan", consisting of one (1) sheet, revised March 1, 2006, and stamped received March 3, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Request for Special Use Permit for SCADA Receiving Tower Sun City Water Plant 5 SCADA Receiving Tower Case #Z2005143", consisting of nine (9) pages, revised March 2, 2006, and stamped received March 3, 2006, except as modified by the following stipulations.
- c. The applicant shall submit Form 7460-1 Notice of Proposed Construction or Alteration to the FAA and provide documentation to the Planning & Development Department of FAA submission prior to zoning clearance.

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- d. The height of the wireless communication facility shall be limited to 46'.
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. 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.
- g. 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.
- h. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the use. All of the site improvements shall be removed within 60 days of such termination or expiration.
- i. 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.
- j. 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. Co-location shall be considered a Major Amendment.
- k. 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.
- l. 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.

Mr. Gerard reported on this Special Use Permit for a cell tower as the case had progressed through the approval process to date. He said that the Planning Commission approved it unanimously.

Motion was made by Director Wilson, seconded by Director Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval of this Special Use Permit with stipulations "a" through "l."

10.   **Z2005-078**    **District 4**  
      **Applicant:**   Thomas Stitt for Ronnie Stonebreaker  
      **Location:**   West of the southwest corner of Dysart Road and the Orchard Drive alignment  
                          (in the west Glendale area)  
      **Request:**     Plan of Development for an office and warehouse in the IND-1 zoning district,  
                          Airport Zone 2 overlay zoning district (approximately 0.9 acre) – Ronnie  
                          Stonebreaker

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-078, subject to the following stipulations "a" through "n". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall comply with the site plan entitled "Stonebreaker Office and Warehouse 13133 West Orchid Lane El Mirage, Arizona Case #Z2005078", consisting of seven (7) sheets, including landscaping plans, dated (revised) April 4, 2006, and stamped received April 6, 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 items:
- i.     The site/landscape plan shall indicate a ten (10) foot landscape setback pursuant to Maricopa County Zoning Ordinance (MCZO) Article 901.4.1.a.3. Said setback shall be measured from the easement line, not the pavement. No improvements other than driveways, landscaping and utilities shall be allowed in the setback.
  - ii.    The site/landscape plan shall indicate Sight Visibility Triangles (SVT) in accordance with MCZO Articles 1111.4.2 and 1111.4.3. A note stating that nothing taller than two (2) feet, including landscaping or parking, is allowed inside the SVT. Said SVTs shall be measured from the line of the access easement.
  - iii.   The site/landscape plan shall include gate details indicating opaque construction.
  - iv.    The site/landscape plan shall indicate a 6' high CMU wall extending from the front of the building to the eastern gate.
  - v.     The site/landscape plan shall indicate a 20' wide backing aisle and a 4' return pursuant to MCZO Article 1102.8.
- b.     Development of the site shall be in conformance with the narrative report entitled "Planning and Development Review for Office Building for Ronnie Stonebreaker Case Number Z2005078" consisting of four (4) pages, dated (revised) April 4, 2006, and stamped received April 6, 2006, except as modified by the following stipulations.
- c.     Prior to zoning clearance, the applicant shall provide written evidence of Sight Visibility Easements, consistent with MCZO Articles 1111.4.2 and 1111.4.3, granted from the neighboring property owners in favor of the subject property. Should said easements not be attainable, the applicant shall provide a revised site plan indicating a driveway configuration that allows the required SVTs to be located entirely on site. This revised site plan shall be processed administratively.

- d. In absence of public right-of-way and access improved to minimum Maricopa County standards, MCDOT is not liable or responsible for operation and maintenance of access to this site.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. All signage will conform to the IND-1 sign regulations of the Maricopa County Zoning Ordinance.
- h. 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.
- 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. 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. All habitable or occupied buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B) or per Maricopa County Zoning Ordinance (MCZO) Airport Zone 2 requirements.
- 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 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).

In his report on this Plan of Development, Darren Gerard said that it complies with Glendale's General Plan and Luke Air Force Base had signed off on it. It is designated for agricultural use, which Board Members believed would be an appropriate use next to Luke's runway. Supervisor Wilson asked if the applicant was aware of the gas storage in the area and Mr. Gerard said they had been informed. The recommendation is for approval.

Motion was made by Director Wilson, seconded by Director Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval of this Plan of Development with stipulations "a" through "n."

11.     **Z2005-125**     **District 4**  
       **Applicant:** Pioneer Landscaping for Bill & Tamra Gibbons  
       **Location:** Approx. 0.4 mile east of Perryville Road and McDowell Road (in the Goodyear/Buckeye area)  
       **Request:** Plan of Development for landscaping material sales and storage in the IND-2 zoning district, and the High Noise and Accident Potential zone (APZ2) of LAFB (approximately 5.0 acres) Pioneer Landscape

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-125, subject to the following stipulations "a" through "o". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Pioneer Landscaping Plan of Development Site Plan", consisting of two (2) sheets, dated (revised) April 11, 2006, and stamped received April 12, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the bound narrative report entitled "Plan of Development for Pioneer Landscape Materials Sales & Storage Yard", consisting of 29 pages including exhibits, dated (revised) April 11, 2006, and stamped received April 12, 2006, except as modified by the following stipulations.
- c. The Special Use Permit approved under Z2000050 shall be removed.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. 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 screened.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - i. Provide a total half-width 65 feet of right-of-way on McDowell Road.
  - ii. Bond for ultimate improvements on McDowell Road (urban principal arterial) including curb, gutter, and sidewalk prior to zoning clearance. The bonding period shall be posted for five (5) years.
  - iii. Construct McDowell Road westbound left turn lane into site. Include required pavement tapers meeting MCDOT standards.

- iv. Material storage area shall be paved with asphalt millings or gravel, not aggregate base course (ABC).
- h. Prior to commencement of work a drainage clearance shall be applied for and issued. Drainage improvements shall be fully operational prior to the release of a final drainage clearance.
- i. 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.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. The owner shall notify future tenants/owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your building should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).

- l. 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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- m. 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.
- n. 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.
- o. 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).

Mr. Gerard reported on previous action in this case and said there was no known opposition and the recommendation was for approval with stipulations "a" through "o" with a recommended amendment to stipulation "a."

Motion was made by Director Wilson, seconded by Director Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval of this Plan of Development with stipulations "a" through "o" and the following change to stipulation "a."

- a. Development of the site shall comply with the site plan entitled "Pioneer Landscaping Plan of Development Site Plan", consisting of two (2) sheets, dated (revised) April 11, 2006, and stamped received April 12, 2006, except as modified by the following stipulations. Within 30 days of approval by the Board, the applicant shall provide a revised site plan illustrating sight triangles in accordance with requirements of the Maricopa County Zoning Ordinance.

**12. S2004-082 District 4**  
**Applicant:** Morrison Maierle, Inc.  
**Location:** West of Citrus Road between Bethany Home Road and Camelback Road (in the west Glendale area)  
**Request:** Final Plat in the R1-18 RUPD zoning district for Russell Ranch IV (approximately 56.11 gross acres)

Darren Gerard gave background information on this plat and reported that staff was recommending a two-week continuance due to outstanding issues from Flood Control with the associated grading and drainage plans. Discussion ensued after Supervisor Wilson asked if this could be approved today subject to Flood Control's approval and sign-off on it. Mr. Gerard said that development could not begin until all the sign-offs had been received but staff would agree to the suggestion. Flood Control also agreed to it.

Motion was made by Director Wilson, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve this final plat subject to receipt of sign-offs on all plans and final approval was received from the Flood Control District.

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**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