

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 5, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., September 5, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, 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.

**INVOCATION**

Betty Colwell, Clerk of the Board's Office, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Terri Leija, District 5 Chief of Staff, led the assemblage in the Pledge of Allegiance.

**1. PET OF THE MONTH**

April Hollis introduced the pet of the month from Maricopa County Animal Care & Control, Gonzo, a two-year old, long haired mix, Chihuahua. Ms. Hollis said his name is short for Speedy Gonzalez because he is little but very fast with a lot of energy. Gonzo will be ready to go to a new home at noon today.

**PRESENTATION/ACTION**

**2. RESOLUTION – WORLD RABIES AWARENESS DAY**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a resolution designating September 8, 2007, as World Rabies Awareness Day in Maricopa County and declare amnesty on dog license penalty fees for altered dogs for the week of September 8-14, 2007, at all three County animal shelter locations. (C7908029700) (ADM681)

**RESOLUTION**

**Designate September 8, 2007, as World Rabies Awareness Day in Maricopa County and to declare an amnesty on dog license penalty fees for altered dogs the week of September 8 – 14, 2007.**

**Whereas**, there were nearly 7, 000 cases of animal rabies reported in the United States in 2006, and these animals, mostly wildlife, can expose humans or pets to rabies;

**Whereas**, Maricopa County has an estimated population of 604,000 dogs; and, dogs are susceptible to rabies which can be eradicated with animal vaccination, animal control, and pet owner education;

**Whereas**, the world has all of the tools and technology required to prevent rabies but often lacks the funding required to utilize them; Maricopa County Animal Care & Control can help on this important public health initiative;

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**Whereas**, the need for the world-wide rabies eradication has brought together for the first time leaders from veterinary, animal wildlife, international health organizations; national, state, and local public health partners;

**BE IT THEREFORE RESOLVED** the Board of Supervisors does hereby endorse September 8, 2007, to be "World Rabies Awareness Day in Maricopa County," and calls upon the people of Maricopa County to observe the day by having their dogs vaccinated or by sponsoring the vaccination of another person's pet. Furthermore, the Board of Supervisors waives dog license penalty fees for altered dogs the week of September 8 – 14, 2007, upon obtaining a rabies vaccination for said dogs.

**DATED** this 5th day of September 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**3. NACo AWARD – FLOOD CONTROL DISTRICT**

Recognition of the 2007 NACo winner, Mr. Eric Feldman, Flood Control District, for his entry, "View Historical Aerial Photography Web Application."

**STATUTORY HEARINGS**

**Clerk of the Board**

**4. PUBLIC HEARING – 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 Alan John Bakas for a Special Event Liquor License: (SELL790) (F23221)

Business Name: VFW Post #12031  
Location: 41703 Gavilan Peak Pkwy, Anthem 85086  
Date/Time: November 10, 2007, 10:00 a.m. – 6:00 a.m.  
**(This item was continued from the August 22, 2007 meeting)**  
**(A Temporary Use Permit is in process)**

- c. Application filed by Jose Alvarez for a New Series 12 Liquor License: (AZ#12077242) (MCLL6240)

Business Name: Don Jose's Mexican Food  
Location: 9881 W. Bell Road, Sun City 85351  
**(A Certificate of Occupancy is required prior to operation of business)**

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- d. Application filed by Gerry Shaps for a New Series 12 Liquor License: (AZ#12077235)  
(MCLL6239)

Business Name: The Long Island Fish Company  
Location: 39510 N. Daisy Mountain Drive #160, Anthem 85086  
**(A Certificate of Occupancy is required prior to operation of business)**

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

**4. PUBLIC HEARING – LIQUOR LICENSE APPLICATION**

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license application. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license. The Clerk asked that this application be continued to the October 1, 2007, meeting

- b. Application filed by Fred Peter Martori for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Todd Marshal Cunningham: (AZ#06070293)  
(MCLL6238)

Business Name: Cadillac Ranch **CONTINUED**  
Location: 11701 W. Glendale Avenue, Glendale 85307  
Former Location: 2511 W. Indian School, Phoenix 85017  
**(A Certificate of Occupancy is required prior to operation of business)**  
**(The Health Department requires the submission of plans for review)**  
**(This item will be continued)**

No speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, to continue this application to the October 1, 2007, board meeting. Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilson voting "aye" and Supervisor Brock voting "nay."

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS**

**Clerk of the Court**

**5. PAY FOR PERFORMANCE FUNDS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the Clerk of the Superior Court to apply FY 2007-08 Pay for Performance funds not utilized for employees who terminated subsequent to July 2, 2007, to the Pay for Performance program for employees scheduled to receive first year anniversary increases throughout the remainder of FY 2007-08. The total FY 2007-08 Pay for Performance increases delivered will not exceed the 3.5% authorized funding level for the department. (C1608002800)

County Attorney

**6. VEHICLES EXEMPT FROM COUNTY MARKINGS**

Pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the issuance of non-governmental license plates and exemption from markings for five 2007 Chevrolet Impalas, #52725, #52726, #52727, #52728 and #52729, for the purpose of conducting undercover felony investigations. The vehicles were procured through standard County vehicle replacement procedures and are replacing vehicles with undercover plates. Exemptions granted remain in effect for a period of one year. A detailed cross-referenced list of vehicle identification numbers is kept on file in the Clerk of the Board's office. (C1908017800) (ADM3101V)

**7. IGA WITH MESA UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) pursuant to A.R.S. §15-141(E) between Mesa Unified School District (District) and Maricopa County by and through the Maricopa County Attorney's Office (MCAO) to authorize and designate the MCAO as part of the law enforcement unit of the District for the sole purpose of facilitating the sharing of student attendance and truancy information for the enforcement of school attendance and truancy laws and rules applicable to District students. As part of the District's law enforcement unit, the MCAO may receive and share with the District, information about District students for the purpose of enforcing school attendance and truancy laws. The IGA is effective upon date of execution by both parties and shall continue in full force until June 30, 2008 with automatic renewals for subsequent one year terms until terminated in writing. The MCAO has initiated a truancy prevention, intervention, and prosecution program for children who fail to attend school as required by law and parents who fail to carry out their parental responsibility to send their children to school. This program is offered to elementary and middle schools in Maricopa County and the Mesa Unified School District wishes to participate and partner in this protocol via this IGA. (C1908020200)

Sheriff

**8. AMENDMENTS TO IGA FOR PARTICIPATION IN THE ARIZONA METH PROGRAM**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the Amendments to the following intergovernmental agreements (IGAs) with the Maricopa County Sheriff's Office extending the end date for participation in the Arizona Meth Program through December 31, 2007:

- a. Amendment No. 2 to IGA with Arizona Department of Public Safety (DPS) Contract No. 2005-005. This agreement reimburses DPS for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$2,632.50. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005534202)
- b. Amendment No. 2 to IGA with Phoenix Police Department Contract No. 117236. This agreement reimburses the Phoenix Police Department for overtime costs. The Sheriff's

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Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$2925. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005545202)

- c. Amendment No. 2 to IGA with Pima County Sheriff's Department. This agreement reimburses the Pima County Sheriff's Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,510. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005546202)
- d. Amendment No. 2 to IGA with Tucson Police Department. This agreement reimburses the Tucson Police Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$1,755. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005547202)
- e. Amendment No. 2 to IGA with El Mirage Police Department. This agreement reimburses the El Mirage Police Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,510. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5006500202)

**9. REIMBURSEMENT AGREEMENTS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Reimbursement Agreements between the Maricopa County Sheriff's Office and the City of Phoenix C50085262 (\$98,084) and City of Mesa C50085272 (\$95,944) Police Departments, and the Arizona Department of Public Safety C50085282 (\$87,173), whereby one police officer from each agency will be assigned to the Arizona Methamphetamine Program. The term of these Reimbursement Agreements is July 1, 2007 through August 31, 2008. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$32,900.52. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C50085252ZZ)

**10. LAW ENFORCEMENT SERVICES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following three-year agreements for Law Enforcement Services, which include police communications services, to be provided by Sheriff's Office effective July 1, 2007 through June 30, 2010. The charges are based on actual cost and are revised annually. Termination of these agreements require 180 days written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated:

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- a. **Town of Guadalupe** – The cost for the first year of this agreement is \$1,186,000. The level of service is 1.66 beats. A corresponding appropriation adjustment is presented as a separate action (C5008015800). (C5008005200)
- b. **Town of Cave Creek** – The cost for the first year of this agreement is \$352,595. The level of service is .41 beats. A corresponding appropriation adjustment is presented as a separate action (C5008015800). (C5008006200)

**11. LAW ENFORCEMENT SERVICES AND ADDITION OF VEHICLES TO FLEET**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the three-year agreement for Law Enforcement Services, which includes police communications services, to be provided by Sheriff's Office to the Town of Queen Creek effective July 1, 2007 through June 30, 2010. Termination of this agreement requires 12-months written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The cost for the first year of this agreement is \$3,209,777, including one-time costs of \$106,751 for the purchase of two vehicles. The level of service is 4 beats.

Also, approve the addition to fleet of two Sport Utility Vehicles. One vehicle will be a fully equipped patrol vehicle while the other will be equipped as a detective vehicle. The total cost of both vehicles is not-to-exceed \$106,751. The Town of Queen Creek will reimburse the Sheriff's Office for actual costs to purchase and equip these vehicles. A corresponding appropriation adjustment is presented as a separate action (C5008015800). (ADM3104) (C5008010200)

**12. EXPENDITURE APPROPRIATION FOR LAW ENFORCEMENT SERVICE AGREEMENTS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an increase to the Sheriff's Office General Fund (100) intergovernmental revenue appropriation of \$906,588 and Sheriff's Office General Fund (100) expenditure appropriation of \$115,451. These amounts represent the aggregate appropriation adjustments resulting from agenda items C50080050200 (Town of Guadalupe), C50080060200 (Town of Cave Creek), and C50080100200 (Town of Queen Creek), agreements for Law Enforcement Services. Intergovernmental Agreement revenues are not local revenues for the purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008015800) (ADM3900-003)

**13. LAW ENFORCEMENT SERVICES AND APPROPRIATION ADJUSTMENT**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the three-year agreement for Law Enforcement Services, which includes police communications services, to be provided by Sheriff's Office to the Town of Carefree effective July 1, 2007 through June 30, 2010. Termination of this agreement requires 24 months written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The charges are based on actual cost and are revised annually. The cost for the first year of this agreement is \$459,349. The level of service is .30 beats.

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Also, per A.R.S. §42-17106, approve an appropriation adjustment of \$108,780 to Sheriff's Fund (100) revenue for the portion of revenue that was not originally budgeted in the FY 2007-08 budget submission. Intergovernmental Agreement revenues are not local revenues for the purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008007200)

14. **SOLE SOURCE FOR PURCHASE OF BULL NOVASCALE 9000/9165 SERVERS, GCOS 8 OPERATION SYSTEMS SOFTWARE**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the sole source contract with BULL HN Information Systems for the purchase of BULL NovaScale 9000/9165 Servers, GCOS 8 Operation Systems Software and NovaScale 9000 supported peripherals. This vendor will also provide deployment, training and migration services from MCSO's current BULL environment.

Also, per A.R.S. 42-17106, transfer FY 2007-08 expenditure appropriation in the amount of \$169,095 from the Non-Departmental (470) Detention Fund (255) Reserved Contingency (4711) to the Sheriff's Office (500) Detention Fund (255) budget to fund the FY 2007-08 cost of the mainframe lease, net of maintenance savings, and the establishment of a Database Administrator for ongoing JMS migration duties. Subsequent years' lease payments and maintenance cost increases will be addressed via annual target adjustments to the Sheriff's Office (500) Detention Fund (255) budget. (C5008014800)

15. **ONE TIME TEMPORARY ADDITION OF VEHICLE TO FLEET**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a one-time temporary addition to fleet of a 1999 ISUZU NPR Van to be transferred to the Sheriff's Office from the Governor's Office of Highway Safety (GOHS). This vehicle is valued at \$7,500 and will be used by the Sheriff's Office, Special Enforcement Division for DUI Enforcement. This is a temporary addition to fleet and should not be added to the County Vehicle Replacement schedule. The annual estimated operating cost is \$3,500. No vehicle replacement cost is associated with this vehicle since it is a temporary addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired. (C5008016M00) (ADM3104)

16. **TEMPORARY FLEET OF ENFORCEMENT VEHICLES FOR HOLIDAY MALL PATROL**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize Equipment Services to retain 24 serviceable vehicles scheduled to be redlined out of the Sheriff's Office Fleet. These vehicles will be temporarily added to the Sheriff's Office Fleet to be used as the Holiday Mall Patrol from November 23, 2007 through December 31, 2007. Fuel costs are estimated to be \$3,500 and will come from Sheriff's Office budgeted funds. (C5008017M00) (ADM3104)

17. **REIMBURSEMENT AGREEMENT FOR REIMBURSEMENT OF PERSONNEL COSTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Reimbursement Agreement between the Maricopa County Sheriff's

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Office and the Drug Enforcement Administration (DEA) for reimbursement of \$67,000 in personnel costs. The term of this Reimbursement Agreement is July 1, 2007 through August 31, 2008. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$7,839.00. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008524200)

**18. TASK FORCE AGREEMENT AND ACCEPT CONTINUED REIMBURSEMENT FUNDING**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Task Force Agreement and acceptance of up to \$31,709 in continued reimbursement funding from the US Department of Justice Drug Enforcement Administration. The term of this agreement is the date of signature through September 30, 2008, and is renewable yearly. Intergovernmental revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,709.95. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008529200)

**Treasurer**

**19. TAX DEEDED LAND SALE**

Item: Pursuant to A.R.S. §42-18303, accept the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. Upon approval, direct that deeds be prepared to convey the properties sold. With the approval of this action, the proceeds of the sale will total \$2740 and an estimated \$2740 of this amount will revert to the County General Fund. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the sale of Parcel 219-26-127D offer: \$540 Tax Liability: \$2,412.22: Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the sale of Parcel 300-76-024B offer \$700 Tax Liability: \$3,267.37: Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the sale of Parcel 300-76-033A offer: \$1500 Tax Liability: \$3,167.37 Total amount: \$2740. (C4308005B00) (ADM656-007)

**JUDICIAL BRANCH**

**Trial Court**

**20. ONE TIME LUMP SUM PERFORMANCE INCREASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a request for payment of two one time lump sum performance increases as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy and Procedure", Section XI.E. Performance/Merit increases. The increases would be effective upon Board approval. The lump sum payments are for the following employees: Brian Karth, one time lump sum of \$4,721.60 and Carol Westwood, one time lump sum of \$3,161.60. The lump sums are in lieu of any other base salary adjustment that would otherwise be allowed under the FY 2007-08 Pay for Performance Plan. This one time lump sum payment is requested

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in light of the impending management market study, and will maintain internal equity within the court management structure in the interim. (C3808002800) (ADM3308)

**COUNTY MANAGER**

**Office of the County Manager**

**21. APPLY FOR GILA RIVER INDIAN COMMUNITY TRIBAL GAMING FUNDS**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize Maricopa County, via a Resolution, to apply for Gila River Indian Community 12% Gaming Funds (Proposition 202, 2002) in the amount not to exceed \$40,000 and approve the acceptance of grant funds. If funds are awarded, pursuant to A.R.S. §42-17105, also approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), Pass-Through Grants (4712), increasing the FY 2007-08 revenue and expenditure budgets not-to-exceed \$40,000. Maricopa County will put this grant funding toward Sun City Waste Clean-up Project. Indirect cost is not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2008024300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE GILA RIVER INDIAN COMMUNITY FOR THE PROPERTY OWNERS AND RESIDENTS ASSOCIATION (PORA) OF SUN CITY WEST'S HAZARDOUS WASTE DISPOSAL PROGRAM AND AUTHORIZING ACCEPTANCE OF FUNDS GRANTED.**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AS FOLLOWS:**

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Gila River Indian Community in the amount of \$40,000 in FY 2007-2008.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community for the PORA Hazardous Waste Disposal Program.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation.

**DATED** this 5<sup>th</sup> day of September 2007. (C2008024300)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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**22. VALLEY OF THE SUN UNITED WAY AS FISCAL AGENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Campaign Services and Fiscal Agent Agreement by and between Valley of the Sun United Way (VSUW), a non-profit corporation and Maricopa County for the 2007-2008 Maricopa County Employees Combined Charitable Campaign ("CCC"). The term of this agreement shall be for one year from May 1, 2007 through April 30, 2008. The Contract may be extended, by mutual agreement, for four additional one-year terms. The term of this agreement commences retroactive to May 1, 2007, because the agreement was originally executed between VSUW and the Maricopa County Employees Combined Charitable Campaign Committee. However, it has since been determined that the Agreement with VSUW should be entered into by the Board so that the relationship with VSUW and the CCC complies with the provisions of A1512, "Prohibition Against Unauthorized Solicitations, and Unauthorized Posting or Distribution of Literature." Approval of this Agreement by the Board will authorize VSUW to act as CCC fiscal agent and provide CCC campaign services for Maricopa County. (C2008025000)

**Public Defender**

**23. MODIFICATION TO MARICOPA COUNTY STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a modification to Maricopa County Student Loan Repayment Assistance Program (LRAP) pursuant to A.R.S. §11-251 and Maricopa County Employee Compensation Plan §II to: make educational loans of a County-employed attorney who consolidated those loans with the educational loans of a non-employee spouse, eligible for reimbursement on a prorated basis, provided that the employee can provide documentation from which his or her prorated share of the consolidated loan can be accurately determined; clarify that an attorney who separates from employment is not eligible for benefits for the quarter of separation; clarify that an attorney who receives an evaluation rating below "meets expectations" is not eligible for benefits during the quarter in which the evaluation is completed, and is not eligible until the quarter in which the attorney receives an annual evaluation rating of at least "meets expectations"; and deleting language extending the first deadline for applications in 2006 because it is no longer needed. Agenda number C5206006800 was approved on June 21, 2006, providing the initial Board approval of this program. (C5208003600) (ADM3308-004)

**DEPUTY COUNTY MANAGER**

**Correctional Health**

**24. DATA LINK AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Data Link Agreement between the Arizona Department of Health Services, Division of Behavioral Health Services (ADHS), Maricopa County acting through Correctional Health Services of Maricopa County (CHS), and the Maricopa County Sheriff's Office (MCSO) effective from date of County Board approval until June 30, 2012. This agreement is necessary until the transfer by ADHS of RBHA responsibilities from Value Options, Inc. to Magellan Health Services of Arizona, Inc. The purpose of this agreement is to govern the

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operation and parties' participation in the Jail Data Link Program (Data Link). Data Link uses software known as "Gateway" to enable the transfer of information between the MCSO and ADHS' or the Regional Behavioral Health Authority's (RBHA) data processing systems. RBHA is under contract with ADHS to coordinate the delivery of behavioral health services in Maricopa County. Approval of this agreement will enable ADHS and the RBHA to expedite identification of seriously mentally ill clients incarcerated in the Maricopa County Jail and coordinate care for those clients. This Agreement may be terminated for any reason, by any Party, by giving 90 day's advance written notification to the other parties of the termination date. There is no financial impact. (C2608003000)

**Public Health**

**25. ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an administrative correction to C8603160205, Intergovernmental Agreement No. HG454008, with the Arizona Department of Health Services (ADHS) and Maricopa County Department of Public Health to provide Tuberculosis Control Services approved by the Board on August 8, 2007. This administrative correction changes the grant fund amount from \$622,694 to the correct amount of \$622,594. All other terms and conditions of this Intergovernmental Agreement shall remain unchanged. (C8603160206)

**26. AMENDMENTS TO IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

a. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074012 with the Avondale Elementary School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Avondale School District in the amount of \$12,000 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607401201)

b. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074192 with the Gilbert Unified School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Gilbert Unified School District in the amount of \$49,000 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607419201)

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- c. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) C86074202 with the Liberty School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Liberty School District in the amount of \$7,500 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607420202)
- d. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074262 with the Queen Creek School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Queen Creek School District in the amount of \$7,500 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607426201)

**27. GRANT AWARD FOR THE HOMELESS CLINIC**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an unsolicited anonymous grant awarded to Maricopa County Department of Public Health's Healthcare for the Homeless Clinic (HCH). This anonymous grant provides HCH with funds in the amount of \$5,000, with a grant term of August 1, 2007 through January 15, 2008. These funds are to be used to benefit homeless residents of Maricopa County during the 2007 holiday season.

The Department of Public Health's indirect rate for FY 2007-08 is 18%. Per the terms of the grant contract "funds should not be used to support the operating budget for the organization"; therefore, indirect expenses estimated at \$900 are unrecoverable.

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 \$5,000. The appropriations adjustment is necessary because these funds are additional and were not included in the FY 2007-08 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. (C8608022100)

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28. **MOU WITH WASHINGTON ELEMENTARY SCHOOL DISTRICT FOR DENTAL SEALANT SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Memorandum of Understanding (MOU) between the Washington Elementary School District and Maricopa County Department of Public Health, Office of Oral Health Dental Sealant Program for free dental sealant services for the students. The MOU is non-financial and the term will be from August 10, 2007 through June 30, 2008. (C8608023M00)

29. **AMENDMENT TO LEASE WITH THE CAZARES FAMILY CORPORATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 to the limited service Lease No. L7249 (C86980094) with The Cazares Family Corporation, Lessor, for a 4,371 square foot Department of Public Health Women, Infants and Children (WIC) office facility located at 438 East Southern Avenue, Phoenix, AZ. The amendment extends the term of the lease from October 1, 2007, through September 30, 2010. Lessee agrees to pay a fixed base rent of \$14.50 a square foot at \$5,281.63 a month or annually \$63,379.50 plus rental tax. This agreement contains a 90-day written termination clause and Lessee may hold-over on a "month to month" basis up to six months. (C8698009402)

30. **AMENDMENT TO LEASE WITH THE SAIA FAMILY LIMITED PARTNERSHIP, LTD.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 5 to Lease No. L7192 (C86990274) with the Saia Family Limited Partnership, Ltd., Lessor, for 1,760 square feet of office space located at 8119 and 8121 E. Roosevelt Street, Scottsdale, AZ for the Department of Public Health's Women, Infants and Children (WIC) program. This amendment will extend the term of the existing lease three years from September 1, 2007 to August 31, 2010. The annual rental rate is at \$17.25 per square foot or a monthly rate of \$2,530 plus rental tax. The lease contains a 90-day termination provision and a six-month holdover provision. All other terms and conditions of the original agreement and as modified by subsequent lease Amendments No. 1, 2, 3, and 4 remain the same and in full force and effect. (C8699027405)

**ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES**

**Human Services**

31. **RESCIND ACTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to rescind the action taken on July 25, 2007, under C2207130200 for a non-financial intergovernmental agreement with Tempe Union High School District and approve an Intergovernmental Agreement between the Tempe Union High School District and Maricopa County by and through the Human Services Department for the provision of Early Head Start services. Maricopa County agrees to pay \$1.00 per annum for the Early Head Start space. The District will provide two classrooms and a playground at Tempe Compadre High School, located at 500 W. Guadalupe Road, Tempe, AZ 85283. This lease is effective February 1, 2007, through June 30, 2012. (C2207130201) (C2207130202)

32. **FOOD CATERING FOR PARTICIPANTS IN MARICOPA COUNTY HEAD START ZERO-FIVE PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following intergovernmental agreements for the provision of food catering to participants in Maricopa County Head Start Zero-Five Program. The Arizona Department of Education Child/Adult Care Food Program, and the U.S. Department of Health and Human Services provide funding for these IGAs. The term of these IGAs is October 1, 2007, through September 30, 2008. These agreements do not include any County General Funds:

- a. **Chandler Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$129,539. The IGA requires Chandler Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208112200)
- b. **Kyrene Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$5,788. The IGA requires Kyrene Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208113200)
- c. **Scottsdale Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$33,311. The IGA requires Scottsdale Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208114200)
- d. **Tempe Elementary School District #3** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$151,044. The IGA requires Tempe Elementary School District #3 to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208115200)
- e. **Mesa Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$239,364. The IGA requires Mesa Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208116200)

**Parks and Recreation**

33. **TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY FOR LAKE PLEASANT REGIONAL PARK**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of revenue and expenditure authority between Non-Departmental (470) Non Departmental Grant Fund (249) and the Park's and Recreation Department (300) Lake Pleasant Recreation Services Fund (240). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non Departmental Grant Fund (249) by \$35,000 and increasing the FY 2007-08 Park's and Recreation Department (300) Lake Pleasant Recreation Services Fund (240) by \$35,000. This increase is resulting from the recent approval by the Board of Supervisors on June 20, 2007, to increase the Park and Recreation camping fees. These adjustments will result in a countywide net impact of zero. (C3008008800) (ADM3200-003)

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**ASSISTANT COUNTY MANAGER – CRIMINAL JUSTICE**

**Justice System Planning**

**34. MEMORANDUM OF UNDERSTANDING WITH NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Memorandum of Understanding (MOU) between Maricopa County Integrated Criminal Justice Information System (ICJIS) and the National Law Enforcement Telecommunications System (NLETS). ICJIS has developed the Justice Web Interface (JWI) Application which consists of a browser application used for data entry, server application, reporting module and database schema, the corresponding source code and support documentation, which ICJIS has offered to furnish to NLETS. ICJIS shall transfer ownership of the Software to NLETS at no charge. NLETS shall release ICJIS and its agents and employees from all claims and demands associated with the Software. ICJIS shall provide NLETS with the Software within 15 days upon completion of this Agreement. (C4208003M00)

**CHIEF FINANCIAL OFFICER**

**Animal Care & Control Services**

**35. IGA WITH TOWN OF GILA BEND FOR ANIMAL CONTROL FIELD SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following intergovernmental agreements with Maricopa County through Maricopa County Animal Care & Control for Animal Control Field Services. These IGAs are effective from July 1, 2007, through June 30, 2010. Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2008-09 and FY 2009-10, based on service levels.

- a. **Town of Gila Bend** – The Town of Gila Bend agrees to pay full cost recovery for field services for FY 2007-08 estimated to be \$6,302 based on historical levels of service for this jurisdiction. (C7908027200)
- b. **Town of Carefree** – The Town of Carefree agrees to pay full cost recovery for field services for FY 2007-08 estimated to be \$2,281 based on historical levels of service for this jurisdiction. (C7908028200)

**36. DONATIONS**

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

- a. Restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ in the amount of \$85,500 to fund two full time positions within Maricopa County Animal Care & Control (MCACC) for one year from date of hire. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The

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approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. This action will require an increase in revenue and expenditure appropriation authority for the FY 2007-08 Animal Care and Control (790) Animal Care and Control Grants Fund (573) in the amount of \$85,500. (C7908024800) (ADM2300-006)

- b. Monetary donation from visitors, guests, and participants of the Maricopa County Home & Garden Show held August 3rd through August 5th 2007, in the amount of \$5,034.60 for the care of the animals.

Also, accept non-cash donations brought to the event by visitors, guests, and participants estimated to be 6,500 lbs of pet food, toys, and cat litter. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908025700) (ADM2300-006)

- c. Non-cash donation of 1,000 doses of rabies vaccine from Arrow Animal Hospital of Glendale, AZ for the benefit of needy dogs in Maricopa County. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908026700) (ADM2300-006)

**Finance**

**37. FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**38. AMENDMENT TO LICENSE AGREEMENT WITH BRCP GRACE COURT LLC**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to a License Agreement (Lease No. MC10167) with BRCP GRACE COURT LLC, as successor in interest to JDO LLC, for parking rights at the Forensic Science Garage at 701 W. Jefferson Street. This amendment changes the commencement date of the License to October 1, 2007, and corrects the entity name to reflect new ownership. Additionally, approve an administrative correction to C1807043C00 approved by the Board on June 20, 2007. This administrative correction changes the termination date from July 30, 2008 to June 30, 2008, as stated in the signed agreement. All other terms and conditions of the License remain the same and in full effect. (C1807043C01)

**Materials Management**

**39. SOLICITATION SERIALS**

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

**Award**

**07046-ROQ     Capital Case Indigent Representation Attorney Services – OPDS** (\$2,250,000 estimate/three years with three one-year renewal options) Contract to provide Capital Case Indigent Representation Attorney Services as requested by the Office of Public Defense Services.

- Herman Alcantar Jr.
- Gary Beren
- Bruce E. Blumberg
- Sean Bruner
- Nathaniel Carr
- Rodrick S. Carter
- Randall Craig
- Gerald T. Gavin
- Richard D. Gierloff
- Rena P. Glitsos
- David Goldberg
- Joey Hamby
- Vikki M. Liles
- Tonya J. Peterson
- David Powell
- Daniel R. Raynak
- Michael S. Reeves
- John W. Rood II
- Robert L. Storrs

**07053-RFP     Employee Long Term Care Insurance** (N/A – Employee Funded) Solicited by Buck Consulting on behalf of Maricopa County as permitted under their contract 05146-RFP. Employee Health Initiatives reviewed the responses and selected MetLife to negotiate a contract with. There is no use of public funds to purchase this product.

- Metropolitan Life Insurance Company

**07063-C     Scuba and Skin Diving Equipment, Repair and Maintenance** (\$300,000 estimate/three years with three one-year renewal options) Price agreement for the purchase of scuba and skin diving equipment, repair and maintenance for the Sheriff's office.

- Ultimate Dive & Travel

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- 07065-RFP Modular Furniture Inventory Management and Storage** (\$1,000,000 estimate/three years with three one-year renewal options) Price agreement to provide modular furniture inventory management and storage of surplus as requested by Facilities Management.
- Goodmans Interior Structures

**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).

**Until October 31, 2010**

- 04093-ROQ Legislative Service Providers** (\$1,000,000 estimate/three years) Contract for legislative service providers for the County as required.
- Miller LaSota & Peters PLC
  - Public Policy Partners
  - Rory Hays, Attorney
  - SRW Consulting

**Increase in the price agreement amount for the following contract(s).** This request is due to an increased usage by County departments.

- 04180-RFP Public Relations Services** (\$2,000,000 increase) Increase contract value from \$5,600,000 to \$7,600,000. This \$2,000,000 increase is required to continue services for the County's "Bring Back Blue Campaign", and to cover additional services anticipated for Public Health and other departments during this fiscal year. This contract was awarded by the Board of Supervisors on January 19, 2005 and has an expiration date of January 31, 2008.
- Acs/Conaid, Inc.
  - Angeles Marketing Group
  - Barclay Communications, Inc.
  - Godec Randall & Associates, Inc.
  - Guerra Deberry Coody
  - Katherine Christensen & Associates, Inc.
  - Kristin Darr & Associates LLC
  - Riester-Robb
  - Topete-Stonefield, Inc.

- 05127-C Qualifying Bid, Medium/Heavy Duty Trucks, 19,600# & Up** (\$1,500,000 increase) Increase price agreement value from \$2,900,000 to \$4,400,000. This \$1,500,000 increase is being requested by the Equipment Services Department to purchase medium/heavy duty vehicles being replaced for the 07/08 fiscal year. The Board of Supervisors approved the initial price agreement on October 19, 2005 in the amount of \$2,900,000. This price agreement has an expiration date of October 31, 2008.
- Freightliner Sterling Western
  - Don Sanderson Ford-Fleet
  - Arizona Truck Center, Inc.

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- Courtesy Chevrolet
- Five Star Ford-Fleet
- I-10 International Trucks
- Tom Jones Ford LLLP
- Midway Chevrolet
- Rush Truck Centers of AZ
- Thorobred Chevrolet

**05041-ROQ Specialty Legal Services Providers-County Attorney** (\$15,000,000 increase) Increase contract value from \$29,900,000 to \$44,900,000. This \$15,000,000 increase is requested by Risk Management for specialty legal attorney services to carry them through contract expiration. The Board approved the original contract in the amount of \$8,400,000 on July 6, 2005, and subsequently approved increases of \$4,000,000 on April 19, 2006 and \$17,000,000 on September 6, 2006. In addition, the Materials Management Director approved an interim \$500,000 increase on August 17, 2006. Contract expiration date is July 31, 2008.

Bonnett Fairbourn  
Bryan Cave LLP  
Burch & Cracchiolo P.A.  
Calderon Law Offices  
Charles W. Whetstine PC  
Cople, Boehm & Murphy P.C.  
Dean M. Wolcott  
Fadell, Cheney & Burt PLLC  
Frazer, Ryan, Goldberg, Arnold  
Grant Woods PC  
Gray & Fassold PC

Green & Baker  
Greenberg Traurig LLP  
Gust Rosenfeld PLC  
Helm & Kyle  
Barbara Lee Caldwell PC  
Hopkins & Kreamer LLP  
Iafrate & Associates  
Irvine Law Firm PA  
Jardine, Baker, Hickman & Hous  
Jennings, Haug & Cunningham  
Jennings, Strouss & Salmon

Jones, Skelton & Hochuli PLC  
Jordan Bishoff McGuire & Hise  
Kenneth S. Countryman, PC  
Klein, Lundmark, Barberich  
Kutak Rock  
Law Offices of R. Strohm PC  
Lewis Brisbois  
Littler Mendelson  
Mariscal, Weeks Et Al  
Martin Hart & Fullerton PC  
Meagher & Geer

Miller LaSota & Peters PLC  
Moyes Storey LTD  
Meyer Hendricks & Bivens PA  
Olson, Jantsch & Bakker PA  
O. R. Colan Associates  
Paul F. Lazarus PC  
Quarles & Brady  
Ridenour, Hinton, Kelhoffer  
Ryan Rapp & Underwood PLC  
Ryley Carlock & Applewhite

Sacs Tierney Pa  
Squire, Sanders & Dempsey  
Swenson Storer Andrews  
Thomas, Thomas & Appel PC  
Wilenchik & Bartness PC  
Zwillinger & Georgelos PC  
Added 07/21/05  
Cooper & Kirk, PLLC  
Harper Christian Dichter Graif  
Law Offices Of Douglas V. Fant  
Law Office Of Jerry A. Fries

Johnston Law Offices P.L.C.  
Jones Day  
William M. Lawson Jr. P.A.  
Julie M. Lemmon  
Ogletree Deakins P.C.  
Sanders & Park P.C.  
Snell & Wilmer L.L.P  
Williams & Associates  
Removed 6/22/06 (eff. 6/06/06)  
~~Schleier, Jellison, & Schleier~~  
Added 4/19/07  
Schmitt, Schneck, Smyth & Herrod

**05181-C Qualifying Bid, Sedans, Full Size Dodge Charger Police Vehicle** (\$1,500,000 increase) Increase price agreement value from \$1,500,000 to \$3,000,000. This \$1,500,000 increase is being requested by the Equipment Services Department to purchase police vehicles being replaced for the FY 2007-08. The Board of Supervisors approved the initial price agreement on December 21, 2005 in the amount of \$500,000. Subsequently the Board approved an increase of \$1,000,000

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on November 15, 2006. This price agreement has an expiration date of December 31, 2008.

- Ed Moses Dodge
- Avondale Auto Group
- Bill Luke Chrysler Jeep & Dodge
- Tempe Dodge

#### ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

##### Air Quality Department

#### 40. APPLY AND ACCEPT U.S. ENVIRONMENTAL PROTECTION AGENCY CLEAN AIR ACT SECTION 105 GRANT FUNDING

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Air Quality Department to re-apply for and accept from the U.S. Environmental Protection Agency (EPA) FY 2007-08 Clean Air Act Section 105 grant funding, in amount not-to-exceed \$1,121,989. This EPA grant supports the Maricopa County Air Quality Vacant Lot Program. The grant period is from October 1, 2007 to September 30, 2008.

The department's FY 2007-08 indirect cost rate of 17% will be applied for both fiscal years. The expenditure impact for FY 2007-08 is \$841,491 and FY 2008-09 is \$280,498. Indirect costs are estimated to be \$154,306 and are fully recoverable. Cash matching funds are not required. In-kind matching funds of 40% (\$448,796) and Maintenance of Effort are required. The matching funds will come from existing budgeted expenditures within the Air Quality Programs. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the board pursuant to A.R.S. §42-17105. (C8506007304)

#### **RESOLUTION TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM<sub>10</sub> FOR THE MARICOPA COUNTY, ARIZONA NONATTAINMENT AREA**

**WHEREAS**, Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

**WHEREAS**, the Maricopa County nonattainment area is classified as a Serious Nonattainment Area for PM<sub>10</sub> particulate matter according to the Clean Air Act; and

**WHEREAS**, the Clean Air Act required the Maricopa County nonattainment area to attain the PM<sub>10</sub> particulate matter standard by December 31, 2006; and

**WHEREAS**, the Maricopa County nonattainment area failed to attain the PM<sub>10</sub> particulate matter standard by December 31, 2006; and

**WHEREAS**, due to the Maricopa County nonattainment areas failure to meet the PM<sub>10</sub> particulate matter standard MAG as the regional air quality planning agency is required to develop a plan to reduce PM<sub>10</sub> emissions by five percent per year until the standard is met ("the Five Percent Plan"); and

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**WHEREAS**, the Five Percent Plan contains commitments by MAG members, including Maricopa County, to implement control measures to reduce PM<sub>10</sub> particulate matter emissions; and

**WHEREAS**, Arizona Revised Statutes 49-406 G. requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measures as provided in statute, ordinance, or rule; a program for enforcement of the measure; and the level of personnel and funding allocated to the implementation of the measure.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors, Maricopa County (BOARD) as follows:

**SECTION 1.** That the BOARD agrees to proceed with a good faith effort to implement the measures identified in Exhibit A, which is part of this resolution.

**SECTION 2.** That the BOARD commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, Maricopa County agrees to consider modifications of the funding or schedules for implementation actions, if necessary. Maricopa County agrees to submit any modification to the commitments in Exhibit A to EPA for approval as a SIP revision.

**DATED** this 5<sup>th</sup> day of September 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

### **Emergency Management**

#### **41. ACCEPT FEDERAL HOMELAND SECURITY GRANT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and accept an additional \$13,875 in 2006 Federal Homeland Security Grant Program 2006-GE-T6-0007 from the Arizona Department of Homeland Security. The grant period is July 1, 2006 to October 31, 2008. This is a reimbursable grant.

Pursuant to A.R.S. §42-17106 (B), also approve an appropriation adjustment in the amount of \$13,875 for both revenue and expenditures to the Emergency Management Department (150) Emergency Management Fund (215) budget. The funds are being awarded to support the Citizen Corp Planner and the Maricopa County Citizen Corp Program. MCDEM's current indirect cost rate is 12.85% for FY 2007-08. Indirect costs of \$1,782.94 are unallowable and unrecoverable, and will be fully absorbed in the MCDEM budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105. (C1507012301)

**42. MARICOPA COUNTY EMERGENCY OPERATIONS PLAN**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Maricopa County Emergency Operations Plan dated September 2007. The plan provides the framework within which county government responds to major emergencies and disasters. It specifies the duties and responsibilities of the various county departments in a disaster situation, and it outlines the steps that must be taken to obtain assistance from the State and Federal governments if a disaster is beyond the capability of the County to handle with available resources. This plan replaces the Maricopa County Emergency Operations Plan dated August 27, 2003. There is no financial impact to the county as a result of this plan. (C1508005600) (ADM903)

**Transportation**

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

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

TT243.004-4 (JPM)	Project No.: TT243 – Gavilan Peak Parkway –Slope Easement - Parcel No.: 203-11-326 – Anthem Community Council, Inc., an Arizona non-profit corporation – for the sum of \$1.00.
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TT265-.002 (DLK)	Project No.: TT265 – 43 <sup>rd</sup> Ave. Dust Abatement – Letter Agreement for a Temporary Construction Easement - Parcel No.: 105-69-300 – Anthony A./Lupe M. Flores – for the sum of \$100.00.
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**44. CHANGE ORDER NO. 22 TO CONTRACT WITH HAYDON BUILDING CORP**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 22 to Contract No. CY 2004-138 with Haydon Building Corp, in the amount of \$3,450 for Ellsworth Road from Germann Road to Ray Road – Phase 1, Project No. T068.

Also, approve the increase of change order approval authority for this project from \$1,000,000 to \$1,100,000 for the Public Works Director. This change order requires the application of a post-emergent herbicide (Banvel, Vanquish, Roundup, Gramoxone, or equal) to the gravel-mulch slopes of the channel (bid item 216.10000). A pre-emergent herbicide was applied during construction, which has controlled the germination of most weeds; however, two weed species "Desert Broom" and "Russian Thistle" require a post-emergent treatment. This is additional work not included in the specifications. The increased change order approval authority is requested to allow the Department to clean-up numerous charges before the close-out of this contract on April 19, 2008. Construction cost for this project is \$17,130,451.44 with approved change orders in the amount of \$1,025,732.84. (C6405180503)

**45. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET TO TIP**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the addition of the following project and corresponding expenditure budget to the FY 2007-08 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1.

- o Project T100, Ocotillo Road: EOM – Palo Verde Drive with a budget of \$300,500.

Also, approve an amendment to the current FY 2008-2012 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2007 by decreasing the FY 2007-08 (Year 1) capital budget for the following projects:

- o Project T006, Unallocated Force Account capital budget by \$500.
- o Project T002, Project Reserve Account capital budget by \$300,000

The requested adjustment results in a net budget impact of zero. (C6408022800)

**46. OPERATION AND MAINTENANCE AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE AND INTERSECTION STRIPING**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the State of Arizona, acting through the Arizona Department of Transportation and Maricopa County, acting through the Maricopa County Department of Transportation for the Parties to enter into an Operation and Maintenance agreement for the traffic signal maintenance and intersection striping located at the Santan Freeway and Power Road traffic intersection (C6408026200)

**47. DECLARE EXCESS PROPERTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approval to declare property located near 99th Avenue and Camelback Road, as excess property. Property will be sold at public auction in accordance with all statutory guidelines. The property has not been appraised at the present time.

Property description is as follows: The East 100 feet of the West 225 feet of the North 100 feet of the South 140 feet of the North half of the Northwest quarter of Section 21, Township North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (See attached map.) This parcel lies adjacent to Parcel 102-18-009N on the Assessor's Map. (C6408027M00) (ADM2005)

**48. TERMINATION AGREEMENT WITH DEL WEBB HOME CONSTRUCTION, INC**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to execute a termination agreement with Del Webb Home Construction, Inc. for maintenance of the Bodine Channel. Maricopa County entered into an agreement with Del Webb Home Construction Inc. for the maintenance of what is commonly known as the Bodine Channel. Del Webb would be responsible for the maintenance of this channel until the following two

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conditions were met – a) any portion of the property immediately north and adjacent to the Bodine Channel (commonly known as the Bodine property) is approved by municipality, county, or other governmental agency having jurisdiction thereof for use other than agricultural use; and b) an alternate facility is approved by the County and constructed to function in lieu of the Bodine Channel.

Del Webb has requested termination of this agreement based on the following – the property is no longer in agricultural use, it has been subdivided to become the Corte Bella development, and secondly an alternate facility has been constructed (Corte Bella Golf Course) and is functioning as the replacement for the Bodine Channel. The recorded plats of the Corte Bella subdivision identify the golf course as a drainage easement and facility that will be maintained by a separate entity formed for that purpose. Technical review of this relinquishment was conducted by the Department of Transportation, Planning and Development, and the Flood Control District of Maricopa County for compliance with conditions a and b of said agreement. Agreement originally approved as Project Agreement 90021a as part of the Department of Transportation's easements and right-of-way documents for highway and public purposes agenda item on March 8, 1999. (C6408028000) (ADM2007-001)

**49. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the addition of the following project and corresponding expenditure budget to the FY 2007-08 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1.

- Project T227, Meeker Blvd at Camino Del Sol with a budget of \$12,000.

Also, approve an amendment to the current FY 2008-2012 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2007 by decreasing the FY 2008 (Year 1) capital budget for the following projects:

- Project T002, Project Reserve Account capital budget by \$12,000

The requested adjustment results to a net budget impact of zero. (C6408029800) (ADM2000-003)

**50. BIDS AND AWARD FOR INTERSECTION IMPROVEMENTS AT CHANDLER HEIGHTS AND 124TH STREET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the solicitation of bids for the Intersection Improvements at Chandler Heights and 124th Street, MCDOT Project No. T156; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. (C6408030500)

**51. BIDS AND AWARD FOR ASPHALT-RUBBER OVERLAY PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the solicitation of bids for the Maricopa County Department of

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Transportation's Asphalt-Rubber Overlay Project (ADT > 4000), FY 2007-08, Work Order Number 30050041. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than 10%. (C6408031100)

**52. REIMBURSEMENT TO UNION PACIFIC RAILROAD FOR UNION PACIFIC DESIGN, CONSTRUCTION AND RIGHT-OF-WAY COSTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve reimbursement to Union Pacific Railroad in the amount of \$718,115, covering Union Pacific design, construction and right-of-way costs associated with the Maricopa County Department of Transportation (MCDOT) project T087, Queen Creek Road, Arizona Avenue to McQueen Road. MCDOT acknowledges that Union Pacific has prior rights for these facilities. The cost may not exceed the estimated amount of \$718,115 by more than 10%.

Also, approve and execute Public Road Crossing Improvement Agreement.

Also approve an amendment to the current FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), adopted by the Board on June 20, 2007 by decreasing the Year 1 (FY 2007-08) capital budget for the following projects:

- o T002, Project Reserve Account capital budget by \$1,400,000.
- o T006, Unallocated Force Account capital budget by \$50,000.

And, increasing the Year 1 (FY 2007-08) capital budget for the following project:

- o T087, Queen Creek Road: Arizona Avenue to McQueen Road capital budget by \$1,450,000.

The requested adjustments result in a net budget impact of zero. (C6408035100) (ADM2000-006)

**53. ROAD FILE VACATE AND ABANDON – RESOLUTION AB-188**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt Resolution AB-188, as follows: (C6408023000)

**RESOLUTION  
ROAD ABANDONMENT AB-188**

**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 33<sup>rd</sup> Avenue and Cloud Road was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on July 12, 1984, and recorded by the Maricopa County Recorder as record number 84-303777; and

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**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 below, 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

**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 record number 84-303777.

**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 5<sup>th</sup> day of September 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: Legal Description - AB-188  
That portion of 33<sup>rd</sup> Avenue described as follows:  
The East Thirty (30) feet of GLO Lot 1, Section 35 – T6N,R2E of the G&SRB&M,  
Maricopa County, Arizona, EXCEPT the South 55 feet thereof.

**ROAD FILE VACATE AND ABANDON – RESOLUTION AB-200**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt Resolution AB-200, as follows: (C6408025000)

**RESOLUTION**  
**ROAD ABANDONMENT AB-200**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE**

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**UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT  
EASEMENT.**

**WHEREAS**, a certain roadway easement located in the general vicinity of Roy Rogers Road and 40<sup>th</sup> Street was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on November 4, 1977, and recorded by the Maricopa County Recorder as Docket 12529, page 465; 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 below; 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

**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 record number Docket 12264, page 985.

**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 5<sup>th</sup> day of September 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: Legal Description - AB-200  
The North 25 feet of the Northwest quarter of the Southeast quarter of the Northwest quarter of the Southwest quarter of Section 30 – T5N,R4E of the G&SRB&M, Maricopa County, Arizona.

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**BOARD OF SUPERVISORS**

**Clerk of the Board**

**54. APPOINTMENT/REAPPOINTMENT**

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

- a. **Air Pollution Hearing Board** – Reappoint Jean McGrath, representing Supervisorial District 4, whose term is effective from the date of Board approval through August 23, 2010. (C0608017900) (ADM2353-001)
- b. **Sports Commission Board of Directors** – Appoint Rob Yowell, representing Supervisorial District 3, whose term is effective from the date of Board approval through September 4, 2011. (C0608019900) (ADM3240-001)

**55. APPOINTMENTS**

Pursuant to A.R.S. § 48-1012, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the appointment of Frederick D. Sharp and Jean O'Shaughnessy to the Mobile Gardens Domestic Water Improvement District Board of Directors. Appointees will serve as interim directors effective immediately and until successors are elected and qualified. Both positions are next scheduled for election on the eighth Tuesday before the first Tuesday after the first Monday in November of 2008. (C0608024700)

**56. AMENDMENT TO THE TAX RATE-HARQUAHALA VALLEY IRRIGATION DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an amendment to the "Maricopa County 2007 Tax Levy Packet" approved by the Board of Supervisors on August 20, 2007, under C4908009800. This amendment will correct the tax levy, acreage and tax rate for the Harquahala Valley Irrigation District listed in Schedule F, page 10.

The Harquahala Valley Irrigation District submitted an amended budget and changed the amount needed to be raised by taxation. The district acreage was also listed incorrectly in the original packet. Based on the amended budget, the tax levy packet will be amended as follow:

<b>District No.</b>	<b>District</b>	<b>2007 Property Tax Levy</b>	<b>2007 Acreage</b>	<b>2007 Tax Rate</b>
14750	Harquahala Valley Irrigation	434,072.83	34,371.23	12.6290

In addition, direct the County Treasurer to make corresponding changes in the affected tax bills. (C0608021700) (ADM1815)

**57. 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

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District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) 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 may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (5-0) to ratify the following vouchers. No staff update was given at this meeting.

Voucher No. 7004	\$45,264.26
Voucher No. 7006	\$35,661.12
Voucher No. 7007	\$51,953.85

**SETTING OF HEARINGS**

All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted.

**Clerk of the Board**

**58. HEARING SET – FRANCHISE**

- a. Pursuant to A.R.S. §40-283, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a public hearing for 9:00 a.m. on Monday, October 1, 2007, to solicit comments and consider the reapplication filed by Water Utility of Greater Tonopah, Inc. for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C6008022700) (F21283)
- b. Pursuant to A.R.S. §40-283, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a public hearing for 9:00 a.m. on Monday, October 1, 2007, to solicit comments and consider the reapplication filed by Hassayampa Utility Company, Inc. for a public service franchise for a domestic sewage system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the

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granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (0608023700) (F23216)

**Transportation**

**59. HEARING SET – ROAD FILE DECLARATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Monday, October 1, 2007.

**Road File No. A381-R.** In the vicinity of MC 85 (Buckeye Road) from 79th Avenue to 75th Avenue, and the South 282.62 feet of 79th Avenue. (C6408033000)

**Air Quality**

**60. HEARING SET – MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a public hearing, as required by A.R.S. §49-479(b), for 9:00 a.m., October 17, 2007, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 322 (Power Plant Operations), Rule 323 (Fuel Burning Equipment From Industrial/Commercial/Institutional Sources), and Rule 324 (Stationary Internal Combustion Engines), and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 322, 323, and 324 and to submit the revised rules as a revision to the (Arizona) State Implementation Plan (SIP). This item was approved by the Board at its August 22, 2007 meeting. This item is being republished in the Agenda solely for purpose of including the time of the public hearing. (C8508003700) (ADM2354)

**CONSENT AGENDA**

**Clerk of the Board**

**61. ASRS CLAIMS**

No claims were submitted by the Arizona State Retirement System, on behalf of current or former employees for this meeting. (ADM3309-001)

**62. ANNUAL COLLECTIONS & DELINQUENCY REPORT**

Pursuant to A.R.S. §42-18002, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the Annual Collections and Delinquency Report submitted by the County Treasurer for FY 2006-07. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM4007)

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**63. APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Official Appointments of Blaine Gadow as Special Deputy County Attorney, David Ames as Deputy County Attorney and Frederick Beyer II as Advocate.

**64. CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting. (ADM4300)

**65. CLASSIFICATION CHANGES**

No request was received from the Assessor that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied for this meeting. (ADM723)

**66. DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Ombudsman Educational Services	370039182	Expense	\$914.40
Traci Daugherty	280006766	Payroll	\$691.98
Matthew Stevenson	280007864	Payroll	\$1,278.41

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Cummins Allison Corp	Roosevelt SD #66	470125959	\$23.37
Cummins Allison Corp	Roosevelt SD #66	470131017	\$605.73
Mishay Y. Tribble	Murphy SD #21	470137472	\$150.96
Katrina Impelido	Tolleson Union High SD #214	180005450	\$1,103.96
Scott Thomas Thibodaux	Tolleson Union High SD #214	180000515	\$654.63
Valley Steel Supply	Saddle Mountain Unified SD #90	470102510	\$343.12
Horizon Turf	Fowler SD #45	470125822	\$198.81
Constuctive Play Things	Queen Creek SD #95	470116053	\$730.73
Shannon Ries	Balsz SD #31	180001611	\$1,702.09
Susan Ray	Queen Creek SD #95	170055528	\$277.05
J & J Laminating	Alhambra SD #68	470107854	\$256.40
Kathleen Molloy	Fowler SD #45	470137706	\$337.16
Nasco Arts & Crafts	Agua Fria Union High SD #216	470133106	\$145.60

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**67. MARKET RANGES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3300-006)

	<b>Minimum</b>	<b>Midpoint/Hiring Maximum</b>	<b>Maximum</b>
Appraiser - Entry	\$15.06	\$20.83	\$26.59

**68. PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated September 5, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**69. SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2006	12411	13261	-\$259,424.06
			-\$1,
2005	19148	19368	746.94
2004	15921	16036	-\$10,664.42
2003	28129	28161	-\$172.28
2002	20457	20458	-\$466.20
2003	28125	28125	-\$2,844.14
2004	16026	16038	-\$63,496.38
2005	19141	19385	-\$91,610.06
2006	12492	13354	-\$232,842.06

**70. SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated September 5, 2007. (ADM704) (Clerk's Note, not an official part of the minutes: Tax Case ST2006-000095 was inadvertently listed incorrectly. The correct tax case is ST2005-000095, subsequently approved by the Board at its September 19, 2007, meeting.)

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**2006**

ST2004-000367

ST2006-000095

**2007**

TX2006-000431

**71. STALE DATED WARRANTS**

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

Kari S Hoel

\$60.30

**72. TAX ABATEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
164-24-045A	1996	\$109.18	301-88-334	1991	\$115.03
164-24-045A	1997	\$78.09	301-88-334	1992	\$87.61
164-24-045A	1998	\$71.15	301-88-334	1993	\$84.25
164-24-045A	1999	\$64.59	301-88-334	1994	\$83.52
164-24-045A	2000	\$58.28	301-88-334	1995	\$79.56
164-24-045A	2001	\$50.90	301-88-334	1996	\$72.91
164-24-045A	2002	\$45.41	301-88-334	1997	\$67.57
176-10-311	2004	\$63.20	301-88-334	1998	\$63.39
176-10-311	2005	\$47.13	301-88-334	1999	\$58.56
176-10-311	2006	\$4.40	301-88-334	2000	\$51.84
301-48-007A	1988	\$94.59	301-88-334	2001	\$46.61
301-48-007A	1989	\$99.04	301-88-334	2002	\$42.15
301-48-007A	1990	\$95.58	301-88-334	2003	\$37.62
301-48-007A	1991	\$90.10	301-88-334	2004	\$32.67
301-48-007A	1992	\$87.74	301-88-334	2005	\$27.95
301-48-007A	1993	\$84.43	301-88-334	2006	\$9.63
301-48-007A	1994	\$83.66	502-03-928	2004	\$58.86
301-48-007A	1995	\$79.75	502-03-928	2005	\$71.20
301-48-007A	1996	\$73.11	502-03-928	2006	\$79.58
301-48-007A	1997	\$67.81	502-03-927	2004	\$784.56
301-48-007A	1998	\$63.54	502-03-927	2005	\$949.94
301-48-007A	1999	\$58.75	502-03-927	2006	\$987.26
301-48-007A	2000	\$41.91	502-03-926	2004	\$771.48
301-48-007A	2001	\$46.70	502-03-926	2005	\$934.08

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<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
301-48-007A	2002	\$42.28	502-03-926	2006	\$973.48
301-48-007A	2003	\$37.69	502-03-924	2004	\$3,720.20
301-48-007A	2004	\$32.76	502-03-924	2005	\$4,504.36
301-48-007A	2005	\$28.08	502-03-924	2006	\$4,526.88
301-48-007A	2006	\$143.57	502-03-923	2004	\$673.38
301-90-005P	2000	\$1,319.18	502-03-923	2005	\$815.40
301-90-005P	2001	\$2,771.26	502-03-923	2006	\$851.72
301-90-005P	2002	\$2,279.69	502-03-922	2004	\$281.12
301-90-005P	2003	\$2,372.66	502-03-922	2005	\$340.36
301-90-005P	2004	\$1,961.28	502-03-922	2006	\$365.48
301-90-005P	2005	\$1,757.63	502-03-925	2004	\$1,948.32
301-90-005P	2006	\$1,053.96	502-03-925	2005	\$2,359.08
138-09-070D	1995	\$18,579.18	502-03-925	2006	\$2,404.80
303-01-900	2003	\$659.10	233-01-793	2005	\$368.06
303-01-900	2004	\$636.84	233-01-794	2005	\$973.48
303-01-900	2005	\$569.56	233-01-795	2005	\$6,465.84
303-01-900	2006	\$607.17	134-14-104	2005	\$3.63
301-88-333	1991	\$115.03	134-14-105	2005	\$7.70
301-88-333	1992	\$87.61	134-14-106	2005	\$7.70
301-88-333	1993	\$84.25	134-14-107	2005	\$7.70
301-88-333	1994	\$83.52	134-14-108	2005	\$7.70
301-88-333	1995	\$79.56	134-14-109	2005	\$7.70
301-88-333	1996	\$72.91	134-14-110	2005	\$7.70
301-88-333	1997	\$67.57	134-14-111A	2005	\$4.04
301-88-333	1998	\$63.39	134-14-112B	2005	\$7.70
301-88-333	1999	\$58.56	134-14-113	2005	\$7.70
301-88-333	2000	\$51.84	301-88-333	2003	\$37.62
301-88-333	2001	\$46.61	301-88-333	2004	\$32.67
301-88-333	2002	\$42.15	301-88-333	2005	\$27.95

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

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

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

Supervisor Wilson thanked citizen members serving on County Boards and Commissions who have agreed to their appointment and/or reappointment. He said their service is invaluable to the County. (ADM606)

Chairman Brock asked to "brag" on the Chandler Little League team that went to play in the semi-finals of the National play-offs for the second time in the last three years. He said they had quite an exciting celebration in Chandler last weekend for the returning team members and "all the great sluggers that Chandler is so proud of had a good time."

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Supervisor Wilson commented, "You thought they were from Chandler, we thought they were from Maricopa County. Some others talked about them being from Arizona." He agreed that everybody in the State of Arizona was cheering for that team and everybody is very proud of them.

**PLANNING AND ZONING ITEMS**

**CODE ENFORCEMENT REVIEW**

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

**CODE ENFORCEMENT REVIEW – JOSE AND JULIA SERRANO**

**PZ-1.** Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-01957 and V2005-02049, Jose and Julia Serrano. This item was previously heard at the March 21, 2007, meeting, by a vote of 5-0 this case was continued to the May 16, 2007, meeting (and staff was instructed to freeze accrued fines at \$7,290 pending continuance). This item was continued to the August 22, 2007, meeting. However, this item did not appear on the August 22, 2007, agenda, and therefore is being considered at the September 5, 2007, meeting. (ADM3417-045)

Darren Gerard gave background on this case that was opened in 2005, and recognized that part of the problem was the property's split zoning. The two main aspects of the violations pertain to drainage, with cement blocking a wash, and grading without a permit, and secondly, running a business using/parking large trucks in an improperly zoned area. In July 2006, a Hearing Officer found the respondents to be responsible and assessed fines of \$300 plus \$30 per diem until compliant. Mr. Gerard said that a portion of the violation could be remedied when the respondent calls for an inspection for changes covered by permits already issued, but which were never inspected and now need to be reissued as they have expired. He explained that the rear portion of the property in the original complaint has been sold to the adjacent property owner, who allegedly caused the blockages in the wash through illegal grading activities. Mr. Gerard said that Mr. Serrano needs to call P&D to cancel a permit that is still in his name for this parcel. He stated that a violation has been opened on the neighbor who is now responsible for that portion of the violation and on other neighbors found to be noncompliant through this investigation. All business activity has been verified by staff to currently be in the commercial zoned portion of the Serrano's property. However, the applicant still has permits to obtain and finalize and until this is completed the site remains noncompliant. Accrued fines remain frozen at \$7,290 and Mr. Gerard said these would have totaled \$12,000 if not frozen and \$24,000 if not consolidated.

Craig Keller, representing the respondent, Mr. and Mrs. Serrano, reported that significant progress towards resolving all alleged violations on this property had been made since Mr. Serrano last appeared before the Board. He recalled the Board's last action, extending time to resolve this case pending the jury trial involving different neighbors of the Serrano's. He said the matter was resolved on the second day of the jury trial with a settlement agreement, recorded but not yet implemented, which transfers the property containing the wash to the neighboring property owner. He felt this put the grading issue to rest. He believed the only remaining issue for Mr. Serrano is the building permit, which requires a final inspection on the completed building. He

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said that the business and trucks have all been moved to another location at great expense to the Serranos, and he felt that all issues have been resolved and compliance achieved once the final inspection has been completed. He asked the Board's indulgence by waiving the fines in light of the legal and other expenses incurred by this couple in correcting the violations. Discussion ensued on the Serrano's efforts to right any wrongs committed, and on the length of time and effort it has taken to resolve the issues. Also discussed was other usual improvements made to operate a business, such as paving or dust proofing and screening, etc., which might be needed in the future.

Supervisor Wilson recognized the efforts expended by all on this project. He added that the Board had already shown indulgence by freezing the fine some months ago, which saved a considerable sum for the Serrano's from the total fines that could have amassed.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to uphold the Hearing Officer's Order of Judgment, maintain the Board's previous order to freeze accumulated fines to total of \$7,290 owed by respondent. In addition, allow Mr. and Mrs. Serrano 120 days to verify compliance by providing official proof of property conveyance in the form of a recorded deed. The Board also stipulated that the property is to pass final building and drainage inspections for expired permits.

#### **PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

#### **CONSENT AGENDA**

1. **Z2006-019 District 4**  
**Applicant:** Brooks Engineers & Surveyors for The Wall Company Properties  
**Location:** West of Dysart Road and north of the Butler Drive alignment (in the west Glendale/El Mirage area)  
**Request:** Special Use Permit (SUP) for a construction yard in the IND-1 zoning district, Airport Zones 1 & 2 overlay zoning districts, and located in the High Noise and Accident Potential zone of Luke Air Force Base (approximately 2.0 acres) – The Wall Company Construction Yard

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-019, subject to stipulations "a" through "m". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Construction Yard Site Plan", consisting of two (2) sheets, dated June 2007 and stamped received July 9, 2007 except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Construction Yard for the Wall Company", consisting of three (3) pages, dated June 5, 2007, and stamped received July 9, 2007, except as modified by the following stipulations.

- c. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- d. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- e. The driveways shall be paved from property line to edge of pavement.
- f. In absence of public right-of-way and access improved to minimum county standards, Maricopa County (MCDOT) is not liable or responsible for operation and maintenance of access to this site.
- 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 and shall present a copy of their signed Rural/Metro Fire Department contract substantiating coverage of the site.
- h. The following note shall be placed on the site plan: This property is in the 'vicinity of a military airport' as described by State of Arizona statute ARS. §28-8481. Construction should include sound attenuation measures as directed by State law. The property will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

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

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

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

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

- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- k. 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.
- l. 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.
- 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 Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this Special Use Permit with stipulations "a" through "m."

- 2. **Z2007-024 District 1**
  - Applicant:** Beus Gilbert, PLLC for Tierra De Sueno, Inc.
  - Location:** Northeast corner of Val Vista Drive & Hunt Highway (in the South Chandler/Gilbert area)
  - Request:** Modification of Stipulations to an approved Special Use Permit (SUP) for a Public Riding and Boarding Facility and Feed Store in the Rural-43 zoning district (approximately 24.8 acres) – Tierra de Sueno

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2007-024, subject to stipulations "a" through "t". Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Special Use Permit for Tierra De Sueno Inc. Horse Facility and Feed Store", consisting of four (4) sheets, dated revised April 18, 2007, and stamped received May 15, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Tierra De Sueno 'Tierra Farms' Feed Store and Boarding Stables Special Use Permit", consisting of twelve (12) pages, stamped received May 15, 2007, except as modified by the following stipulations.
- c. No development shall occur within the retention area along Val Vista Drive shown on the applicant's site plan referred in stipulation "a" above, for the life of the Special Use Permit.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all future roof-mounted equipment.

- f. All future 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 future HVAC units shall be ground-mounted.
- g. Dedication of additional right(s)-of-way to bring the total half-width dedication to 55' for Val Vista Dr. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- m. The applicant shall submit a written report outlining the status of the development annually from the date of approval by the Board of Supervisors every year of the anniversary date of approval. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- n. Major changes to the 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.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation,

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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.

- q. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers of type acceptable to the Maricopa County Environmental Services Department (MCESD). Within 30-days of approval by the Board of Supervisors, the applicant shall submit evidence that containers have been provided for adequate storage of one (1) week's accumulation of manure. All manure shall be removed from the site at least once per week.
- r. The number of commercially boarded horses on the property shall be limited to 160 horses at any one time.
- s. Loud speakers or amplified sound is prohibited.
- t. No special events shall be held on site without approval of a Temporary Use Permit through the Planning and Development Department.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with modified stipulations "a" through "t" for this already approved Special Use Permit.

3.     **S2006-069**     **District 4**  
      **Applicant:**     Dennis Stewart  
      **Location:**     South of Olive Avenue, west of Perryville Road (in the west Glendale area)  
      **Request:**       Replat in the Rural-43 RUPD zoning district for Lot 78 of Sonoran Ridge Estates (approximately 0.66 net acres)

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

**REGULAR AGENDA**

4.     **TA2007-015**     **All Districts**  
      **Applicant:**     Commission Initiative  
      **Location:**     County-wide  
      **Request:**       Text Amendment to the Local Additions and Addenda to allow for adjusted fees and to adopt new building codes, adopt 2006 International Building Code; 2006 International Residential Code; 2006 International Mechanical Code; and the 2005 National Electrical Code, all as amended

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of TA2007-015. Commissioner Johnson seconded the motion, which passed with a unanimous vote of 8-0.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this Text Amendment adopting certain international building codes as amended to the Maricopa County codes and to make certain fee changes for simplification and facilitation. The Text Amendment is shown below in legislative format. New language is underscored. Deleted language is shown in ~~strike-through~~.

**SECTION 801. C-S, C-0, C-1, C-2 & C-3 (Commercial Zoning Districts)**

**ARTICLE 801.7 SIGN REGULATIONS:** A comprehensive sign package shall be approved that conforms to the sign regulations as provided in Chapter 14, Section 1404 and 1406 thereof. The comprehensive sign package should include, but is not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type, and architectural features. The comprehensive sign package shall be reviewed concurrently with the precise plan of development.

**SECTION 1404. C-S, C-0, C-1, C-2 & C-3 (Commercial Zoning Districts)**

**ARTICLE 1404.1. C-S (PLANNED SHOPPING CENTER ZONING DISTRICT)**

**1404.1.1. On-site advertising (business) signs, subject to the following:**

1. Aggregate area of signs permitted: The aggregate area of all signs facing any street frontage shall be limited to one square foot for each lineal foot of said street or highway frontage; provided, however, that wall signs as permitted herein shall not be included in such aggregate.
2. Maximum number of freestanding signs permitted:
  - a. Not more than one freestanding sign shall be permitted on any lot or parcel of property having a street or highway frontage of less than 300 feet.
  - b. On parcels having a total street highway frontage of 400 feet or more, an additional freestanding sign shall be permitted for each additional 200 lineal feet of street or highway frontage in excess of the first 200 lineal feet of frontage; provided, however, when more than one freestanding sign is permitted, no freestanding sign shall be located closer than 200 feet from any other freestanding sign located on the same parcel of real property.
  - c. On parcels having frontage on more than one street, one additional sign may be permitted for each such street frontage in accordance with the aforementioned formula.
3. Landscaping of freestanding signs: Freestanding signs shall be placed in a permanently landscaped area equal to four square feet for every one square foot of signage area. This landscaped area shall be located around the base of the sign. The height of the plant material at maturity shall not obstruct the sign message from view.
4. Maximum area of freestanding signs: Such signs shall not exceed an area of one square foot for each linear foot of street adjoining the property to which they pertain, except that the area need not be less than 50 square feet and in no case shall the area exceed 150 square feet. Where there is more than one of these signs located on the property, the aggregate sign area shall not exceed one square foot for each linear foot of street adjoining the property or 200 square feet, whichever is less, however, nothing contained herein shall require the aggregate sign area for any one establishment on the property to be less than 50 square feet.
5. Maximum height of freestanding signs:
  - a. No freestanding sign shall exceed a maximum height of 24 feet measured from ground level or a height equal to the distance from the base of said sign to the center line of any public right-of-way adjacent to the real property on which said sign is

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located, whichever is the lesser height, except if a sign is within 300 feet and oriented to and intended to be read from a freeway or expressway that is constructed below or above the natural grade, or if such freeway or expressway is intersected by a major arterial, other freeway, expressway or bridge, the height in this area may be extended to 48 feet.

- b. The maximum height of any portion of any such sign or sign structure shall be 12 feet, when within a radius of 100 feet of such, sign there exists a rural or residential zone.
- c. For each five feet of radius in addition to the aforementioned 100 feet within which additional radius no rural or residential zone exists, said sign or sign structure may be increased in height one foot, not to exceed the maximum height limits specified herein.

6. Wall Signs, provided that:

- a. Such signs shall be oriented to the business street frontage or to common use parking lots, courtyards or pedestrian ways on which the business fronts or takes access. For purposes of this provision, signs attached to a canopy attached to a building wall shall be considered wall signs.
- b. The total aggregate area of all such wall sign(s) shall not exceed 15% of the front face/plane of a single/multi-tenant building, or wall plane of an individual business frontage where more than one tenant occupies the building. The calculation of such aggregate shall be measured from the ground to the roofline of the building.
- c. Where a commercial building has more than one street frontage, only one of the frontages on a street may be designated by the owner/agent as the front of the building (or individual business) for purposes of calculating aggregate allowed wall sign area.

7. Such sign may be illuminated, but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

8. Such sign shall not be animated or audible in any manner.

**1404.1.2 Permanent directional signs, subject to the following:**

- 1. Such sign shall not exceed 6 square feet in area.
- 2. Such sign may be double-faced.
- 3. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
- 4. Such sign may be freestanding or placed parallel against a wall of a building, projecting there from not more than two feet with no part extending beyond the corner of the building nor above the roofline of the building. Such sign may be freestanding, but placement against a wall of a building shall be no higher than 12 feet above grade. The height of a freestanding sign shall not exceed 12 feet above grade.
- 5. Such sign may be located in or project into required yards, but such sign shall not be located in or project into any street or alley.

6. Such sign may be used to designate entrances or exits to or from a parking area if necessary for that purpose, but the number shall be limited to one for each such entrance or exit.
7. Such sign shall contain no advertising copy.
8. Such sign shall not count against total freestanding area or count in spacing formula.

**1404.1.3 Temporary directional signs, subject to the following:**

1. Such sign shall not exceed 6 square feet in area.
2. Such sign may be double-faced.
3. Such sign shall not be illuminated.
4. Such sign shall be freestanding. The height of a freestanding sign shall not exceed 12 feet above grade.
5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.
6. Such sign shall contain no advertising copy.
7. Such sign shall be removed from the property within ten days after the purpose of the sign is fulfilled.

**1404.1.4 4 Temporary signs pertaining to the sale, lease, hire or rental of property and temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings and the following, subject to the following:**

1. Such sign shall not exceed ~~60~~ 32 square feet in area on a vacant lot or 12 square feet in area. when placed on wall of a building.
2. Such sign may be double-faced.
3. Such sign shall not be illuminated.
4. Such sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall be no higher than 12 feet above grade. ~~no above the roofline~~ The height of a freestanding sign shall not exceed 12 feet above grade.
5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.
6. Such sign shall not be moving, animated or audible in any manner.
7. Such sign shall be located on the shopping center site and the number shall be limited to one for each establishment in the shopping center.

8. Such sign shall be removed from the shopping center site within ten days after the purpose of the sign is fulfilled.

~~1404.1.2. Temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings and the following:~~

- ~~1. Such sign shall not exceed 100 square feet in area.~~
- ~~2. Such sign may be double-faced.~~
- ~~3. Such sign shall not be illuminated.~~
- ~~4. Such sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall be no higher than 24 feet above grade nor above the roofline. The height of a freestanding sign shall not exceed 24 feet above grade.~~
- ~~5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.~~
- ~~6. Such sign shall contain no advertising copy.~~
- ~~7. Such sign shall be located on the shopping center site and the number shall be limited to one for each such shopping center.~~
- ~~8. Unless such use permit is renewed, such sign shall be removed from the property within ten days after the work of contractors or subcontractors identified thereon is completed.~~

5. **Z2005-119 District 1**  
**Applicant:** T-Mobile for Arizona Self Storage at Lindsay Road, LLC  
**Location:** West of Lindsay Road and north of Germann Road (in the Gilbert area)  
**Request:** Special Use Permit (SUP) for Wireless Communication Facility [70' (h) monopalm] in the Rural-43 zoning district, Wireless Communication Facility Use District 1 (approximately 0.011 acres) – Lindsay Mini-Storage

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2005-119, subject to stipulations "a" through "v". Commissioner Barney 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 "T-Mobile - Lindsay Mini-storage", consisting of five (5) full size sheets, dated revised June 20, 2007, and stamped received June 26, 2007, except as modified by the following stipulations. Within thirty (30) days of approval by the Board of Supervisors (BOS), the applicant shall submit a revised site plan with the bubble detail removed from the plan.
- b. Development and use of the site shall comply with the narrative report entitled "T-Mobile Project Narrative for a Special Use Permit – Lindsay Mini Storage", consisting of four (4) pages, dated June 1, 2007 and stamped received June 13, 2007, except as modified by the following stipulations.
- c. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- d. Prior to any development or construction, a signed lease agreement for the access easement to the site shall be provided to the Maricopa County Department of Transportation (MCDOT) and Maricopa County Planning and Development Department.
- e. Prior to any development or construction, a Floodplain Use Permit shall be obtained from the Regulatory Division of the Flood Control District (FCD) of Maricopa County.
- f. All structures and related equipment shall be screened and designed to blend in with the surrounding environment.
- g. All panel antennae and related hardware and cables that are mounted on the structure shall be painted to match that of the Wireless Communication Facility or camouflaged to reduce visual impacts.
- h. The height of the wireless communication facility shall be limited to 70' to the top of the fronds.
- 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 screened.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- m. Concurrent with the submittal of building permits, the applicant shall submit a copy of final development plans to the Intermodal Transportation Division at Arizona Department of Transportation (ADOT) for review.
- n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- o. 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.
- p. A Major Amendment shall be required to co-locate future carriers on the monopole.

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- q. This Special Use Permit shall expire 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 associated with the use including the monopole, shall be removed within 60 days of such termination or expiration.
- r. The applicants 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. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.
- s. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- t. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance 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.
- u. 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.
- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard gave background information on this item, saying there is no known opposition and the recommendation is for approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "v."

- 6. Z2006-092 District 5**  
**Applicant:** T-Mobile and Sprint for Louis Michelena  
**Location:** East of Avondale Boulevard and south of Southern Ave. (in the Avondale area)  
**Request:** Special Use Permit (SUP) for a Wireless Communication Facility [80' (h) monopole] in the Rural-43 zoning district, Wireless Communication Facility Use District 1 (approximately 0.006 acres) – PIR Michelena

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**COMMISSION ACTION:** Commissioner Johnson moved to recommend approval of Z2006-092, subject to stipulations “a” through “t”. 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 “PIR Michelena Wireless Communication Facility-Special Use Permit Z2006092”, consisting of seven (7) full-size sheets, dated revised June 29, 2007 and stamped received July 6, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “PIR Michelena” consisting of four (4) pages, dated revised February 21, 2007, and stamped received July 6, 2007, except as modified by the following stipulations.
- c. The maximum height of the Wireless Communication Facility shall be limited to 80’ (h) including all antennas and attachments.
- d. The proposed 15’-6” CMU wall shall be constructed with decorative split faced block that is painted with a color that blends with the surrounding environment.
- e. Prior to any construction or development, a Floodplain Use Permit and variance shall be obtained from the Regulatory Division of the Flood Control District of Maricopa County.
- f. Prior to development of construction, a signed lease agreement for access to the site shall be provided to Maricopa County Department of Transportation and Maricopa County Planning and Development.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining

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- all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- m. Concurrent with the submittal of building permits, the applicant shall submit a copy of final development plans to the Intermodal Transportation Division at Arizona Department of Transportation (ADOT) for review.
  - n. A Minor Amendment shall be required to co-locate future carriers on the monopole.
  - o. 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.
  - p. 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.
  - q. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
  - r. 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.
  - s. 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.
  - t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Background information was given by Darren Gerard, who said the recommendation is for approval with the above stipulations.

Supervisor Kunasek asked what would be expected in the status report scheduled in five years. Mr. Gerard said there would be verification that all stipulations have been complied with and it also provides information necessary when considering the later renewal of the SUP.

Rulon Anderson responded to a question from Supervisor Stapley on the two palm trees shown in the artist's drawing on either side of the monopole and said that these trees do exist. He explained that a

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monopole had to be used rather than a monopalm because of the number of carriers. He also explained his efforts to get municipalities to use monopalms rather than monopoles when possible, however, he said that extenuating circumstances at a site could prevent this use. His efforts are to minimize the number of towers that are required and to make necessary carriers as attractive as possible. Limited discussion was held on putting monopalms in County parks for convenience and as a safety measure in case of an emergency.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "t."

**MEETING ADJOURNED**

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

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

ATTEST:

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