



**BOARD OF SUPERVISORS
OF
MARICOPA COUNTY, ARIZONA**

(and the Boards of Directors of the Flood Control
District, Library District, Stadium District,
Improvement Districts and/or Board of Deposit)

**Formal Meeting Agenda
Supplemental**

**Wednesday, July 25, 2007
9:00 a.m.**

**Supervisors' Auditorium
205 West Jefferson
Phoenix, Arizona**

S U P P L E M E N T A L

BOARD OF SUPERVISORS

New Items

Finance

S-1. RESCIND BOARD ACTION AUTHORIZING ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS

Rescind previous board action taken on October 18, 2006, authorizing the acquisition of real property and improvements for the property described as: Lots 2, 4, 6, 8, 9, 10, 11,12, Block 59, and Lot I, Block 54, THE ORIGINAL TOWNSITE OF PHOENIX, according to Book 2 of Maps, Page 51 records of Maricopa County, Arizona, and Lot 1, WISOTSKY FAMILY TRUST, according to Book 550 of Maps, Page 47, records of Maricopa County, Arizona, and rescind the Chairman of the Board's authority to execute all necessary documents approved by County Counsel to complete the acquisition of the property. This item was heard in Executive Session on July 23, 2007. (C1807008B01)

Human Resources

S-2 POLICY REGARDING WORKPLACE SOLICITATIONS

Approve a new policy prohibiting unauthorized solicitations, and unauthorized postings or distributions of literature and rescind the following existing policies: A-1502 (solicitation) and A-1917 (posting).

Also, pursuant to A.R.S. §42-17106(b), approve a transfer of expenditure authority from Non-Departmental (470) General Fund (100) General Contingency (4711) to Workforce and Management Development (310) General Fund (100) in the amount not-to-exceed \$79,900. This action requires an expenditure appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470) General Fund (100) General Contingency (4711) expenditure budget by not to exceed \$79,900 and **increasing** the FY 2007-08 Human Resources (310) General Fund (100) expenditure budget by not-to-exceed \$79,900.

These adjustments will result in a Countywide net financial impact of zero and will fund an enforcement officer position to enforce this policy. This matter was discussed in Executive Session on July 23, 2007. (Subject to approval by OMB, Legal, HR and Total Compensation) (C3108001600)

Office of the County Manager

S-3. FILE AN AMICUS CURIAE BRIEF

Approve the filing of an Amicus Curiae Brief by Maricopa County supporting Apache County in its appeal from the lower court's decision in Hounshell v. Apache County Board of Supervisors, 1 CA-CV06-0728. The Apache County Board of Supervisors has filed an appeal to the Arizona Court of Appeals from the lower court's decision that a county board of supervisors cannot take disciplinary action against an errant county employee in a situation where an appointing authority inappropriately refuses to act. Because of the statewide importance of this matter and the potential impact of the Court of Appeals' decision on every county in Arizona, the County Manager recommends that the Board authorize the filing of an amicus curiae brief by Maricopa County supporting the position of the Apache County Board of Supervisors. This matter was discussed in Executive Session on July 23, 2007. (C2008001M00)

Management and Budget

S-4. SETTLEMENT IN JAMES J. BURKE V. ASRS

Authorize payment of settlement amount in James J. Burke v. ASRS, et al (Pima County Cause No: 316479). This item was discussed by the Board in Executive Session on July 23, 2007. (C4908002M00)

S-5. SETTLEMENT OF WORKER'S COMPENSATION LIEN

Approve Settlement of worker's compensation (lien Hidalgo v. Southwest Fastener, CV2006-002356) resulting in receipt of \$30,233.67 as full and final satisfaction of Maricopa County's worker's compensation lien against the third party claim/legal action of Ralph Ortiz in Maricopa County Superior Court No. CV2006-002356, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This item was discussed in Executive Session on July 23, 2007. (C7508001100)

S-6. SETTLEMENT WITH DANNY MILLER

Approve settlement in the amount of \$250,000 between Maricopa County and Plaintiff Danny Miller, concerning Maricopa County Superior Court No. CV2006-007782 (Claim No: GL6400030187) and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This item was discussed by the Board in Executive Session on July 23, 2007. (C7508002100)

Transportation

S-7. DESIGN CONCEPT REPORT FOR IMPROVEMENTS TO EL MIRAGE ROAD – NORTHERN AVENUE TO BELL ROAD PROJECT

Approve the intergovernmental agreement (IGA) between Maricopa County, through the Maricopa County Department of Transportation (MCDOT), the City of El Mirage, and the City of Surprise, collectively referred to as the Partners, for a Design Concept Report (DCR) for the improvements to El Mirage Road – Northern Avenue to Bell Road Project (MCDOT Project T167). The estimated cost of the DCR is \$1.82 million and will be advanced to MCDOT by El Mirage in two payments: \$300,000 in FY 2007-08 and \$1.52 million in FY 2008-09. Approximately, \$1.274 million of the total \$1.82 million for the DCR will be off-set from Maricopa Association of Governments (MAG) Regional Transportation Program (RTP) Funds. The balance of \$546,000 will be borne equally by the three Partners. Surprise will reimburse El Mirage \$182,000 in FY 2011 and the County will reimburse El Mirage \$182,000 in FY 2010.

Also, approve an amendment to the current FY 2008-2012 five-year CIP for Department (640), Fund (234) – Transportation Capital Projects, adopted by the Board on June 20, 2007, by **increasing** the revenue budget for Project T167, El Mirage Road: Northern Avenue to Bell Road, by \$300,000 in FY 2007-08 (Year 1).

Also, per A.R.S. §42-17106 (B), approve an amendment to the current FY 2008-2012 five-year TIP for Fund (234) - Transportation Capital Projects Fund adopted by the Board on June 20, 2007, by **decreasing** the FY 2007-08 (Year 1) capital budget for Project T005, Candidate Assessment Reports capital budget by \$300,000.

And, **increasing** the FY 2007-08 (Year 1) capital budget for Project T167, El Mirage Road: Northern Avenue to Bell Road capital budget by \$300,000. (Supervisory District 4) (C6408001200)

SETTING OF HEARINGS

~All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

S-8. CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the August 8, 2007 meeting. (List is on file in the Clerk of the Board's office)

FLOOD CONTROL DISTRICT AGENDA

SF-1 ACQUISITION OF REAL PROPERTY

Authorize and direct the Flood Control District and the Maricopa County Attorney's Office to take all necessary action to preserve and pursue the claims of the Flood Control District under Intergovernmental Agreements No's FCD 94006 and 96008 and for the recovery of District funds advanced under those agreements. The Flood Control District for Maricopa County entered Intergovernmental Agreements Nos. FCD 94006 and 96008 pursuant to which \$2,156,100.00 has been advanced by the District for acquisition of real property for the proposed **Reata Pass/ Beardsley Wash Channel Phase I Project**. The project has been cancelled without reimbursement of the funds advanced to the District. This matter was discussed in Executive Session on July 23, 2007. (Subject to approval by OMB, Legal, and County Engineer) (C6908010M00)

* * * * *

BOARD OF SUPERVISORS

Revisions

REVISED ITEM 125.

APPOINTMENTS/REAPPOINTMENT

- b. **Maricopa Workforce Connections Board** – Appoint of Patrick Burkhart, Workforce Development Division Assistant Director, which serves as the workforce investment board for the balance of Maricopa County, outside the city of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The term of the appointment is from July 1, 2007, to June 30, 2009. (C2208106M00) (ADM2512-001)