

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 21, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., February 21, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Don Stapley, District 2; and Max W. Wilson, District 4. Absent: Andrew Kunasek, Vice Chairman, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**POINT OF PERSONAL PRIVILEGE**

Supervisor Wilson offered the Board's condolences to the family, friends and co-workers of Anthony John Holly, age 24, the first Glendale Police Officer to be killed in the line of duty. Supervisor Wilson commented that his loss would be felt throughout the community and asked for a moment of silence.

**INVOCATION**

James Candland, Chief of Staff, District 2, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Chris Pinuelas, Executive Manager, led the assemblage in the Pledge of Allegiance.

**POINT OF PERSONAL PRIVILEGE**

Supervisor Stapley invoked a point of personal privilege and stated that Supervisors Wilcox and Kunasek were absent from the meeting because they were attending the funeral of Chris Warner, who he described as a "long-time friend to the County." Supervisor Stapley explained that Mr. Warner's work has helped to make this a "no-kill" County for animal control, as well as having played a key role in the creation of the Amber Alert system.

**SAN TAN FREEDOM AWARD**

Presentation of the Freedom Award by Alden "Ros" Rosbrook and Ed Guerra from San Tan PRIDE for individual contributions related to the Nathan Martens Arizona War Memorial. (ADM650)

Chairman Brock thanked the San Tan PRIDE for their ongoing dedication to the community. Mr. Guerra stated the Nathan Martens Arizona War Memorial was dedicated November 11, 2006, in the San Tan Mountain Regional Park due, in part, to Supervisor Brock's assistance. Mr. Guerra said that the San Tan PRIDE would like to thank East Valley Park Superintendent Theresa Redabush and formally recognize Supervisor Brock's help with the Freedom Award.

**EMPLOYEE SERVICE AWARD**

Chairman Brock presented the following employees, who have provided 30 or more years of public service to Maricopa County, with service award plaques commemorating their service. (C3507014900) (ADM3341)

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**30-34 Years of Service**

<b>Name</b>	<b>Department</b>	<b>Employment Date</b>
Robert Louis LaBorde	Trial Courts	October 19, 1976
Roberta D. Stegen	Sheriff's Office	October 19, 1976
Mark Lansing	Parks & Recreation	October 30, 1976
Kathleen M. Dollins	Clerk of the Superior Court	November 3, 1976
William P. Lawlor	Trial Courts	November 1, 1974
Lillee Villegas Vital	Trial Courts	May 26, 1974
Scherene Kay Murphy	Trial Courts	May 29, 1973
Theresa A. Morgan	Transportation	August 6, 1973
Wanda Hill	Trial Courts	September 1, 1973
Gale A. Barclay	Trial Courts	October 1, 1973
Linda M. Jett	Trial Courts	May 30, 1972

**35 Years of Service**

<b>Name</b>	<b>Department</b>	<b>Employment Date</b>
MaryLou Strehle	Trial Courts	June 1, 1971
Keith A. Swalley	Juvenile Probation	October 20, 1971
Shawn N. Robblee	Juvenile Probation	October 20, 1971
Patricia R. Riggs	Juvenile Probation	October 21, 1971
John E. Thayer	Transportation	November 3, 1971

**LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

- a. Application filed by Helen Charlene Streich for a Special Event Liquor License: (F23221) (SELL772)
 

Business Name:	Rescue A Golden of Arizona
Location:	2611 S. 29 <sup>th</sup> Avenue, Phoenix AZ 85339
Date/Time:	April 1, 2007, 1:00 pm – 6:00 pm
  
- b. Application filed by Kevin B. Elliott for a Special Event Liquor License: (F23221) (SELL771)
 

Business Name:	House of Elliott Foundation
Location:	13800 W Deer Valley Road, Sun City West, AZ 85375
Date/Time:	March 31, 2007, 4:00 pm – 12:00 am
  
- c. Application filed by Earl B. Ogle for a Special Event Liquor License: (F23221) (SELL770)
 

Business Name:	Sun City West Racquet Club
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Location: 19807 R.H. Johnson Blvd, Sun City West, AZ 85375  
Date/Time: March 30, 2007 – April 1, 2007

- d. Application filed by Christine Joan Vertin for an Original Series 10 Liquor License: **CONTINUED TO 3/21/07** (LL6218)

Business Name: South West Feed  
Location: 18802 West Hwy 85

- e. Application filed by Harmon Meeker, Jr. for a Special Event Liquor License: (F23221) (SELL773)

Business Name: St. Elizabeth Seton Church  
Location: 9728 Palmeras Drive, Sun City, 85373  
Date/Time: March 17, 2007, 6:30 pm – 12:00 am

Motion carried by majority vote (2-1-2) with Supervisors Stapley and Wilson voting “aye,” and Chairman Brock voting “nay”. Supervisor Kunasek and Supervisor Wilcox were absent.

**SIENNA ESTATES STREET LIGHTING IMPROVEMENT DISTRICT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to organize the Sienna Estates Street Lighting Improvement District, located in the vicinity of 96th Street and Broadway Road, and appoint the Superintendent of Streets as District Engineer. The district purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. Also adopt the following resolution approving the plans and agreements with the City of Mesa and Board of Directors of the Sienna Estates Street Lighting Improvement District. This district is located in the vicinity of 96th Street and Broadway Road. A petition representing 100% of the property owners in Sienna Estates has been presented requesting the formation of a street lighting improvement district. (C6407174000) (ADM4302)

**RESOLUTION NO. 1**

**A RESOLUTION ADOPTING PLANS FOR THE SIENNA ESTATES STREET LIGHTING IMPROVEMENT DISTRICT AND DECLARING INTENTION TO ENTER INTO CONTRACT FOR PURCHASE OF ELECTRICITY THEREFORE**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SIENNA ESTATES STREET LIGHTING IMPROVEMENT DISTRICT AS FOLLOWS:**

**SECTION I.** That the plans prepared for the lighting of streets in the following area in the County of Maricopa, State of Arizona, are hereby adopted as the official plans for the said work:

**See “Exhibit A” Below**

**SECTION II.** That it is the intention of the Board of Directors of the district to enter into a contract with City of Mesa for the installation of street lighting facilities, in accordance with the plans and under the direction of the district engineer, heretofore appointed by the Board of Directors, for the supplying of electricity therefor, in accordance with Section 48-960, A.R.S.

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**SECTION III.** That the said installation shall be without compensation to the said City of Mesa and without assessment to the improvement district, except for the purchase of electricity.

Passed by the Board of Directors of the aforementioned Sienna Estates Street Lighting Improvement District.

**DATED** this 21<sup>st</sup> day of February 2007

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: Parcel No. 1

That portion of the Southeast quarter of the Southwest quarter of Section 22, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southeast corner of said Southeast quarter of the Southwest quarter of Section 22;

THENCE South 89 degrees 55 minutes 17 seconds West along the South line of said Southwest quarter of Section 22, a distance of 480.39 feet;

THENCE North 00 degrees 04 minutes 43 seconds West, a distance of 622.50 feet;

THENCE South 89 degrees 55 minutes 20 seconds West, a distance of 188.16 feet;

THENCE North 28 degrees 19 minutes 26 seconds West, a distance of 25.99 feet;

THENCE North 61 degrees 40 minutes 34 seconds East, a distance of 22.40 feet to a point on the West line of the East half of said Southeast quarter of the Southwest quarter of Section 22;

THENCE North 00 degrees 00 minutes 50 seconds East along said West line, a distance of 664.02 feet to the Northwest corner of said East half of the Southeast quarter of the Southwest quarter of Section 22;

THENCE North 89 degrees 55 minutes 24 seconds East, a distance of 661.96 feet to the Northeast corner of said Southeast quarter of the Southwest quarter of Section 22;

THENCE South 00 degrees 00 minutes 18 seconds West along the East line of said Southwest quarter of Section 22, a distance of 1320.00 feet to the POINT OF BEGINNING;

EXCEPT the South 55.00 feet thereof; and

EXCEPT the East 40.00 feet thereof; and

EXCEPT the North 367.50 feet thereof.

PARCEL NO. 2

The North 367.50 feet of the following described parcel lying within Section 22, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southeast corner of said Southeast quarter of the Southwest quarter of Section 22;

THENCE South 89 degrees 55 minutes 17 seconds West along the South line of said Southwest quarter of Section 22, a distance of 480.39 feet;

THENCE North 00 degrees 04 minutes 43 seconds West, a distance of 622.50 feet;

THENCE South 89 degrees 55 minutes 20 seconds West, a distance of 188.16 feet;

THENCE North 28 degrees 19 minutes 26 seconds West, a distance of 25.99 feet;

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THENCE North 61 degrees 40 minutes 34 seconds East, a distance of 22.40 feet to a point on the West line of the East half of said Southeast quarter of the Southwest quarter of Section 22;  
THENCE North 00 degrees 00 minutes 50 seconds East along said West line, a distance of 664.02 feet to the Northwest corner of said East half of the Southeast quarter of the Southwest quarter of Section 22;  
THENCE North 89 degrees 55 minutes 24 seconds East, a distance of 661.96 feet to the Northeast corner of said Southeast quarter of the Southwest quarter of Section 22;  
THENCE South 00 degrees 00 minutes 18 seconds West along the East line of said Southwest quarter of Section 22, a distance of 1320.00 feet to the POINT OF BEGINNING;  
EXCEPT the East 40.00 feet thereof; and  
EXCEPT the North 30.00 feet thereof.

**RESOLUTION - SPECIAL TAXING DISTRICT ANNUAL REPORTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt a resolution of the Board of Supervisors regarding the FY 2005-06 Special Taxing District Annual Reports and non-compliance penalty assessments pursuant to A.R.S. §48-251 and §48-253. The resolution authorizes the Clerk of the Board to send letters of assessment and the Board of Supervisors to assess a fine of \$100 per day, to be collected by the County Treasurer, for each day after 30 days from the date the districts received notice of noncompliance. Any fees collected will be deposited into the County General Fund. (C-06-07-064-7-00)(ADM4300-006)

**RESOLUTION OF THE BOARD OF SUPERVISORS  
SPECIAL TAXING DISTRICTS  
FY 06 ANNUAL REPORTS**

**WHEREAS**, A.R.S. § 48-251 states that each district organized under Title 48 and not exempted under § 48-251(C) shall submit an annual report; and  
**WHEREAS**, Each district required to make an annual report shall have its reports audited in accordance with generally accepted auditing standards and pursuant to A.R.S. § 48-253(A); and  
**WHEREAS**, The Secretary or other officer of the district governing board shall submit their annual report within 180 days of the close of the district's fiscal year to the Clerk of the Board of Supervisors; and  
**WHEREAS**, pursuant to A.R.S. § 48-251(F) the Board of Supervisors shall submit annually on January 31 a report on compliance with the requirements of this section to the President of the Senate, the Speaker of the House of Representatives and the Governor. The annual report shall include a listing of all those districts required to comply with the requirements of this section, the districts in compliance and not in compliance with the requirements and an analysis of the sufficiency of each district report; and  
**WHEREAS**, The Board of Supervisors shall notify each district not in compliance with the reporting requirements of this section to comply within thirty days after receipt by certified mail of such noncompliance and that the district is subject to a civil penalty if it fails to comply; and  
**WHEREAS**, The Board of Supervisors shall assess, and the County Treasurer shall collect from the monies of a district remaining in noncompliance thirty days after receipt of certified mail a penalty assessment of one hundred dollars per day for each day that such district is not in compliance with the reporting requirements of this section from thirty days after receipt by certified mail of the noncompliance notice until such time as the Board of Supervisors receives a copy of the district's annual report, to the extent that district monies are available and unencumbered; and  
**WHEREAS**, Penalty monies collected shall be deposited in the County general fund; and

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**WHEREAS**, based on the Clerk's report of compliance the following districts have received notice of noncompliance as required by A.R.S. § 48-251(G) and have not submitted an annual report for the fiscal year ended June 30, 2006:

- Madison Park Irrigation Water Delivery District No. 22 (District 3)
- McDowell Homes Irrigation Water Delivery District No. 7 (District 5)

**THEREFORE BE IT RESOLVED**, that the Board of Supervisors assess a penalty of \$100 per day for each day after thirty days from the date the districts received notice of noncompliance. The fee shall be assessed until such time as the Board of Supervisors receives a copy of the District's annual report in compliance with A.R.S. § 48-251.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors direct the Clerk of the Board to send letters of assessment to each district not in compliance and the County Treasurer to collect penalties to the extent that district monies are available and unencumbered upon notification by the Clerk. All penalty money collected shall be deposited in the county general fund.

**DATED** this 21<sup>st</sup> day of February 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**AGREEMENT FOR LEGAL SERVICES FOR THE 800 MHZ FREQUENCY REBANDING NEGOTIATIONS WITH NEXTEL**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an agreement for legal services with Shulman, Rogers, Gandal, Pordy & Ecker, P.A. to provide expert legal support for the County's 800 MHz Frequency Rebanding negotiations with Nextel. This national rebanding project is entirely paid by Nextel at no cost to the county. (C1907029000)

**SOFTWARE LICENSE, MAINTENANCE, AND SERVICES AGREEMENT AND AMENDMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Software License, Maintenance, and Services Agreement and Amendment No. 1 (collectively the Agreement) between NC4 Public Sector LLC and Maricopa County Sheriff's Office through ASAP Software, an authorized vendor. The effective date is when the agreement has been executed by all parties. The agreement will be for a term of one year and will automatically renew annually until terminated in writing by either party. (C5006517303)

**ISSUE NON-GOVERNMENTAL LICENSE PLATE AND EXEMPT VEHICLE FROM MARKINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the issuance of a deep undercover non-governmental license plate including exemptions from markings, per A.R.S. §38-538.03 and §28-2511 for a special assignment unit vehicle in the Sheriff's RICO fleet. This vehicle is used to conduct activities of a confidential nature throughout Maricopa County. List is on file with the Clerk of the Board. (C5007059M00) (ADM3101V)

**REIMBURSEMENT CAPITAL LEASE FOR DEPUTY AND DETENTION OFFICER RADIO UNITS**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Chairman to execute all capital lease documents required to finance the Sheriff's Office deputy and detention officer radio units in an amount not-to-exceed \$2,850,000 (principal). The Department of Finance will facilitate the five-year reimbursement capital lease. The Sheriff's Office will be expending funds for the capital equipment (radio units) and is requesting reimbursement of their expenditures from the proceeds of the capital lease. Estimated total capital lease payments, with an approximate 4.5% interest rate for the maximum amount financed, will not exceed \$3,200,935 (principal and interest) over 60 months. The funds are budgeted. (C5007060800) (ADM1831-003)

**OFFICER OVERTIME EXPENSES REIMBURSEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the Wickenburg Police Department, to reimburse \$11,000 in overtime expenses for the Officer assigned to the High Intensity Drug Trafficking Area, Maricopa County Meth Task Force. The term of this agreement is January 1, 2007 through September 30, 2007. (C5007507200)

**ACCEPT FUNDS TO PURCHASE EQUIPMENT FOR THE THREAT ASSESSMENT TEAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following:

- a. Acceptance of \$72,000 in additional grant funds from the U.S. Department of Homeland Security, Urban Areas Security Initiative (UASI) funds passed through the Arizona Department of Homeland Security (ADOHS) via the City of Phoenix, award number 2006-GE-T6-0007. These funds will to be used to purchase equipment for the Threat Assessment Team. The Sheriff's Office FY 2006-07 indirect costs rate is 17.8%; unrecoverable indirect costs associated with this increase are estimated to be \$5,696. The term of this funding is July 1, 2006 through June 30, 2008. (C5007522302)
- b. Exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to use these grant funds to proceed with the one-time purchase of two laptop computers (1 T60P & 1 CF-30) and printer that will be used by the Threat Assessment Team. This exception is requested because the Sheriff's Office would prefer to use one-time grant funds appropriated for this purpose rather than look to future general fund appropriations. These laptop computers will be tracked separately with no automatic replacement from the general fund at the end of their useful life. (ADM3900-002)
- c. Purchase and one-time addition to fleet, of a full size 4x4 SUV for approximately \$40,000, to be used by the Threat Assessment Team. Continuing costs for the vehicle will be funded by the General Fund (100) and are estimated to be \$4,900 annually. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues are not prohibited by the law. (ADM3104)

**ESTABLISHMENT OF ELDERLY ASSISTANCE FUND**

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Pursuant to A.R.S. §42-17401, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the establishment of an Elderly Assistance Fund, to be administered by the County Treasurer. In 2006, the Arizona Legislature enacted House Bill 2821 which amended A.R.S. §42-18153 and created A.R.S. §42-17401, effective September 21, 2006. This bill permits the establishment of an Elderly Assistance Fund in counties with a population greater than two million. This Fund is administered by the County Treasurer and is to be established by the Board of Supervisors. HB 2821 sets the interest to be paid on a redemption of a real property tax lien at 16%, with the difference between the redemption interest rate of 16% and that stated on a certificate of purchase to be invested in the Fund. These monies will be used to reduce primary school district taxes for qualified seniors. (C4307002700) (ADM4012)

**EXEMPT VEHICLE FROM MARKINGS AND NON-GOVERNMENTAL LICENSE PLATES**

Pursuant to A.R.S. §38-538.03 and §28-2511(A), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the exemption from markings and the use of non-governmental license plates for one Chevrolet Impala vehicle purchased under agenda number C2707006M00, approved November 15, 2006. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. The vehicle will be used in the Juvenile Electronic Monitoring and Home Detention Programs, which covertly monitor juvenile probation clients. The list on file in the Clerk of the Board's office (C2707015M00) (ADM3101V)

**TRANSFER EXPENDITURE AUTHORITY FOR SELF INSURANCE PROGRAM**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to transfer expenditure authority in the amount of \$81,437 from General Government (470) General Fund (100) General Contingency (4711) to Employee Health Initiatives Department (350) General Fund (100). These adjustments will result in a countywide net impact of zero. \$81,437 will be restated to Employee Health Initiative Department (350) Benefit Administration Fund (618) in FY 2007-08.

Also approve a target adjustment in the Benefit Administration Fund (618) for an additional \$230,601 to annualize the cost of the additional positions. Approval of this action will allow Employee Health Initiatives to hire additional positions needed to establish and manage the self-insurance program to provide employee health benefits effective July 1, 2007. (C3507015800) (ADM3350-001)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A & B will be found at the end of this set of minutes. [Clerk's Note: This is not an official part of the minutes. Pages 1 through 19 of the Judicial Branch Personnel Agenda Attachment were approved contingent upon Board approval of the annualized transfer of funding. This action was approved on February 26, 2007; therefore, the entire approval is considered to be as of February 26, 2007. (C4907032800)]

**SOLE SOURCE CONTRACT WITH GEN-PROBE**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a sole source contract between the Maricopa County Department of Public Health

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(MCDPH) and Gen-Probe. Gen-Probe is the sole provider of the reagents that are used to perform non-radioisotopic recombinant nucleic acid probe analysis to detect infectious agents for sexually transmitted diseases caused by chlamydia trachomatis and/or neisseria gonorrhoea and for the rapid detection of mycobacteria tuberculosis and other infectious agents of clinical significance. This sole-source contract is necessary because of the need to utilize existing equipment in the MCDPH laboratory. This contract will become effective January 1, 2007, or upon Board of Supervisor's approval, and remain in effect for five years through December 31, 2011. The annual expenditure will begin at \$110,000 per year and increase gradually to an amount not-to-exceed \$130,000 per year. The total contract amount is expected not-to-exceed \$650,000 over the five year term. (C8607038100)

**UTAH STATE UNIVERSITY INTERNSHIP DIETETIC INTERNSHIP PROGRAM**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the affiliation agreement entitled, "Agreement of Understanding with Utah State University (USU) Internship Dietetic Internship Program" to allow students from the USU Dietetic Internship Program to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial, and the term is from February 1, 2007 and valid through June 30, 2012. (C8607043000)

**SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve an Intergovernmental Agreement with the Kyrene School District No. 28, to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. The term of the agreement is retroactive from November 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$40,000. (C8607483200)

**TOBACCO EDUCATION/PREVENTION PROGRAMS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the Intergovernmental Agreement (IGA) for Tobacco Education/Prevention Programs (TEPP) from the Arizona Department of Health Services (HG754169) to Maricopa County Department of Public Health's Tobacco Use Prevention Program for FY 2006-07, not-to-exceed \$7,250. The term for this agreement is February 1, 2007 to June 30, 2007. Maricopa County Department of Public Health's indirect rate is 18.1% and TEPP's allowable indirect costs are reimbursable at a rate of 15% of Personnel Services and Employee Related expenses only. This IGA does not include Personnel Services and Employee Related Expenses. Full indirect costs are estimated at \$1,312, of which \$0 is recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$7,250. 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. (C8607493200)

**AMENDMENT TO CONTRACT WITH TRAPEZE SOFTWARE GROUP**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 3 to the contract with the Trapeze Software Group to reduce the contract value of the software application maintenance in support of the Trapeze Dispatching System. This amendment will decrease the value of the maintenance portion of the contract by \$14,143.98 (from \$39,363.98 to \$25,220.00). This purchase will not require any County General Funds. All other terms and conditions remain the same. (C2201109M03)

**AMENDMENT TO IGA FOR DELIVERY OF VARIOUS COMMUNITY AND EMERGENCY SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve Amendment No. 3 to the intergovernmental agreement (IGA) with the City of Avondale to increase funding in the amount of \$15,000 (from \$125,757 to \$140,757) for the delivery of various community and emergency services for low-income Maricopa County residents through the operation of Community Action Program. The period of performance for this amendment is July 1, 2006, to June 30, 2007. The funding is being provided by the Arizona Department of Economic Security. There is no long term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There is no long-term commitment on the part of Maricopa County to continue this program beyond the term of the amendment. Service levels are contingent upon the availability of funding. The additional funding will provide for the provision of additional services to low-income residents in the Avondale service area. (C2205033203)

**GRANT FUNDING FOR SPECIAL TRANSPORTATION SERVICES PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Maricopa County Human Services Department Special Transportation Services Program to submit 29 funding applications to various federal, state and local public and private sources. Also, authorize the Chairman to approve the receipt of all such funds awarded during FY 2007-08 as a result of the corresponding grant requests. Details on indirect cost recovery are included and, unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2007-08 authorized rate will be applied to the respective grants. The funding requested will not exceed \$5,759,000 in total. The Department's FY 2007-08 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$638,614. (C22080053ZZ)

**GRANT FUNDING FROM VARIOUS FEDERAL, STATE AND PRIVATE SECTOR SOURCES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the Maricopa County Human Services Department Community Services Program to submit eight funding applications to various federal, state and private sector sources. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2008 as a result of the corresponding grant requests. Details are provided on indirect cost recovery and, unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2007-08 authorized rate will be applied to the respective grants. The funding requested will not exceed \$10,750,000 in total. The Department's FY 2007-08 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$375,322. Programs to be supported by the funding include:

- **Low-Income Home Weatherization and Utility Related Repair/Replacement Program**  
This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from

these services in FY 2008.

- **Utility Assistance** – Federal Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2008.
- **Homeless Prevention Services and Homeless Support Services** – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2008.
- **Community Action Program Operations** – Funding will be provided to twelve Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as information and referral services, operation of emergency food pantries, health fairs, and senior citizen meal programs.
- **Senior Adult Independent Living Program Case Management** - Through the provision of case management services, elderly and/or disabled clients will remain in their homes, keeping them out of the more costly program of ALTCS (Arizona Long Term Care System). (C22080513ZZ)

#### **WAIVER FOR RECEIVING DONATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a waiver for the Parks and Recreation Department to section C.2 of Policy A2508 Policy for Receiving Donations. The policy requires a monthly report of donated funds to the Board of Supervisors. The Parks & Recreation department maintains a segregated Donation Fund approved annually by the Board during the budget cycle and therefore in accordance with section C.3 of the policy may request a waiver to the monthly reporting requirement. (C3007018800) (ADM1810)

#### **CONSERVATION OF THE BALD EAGLE IN ARIZONA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the Memorandum of Understanding (MOU) between Arizona Game and Fish Department and Maricopa County, administrated through Maricopa County Parks and Recreation Department, and other Cooperators, for the conservation of the Bald Eagle in Arizona. This MOU will take effect upon the date of the last signature of approval and shall remain in effect for a period of five years unless extended or approved. There is no financial impact.

Rescind the MOU that was previously approved by the Board of Supervisors on November 1, 2006 under C3007012200, due to modifications made to the document. (C3007019000)

#### **KENNEL PERMIT RENEWALS**

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the following kennel permit renewals for the term of February 21, 2007 through February 20, 2008:

- a. Rochelle Shreeve, d.b.a. Mokc's Kennels, 11255 N. 49th Drive, Glendale, AZ 85304, Permit #296. The cost of the kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (C7907053C00) (ADM2304)
- b. Linda Herr, d.b.a. Herr Kennels, 16118 E. Via De Palmas, Gilbert, AZ 85297, Permit #404 The cost of the kennel permit is \$328. (C7907055C00) (ADM2304)

**DONATIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the acceptance of a donation from James Hamilton of Phoenix, AZ to Maricopa County Animal Care & Control in the amount of \$500 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907054700) (ADM2300-006)

**NEW HOPE PROGRAM TO RESCUE ANIMALS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the following agreements with Maricopa County under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 225 new hope rescues over the term of the agreement, for a total of \$6,075 The term of these agreements is from February 21, 2007 through February 20, 2010.

- a. Papillon & Small Breed Rescue, a 501 (c) 3 non-profit, P O Box 30781, Phoenix, AZ 85046. (C7907056100)
- b. A J's Best Friends & All Breed Cat Rescue, Inc., a 501 (c) 3 non-profit, 835 W. Warner Road, Suite 101, Gilbert, AZ 85233. (C7907057100)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) 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.

**LICENSE AGREEMENT FOR PEREGRINE FALCON NESTING BOX AND WEB CAMERA**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve and execute a license agreement with Arizona Game and Fish Department to allow the Arizona Game and Fish Department to place a Peregrine Falcon nesting box and web camera on the county's administration building for the purpose of furthering the goals of the Game and Fish Department's Urban Wildlife Program. The web camera will allow remote monitoring of the nesting box and will be powered by the county at no cost in return for county access to the video output. The \$250.00

license fee has been waived and the license may be revoked with 90 days notice. Facilities Management Department staff is working with the Arizona Game and Fish Department to monitor the installation. (C1807018000) (ADM645)

### **REVISED PETTY CASH AND CHANGE FUND POLICY**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to adopt the A2500 Petty Cash Fund and Change Fund Policy, Revision #1, and the new Petty Cash Fund and Change Fund Manual to provide guidelines to directors and administrators for the establishment, closure, change, and appropriate usage of petty cash and change funds. The revised Petty Cash and Change Fund Policy supersedes the previous A2500 Petty Cash Policy issued in April 1998. (C1807022600) (ADM1608)

#### **A. PURPOSE**

The purpose of the Maricopa County and the Special Districts Petty Cash Fund and Change Fund Policy is to provide guidelines to directors and administrators for the establishment, closure, change, and appropriate usage of petty cash and change funds.

This policy defines the overall responsibilities and processes to be performed and followed by the department administrating the petty cash fund and/or change fund. Specific information, detailed procedures, and document examples are contained in the Petty Cash Fund and Change Fund Manual, which is located at <http://ebc.maricopa.gov/library/finance/>. The Petty Cash Fund and Change Fund Manual may be updated, as determined necessary, to accommodate the effective administration of this policy. Department directors and administrators are responsible for ensuring that their staff are aware of and comply with this policy.

This Petty Cash and Change Fund Policy supersedes the previous Petty Cash Policy No. A2500 issued in April 1998.

#### **B. DEFINITIONS**

Change fund – A cash fund specifically utilized to make change for departments receiving over-the-counter cash collections. Change funds **will not** be used to reimburse expenditures or cash checks.

Custodian – The individual responsible for possession and oversight of a petty cash fund or change fund.

Custodian vendor number – A number in the Advantage Financial System assigned to the custodian by the Department of Finance. This number is required when preparing payment vouchers for the initial establishment of a petty cash fund or change fund and for petty cash reimbursements.

Department – Refers to the department, office, or agency under budgetary responsibility of the Board of Supervisors or Board of Directors.

Petty cash fund – A cash fund established specifically for minor disbursements of \$100 or less as defined in this policy.

#### **C. POLICY**

A custodian is responsible for his/her petty cash fund and/or change fund. At any time, a petty cash custodian must be able to account for the dollar amount of the fund with cash, paid invoices, receipts, cash register tapes, reimbursement and withdrawal requests, and outstanding reimbursement payment vouchers. In the event of a fund overage or shortage, the custodian will notify the supervisor immediately. Personal funds cannot be used to eliminate shortages and excess funds cannot be removed to eliminate overages. At the end of a custodian's assignment, all funds must be accounted for and relinquished to the new custodian.

Petty cash fund or change fund monies and related documents must be kept in a secure location and in a separate and lockable container. If available, the cash should be placed inside a safe or vault at the close of business. Keys and lock combinations should be restricted to the custodian as well as an alternate person(s) as deemed appropriate by department management.

#### **I. Petty Cash Funds**

On occasion, County and Special District departments may need to purchase certain low-cost items without requisition documents (examples include: needs that occur when the office is closed; when personal pickup is required; or, when delivery delays could cause a hardship to the department). Departments may use petty cash funds to reimburse or advance individuals for such purposes.

The petty cash system is operated as a loan system. Under this loan system, a fixed dollar amount is authorized for the petty cash fund and maintained by the custodian. A paid invoice, receipt, cash register tape, or reimbursement and withdrawal request replaces cash disbursements from the fund. The total of the cash available, paid invoices, receipts, cash register tapes, reimbursement and withdrawal requests, and outstanding reimbursement payment vouchers must always equal the original fund amount.

The following criteria apply when using petty cash funds for purchases:

1. Individual purchases must be for \$100 or less and for County or Special District purposes only. For further clarification of specific allowed and unallowed petty cash expenditures and activities, please review the Petty Cash Fund and Change Fund Manual.
2. Petty cash disbursements should only be made for expenditures supported with an original and clearly legible paid invoice, receipt, or cash register tape. Petty cash advancements should only be made with the submission of a properly completed withdrawal request form. For specific disbursement and advancement procedures, please review the Petty Cash Fund and Change Fund Manual.
3. Properly authorized and completed payment vouchers must be submitted to the Department of Finance Accounts Payable Division to receive reimbursement of petty cash expenditures. For further clarification of the specific reimbursement procedures, please review the Petty Cash Fund and Change Fund Manual.

#### **II. Change Funds**

Certain cash funds are established to provide change for County and Special District departments receiving over-the-counter cash collections. Although these cash funds do not relate to purchasing

functions, fund security and control procedures applicable to petty cash funds also apply to change funds. Please be advised that a petty cash fund and change fund are not interchangeable. Under no circumstances will a change fund be used for petty cash related disbursements.

### **III. Responsibilities and Procedures**

Departments must notify the Department of Finance, and obtain proper authorization when necessary, to establish, close, change custodian of, increase/decrease the amount of, and obtain reimbursement for a petty cash and/or change fund. Departments should request reimbursements as needed and at fiscal year-end to ensure that expenditures are recorded in the year they were incurred. Departments may also request a waiver to specific sections of this policy from the Department of Finance. Specific procedures for any of the above-stated purposes can be found in the Petty Cash Fund and Change Fund Manual.

The document forms provided in the Petty Cash Fund and Change Fund Manual should be used when preparing documents for submission and approval. Departments may create their own documents provided all required elements are included.

### **IV. Reconciliations**

The custodian and supervisor must reconcile change funds daily, and petty cash funds monthly. The supervisor and custodian (both former and new, if applicable) must perform a reconciliation upon a change in custodian, the closure of a fund, and at year-end. For specific procedures on reconciliations, and the handling of overages and shortages of funds, please refer to the Petty Cash Fund and Change Fund Manual.

### **V. Theft of petty cash funds or change funds**

If a shortage of funds is suspected to be the result of theft, the custodian and/or department management must conduct an investigation and take any necessary corrective actions. For specific procedures on investigating shortages, reporting results, and restoring funds to their original amounts, please review the Petty Cash Fund and Change Fund Manual.

### **VI. Reviews and audits**

Departments should regularly review, at least annually, the need, size, and use of their petty cash fund(s) and change fund(s). Recommended changes should be directed to the Department of Finance for consideration and approval. The Department of Finance and/or the Internal Audit Department may perform unexpected reviews and/or audits, as deemed necessary, to ensure that petty cash and change funds are properly administered, established for necessary purposes, and funded at the appropriate level.

## **LICENSE AGREEMENT FOR ELECTRICAL SUPPLY**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a License Agreement with Coyote Lakes Community Association that will allow Environmental Services to connect to electrical service in the vicinity of 20010 N. Coyote Parkway, Surprise, Arizona. The electrical service will be used to supply power to an Air Quality Monitor located nearby on an adjacent golf course. The license shall commence on the date of execution by the parties

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and continue for 24 months from the date of execution. Environmental Services will pay a fee of not-to-exceed \$2,500 for use of the service and electricity for the two-year term. (C1807024100) (ADM2357)

**LICENSE AGREEMENT FOR PLACEMENT OF AIR QUALITY MONITOR**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve a license agreement with NTN Investments, LLC for placement of an Air Quality Monitor on a golf course area located near Coyote Lakes Parkway in the City of Surprise. The license area is approximately 5'X5' together with vehicular access rights along a nearby golf cart path that intersects Coyote Lakes Parkway. The license term is for 24 months commencing on the date of execution of the license by both parties. Environmental Services will pay a one-time license fee of \$250 for the license and will be responsible for providing electrical service to the site at its sole cost. (C1807025100) (ADM2357)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) 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)

**Award**

**06132-S**      **Offset Printing** (\$750,000 estimate/three years with three one-year renewal options) Multiple award price agreement for commercial printing.

- AmeriCopy
- Arizona Correctional Industries
- Buse Printing & Advertising
- Business Cards Tomorrow
- Complete Print Shop
- Di-Mor Business Forms
- Eagle Press
- Harris Printers
- MBG Printing
- PaperChase
- Pitney Bowes Management Services
- Printworks
- Renprint, Inc.
- Williams Express

**06133-S**      **Envelope Printing** (\$300,000 estimate/three years with three one-year renewal options) Multiple award price agreement to purchase printed envelopes.

- AmeriCopy
- Buse Printing & Advertising
- Business Cards Tomorrow
- Complete Print Shop
- Di-Mor Business Forms
- Eagle Press
- Essential Direct

- Harris Printers
- MBG Printing
- Pitney Bowes Management Services
- Printworks
- Williams Express

**06134-S Copying Services** (\$300,000 estimate/three years with three one-year renewal options) Multiple award price agreement for copying services.

- AmeriCopy
- Arizona Correctional Industries
- Arizona Overland Blueprint
- Complete Print Shop
- Copy This, LLC
- Eagle Press
- Harris Printers
- PaperChase
- Pitney Bowes Management Services
- Printworks
- Q&C, Inc.
- The UPS Store
- Williams Express

**06152-S Business Form Production** (\$750,000 estimate/three years with three one-year renewal options) Multiple award price agreement for the purchase of Business Forms for county departments.

- Arizona Correctional Industries
- AmeriCopy
- Business Cards Tomorrow
- CNS Business Forms Inc.
- Complete Print Shop
- Di-Mor Business Forms
- Eagle Press
- Harris Printers
- PaperChase
- Pitney Bowes Management Services
- Southwestern Business Forms
- Williams Express
- Work Flow One

**Renewals/Extensions:**

Renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

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- 03264-S Property Tax and Valuation Statements Printing and Mailing** (\$816,000 estimate/three years) Price agreement renewal to provide printing and mailing services for tax and valuation statements for the County Assessor and County Treasurer's Office.
- Co-Operative Computer Services, Inc.

**Increase in the price agreement amount for the following contracts.** This request is due to an increased usage by county departments.

- 03033-C Soil Stabilizer/Dust Palliative** (\$200,000 increase) Increase price agreement value from \$300,000 to \$500,000. This \$200,000 increase is requested by Maricopa County Department of Transportation to allow continued abatement of dust contaminants. This agreement was initially approved by the Board of Supervisors on November 19, 2003, and was renewed by the Materials Management Director on September 8, 2005. Expiration date is November 30, 2008.
- Earthcare Consultants, LLC

**Increase in the price agreement amount for the following contracts.** This request is due to the re-solicitation for additional service providers and an increased usage by county departments.

- 06031-RFP Outside Audit, Accounting And Consulting Services** (\$3,000,000 increase – vendor additions) Re-solicitation for additional service providers under the terms and conditions of this contract for outside audit, accounting and consulting services, and specifically for employee compensation studies for Maricopa County at the request of Health Care Mandates. Additional contracts were awarded to Buck Consultants LLC, The Segal Company and Public Sector Personnel Consultants. This action will increase the total estimated contract dollar amount from \$5,000,000 to \$8,000,000. This contract was initially awarded by the Board of Supervisors on July 26, 2006, and has an expiration date of July 31, 2009.
- Clifton Gunderson, LLP
  - KPMG, LLP
  - Mercer Human Resources Consulting
  - Buck Consultants, LLC (Added)
  - Public Sector Personnel (ADDED)
  - The Segal Company (ADDED)

### TRP SETTLEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the proposed settlement offer of \$5,000 from the Heard Museum for violations of the Maricopa County Trip Reduction Ordinance. On October 10, 2006, the Travel Reduction Program (TRP) Regional Task Force reviewed the compliance status of the Heard Museum and voted to seek enforcement penalties of \$5,000. On January 5, 2007 the TRP Regional Task Force reaffirmed their earlier recommendation seeking a settlement of \$5,000. The proceeds will be deposited into Air Quality's General Fund. The Heard Museum was in violation of the Maricopa County Trip Reduction Ordinance. Negotiations with this company have resulted in a settlement proposal of \$5,000.00 This matter was discussed in Executive Session on February 20, 2007. (C8507017300) (ADM2356)

**EXEMPT VEHICLES FROM MARKINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the exemption from markings of the list of vehicles on file in the office of the Clerk of the Board of Supervisors, until March 31, 2008 pursuant to A.R.S. §38-538.03. Departments utilizing vehicles included on the list on file in the Clerk's Office have submitted a statement affirming that their listed vehicles continue to be used for the purposes required under A.R.S. §38-538.03 thus justifying exemption from markings. This is the annual renewal of exemptions that were previously approved by the Board. The exemption from markings is requested due to the vehicles being used for felony investigations, activities of a confidential or sensitive nature and social service work. (C7407003M00) (ADM3101V)

**MAJOR MAINTENANCE BUDGET ADJUSTMENTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the following FY 2006-07 Major Maintenance budget adjustments in Year 1, Appropriated Fund Balance, Department (480), General Fund (100), Org (4832):

- Decrease the Apache Lake Aid Station and Boat House, Function Class ALSO, by \$45,000.
- Decrease the Bartlett Lake Improvements project, Function Class BLSO, by \$50,000.
- Increase Canyon Lake Boathouse Replacement, Function Class CLSO, by \$95,000.

The adjustments have a net zero impact on the overall county budget. (C7007035800) (ADM800-003)

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

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) 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)

501-70-008M (JPM)	Project No.: TT186 - Indian School Road (Old Litchfield Road to Dysart Road) - Letter Agreement for a Temporary Ingress and Egress Permit - MJG Investments Co., LLC - for the sum of \$100.00.
501-71-504A (JPM)	Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Agreement for Right of Entry - Parcel No.: 501-71-504A - Desert Springs Baptist Church, an Arizona anon-profit corporation - for the sum of \$500.00.
A333.010, 011 and 013 (JPM)	Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Agreement for Right of Entry - Parcel No.: 508-02-389, 416 and 417 - Dysart Ranch Community Association, an Arizona non-profit corporation - for the sum of \$500.00.
A339.022 (DLK)	Project No.: TT233 - Camino Del Sol and Spanish Garden - Warranty Deed - Parcel No.: 232-12-030A - Edward F. Collins and Taffy Collins, as Trustees - for the sum of \$12,349.00.

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A339.022 (DLK)	Project No.: TT233 - Camino Del Sol and Spanish Garden - Purchase Agreement and Escrow Instructions - Parcel No.: 232-12-030A - Edward F. Collins and Taffy Collins, as Trustees - three (3) copies enclosed for signature.
DD-10669 (LS)	R/W Dedication - Warranty Deed - Parcel No.: 301-60-009M - Edward L. Cloose - for the sum of \$10.00.
DD-10669 (LS)	R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 301-60-009M - Edward L. Cloose - three (3) copies enclosed for signature.
FA024.047-Rds (JPP)	Project No.: 83rd Avenue & Pinnacle Peak Road - Permanent Storm Drain Easement and Agreement for Flood Control Purposes - Parcel No.: numerous - Grantor: Maricopa County - Grantee: Flood Control District of Maricopa County - for the sum of \$1.00 [per IGA FCD 2005A008].

**ANNEXATION BY THE CITY OF PHOENIX**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an annexation by the City of Phoenix of county right-of-way as follows: (C6407166000) (ADM4213-002)

That part of the Northeast quarter of the Southeast quarter of Section 18, Township 5 North, Range 4 East, G&SRB&M, described as follows:  
BEGINNING at a point in the East line of said Northeast quarter which bears Southerly a distance of 30 feet from the East quarter corner of said Section 18, said point being also a point in the boundary of the area annexed to the City of Phoenix, Arizona, by its Ordinance No. G-4806, recorded in Document No. 2006-850387, records of Maricopa County, Arizona;  
thence Northerly along said East line to said East quarter corner;  
thence Westerly along the East-West mid-section line of said Section 18 to the West line of the East half of the East half of said Northeast quarter;  
thence Southerly along said West line to the South line of the North 30 feet of East half of the East half of said Northeast quarter;  
thence Easterly along said South line to the POINT OF BEGINNING.

**ANNEXATION BY THE TOWN OF GILBERT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an annexation by the Town of Gilbert of county right-of-way within Pecos Road, west of Greenfield Road in accordance with Ordinance No. 1676. (C6407178000) (ADM4206-002)

The North 33.00 feet of Lot 2 of Section 4, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

**IMPROVEMENTS TO ROAD PROJECT**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the intergovernmental agreement between Maricopa County and the Town of Cave Creek for improvements to Carefree Highway at Cave Creek Road. The Board of Supervisors by Resolution in May 2002 approved the implementation of the Transportation Advisory Board (TAB) Special Project Fund authorized by MCDOT Policy T113, to respond to proposed projects that TAB considers worthy of funding, but are not programmed in MCDOT's Transportation Improvement Program. TAB awarded the Town of Cave Creek \$110,000. (C6407173200)

**DEVELOPMENT AGREEMENT - MUNICIPAL WATER CONSERVATION DISTRICT NO. 1**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve a Development Agreement with Maricopa County Municipal Water Conservation District Number One, as required by previously approved by the Board on October 6, 200, under Development Master Plan case DMP 2002005 and administratively amended on March 4, 2005, under case DMP 2005002. The Development Agreement details regional transportation issues, including roadway construction, right-of-way requirements and cost share contributions for roadway improvements associated with the approved development known as Zanjero Trails. The roadways identified for improvement include portions of Perryville Road and Olive Avenue, and will be constructed by the developer, to county standards, at no cost to Maricopa County. (C6407170000) (ADM23154)

**ROAD ABANDONMENT (ROAD FILE NO. AB-173)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt Resolution AB-173, as follows: (C6407171000)

**RESOLUTION  
ROAD ABANDONMENT AB-173**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC  
PURPOSES AND ABANDONING THAT ROADWAY.**

**WHEREAS**, certain roadways located in the general vicinity of Repos Heights subdivision was acquired by Maricopa County by means of a Plat recorded on October 18, 1912 and recorded by the Maricopa County Recorder as Book 5 of Maps, Page 43; and

**WHEREAS**, a proposal requesting the abandonment of all roads within the subdivision has been submitted to Maricopa County; and

**WHEREAS**, a legal description of the roadways to be abandonment, identified as Exhibit "A", is attached; and

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the roadways proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

**WHEREAS**, Maricopa County is authorized to abandon the roadways as described in Exhibit "A", pursuant to A.R.S. §§28-6709, 7202, 7205 and 7215.

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**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadways as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadways as described in Exhibit "A" are hereby abandoned.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in record number 87-532388.

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. §28-7210.

**DATED** this 21<sup>st</sup> day of February 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A**

All roads within "Reposa Heights", a subdivision located in the Northwest quarter of the Northwest quarter (NW4 NW4) of Section 18 – T7N, R4W of the G&SRB&M, Maricopa County, Arizona, according to the plat of record recorded at Book 5 of Maps, Page 43 in the office of the Maricopa County Recorder.

**ROAD ABANDONMENT (ROAD FILE NO. AB-142)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt Resolution AB-142, as follows: (C6407172000)

**RESOLUTION  
ROAD ABANDONMENT AB-142**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR  
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

**WHEREAS**, a certain roadway easement located in the general vicinity of 82<sup>nd</sup> Street and Quenton Street was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on July 31, 1980 and recorded by the Maricopa County Recorder at Docket 14583, Page 669; and

**WHEREAS**, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

**WHEREAS**, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

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**WHEREAS**, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway easement as described in Exhibit "A" is hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in Docket 14583, Page 669.

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

**DATED** this 21<sup>st</sup> day of February 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A**

The West 5 feet of the East 30 feet of the South half of the Southeast quarter of the Southwest quarter of the Northeast quarter (S2 SE4 SW4 NE4) of Section 32 – T2N, R7E of the G&SRB&M, Maricopa County, Arizona. EXCEPT the South 25 feet thereof.

**ROAD ABANDONMENT (ROAD FILE NO. AB-180)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt Resolution AB-180, as follows: (C6407175000)

**RESOLUTION  
ROAD ABANDONMENT AB-180**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC  
PURPOSES AND ABANDONING THAT ROADWAY.**

**WHEREAS**, a certain roadway located in the general vicinity of Vineyard Road and 123rd Avenue was acquired by Maricopa County by means of a Subdivision Plat on December 21, 1965, and recorded by the Maricopa County Recorder as Book 110, Page 12; and

**WHEREAS**, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

**WHEREAS**, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

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**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

**WHEREAS**, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§28-6709, 7202, 7205 and 7215.

**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway as described in Exhibit "A" is hereby abandoned.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in Exhibit "A".

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. §28-7210.

**DATED** this 21<sup>st</sup> day of February 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A**

Those portions of Section 36 – T1N, R1W of the G&SRB&M, Maricopa County, Arizona described as follows:

That portion of Vineyard Road, according to Book 110 of Maps, Page 12. Except any portion lying west of the Southerly extension of the East Right of Way line of 123<sup>rd</sup> Avenue. And That portion of 122<sup>nd</sup> Avenue lying South of the Easterly extension of the South line of Lot 59 of said Book 110 of Maps, Page 12. and That portion of 121<sup>st</sup> Avenue lying South of a line 30 feet North of the Easterly extension of the South line of Lot 57 of Book 110 of Maps, Page 12.

**AMENDMENT TO FIVE-YEAR TIP**

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an amendment to the current FY 2007-11 five-year Transportation Improvement Program for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by decreasing the FY 2006-07 (Year 1), capital budget for the following projects:

<b>Project No.</b>	<b>Name</b>	<b>Capital Budget</b>
T090	Power Road: Guadalupe Road- Baseline Road	\$135,000
T108	McDowell Road: Shoulder Widening	\$100,000
T112	MC 85: 107th Avenue – 91st Avenue	\$730,000

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T156	Chandler Heights Road at 124th Street	\$125,000
T178	Ellsworth Road: Hunt Hwy to Riggs Road	\$500,000
T208	MC 85 at 83rd; 91st; 99 <sup>th</sup> ; 107th and 115th Avenue	\$50,000
T216	Pinnacle Peak Road at 83rd and 91st Avenue	\$560,000
T235	Union Hills Multi-Use Path	\$60,000
T255	Northern Avenue at Reems Road	\$125,000
T258	Del Webb Boulevard at 99th Avenue	\$175,000

And, adjusting the following projects by increasing the FY 2006-07 (Year 1) capital budget for the following projects:

<b>Project No.</b>	<b>Name</b>	<b>Capital Budget</b>
T005	Candidate Assessment Reports	\$250,000
T011	ROW In-Fill/Inventory System	\$160,000
T025	Bell Road: SR303 – L101 ITS Imp	\$140,000
T032	PM10: (PH 3) Northeast Area	\$45,000
T081	Gilbert Road: McDowell Road – SR 87	\$225,000
T113	MC 85: 91st Avenue – 75th Avenue	\$20,000
T114	Chandler Hgts Rd at Sonoqui Wash	\$125,000
T120	Bell Road at RH Johnson Boulevard	\$250,000
T155	Northern Avenue at 107 <sup>th</sup> Avenue	\$50,000
T172	Sun City Mill-Overlay: PH I	\$215,000
T188	Old US 80 Bridge at Gila River	\$125,000
T199	Dobson Road Bridge at Salt River	\$450,000
T207	Meeker at Trail Road/Aleppo	\$75,000
T210	MC 85 at El Mirage Road	\$70,000
T211	Olive Road at Litchfield Road	\$40,000
T215	Peoria Road at Litchfield Road	\$80,000
T228	Olive Avenue at 103rd Avenue	\$20,000
T231	Alabama at 111th Avenue	\$130,000
T236	Signal Modernization SC 1	\$40,000
T239	Signal Modernization SCW 3	\$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. (C6407176800) (ADM2000-003)

**BIDS AND AWARD-INTERSECTION IMPROVEMENTS AT NORTHERN AVENUE AND REEMS ROAD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the solicitation of bids for the Intersection Improvements at Northern Avenue and Reems Road, MCDOT Project No. T255; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. FY 2007-08 expenditures in this agenda item are contingent upon the Board approving the recommended FY 2007-08 budget. (C6407177500)

**REAPPOINTMENTS AND APPOINTMENTS**

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the reappointments of Barr Jenkins (General Public); Claire Sinay (Institutional Member); Deborah Frusciano (Service Provider) Helen Lansche (Service Provider); Maclovia Zepeda (Service Provider); Mark Kezios (Institutional Member); MiAsia Pasha (General Public); Michelle Barker (Service Provider); and Charlton Wilson (Service Provider), and the appointment of Miguel Garruna (Service Provider), to the Phoenix EMA Ryan White Planning Council, whose terms are effective from March 1, 2007 through February 28, 2010. (C2007039900) (ADM2153-001)

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

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)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley and unanimously carried (3-0-2) regarding action on the following vouchers:

Approve Voucher #217	\$289,209.97
Approve Voucher #6025	\$48,285.12
Approve Voucher #6026	\$40,743.87

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)

Staff did not give an update to the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

**RESOLUTION #7 REGARDING A VOUCHER REVIEW AND APPROVAL POLICY**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve Resolution #7 concerning the Maricopa County Regional School District No. 509 regarding the Voucher Review and Approval Policy related to vouchers/warrants to be issued pursuant to A.R.S. §15-1001(A). (C0607066M00) (ADM3814-002)

**RESOLUTION # 7 OF THE 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 has exercised its discretion to review and approve vouchers/warrants pursuant to A.R.S. § 15-1001(A), and

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WHEREAS, the Board desires to set out its policy relating to voucher review.

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

1. The Board hereby reaffirms the Voucher Review Policy that is to be used in reviewing District vouchers presented to the Board for approval pursuant to A.R.S. § 15-1001(A).
2. The Voucher Review Policy is:
  - A. The Board will refuse to approve any warrant or voucher submitted without evidence that the contract for the services rendered was properly procured.
  - B. The District must have a valid contract on file, properly procured pursuant to the District's code and policies, for every vendor listed on the warrants presented to the Board for approval.
  - C. District vendor contracts must be available to the Board for inspection immediately upon request.
  - D. If the District does not have a contract properly procured with a vendor seeking payment, the District Governing Board must take action prior to the warrant request being resubmitted.

Adopted this 21<sup>st</sup> day of February 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING SET – MEDICAL EXAMINER FEES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to set a public hearing for 9:00 a.m., March 21, 2007, to consider implementation of a new fee schedule and adjustment to existing fees, and accept the proposed fees. Office of the Medical Examiner (OME) fees include autopsies, external examinations, cremation authorizations, specimen and histology processing, body bags, expert testimony, medical education and administrative processing fees. No fee will exceed the actual cost of the product or service provided. OME is not requesting an expenditure budget increase. Increased revenues are a direct offset to operating expense and cost recovery. These fees will become effective April 1, 2007. (C2907006800)

**PUBLIC HEARING SET – PLANNING AND ZONING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to schedule a public hearing on Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for Wednesday, April 4, 2007, at 9:00 a.m. in the Board of Supervisors' Auditorium, 205 West Jefferson, as follows:

Z2004129; Z2006118; Z2006146; Z2001013

**ASRS CLAIMS**

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

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**CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to accept the canvasses of elections submitted by special districts, as follows:

Electrical District No. 7	ADM4470-001
Electrical District No. 8	ADM4475-001

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of the following properties which are now owner-occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
162-19-088	2005	Joel Thalheimer	3	6.1
162-19-088	2006	Joel Thalheimer	3	6.1

**COMPROMISES**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to accept the requested compromises as payment in full. This item was discussed in Executive Session on February 5, 2007. (ADM407)

Dorothy Sanders	\$5,117.00
Bonnie Hage-Moldovan	\$8,000.00
Michael David Garrett	\$620.00

**DONATIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to accept the donation reports received from county departments for January 2007 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810)

Sheriff	\$1,057.50
Public Health	\$25.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve and ratify duplicate warrants 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>
Anamarie Zelmanovits	650067347	Jury	\$16.50
USD Inc	370030961	Expense	\$511.94
St. Joseph's Hospital	360549228	Expense	\$695.06
AMPCO System Parking	370015992	Expense	\$504.45
Tyrone Timms	270036030	Payroll	\$377.56
Elizabeth Irwin	270026326	Expense	\$110.00

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Maura Bohan	Isaac SD #5	170056564	\$1,466.80
Sharon Lindenlaub	Litchfield Elementary SD	170062177	\$206.86
Willie Pierce	Roosevelt SD #66	17006814	\$621.49
Quill Corporation	Roosevelt SD #66	470022523	\$3,100.81
Permabound Books	Roosevelt SD #66	470020243	\$20,198.24
Lancio Partners LLC	Phoenix Elem SD #1	470074607	\$2,800.00
Sofia Moffat	Wilson SD #7	170051075	\$136.66
World Book	Higley Unified SD #60	470049342	\$2,875.40
Jennifer White	Treasurer	170154570	\$1,017.76
American Soccer Company	Wickenburg Unified SD #9	470056792	\$587.65
William Gentles	Fowler SD #45	170067643	\$673.96
Eugenia Sauriol	Fowler SD #45	170059648	\$87.73
Susan Bliss	Phoenix Elem SD #1	470053254	\$1,077.50
Mustang Landscaping Inc.	Litchfield Elementary SD	470066356	\$4,984.12
Circuit City 4942	Phoenix Elem SD #1	470055729	\$97.85

**OFF-TRACK PARI-MUTUEL WAGERING PERMIT**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve application filed by Yavapai County Fair Association d.b.a. Yavapai Downs for Off-Track Pari-mutuel Wagering Permit for Gavilan Peak Restaurant, located at 46639 N. Black Canyon Hwy., New River, AZ covering races from: (ADM151)

- May 26, 2007 through September 4, 2007
- May 24, 2008 through September 2, 2008
- May 23, 2009 through September 4, 2009

**PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. at this meeting. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

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Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

YEAR	FROM	TO	AMOUNT
2006	8881	9055	-\$135,219.72
2005	17109	17188	-\$43,594.36
2004	14299	14339	-\$7,366.48
2003	27596	27599	-\$6,860.58

**SETTLEMENT OF TAX CASES**

No tax case settlements were presented for approval at this meeting. (ADM704)

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) 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)

James A. Riggs      \$409.43

**TAX ABATEMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §41-18353. (ADM708)

PARCEL NO.	YEAR	ABATEMENT	PARCEL NO.	YEAR	ABATEMENT
205-12-002S-3	1998	\$2,746.52	505-43-008A-4	1998	\$894.02
205-12-002K-1	1998	\$2,683.50	505-43-008A-4	1999	\$943.05
148-25-629-1	1989	\$20.20	505-43-008A-4	2000	\$1,070.68
148-25-629-1	1990	\$22.08	302-28-007R-4	2002	\$439.87
148-25-629-1	1991	\$23.12	302-28-007R-4	2003	\$361.57
148-25-629-1	1992	\$46.73	302-28-007R-4	2004	\$358.88
148-25-629-1	1993	\$44.17	302-28-007R-4	2005	\$328.32
148-25-629-1	1994	\$44.18	200-54-012L-6	1998	\$691.57
148-25-629-1	1995	\$43.58	200-54-012L-6	1999	\$688.64
148-25-629-1	1996	\$40.64	200-54-012L-6	2000	\$1,410.38
148-25-629-1	1997	\$40.22	200-54-012L-6	2001	\$4,778.66
148-25-629-1	1998	\$33.21	200-54-012L-6	2002	\$76.91
148-25-629-1	1999	\$30.66	200-54-012L-6	2003	\$45.95
148-25-629-1	2000	\$28.32	200-54-012L-6	2004	\$21.71
148-25-629-1	2001	\$25.20	200-54-012L-6	2005	\$18.80

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<b>PARCEL NO.</b>	<b>YEAR</b>	<b>ABATEMENT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>ABATEMENT</b>
148-25-629-1	2002	\$23.38	200-54-012K-7	1998	\$390.05
148-25-629-1	2003	\$21.51	200-54-012K-7	1999	\$345.71
148-25-629-1	2004	\$19.36	200-54-012K-7	2000	\$643.41
304-42-002-2	2000	\$494.29	200-54-012K-7	2001	\$861.43
304-42-002-2	2001	\$43.90	200-54-012K-7	2002	\$783.20
304-42-002-2	2002	\$39.04	200-54-012K-7	2003	\$728.09
304-42-002-2	2003	\$34.89	200-54-012K-7	2004	\$595.21
304-42-002-2	2004	\$29.85	200-54-012K-7	2005	\$534.44
304-42-002-2	2005	\$9.79	114-29-093B-0	2000	\$1,197.43
304-42-002-2	2006	\$8.96	114-29-093B-0	2001	\$2,116.96
304-42-002-2	1992	\$117.22	114-29-093B-0	2002	\$1,956.23
304-42-002-2	1993	\$107.47	302-24-002H	1987	\$2,020.95
304-42-002-2	1994	\$215.69	302-24-002H	1988	\$61.86
304-42-002-2	1995	\$142.43	302-24-002H	1989	\$95.79
304-42-002-2	1996	\$122.78	302-24-002H	1992	\$86.65
304-42-002-2	1997	\$121.96	302-24-002H	1993	\$82.11
304-42-002-2	1998	\$110.45	302-24-002H	1994	\$81.26
304-42-002-2	1999	\$102.84	302-24-002H	1995	\$78.07
501-33-009N-2	1991	\$26,571.14	302-24-002H	1996	\$69.45
501-33-009N-2	1992	\$19,246.05	302-24-002H	1998	\$61.52
501-33-009N-2	1993	\$17,152.07	302-24-002H	1999	\$745.85
501-33-009N-2	1994	\$17,655.05	302-24-002H	2000	\$1,121.53
501-33-009N-2	1995	\$18,699.98	302-24-002H	2001	\$1,974.44
501-33-009N-2	1996	\$12,353.16	302-24-002H	2002	\$778.95
501-33-009N-2	1997	\$12,589.51	302-24-002H	2003	\$35.79
501-33-009N-2	1998	\$8,961.57	302-24-002H	2004	\$30.59
501-33-009N-2	1999	\$8,237.18	302-24-002H	2005	\$10.79
501-33-009N-2	2000	\$11,345.09	105-46-618-4	2005	\$3,157.24
501-33-009N-2	2001	\$8,622.68	105-46-619-1	2005	\$948.14
501-33-009N-2	2002	\$7,498.70	105-46-620-2	2005	\$4,095.52
501-33-009N-2	2003	\$8,113.90	105-46-621-0	2005	\$4,076.02
501-33-009N-2	2004	\$7,603.76	105-46-622-7	2005	\$10,585.96
302-28-008B-9	2002	\$116.82	105-46-623-4	2005	\$3,166.92
302-28-008B-9	2003	\$110.10	105-46-624-1	2005	\$3,988.06
302-28-008B-9	2004	\$384.82	105-46-625-9	2005	\$5,337.02
302-28-008B-9	2005	\$400.70	105-46-626-6	2005	\$2,795.62
302-28-008B-9	2006	\$370.42	105-46-627-3	2005	\$948.14
200-49-501-2	1985	\$35.22	105-46-628-1	2005	\$821.02
200-49-501-2	1986	\$45.08	105-46-629-8	2005	\$293.24
200-49-501-2	1987	\$44.50	105-46-630-9	2005	\$205.32
200-49-501-2	1988	\$52.72	105-46-631-6	2005	\$205.32
200-49-501-2	1989	\$41.66	105-46-632-3	2005	\$684.22

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200-49-501-2	1990	\$42.80	105-46-633-1	2005	\$615.80
137-03-012R-1	1992	\$1,101.16	105-46-634-8	2005	\$694.08
137-03-012R-1	1993	\$1,709.05	105-46-635-5	2005	\$830.82
137-03-012R-1	1994	\$2,055.12	105-46-636-6	2005	\$107.56
137-03-012R-1	1995	\$1,780.17	105-46-637-0	2005	\$156.44
137-03-012R-1	1996	\$1,626.15	105-46-638-7	2005	\$166.14
137-03-012R-1	1997	\$1,581.44	105-46-639-4	2005	\$293.24
137-03-012R-1	1998	\$1,486.29	105-46-640-5	2005	\$117.30
137-03-012R-1	1999	\$1,348.81	105-46-641-2	2005	\$117.30
137-03-012R-1	2000	\$1,249.02	132-72-013-5	1996	\$53.69
137-03-012R-1	2001	\$1,140.17	132-72-013-5	1994	\$52.62
137-03-012R-1	2002	\$1,062.65	132-72-013-5	1996	\$53.69
137-03-012R-1	2003	\$898.26	132-72-013-5	1997	\$52.62
137-03-012R-1	2004	\$784.49	132-72-013-5	1998	\$60.30
137-03-012R-1	2005	\$648.36	132-72-013-5	1999	\$71.00
137-03-012R-1	2006	\$895.70	132-72-013-5	2000	\$73.09
169-01-009K-4	2001	\$13.08	132-72-013-5	2001	\$81.11
169-01-009K-4	2002	\$11.75	132-72-013-5	2002	\$88.60
169-01-009K-4	2003	\$10.40	132-72-013-5	2003	\$94.40
169-01-009K-4	2004	\$9.01	134-14-104-4	2006	\$1,562.32
169-01-009K-4	2005	\$7.64	134-14-105-1	2006	\$1,900.38
169-01-009K-4	2006	\$244.43	134-14-106-9	2006	\$95.53
304-87-010V-6	2001	\$62.79	134-14-107-6	2006	\$1,566.33
304-87-010V-6	2002	\$144.10	134-14-108-3	2006	\$151.14
304-87-010V-6	2003	\$141.46	134-14-109-1	2006	\$883.87
400-58-043N-1	2005	\$127.26	134-14-110	2006	\$499.58
401-42-640-9	1975	\$2,018.01	134-14-111A-8	2006	\$3.95
401-42-640-9	1976	\$1,973.56	134-14-112B-4	2006	\$7.63
401-42-640-9	1977	\$2,032.51	134-14-113-3	2006	\$988.05
401-42-640-9	1978	\$1,796.67	135-12-071F-0	1998	\$130.57
401-42-640-9	1979	\$1,597.53	135-12-071F-0	1999	\$102.35
401-42-640-9	1980	\$1,505.34	135-12-071F-0	2000	\$53.01
401-42-640-9	1981	\$1,251.63	135-12-071F-0	2001	\$141.57
401-42-640-9	1982	\$1,192.96	135-12-071F-0	2002	\$139.28
401-42-640-9	1983	\$1,169.96	135-12-071F-0	2003	\$139.28
401-42-640-9	1984	\$1,198.24	135-12-071F-0	2004	\$109.28
401-42-640-9	1985	\$1,176.94	135-12-071F-0	2005	\$81.62
401-42-640-9	1986	\$1,134.28	302-24-002H	2006	\$777.95
401-42-640-9	1987	\$1,146.86	146-21-045-9	2001	\$236.20
401-42-640-9	1988	\$1,207.27	146-21-045-9	2002	\$257.04
401-42-640-9	1989	\$925.09	302-28-007R-4	1994	\$25.44
401-42-640-9	1990	\$943.06	302-28-007R-4	1995	\$292.76

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

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<b>PARCEL NO.</b>	<b>YEAR</b>	<b>ABATEMENT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>ABATEMENT</b>
401-42-640-9	1991	\$1,020.42	302-28-007R-4	1996	\$304.94
401-42-640-9	1992	\$944.21	302-28-007R-4	1997	\$329.58
401-42-640-9	1993	\$1,844.04	302-28-007R-4	1998	\$618.25
401-42-640-9	1994	\$2,040.87	302-28-007R-4	1999	\$431.96
401-42-640-9	1995	\$2,049.08	302-28-007R-4	2000	\$396.18
401-42-640-9	1996	\$2,017.33	302-28-007R-4	2001	\$358.62
401-42-640-9	1997	\$2,045.95	211-62-316-4	2002	\$49.23
401-42-640-9	1998	\$2,052.82	230-07-610-9	1995	\$3,928.87
401-42-640-9	1999	\$1,888.95	230-07-610-9	1996	\$1,320.58
401-42-640-9	2000	\$1,270.92	172-21-037-1	2004	\$20.18
401-42-640-9	2001	\$1,194.68	172-21-037-1	2005	\$1,193.45
401-42-640-9	2002	\$1,107.53	172-21-036-4	2004	\$24.00
401-42-640-9	2003	\$964.55	172-21-036-4	2005	\$1,300.49
401-42-640-9	2004	\$803.66	141-13-208-8	2004	\$1,669.64
401-42-640-9	2005	\$758.26	141-13-208-8	2005	\$2,536.44
401-42-640-9	2006	\$495.92	141-13-207-1	2002	\$23.84
500-31-581-6	2003	\$4,047.62	141-13-207-1	2003	\$22.34
501-33-117-5	1991	\$74,814.75	141-13-207-1	2004	\$21.06
501-33-117-5	1992	\$61,457.88	141-13-207-1	2005	\$20.52
501-33-117-5	1993	\$21,237.84	141-13-206-3	2002	\$48.56
501-33-117-5	1994	\$71,222.30	141-13-107-5	2004	\$3,071.72
501-33-117-5	1995	\$74,989.20	141-13-107-5	2005	\$2,856.96
501-33-117-5	1996	\$57,995.13	141-13-106-8	2004	\$5,473.12
501-33-117-5	1997	\$52,250.62	141-13-106-8	2005	\$6,872.27
501-33-117-5	1998	\$17,929.85	135-18-009E-1	1996	\$109.76
501-33-117-5	1999	\$40,084.06	146-21-043-4	2001	\$235.70
501-33-117-5	2000	\$38,223.22	146-21-043-4	2002	\$289.74
501-33-117-5	2001	\$32,680.52	146-21-004-6	2001	\$1,423.07
501-33-117-5	2002	\$20,917.69	146-21-004-6	2002	\$1,306.49
501-33-117-5	2003	\$22,850.98	146-21-003-9	2001	\$774.40
			146-21-003-9	2002	\$785.73

**WRITE-OFFS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to accept the following write-off. This item was discussed in Executive Session held February 5, 2007. (ADM407)

Sheriff's Uncollectible \$26,995.36

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

William Chesnutt, representing Usery Mountain Archers, asked to speak. Mr. Chesnutt stated that it was his understanding that within Maricopa County Parks and Recreation, discussions had been taking place

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about relocating the archery range in Utery Mountain Park. Mr. Chesnutt said that his group would like the County to consider keeping the range where it is, or if it has to be relocated, give consideration to creating a comparable five-star archery range in the east valley.

Supervisor Stapley asked Mr. Chesnutt if he would provide his phone number so someone could follow up with him. (ADM605)

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

Chairman Brock thanked all the people who volunteered for the Ninth Annual San Tan Mountain Park Clean Up and commented that as a result, the park looked fabulous. (ADM606)

### **PLANNING AND DEVELOPMENT**

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).

### **CODE ENFORCEMENT REVIEW**

**PLEASE NOTE:** The following Code Enforcement Review is of a quasi-judicial nature. The Board will review the Hearing Officer's decision to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

### **CODE ENFORCEMENT REVIEW – MICKY BYERS-WATTS**

Item: Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-00350. (ADM3417-041)

Mr. Gerard reported that this is a violation for multiple dwellings in a single family lot. This violation was opened in March of 2005. Mr. Gerard stated that Ms. Byers-Watt had previously obtained a Conditional Use permit for a caretaker's unit that expired in the year 2000. After the permit expired, the unit remained on the property and was rented out. Additionally, Mr. Gerard said that another single-wide mobile home has been placed on the property and has also been rented out. The fines were set at \$300.00 plus \$30.00 per day, which currently totals \$3,210.00, and will continue to accrue.

Ms. Byers-Watts maintained that the mobile homes on her property were not rental units, but had been occupied by people who had been engaged as caregivers for her mother. Ms. Byers-Watts said that these people would not leave the property, so she was forced to utilize the Landlord – Tenant Act to evict them from the property, as advised by her legal counsel. Ms. Byers-Watt's mother passed away in December 2006.

Ms. Byers-Watts disclosed that she had attempted to get a home equity loan that turned out to be fraudulent. As a result, Ms. Byers-Watts said that she did not actually own the property from March until December of 2006, but she didn't know that she didn't own it. Ms. Byers-Watts said that she had applied for a temporary-use permit and was told that it was approved when it was not actually approved. She claimed that the County is fining her for not having a permit but is preventing her from obtaining one.

Supervisor Stapley remarked that the problems with this property have been going on for over two years and he had not heard anything from Ms. Byers-Watts that would incline him to overrule the Hearing Officer's decision.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to uphold the Hearing Officer's Order of Judgment with a base fine of \$300.00 and accruing daily fines until compliance is reached.

**PLANNING AND DEVELOPMENT ITEMS**

**CONSENT AGENDA DETAIL:**

1.     **Z2006-084     District 4**  
      **Applicant:**     Reliant Land Services for T-Mobile and Jones Brothers Investments, LLC  
      **Location:**     North of MC-85 (Old U.S. Highway 85) and east of Watson Road (in the Buckeye area)  
      **Request:**       Special Use Permit (SUP) for a Wireless Communication Facility in the C-3 zoning district and in Wireless Communication Facility Use District 2 (approximately 0.021 acres) – Buckeye Truck and Auto Wash

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-084, subject to the following stipulations "a" through "j". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall be in substantial conformance with the site plan entitled "Buckeye Truck & Auto Wash-Special Use Permit for Wireless Communication Facility Z2006084", consisting of five (5) full-size sheets, stamped received December 1, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Buckeye Truck and Auto Wash T-Mobile Site Number PH11709B", consisting of three (3) pages, dated revised November 8, 2006, and stamped received December 1, 2006, except as modified by the following stipulations.
- c.     The overall height of the wireless communication facility shall be limited to 55' including all antennas and attachments.
- d.     All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e.     This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- f.     The applicant shall submit a written report outlining the status of the development at the end of two (2) 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.

- g. 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.
- h. 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.
- i. 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.
- j. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, unanimously carried (3-0-2) to approve this Special Use Permit.

- 2. Z2006-085 District 2**  
**Applicant:** Quinn United Enterprises for Cingular and Victory Lutheran Church Incorporated  
**Location:** Northwest corner of Recker Road and University Drive (in the east Mesa area)  
**Request:** Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district and in Wireless Communication Facility Use District 1 (approximately 0.01 acres) – Victory Lutheran Church

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2006-085, subject to the following stipulations “a” through “j”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled “Victory Lutheran Church Monopalm”, consisting of four (4) full-size sheets, dated revised December 19, 2006 and stamped received December 20, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Special Use Permit Case Z2006085 Cingular X114 Victory Lutheran Church”, consisting of seven (7) pages plus exhibits, dated revised December 2006, and stamped received December 20, 2006, except as modified by the following stipulations.
- c. The overall height of the wireless communication facility shall be limited to 70’ including all antennas and attachments.

- d. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission to approve this Special Use Permit with stipulations "a" through "j."

**REGULAR AGENDA DETAIL:**

**3. DMP2005-004 Districts 4 & 5**

**Applicant:** Withey, Anderson, & Morris, PLC for New World Development, et al  
**Location:** South of Missouri Avenue, north of Thomas Road, west of 383rd Avenue, and east of the 399th Avenue alignment (in the Tonopah area)  
**Request:** Development Master Plan (DMP) consisting of single-family residential, mixed use, commercial, employment, public facility, and open space land uses (approximately 1,280 acres) – Copperleaf

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2005-004, subject to the following stipulations “a” through “gg”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document entitled “Copper Leaf, 395th Avenue and I-10, Development Master Plan”, a bound document, dated revised October 12, 2006 and stamped received October 12, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Copperleaf Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Copperleaf Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- c. All stipulations of approval shall remain in effect in the event of a change in name of the Copperleaf Development Master Plan.
- d. If the initial final plat has not been approved within five (5) years from the date of Board of Supervisors approval of this development master plan, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the approved development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Copperleaf Development Master Plan shall also be considered for reversion by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- e. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.
- f. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Copperleaf Development Master Plan. Further, the Copperleaf homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and related facilities, washes, parks, roadway median

landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

- h. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- i. Unless waived by the Board of Supervisors at the time of final plat approval, landscaping of all common areas and open spaces, except for identified recreational areas, within Copperleaf shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three (3) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department.
- k. The Copperleaf Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Copperleaf Development Master Plan narrative report.
- l. The total number of residential dwelling units for the Copperleaf Development Master Plan shall not exceed 3,793. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.
- m. Development shall be prohibited on areas with a slope of 15% or greater unless approved by the Board of Supervisors.
- n. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Copperleaf Development Master Plan every four years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- o. Until annexation of the entire development master plan takes place, the master developer shall notify all future Copperleaf Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included

on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).

- p. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- q. Not less than 15.9 acres shall be reserved for Recreational Open Space (ROS) land uses with two (2) enhanced mini-parks of the size and in the locations shown on the Proposed Land Use Plan and the Conceptual Open Space Plan. Further, not less than sixteen (16) mini-parks a minimum one (1) acre each and linear parks, together totaling 35 acres, shall be provided in the general locations identified on the Conceptual Open Space Plan. All parks shall include recreational amenities. In addition, not less than 7.6 acres of dedicated, non-developable open space shall be provided in the locations shown on the Land Use Plan for preservation of wash corridors. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department. At a minimum, no less than 10% of the gross acreage shall be set aside for open space.
- r. No less than 112 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Copperleaf land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage zoned and approved with precise plans to date with respect to the requirements of this stipulation.
- s. No less than 104.9 acres shall be reserved for mixed use employment center land uses as depicted on the Copperleaf land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage zoned and approved with precise plans to date with respect to the requirements of this stipulation.
- t. No less than 68.4 acres shall be reserved for residential mixed use as depicted on the Copperleaf land use plan. To help ensure that this area develops as outlined in the Maricopa County Development Master Plan Guidelines, residential uses are allowed on up to 30% of the Mixed Use parcel. The remainder of the parcel shall be comprised of a combination of commercial and employment land uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage platted to date with respect to the requirements outlined in this stipulation.
- u. Unless otherwise agreed to by the applicable school district, not less than two (2) school sites and a minimum of 21 acres shall be reserved for schools at the locations identified on the Copperleaf land use plan.

- v. Prior to any zone change approval, the master developer shall provide a “will serve” letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah, or another water service provider, demonstrating commitment to serve the entire Copperleaf Development Master Plan with water service, subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to any zone change approval for parcels north of Interstate 10, the master developer shall provide documentation of an approved 208 amendment by the Maricopa Association of Governments and a “will serve” letter from Balterra Sewer Corporation or another qualified wastewater service provider demonstrating commitment to serve that portion of the Copperleaf Development Master Plan north of Interstate 10 with wastewater service. Further, prior to any zone change approval for parcels south of Interstate 10 the master developer shall provide documentation of an approved 208 amendment by the Maricopa Association of Governments and a “will serve” letter from Global Water Resources, or another qualified wastewater service provider, demonstrating commitment to serve that portion of the Copperleaf Development Master Plan south of Interstate 10, subject to approval by the Maricopa County Department of Environmental Services.
- x. The following Maricopa County Environmental Services stipulation shall apply:
- Prior to approval of the first Preliminary Plat, Comprehensive Water and Sewer Master Plans must be submitted to MCESD, under application and fee, for review and approval. These master plans will reflect the appropriate wastewater utility, as determined by the MAG 208 process. MCESD will not approve any submittals of these Master Plans until the MAG 208 process has been completed.
- y. Prior to approval of the first preliminary plat, the master developer shall provide a “will serve” letter for fire protection from the Tonopah Valley Fire District and/or another public or private fire service provider demonstrating commitment to serve the Copperleaf Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.
- z. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- aa. The following Maricopa County Library District stipulation shall apply:
- The developer will donate no less than 4 acres of Parcel 42 to the Maricopa County Library District. This site shall be used for a Public Library. In addition, a

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quality of life assessment of \$491 for each housing unit built will be made available to the Maricopa County Library District at the time each residential building permit is issued.

bb. The following Maricopa County Parks and Recreation Department stipulations shall apply:

- At the time each residential building permit is issued, two-hundred fifty dollars (\$250) per residential unit will be paid by the developer to a park enhancement fund for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by copperleaf residents. Details regarding this assessment are to be addressed in the development agreement. If an impact fee program is approved in the future by the Board of Supervisors, the lesser of the two per unit assessments will then apply.

cc. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of the Copperleaf development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

dd. The following Maricopa County Sheriff's Office stipulation shall apply:

Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space or land (the

size to be determined in the development and Law Enforcement Services agreement), for law enforcement, or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Copperleaf and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Start up costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff substation startup costs shall be eligible for reimbursement from the Maricopa County Sheriff's Office, with the rate of reimbursement defined in the development agreement. This stipulation shall be modified should a Sheriff impact fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer, furthermore, the development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

- ee. The following Maricopa County Drainage Review stipulations shall apply. All stipulations must be addressed prior to approval of any preliminary plat, and written confirmation from Drainage Review that these stipulations have been satisfied shall be provided by the applicant prior to approval of any preliminary plat. The Drainage Report shall be revised as follows:
1. The Copper Leaf hydrology study result is an approximate 27% reduction from the Palo Verde Flood Delineation Study (PVFDS). Flow data will not be approved until the upstream condition around The Central Arizona Project (CAP) Canal be approved by FEMA. Add all information from Tom Palmer's letter dated 11/30/06 to section 4.2.2.
  2. The Froude number must be less than 0.86 for sub-critical channel. The energy dissipater must be provided at outlet of culverts if the velocity is 15 ft/s or greater.
  3. Provide the source of data used to determine the elevation at the bottom of the existing bridge deck. The bottom elevation of bridge deck at 1103.95 cannot be found from the existing bridge as-built plans, and thus must be provided.
  4. Provide the water surface elevation (both existing and proposed condition) shown in The HEC-RAS bridge print out, and the HEC-RAS electronic file.
  5. Provide the HEC-RAS analysis which identifies the proposed water surface elevation cross sections at upstream and downstream of the existing bridge. The HEC-RAS program shall be set up to allow the reviewer to re-run the program.
  6. Explain why there are several berms in the HEC-RAS model for both the existing and proposed wash channel.
- ff. The following Flood Control District of Maricopa County stipulations shall apply, and written confirmation from the Flood Control District of Maricopa County that these

stipulations have been satisfied shall be provided by the applicant prior to approval of any preliminary plat (or final plat if the items must be obtained prior to final plat approval):

1. Prior to Preliminary Plat approval, the following comments must be addressed:
  - a) The estimated discharge rates presented in the preliminary off-site drainage report will need to be approved.
  - b) Exhibits H and I are not legible. Provide a drainage map with all the appropriate HEC-1 schematic functions identified.
  - c.) The electronic HEC-RAS files do not match the HEC-RAS Output Summary. The electronic HEC-RAS files for the bridges should be included.
2. We have reviewed the on-site preliminary drainage report for Copper Leaf. The following comments must be addressed as part of the Preliminary Plat submittal:
  - a) Page 4, last paragraph refers to Exhibit C - Label the exhibit as such.
  - b) Page 5, 4.0 Floodplain Designation – Update this section and refer to the aforementioned effective Zone A delineations.
3. We have reviewed the off-site preliminary drainage report for Copper Leaf. The following comments must be addressed as part of the Preliminary Plat submittal:
  - a) Page 4, 2.0 Floodplain Designation – Update this section and refer to the aforementioned effective Zone A delineations.
  - b) Show the Palo Verde Zone A delineations on the drainage map.
  - c) Coyote Wash is proposed to be channelized and outlet onto off-project properties; just south of the Campbell Road alignment and again just south of the Osborn Road alignment. This proposed channelization plan could have adverse impacts to these properties. Explain how this channelization will outlet onto these off-project properties.
4. Prior to Final Plat approval, the following items will need to be addressed:
  - a) The effective floodplain and floodway limits need to be shown on both the final plat and the grading plan.

- b) Calculations for the lowest floor elevation for the lots within the floodplain are needed.
  - c) The lowest floor elevation for all lots within the floodplain must be shown on the grading plan.
  - d) The lowest floor elevations for all lots within the floodplain must be at least two (2) feet above the 100-year water surface elevation. If this area is to be removed by a Letter of Map Revision (LOMR), then a Condition Letter of Map Revision will be needed (CLOMR). A LOMR will be required prior to the final approval of the built infrastructure if a CLOMR was issued by FEMA.
  - e) A note needs to be added to the final plat listing the lots located within the floodplain. In addition, the note needs to state that until a LOMR is approved by FEMA, the finished floor will need to be elevated to the regulatory flood elevation.
  - f) No buildings will be allowed in the floodway.
- gg. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite arterial alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
  2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may construct off-site and certain on-site regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant does not construct regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
  3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.

4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:

A total of 200 feet full-width (interior) or 100 feet half-width (perimeter) for section line and/or enhanced arterial roadways, to include:

- Camelback Road - 65 feet half-width right-of-way with additional 35 feet "landscape/future roadway/public utility easement"

A total of 130 feet full-width (interior) or 65 feet half width (perimeter) for section line and/or arterial roadways, to include:

- Thomas Road
- Indian School Road
- 395th Avenue
- 387th Avenue

A total of 80 feet full width (interior) or 40 feet half-width (perimeter) for mid-section line and/or major collector roadways, to include:

- Missouri Avenue
- Campbell Avenue
- Osborn Road
- 383rd Avenue
- 391st Avenue

A total of 60 feet full-width (interior) or 30 feet half-width (perimeter) for minor collector roadways.

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The Applicant shall reserve sufficient right-of-way for any future traffic interchanges, including, but not limited to the interchange at I-10 and 395th Avenue. Exact locations for all interchanges have not yet been determined. It is possible that some interchanges will not be located solely within the project boundaries. The Applicant shall be responsible for only reserving right-of-way within the boundaries of their project.

The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional

arterial transportation network needs and future traffic interchange locations along I-10 from SR303 west to approximately 459th Avenue.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item #2. All roadways must meet county standards in effect at the time they are improved. All roadways must include appropriate ITS infrastructure. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Applicant shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.
6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item #2.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. (Please note: "Shared Use" pedestrian/bicycle facilities should be 10 feet wide.)
11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Applicant shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual, Chapter 9. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.

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14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall comply with the ADOT "Red Letter" notification process. The Applicant shall provide written documentation of compliance. Such documentation shall be received prior to any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
16. The Applicant shall confirm that full/continuous right-of-way exists along proposed accesses to the project. (Wintersburg Road from I-10 to Indian School Road and Indian School Road from Wintersburg Road to 395th Avenue.)

Mr. Gerard stated that the Tonopah Valley Community Council had expressed concerns about the impact that urban development is having on the quantity and quality of job opportunities being proposed for the area. Mr. Gerard explained that the current plan before the Board sets aside ten percent of the gross area for mixed use and employment land uses. The Tonopah Community Council had also expressed concerns about the need for alternate or improved routes into and out of the area in case of an emergency at the nuclear power plant. Mr. Gerard commented that emergency access issues are a regional issue that needs to be addressed on a region-wide basis.

Mr. Gerard said that the Commission recommends approval, subject to modified stipulations "a" through "gg". Mr. Gerard provided a hand-out from Staff to the Board regarding stipulations "j" and "ee", which calls for "j" to be revised to read "common areas, over 10 acres in size", but he said that the applicant may wish to clarify that language even further. With regards to stipulation "ee", Staff recommends and the applicant agrees with revised language.

Bill Lally, with Whitney, Anderson & Morris, representing the applicant, requested to speak on this item. Mr. Lally said that the more than ten percent of gross acreage designated for employment use is above and beyond the County's requirement because it is important to them to have a sustainable community. Additionally, this project is located along I-10 where the Transportation Interchange will be housed, and will provide a crucial link to the entire transportation network in the area. Mr. Lally commented that he and his clients were very proud of this project and though the approval process was long, he commended Planning and Development Staff for their help and hard work.

Supervisor Wilson asked if anyone in the audience was opposed to this project, and no one came forward. Motion was made by Supervisor Wilson, seconded by Supervisor Stapley and carried unanimously (3-0-2) to concur with the recommendation of the Planning Commission for approval of this Development Master Plan, with revised language to stipulations 'j' and 'ee' as shown below:

- j. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common/~~open space~~ areas over ten (10) acres in size and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water when sufficiently available. ~~within three (3) years after issuance of the first building permit.~~ Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. A report identifying when a renewable water supply will be available shall be submitted ~~Proof of conversion from groundwater to a renewable water supply shall be provided~~ to the Maricopa County Planning and Development Department prior to approval of initial rezoning.

ee. The following Maricopa County Drainage Review stipulations shall apply. All stipulations must be addressed prior to approval of any preliminary plat, and written confirmation from Drainage Review that these stipulations have been satisfied shall be provided by the applicant prior to approval of any preliminary plat. The Drainage Report shall be revised as follows:

1. ~~The Copper Leaf hydrology study result is an approximate 27% reduction from the Palo Verde Flood Delineation Study (PVFDS). Flow data will not be approved until the upstream condition around The Central Arizona Project (CAP) Canal be approved by FEMA. Add all information from Tom Palmer's letter dated 11/30/06 to section 4.2.2. Approval of the flow rates presented within the DMP drainage study are contingent upon acceptance of the levee north of the CAP canal and subsequent attenuation of flows due to storage behind the levee, by FEMA. If, prior to Preliminary Plat the levees are not accepted by FEMA, the drainage report must be revised so as to not reflect attenuation of flows due to storage behind the levee north of the CAP canal prior to approval.~~
2. ~~Prior to Preliminary Plat approval, the Preliminary Drainage Study must be resubmitted and approved. The Froude number must be less than 0.86 for sub-critical channel. The energy dissipater must be provided at outlet of culverts if the velocity is 15 ft/s or greater. Provide the source of data used to determine the elevation at the bottom of the existing bridge deck. The bottom elevation of bridge deck at 1103.95 cannot be found from the existing bridge as-built plans, and thus must be provided.~~
3. ~~Provide the water surface elevation (both existing and proposed condition) shown in The HEC-RAS bridge print out, and the HEC-RAS electronic file.~~
4. ~~Provide the HEC-RAS analysis which identifies the proposed water surface elevation cross sections at upstream and downstream of the existing bridge. The HEC-RAS program shall be set up to allow the reviewer to re-run the program.~~
5. ~~Explain why there are several berms in the HEC-RAS model for both the existing and proposed wash channel.~~

4. **Z2005-031**      **District 4** (Continued from 02-07-07)  
**Applicant:**      CMX, LLC for Maricopa Water District  
**Location:**      Along Perryville Road from Camelback Road to Bell Road (in the Surprise/west Glendale area)  
**Request:**      Rezone from Rural-43 to C-1 CUPD, C-2 CUPD, C-O CUPD, R-2 RUPD, R-4 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD all with a PAD overlay (approximately 2,665 acres) – Zanjero Trails

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-31, subject to the following stipulations “a” through “q”. Commissioner Makula seconded the motion, which passed with a majority vote of 5-1, with Commissioner Smith dissenting.

- a. Development of the site shall comply with the zoning narrative entitled “Zanjero Trails Unit Plan of Development Zone Change Request with PAD Overlay” consisting of a bound document containing sixty-three (63) pages, including all figures and diagrams, dated August 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

- b. Prior to the submittal of any Preliminary Plat for any portion of the Zanjero Trails project, with the exception of the Phase 1 Preliminary Plat currently being processed under S2005020, the developer shall enter into a Development Agreement with the Maricopa County Department of Transportation. Said Development Agreement shall be consistent with the provisions as outlined in Stipulation "ee.4" of DMP2002005. This agreement shall detail transportation issues, including the timing for construction of the offsite roadway improvements referenced in stipulation "c.6" below. The Preliminary Plat in process under S2005020 shall not be approved until the Development Agreement is executed.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
- 1) A revised Traffic Impact Statement (TIS) was received May 5, 2006. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the Development Plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT approved TIS.
  - 2) The applicant shall provide the ultimate full-width of right-of-way for all interior public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
  - 3) The applicant shall provide the ultimate half-width of right-of-way for all perimeter public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
  - 4) The applicant shall construct the ultimate full-width interior public roadways.
  - 5) The applicant shall construct the ultimate half-width perimeter public roadways.
  - 6) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be all weather facilities, must meet County standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a development agreement to detail the specifics of construction, including phasing and timing. If the applicant chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

- 7) If required per item #6, a development agreement shall be executed prior to any zoning or preliminary plat approval. The development agreement shall be an enforceable contract, regardless of annexation.
- 8) The applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
- 9) The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 10) The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
- 11) The applicant shall not locate elementary or middle schools on arterial alignments.
- 12) The applicant shall provide an underground conduit system (or comparable technology as approved by MCDOT) within the rights-of-way throughout the development to integrate future traffic signals and ITS uses.
- 13) The applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
- 14) The applicant shall design the project to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
- 15) If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
- 16) The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The developer (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
- 17) The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
- 18) The applicant shall comply with all applicable local, state and federal requirements (dust control, AZPDES, etc.).
- 19) Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permits from the Maricopa County

Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- d. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- e. 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.
- f. Prior to the approval of the first Final Plat, the developer shall obtain from the Maricopa County Environmental Services Department Approvals to Construct for all required onsite and offsite water and sewer lines.
- g. Prior to the development or issuance of any building permits for property located within a regulated Floodplain, the developer shall obtain a Floodplain Use Permit from the Regulatory Division of the Maricopa County Flood Control District.
- h. Prior to the approval of any Final Plat, the developer shall obtain a Certificate of 100-Year Assured Water Supply from the Arizona Department of Water Resources.
- i. 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 if in commercial areas. A continuous parapet shall screen all roof-mounted equipment.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- 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 Final Plat approval, the developer 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 Final Plat, 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. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house 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.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

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."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

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

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- p. 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).
- q. Property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

David Maguire, representing Maricopa Water District (MWD), explained that MWD owns the land and exists to serve its shareholders. Mr. Maguire said that much of the detail in this plan is a result of interaction with the neighborhood. He stated that the profits from land sales in the project serve to offset operating costs, and as a result, lower water and power rates for MWD customers.

Mr. Maguire related that as MWD began the planning process regarding the development of the land, they decided that one Overall Master Plan was the best strategy for an area that is transitioning from an agricultural area to an urban environment. Mr. Maguire and his group met with members of the current community and found that consistently, the major issue from residents was concern over what would happen if Perryville Road became a major roadway. As a result, the plan was adjusted to shift densities away from existing homes to provide appropriate buffers along Perryville Road, as well as Waddell Haciendas. The plan also incorporates over 12 miles of multi-use and equestrian trails.

Mr. Maguire stated that over the past two years they have been working to fulfill the requirements of the DMP, including the completion and approval of a traffic impact study. They've built over five miles of sewer lines to accommodate this project and the region. Mr. Maguire said they are working in partnership with Maricopa County Flood Control District to implement the North Inlet Channel North Project to provide drainage and prevent flooding. MWD is also in the process of building a water treatment facility to relieve the area from groundwater usage.

Supervisor Stapley commented that he has watched this project evolve over the years and has been fascinated by the solutions that MWD has applied to obstacles. Mr. Stapley said he thinks this is a "good example of smart growth". He also said that MWD has been sensitive to the neighborhoods by keeping commercial areas away from existing residential areas, by buffering residential areas with the transportation plan, and by bringing solutions to flood control concerns.

Mr. Bob Carlisle, a resident of Waddell Haciendas in the area, requested to speak on this item. He expressed concern that a six-lane road will be passing through his community. Mr. Carlisle maintained that there are water, archaeological and subsidence issues that still need to be addressed. He said that there were 125 homes in the area that were without water at all. Mr. Carlisle appealed to the Board to reconsider approving this item and thanked them for taking the time to hear him.

Supervisor Wilson remarked that the area is experiencing a lot of changes and that he understood the resistance to change. Mr. Wilson thanked Mr. Carlisle for coming down to voice his concerns.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval of this zoning change with stipulations "a" through "q."

- 5. **Z2006-111**      **District 4**  
**Applicant:**      Layne Christensen Company for Arizona Water Company

**Location:** Southeast corner of McDowell Road & Perryville Road (in the Goodyear area)  
**Request:** Special Use Permit (SUP) for a water treatment plant in the IND-2 zoning district, and Accident Potential Zone 2 of Luke Air Force Base (approximately 0.22 acres)  
– Go Lightly Well # 7

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-111, subject to the following stipulations “a” through “m”. 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 “Arizona Water Company Go Lightly Well 7 Nitrate Treatment Project” consisting of one (1) full-size sheet dated revised December 27, 2006 and stamped received January 3, 2007 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Special Use Permit Application Narrative Report For Arsenic Treatment Addition” consisting of seven (7) pages, dated revised December, 2006 and stamped received December 22, 2006 except as modified by the following stipulations.
- c. The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
  - Facility construction must be in conformance with the Approval to Construct. The stipulations listed in the conditional Approval to Construct must be met to retain the Special Use Permit.
- 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. 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.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- 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. The applicant shall submit a written report outlining the status of the development at the end of one (1) and twenty (20) years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

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- i. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- 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.
- 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.
- m. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval of this Special Use Permit with stipulations "a" through "m."

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**MEETING ADJOURNED**

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

\_\_\_\_\_  
/s/ Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
/s/ Fran McCarroll, Clerk of the Board