

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., February 6, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1, and Mary Rose Wilcox, District 5 (entered late). Absent: Don Stapley, District 2. 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**

Ross Tate, Maricopa County Auditor, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, County Auditor's Office, led the assemblage in the Pledge of Allegiance.

**BOARD OF SUPERVISORS**

**1. PET OF THE MONTH**

Aprille Hollis introduced Willie as the Pet of the Month from Maricopa County Animal Care & Control. She said that Willie, a year-old Chihuahua-Dachshund mix is a mellow fellow who is happy napping on your lap, sitting next to you or walking beside you on a leash. AC&C is beginning their "Uno por Uno" free rabies vaccination clinic being held during the months of February and March 2008 at the facility on Durango and 35<sup>th</sup> Avenue.

~ Supervisor Wilcox entered the meeting ~

**STATUTORY HEARINGS**

**Clerk of the Board**

**2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Kunasek 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 Wilson and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

- a. Application filed by Deborah A. Bagley for a Special Event Liquor License: (SELL819) (F23249)

|                |   |
|----------------|---|
| Business Name: | Rescue a Golden of Arizona                                  |
| Location:      | Corona Ranch, 7611 W. 29 <sup>th</sup> Avenue, Laveen 85339 |
| Date/Time:     | April 6, 2008, 1:00 p.m. to 6:00 p.m.                       |

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

- b. Application filed by John A. Groff for a Special Event Liquor License: (SELL818) (F23249)

Business Name: Wisconsin Day Club  
Location: 10748 W. Claire Drive, Sun City 85351  
Date/Time: March 6, 2008, 9:00 a.m. to 3:00 p.m.

- c. Application filed by Larry C. Bond for a Special Event Liquor License: (SELL817) (F23249)

Business Name: Sun City West Softball Club  
Location: 13800 W. Deer Valley Drive, Sun City West, 85375  
Date/Time: April 13, 2008, 9:00 a.m. to 12:00 p.m.

- d. Application filed by Shelby Lee Futch for a Person-to-Person Transfer of a Series 6 Liquor License from Jonathan Henry Vesper: (MCLL6260) (AZ#06070229)

Business Name: Corta Bella Golf Club  
Location: 22129 North Mission Drive, Sun City West, 85375

Motion carried by majority vote (3-1-1) with Supervisors Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay." Supervisor Stapley did not attend this meeting.

**Public Health**

**3. PUBLIC HEARING – FEES RELATED TO DIETETIC INTERNSHIP ACCREDITATION PROGRAM**

Pursuant to A.R.S. §11-251.08, Chairman Kunasek convened the scheduled public hearing to consider an increase in the existing fee schedule for the Maricopa County Public Health Department. The Dietetic Internship Tuition Fee is being proposed to increase from \$1,831 to \$2,500. The proposed fee will be attributable to and defray or cover the expense of the product or service for which the fee will be assessed. No fee will exceed the actual cost of the product or service provided. The fee schedule is consistent with the current market range. The revised fee schedule change is as follows:

Dietetic Internship Tuition Fee - \$2,500 per enrolled student

The Commission on Accreditation for Dietetic Education (CADE) of the American Dietetic Association granted initial Accreditation of the Dietetic Internship program at Maricopa County on October 1, 2003, ending in April 2013. The Accreditation is granted for a non-degree Dietetic Internship. The Dietetic Internship program enrolls four full-time interns, for 10 month cycles, annually and is conducted through the Maricopa County Public Health Arizona Nutrition Network program. The fee increase is in anticipation of an increase in administrative costs for the Dietetic Internship program. These fees are effective upon Board approval. (C8608047M00) (ADM2151)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the increase in the existing Public Health Department fee schedule, as explained above.

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS  
Clerk of the Board**

**4. BINGO APPLICATION**

Pursuant to A.R.S. §5-404.A, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the application filed by Ralph Walters for a Bingo License Permit: (ADM657)

Organization: American Legion, Daisy Mtn. Post 12301  
Location: Anthem Elementary School, 41020 Freedom Way, Anthem 85086

**Sheriff**

**5. AMEND AGREEMENT WITH TOWN OF YOUNGTOWN FOR POLICE DISPATCH COMMUNICATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Agreement with the Town of Youngtown relating to Police Dispatch Communication Services, originally approved on November 15, 2006 in agenda item C50070342200, and recorded as Document No. 2006-1513325. This amendment increases the original number of portable radios purchased for this contract by 4 to 19 portable radios and changes the quarterly payment interval to monthly payments. The new FY 2007-08 value of this contract is \$139,121 with annual continuing costs of \$43,623. All other terms and conditions remain. This amendment is effective January 1, 2008.

Also approve, pursuant to A.R.S. §42.17106 an increase in intergovernmental revenue appropriation to the Sheriff's FY 2007-08 General Fund (100) of \$18,723 (\$3,505 annualized) and annual expenditure appropriation of \$3,505, to accommodate the increase of one-time cost reimbursement revenue of \$15,218 and continuing revenue and expenditure of \$3,505. (C5007034202)

**6. EXCEPTION TO TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF LAPTOP COMPUTERS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the purchase of three (T61) laptop computers through the Secure Care Grant for special education students to use in the classroom. The estimated cost of these laptop computers is \$4,130. The Sheriff's Office FY 2007-08 indirect costs rate is 11.7%. The unrecoverable indirect costs associated with this purchase are estimated to be \$483. 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.

This authorization is required to complete the one-time purchase of these laptop computers within the grant period. These laptop computers will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of their useful life. (C5007558301) (ADM1831)

FORMAL SESSION  
February 6, 2008

**7. SOLE SOURCE CONTRACT WITH NEW WORLD SYSTEMS FOR SOFTWARE MAINTENANCE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the sole source contract valued at \$95,494 with New World Systems (NWS) for software maintenance for the Aegis Records Management System which is a product of NWS. This contract provides for support/or software upgrades to this system which has been used by the Sheriff's Office since 2003. The current contract (00234 RFP) is expiring and this Sole Source for one year provides continuity until the terms of the new contract can be negotiated. There are no other vendors able to provide this support or software upgrades to this system. (C5008034100)

**8. DONATION FROM ROYAL OAKS RETIREMENT COMMUNITY OF SUN CITY FOR VARIOUS FITNESS EQUIPMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a donation from the Royal Oaks Retirement Community of Sun City for several pieces of fitness equipment valued at \$4,500 to be used at the District III substation. These items consist of a Cybex VR 2 Leg Curl, a Cybex Leg Extension, a Cybex Ab Crunch, a Cybex Chest Press, and a Cybex Lat Pulldown. There is no cost associated with acceptance of this donation. (C5008036M00) (ADM3900-006)

**9. DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the acceptance of four donations totaling \$2,305 to the Sheriff's Office in the amounts of \$300 from Anonymous-Fountain Hills, \$1,000 from Jean Snyder Trust/Virgina Shoberg, \$500 from Arizona Helping Hands and \$255 from Kenneth Ruffins for use by the MCSO Animal Safe Hospice (MASH) Unit. (C5008543M00) (ADM3900-006)

**10. RESOLUTION RELATED TO APPLICATION OF GRANT FUNDING FROM ARIZONA STATE PARKS BOARD**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt a Resolution authorizing the application of grant funding from the Arizona State Parks Board and, if awarded, approve acceptance of up to \$320,000 in a State Lake Improvement Fund (SLIF) grant. The original source of SLIF funds is watercraft gas and licensing fees with the legislated purpose of funding items such as those currently being requested by the Sheriff's Office, which include the purchase of one pontoon boat and the replacement of one pontoon boat (LP42), plus necessary equipment for use in patrolling the lakes. The anticipated term of the grant is December 1, 2009 through November 30, 2011. The Sheriff's FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs associated with the grant are \$6,047. There will be capital equipment purchases that are excluded from the indirect cost calculation. 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. This grant will be included in the FY 2009-2010 budget submittal. (C5008545300)

**RESOLUTION**

**Lake Patrol Boat Replacement and Equipment Purchase**

**FORMAL SESSION**  
**February 6, 2008**

**WHEREAS**, the Legislature under A.R.S. §5-382 has authorized the establishment of the State Lake Improvement Fund program, providing funds to the State of Arizona, its political subdivisions for acquiring lands and developing facilities for public boating purposes; and

**WHEREAS**, Arizona State Parks Board (BOARD) is responsible for the administration of the program within the State, setting up necessary rules and procedures governing application by state and local agencies under the program; and

**WHEREAS**, said adopted procedures established by the BOARD require the application to certify by resolution the approval of applications, signature authorization, the availability of local matching fund (if applicable), and authorization to sign a Participant Agreement with the BOARD prior to submission of said applications to the BOARD; and

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors hereby:

1. Approves the filing of an application for FY2008 State Lake Improvement Fund assistance; and
2. Certifies that the application is consistent and compatible with all adopted plans and programs of Maricopa County for boating facility and safety developments; and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the Board as a part of the application process; and
4. Certifies that Maricopa County will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and
5. If applicable, certifies that Maricopa County has matching funds in the amount of \$ 0.00 from the following source(s) General Fund; and
6. Authorizes the Sheriff, or his designee, to act on behalf of the Maricopa County Board of Supervisors in conducting negotiations, executing and submitting documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

**DATED** this 6<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**Superintendent of Schools**

**11. APPORTIONMENT OF NATIONAL FOREST FEES**

Pursuant to A.R.S. §11-497, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the apportionment of \$147,980 of National Forest Fees for FY 2007-08. The Superintendent of Schools to receive 85% (69% to General Fund, 15% to small schools educational programs, and 1% to County Road Fund) of the National Forest Fees to be used for Title I

FORMAL SESSION  
February 6, 2008

programs (School and road improvements) and 15% to be used for Title III programs (specified County projects). (C3708018800) (ADM1809)

**Treasurer**

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

Pursuant to A.R.S. §11-501, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to receive the Treasurer's Statement of Collections and Investment summary reports for December 2007, as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308014700) (ADM4006)

**TRIAL COURTS  
Adult Probation**

**13. ANNUAL RENEWAL OF EXEMPTION FROM VEHICLE MARKINGS**

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the renewal of the use of non-governmental license plates and exemption from markings for the Adult Probation Department. 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. The Adult Probation Department affirms that the vehicles continue to be used for the purposes justifying the exemption as originally approved by the Board on: (C1108007M00) (ADM3101V)

| <b>Date of Approval</b> | <b>Agenda Item</b> | <b>Date of Approval</b> | <b>Agenda Item</b> |
|-------------------------|--------------------|-------------------------|--------------------|
| November 14, 2007       | C1108005000        | June 7, 2006            | C1106006M00        |
| August 8, 2007          | C1108003M00        | March 1, 2006           | C1106003M00        |
| July 25, 2007           | C1108002M00        | June 8, 2005            | C1105005M00        |
| June 20, 2007           | C1107006M00        | July 7, 2004            | C1104008M00        |
| December 6, 2006        | C1107003M00        | March 17, 2004          | C1104006M00        |

**Juvenile Probation and Detention**

**14. APPLY AND ACCEPT GRANTS OF FY 2007-08 GRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the application for and acceptance of the FY 2007-08 grants for the Juvenile Probation Department of the Judicial Branch in the amount of \$8,854,256. Approval of the grants agenda will increase grant funding by \$238,026 because actual grant funding received was more than anticipated and budgeted. Therefore, also approve an increase to the Juvenile Probation Grants Fund (227) revenue and expenditure appropriations of \$8,616,230.

Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is 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. The indirect cost rate as of July 1, 2007 is 38.7%, as calculated by the Department of Finance. Most of the grants for FY 2007-08 do not allow for indirect cost recovery, as

FORMAL SESSION  
February 6, 2008

reflected in the funding agreements. The status of the indirect costs for each grant is noted in a summary sheet on file in the Clerk of the Board's office. (C2708008300)

**Superior Court Judges and Commissioners**

**15. TRANSFER OF ONE-TIME EXPENDITURE AUTHORITY FOR IT CONSULTANT SERVICES**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the transfer of one-time expenditure authority in the amount of \$175,000 (\$0 annualized) from Non-Departmental (470) Non-Departmental Grant Fund (249) reserve for Potential Fee Increases to the Trial Courts (800) Superior Court Special Revenue Fund (259). Approval of this action allows the Courts to provide IT consultant services for post-Juvenile Probation module implementation support and system enhancements. (C3808012800) (ADM1002-003)

**COUNTY MANAGER**

**Office of the County Manager**

**16. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR CURRY ROAD IMPROVEMENT PROJECT**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Ak-Chin Indian Community and Maricopa County Department of Transportation for the Curry Road Improvement Project in an amount not-to-exceed \$300,000 for FY 2007-08. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ak-Chin Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to the MCDOT Grant Fund (223), line item titled Curry Road Improvement Project, increasing FY07-2008 revenue and expenditure budgets up to \$300,000.

Indirect costs are 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. (C2008036300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE DEPARTMENT OF TRANSPORTATION'S CURRY ROAD IMPROVEMENT PROJECT AND AUTHORIZING ACCEPTANCE OF FUNDS GRANTED.**

**BE IT RESOLVED** by the Board of Supervisors of Maricopa County, Phoenix, Arizona as follows:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

- Section 1. The Department of Transportation is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$300,000 in FY 2007-2008.
- Section 2. The Department of Transportation is hereby authorized to accept grant funds from the Ak-Chin Indian Community for the Curry Road Improvement Project.
- Section 3. The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Ak-Chin Indian Community.

**DATED** this 6th day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

Attest:

/s/ Fran McCarroll, Clerk of the Board

**17. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR THE ARIZONA METH PROJECT**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Ak-Chin Indian Community and Maricopa County for the Arizona Meth Project in an amount not-to-exceed \$200,000 for FY 2007-08. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between SRPMIC and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), also approve an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item titled "Meth Project," increasing FY07-2008 revenue and expenditure budgets up to \$200,000.

Indirect costs are 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. (C2008037300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE ARIZONA METH PROJECT AND AUTHORIZING ACCEPTANCE OF FUNDS GRANTED.**

**BE IT RESOLVED** by the Board of Supervisors of Maricopa County, Phoenix, Arizona as follows:

- Section 1.** The County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$200,000 in FY 2007-2008.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

**Section 2.** The County Manager's Office is hereby authorized to accept grant funds from the Ak-Chin Indian Community for the Arizona Meth Project.

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Ak-Chin Indian Community.

**DATED** this 6<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**18. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR THE HUMAN SERVICES CAMPUS**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Ak-Chin Indian Community and Maricopa County for the Human Services Campus in an amount not-to-exceed \$75,000 for FY 2007-08. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ak-Chin Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Non-Departmental Fund (470), Non-Departmental Grant Fund (249), Pass-Through Grants (4712), adding an appropriate line item, increasing FY07-2008 revenue and expenditure budgets up to \$75,000. Maricopa County will put this grant funding toward the capital campaign for construction of the Human Services Campus.

Indirect costs are 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. (C2008038300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE HUMAN SERVICES CAMPUS AND AUTHORIZING ACCEPTANCE OF FUNDS GRANTED.**

**BE IT RESOLVED** by the Board of Supervisors of Maricopa County, Phoenix, Arizona as follows:

Section 1. The County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$75,000 in FY 2007-2008.

Section 2. The County Manager's Office is hereby authorized to accept grant funds from the Ak-Chin Indian Community for the Human Services Campus.

FORMAL SESSION  
February 6, 2008

Section 3. The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Ak-Chin Indian Community.

DATED this 6<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

Attest:

/s/ Fran McCarroll, Clerk of the Board

**19. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR SPECIAL TRANSPORTATION SERVICES FUEL PROGRAM**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Ak-Chin Indian Community and Maricopa County for the Human Services Department's Special Transportation Services Fuel Program in an amount not-to-exceed \$100,000 for FY 2007-08. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ak-Chin Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Human Services Department (220), Human Services Grant Fund (222) increasing the FY 2007-08 revenue and expenditure budgets up to \$100,000. Maricopa County will put this grant funding toward the Human Services Department Special Transportation Services Division's Fuel Program.

Indirect costs are 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. (C2008039300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE DEPARTMENT OF HUMAN SERVICES SPECIAL TRANSPORTATION SERVICES FUEL 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 Department of Human Services is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$100,000 in FY 2007-2008.

Section 2. The Department of Human Services is hereby authorized to accept grant funds from the Ak-Chin Indian Community for the Special Transportation Services Fuel Program.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

Section 3. The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Ak-Chin Indian Community.

**DATED** this 6<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**20. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR INTERPRETIVE DISPLAY PROJECT**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Ak-Chin Indian Community and Maricopa County for the Parks and Recreation's Interpretive Display Project in an amount not-to-exceed \$60,000 for FY2007-08. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ak-Chin Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Parks & Recreation Grant and Special Revenue Fund (231), increasing the FY 2007-08 revenue and expenditure budgets by up to \$60,000. This grant will be used for the Parks and Recreation Interpretive Display program.

Indirect costs are 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. (C2008040300)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE PARKS AND RECREATION DEPARTMENT'S INTERPRETIVE DISPLAY 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 Parks and Recreation Department is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$60,000 in FY 2007-2008.

**Section 2.** The Parks and Recreation Department is hereby authorized to accept grant funds from the Ak-Chin Indian Community for the Interpretive Display Program.

**FORMAL SESSION**  
**February 6, 2008**

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Ak-Chin Indian Community.

**DATED** this 6<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

Attest:

/s/ Fran McCarroll, Clerk of the Board

**DEPUTY COUNTY MANAGER**  
**Employee Health Initiatives**

**21. CHANGES TO EMPLOYEE HEALTH INSURANCE PROGRAM AND RATES**

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

- a. Benefit products and plan design changes for the Employee Health Insurance program as defined by the CIGNA HealthCare of AZ, Walgreens Health Initiatives, Magellan Behavioral Health, Inc., EyeMed Vision Care, and ASI (for flexible spending accounts) contracts and/or plan documents. The benefit offerings will provide Maricopa County employees with six different medical plan options and two pharmacy plan options, allowing them to choose coverage that strikes a balance between benefit coverage and amount of payroll deductions. Benefit plan elections will be in force from July 1, 2008 through June 30, 2009.
- b. Program management modifications that support the following:
  - o Encourage healthy behavior change through incentive-based lower premiums
  - o Remove and/or reduce barriers to preventive care
  - o Improve employee health status through Wellness Initiatives
- c. Continue to support the payment of benefit-related contracts through the collection of premiums, including, but not limited to, actuarial consulting services, COBRA (Consolidated Omnibus Budget Reconciliation Act) administrative costs, Flexible Spending Account (FSA) administrative costs, and data aggregation services.
- d. Continue to support the wellness health initiatives through the collection of premium that will be used for such initiatives including, but not limited to, disease management initiatives, such as the diabetic management program, the anti-obesity program, and the quit tobacco program; preventive programs, such as on-site mammography, cholesterol and glucose screening, adult immunizations, health risk assessments and various wellness incentive awards.
- e. Maricopa County employee and employer rates for July 1, 2008 through June 30, 2009 for active employees, pre-Medicare retirees, and Medicare-eligible retirees. To help drive healthy behavior changes and improve health status, pay period incentives will be implemented for employees who voluntarily participate in the Health Risk Assessment

and/or Biometric Testing. The employer rates may be reconsidered contingent upon the FY 2008-09 budget process.

The FY 2008-09 Recommended Budget will fully fund the employer's share of employee benefits once final enrollment data is collected and analyzed. (C3508008000) (ADM3354)

**22. EMPLOYEE DENTAL PLANS AND RATES**

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

- a. Full and part-time dental rates for the fully insured Delta Dental plan effective July 1, 2008 through June 30, 2009, for active employees and retirees.
- b. Full and part-time dental rates and plan design changes for the self-insured CIGNA Dental plan effective July 1, 2008 through June 30, 2009, for active employees and retirees.
- c. Full and part-time dental rates for the fully insured Employers Dental Services dental plan effective July 1, 2008 through June 30, 2009, for active employees and retirees.

The FY2008-09 Recommended Budget will fully fund the employer's share of employee benefits once final enrollment data is collected and analyzed. (C3508009000) (ADM3353)

**23. SELF-INSURED SHORT-TERM DISABILITY PROGRAM RATES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve rates for Self-Insured Short-Term Disability program effective July 1, 2008 through June 30, 2009. The multipliers below, based on a detailed financial and utilization analysis, illustrate the Short-Term Disability multiplier by benefit level. The multiplier is applied to monthly salary to determine the monthly premium rate. (C3508010000) (ADM3324)

**Multipliers**

- 40% Benefit Option - 0.38%
- 50% Benefit Option - 0.55%
- 60% Benefit Option - 0.85%
- 70% Benefit Option - 1.32%

**Management and Budget**

**24. FUND TRANSFER OF CAPITAL PROJECTS FUND**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an FY 2007-08 fund transfer of \$4,183,962 from the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) to the Appropriated Fund Balance (480) General Fund County Improvement Fund (445). This transfer requires adjustments increasing the FY 2007-08 Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) expenditure appropriation by \$4,183,962 and increasing the FY 2007-08 Appropriated Fund Balance (480) General Fund County Improvement Fund (445) revenue appropriation by \$4,183,962, with offsetting revenue and expenditure appropriation adjustments in the Eliminations (980) Eliminations Fund (900).

FORMAL SESSION  
February 6, 2008

In addition, reduce the FY 2007-08 Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" expenditure appropriation by \$296,862, thereby reducing the County's overall General Fund budget.

Also, direct the Facilities Management Department to move forward with the Jury Assembly and Building Access Improvements portion of the Court Tower project. The \$1.2 million to fund this part of the Court Tower project is already included in the approved Court Tower project budget. (C4908028800) (ADM1800-003)

#### Public Health

**25. AMEND IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR THE REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 5 to the Arizona Department of Economic Security (DES) Contract Number E6305001 for the Department of Public Health's Refugee Screening Medical Assistance Program. Based on a per person revenue base increase, the fee-based reimbursement is estimated to increase by \$323,455 bringing the total budget amount for this term to \$950,000.

Maricopa County Department of Public Health's indirect rate is currently 18.0%. This grant allows for full indirect; therefore, \$49,341 is recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$323,455 for FY 2007-08. The appropriations adjustment is necessary because these funds 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. (C8604064206)

**26. AMEND IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR HIV PREVENTION COMMUNITY PLANNING GROUP**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 4 to the Intergovernmental Agreement (IGA) between the Arizona Department of Health Services (ADHS) (HG454516) and the Department of Public Health for the HIV Prevention Community Planning Group. This amendment provides funding for the amount of \$73,500, for the budget period of January 1, 2008 through December 31, 2008.

The Department of Public Health's FY 2007-08 indirect rate is 18%. ADHS only allows 10% indirect for this grant. The total indirect cost is estimated at \$11,212, of which \$6,682 is recoverable and \$4,530 unrecoverable.

If approved, the department will require a revenue and expenditure appropriation adjustment to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$36,750 for the FY09. The appropriation adjustment in the amount of \$750 is necessary for FY08 because these funds were not included in the FY08 adopted budget. Grant revenues are not local

**FORMAL SESSION**  
**February 6, 2008**

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. Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C8604069204)

**27. AMEND IGA WITH GILBERT UNIFIED SCHOOL DISTRICT FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) No. 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 provides additional funds to the Gilbert Unified School District in the amount of \$4,000 and is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607419202)

**28. ADMINISTRATIVE CORRECTION TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR REDUCTION OF REVENUE AND EXPENDITURE APPROPRIATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an administrative correction to agenda item C8608001300, Intergovernmental Agreement (HG761266) with the Arizona Department of Health Services, approved by the Board on June 20, 2007. This administrative correction approves a reduction of the revenue and expenditure appropriation for the Public Health Grant Fund (Department 860, Fund 532) in the amount of \$475,000. All other terms and conditions of this agreement remain unchanged.

The correction is necessary because the FY 2007-08 Adopted budget included \$475,000 for this grant. 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. (C8608001301)

**29. AMEND AGREEMENT WITH MAGELLAN HEALTH OF ARIZONA FOR HOMELESS CLINIC**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Provider Participation Agreement between Magellan Health Services of Arizona, Inc. and Maricopa County Department of Public Health's Health Care for the Homeless Clinic (HCH). This amendment shall modify the language for the Provider Participation Agreement as follows:

- Exhibit B-2, Magellan Reimbursement Schedule Provider Funding Terms Definition: "Total Funding Amount – Total Funding Amount refers to the maximum contract value for a given Funding Period and Fund Type" is hereby deleted in its entirety and replaced with: "Total Funding Amount – Total Funding Amount refers to the maximum contract value for a given Funding Period."
- The following language shall be deleted from all Addenda: "THIS ADDENDUM, by and between MAGELLAN HEALTH SERVICES OF ARIZONA INC., for itself and on behalf of its Affiliates ("Magellan")", and replace with: "THIS ADDENDUM, by and between MAGELLAN HEALTH SERVICES OF ARIZONA, INC., ("Magellan")".

All other terms and provisions of the Agreement not modified as set forth herein shall remain in full force and effect. (C8608024101)

**30. ADMINISTRATIVE CORRECTION TO AGREEMENT WITH REMUDA RANCH CENTER FOR ANOREXIA AND BULIMIA, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an administrative correction to C8608034000, Affiliation Agreement No. C8608034000, with Remuda Ranch Center for Anorexia and Bulimia, Inc., previously approved on January 2, 2008, to provide clinical nutrition training experience for graduate students in the dietetic internship at the Department of Public Health Office of Nutrition Services. The agreement is non-financial. This administrative correction changes the agreement term to October 1, 2007 through September 30, 2012. All other terms and conditions of this Affiliation Agreement shall remain unchanged. (C8608034001)

**31. IGA WITH ARIZONA BOARD OF REGENTS FOR MEDICAL EXPERTISE – CONTINUED**

Item: Approve the Intergovernmental Agreement (IGA) with the Arizona Board of Regents by and on behalf of the University of Arizona, College of Medicine (UofA) to allow a contracted Physician to provide medical expertise to Maricopa County's Department of Public Health (MCDPH). The term of this IGA shall begin upon board approval and is valid for three years from that date. MCDPH will compensate UofA for this IGA in the amount not to exceed \$105,000 per year, and \$315,000 for the duration of the IGA. (C8608055200)

The Clerk announced that this item will be continued to the February 20, 2008, meeting at the request of the department.

**ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION  
Crime Prevention/Meth**

**32. DONATIONS AND FUND TRANSFER RELATED TO AZ METH PROJECT**

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

- a. The acceptance of a donation of \$625 from the Arizona Dental Association for use on the AZ METH PROJECT "Not Even Once®" Poster Contest in partnership with the Arizona Attorney General's Office.
- b. The acceptance of a donation of \$600 from Wells Fargo for use on the AZ METH PROJECT "Not Even Once®" Poster Contest in partnership with the Arizona Attorney General's Office.
- c. Pursuant to A.R.S. §42-17106, transfer FY 2007-08 revenue and expenditure authority in the amount of \$1,225 from Non-departmental (470) Non-departmental Grant Fund (249) Reserve for Potential Fee Increases (4711) to a new line Non-departmental (470) Non-departmental Grant Fund (249) Pass Through Grants (4712) entitled "AZ Meth Project".

FORMAL SESSION  
February 6, 2008

This action allows Maricopa County to act as the pass-through agency for awarding these funds as awards for the contest and will pass through funds not to exceed \$1,225 in FY 2007-08. (C4208008100) (ADM639-006)

**33. IGA WITH CITY OF PHOENIX FOR CRIME PREVENTION GRANT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the expenditure of funds for "Crime Prevention Grants". The purpose of the Crime Prevention Grants is to provide access to funding for local governments and partnering non-profit agencies to invest in innovative, evidence-based crime prevention programs for residents of Maricopa County so that the incidence of crime will be reduced. The total awarded amount shall not exceed the budgeted line item for the Crime Prevention Grants in Appropriated Fund Balance (480), General Fund (100).

Also, authorize the Chairman of the Board to sign an Amendment #3 to the Intergovernmental Agreement (IGA) between Maricopa County and the City of Phoenix (C2006039000) for the amount of \$150,000 for the remainder of FY 2007-08 and beginning of FY 2008-09 Crime Prevention Grant. This awarded amount will not exceed the budgeted line item for the Crime Prevention Grants in Appropriated Fund Balance (480), General Fund (100). The IGA is retroactive to January 2, 2008, and remains in effect through December 31, 2008. (C4208011200)

**ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION  
Human Services**

**34. AMEND CONTRACT WITH FSL HOME IMPROVEMENTS (FOUNDATION FOR SENIOR LIVING)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 2 to Contract C2208089101, between Maricopa County Human Services Department and FSL Home Improvements, an affiliate corporation of the Foundation for Senior Living, for the funding change in the amount of \$218,260.85. This amendment is effective when signed by the Board through June 30, 2008. The total contract amount will increase from \$1,031,405 to \$1,249,665.85 for the operation of the Weatherization Services and Utility Repair/Replacement Services. This amendment will provide FSL Home Improvements funding in a not-to-exceed amount of \$1,249,665.85. (C2208089102)

**Research and Reporting**

**35. IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR SURVEY SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between the Arizona Department of Economic Security (DES) Child Care Administration and Research and Reporting in an amount of \$69,729 to conduct the Arizona Child Care Local Market Rate Survey. The term of this agreement is six months beginning February 1, 2008 through July 31, 2008. Research and Reporting anticipates incurring all expenditure associated with services delivered under this IGA prior to June 30, 2008.

Also approve an increase to the Research and Reporting (460) General Fund (100) FY 2007-08 revenue and expenditure appropriations in the amount of \$69,729. The adjustment is necessary because funding for the survey was not budgeted for FY 2007-08. Intergovernmental agreement 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 the 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. (C4608002200)

**CHIEF FINANCIAL OFFICER**  
**Animal Care & Control**

**36. DONATIONS**

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

- a. Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ in the amount of \$276,440 to fund the Maricopa County Animal Care & Control spay and neuter voucher program. 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. 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 \$276,440. (C7908062700) (ADM2300-006)
- b. Accept the monetary donations from Rocco Lencarelli of Mesa, AZ in the amount of \$300 and Elizabeth Clifton of Phoenix, AZ in the amount of \$500 for the care of the animals. The total donations received were \$800. 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. (C7908063700) (ADM2300-006)
- c. Accept the restricted monetary donation from HALO Rescue, a 501(C)(3) not-for-profit corporation of Phoenix, AZ in the amount of \$7,500 to fund the Maricopa County Animal Care & Control spay and neuter voucher program. 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. 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 Donation Fund (573) in the amount of \$7,500. (C7908064700) (ADM2300-006)
- d. Accept the restricted monetary donation from Arizona Public Service of Phoenix, AZ in the amount of \$500 for the Big Fix Spay and Neuter Voucher Program. 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

FORMAL SESSION  
February 6, 2008

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. (C7908065700) (ADM2300-006)

**Finance**

**37. FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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.

**Materials Management**

**38. SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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**

- 07089-RFP      Standby Power System Maintenance Consolidation Program** (\$382,675 estimate/one year with five one-year renewal options) Price agreement for a maintenance evaluation of all Maricopa County's uninterrupted power sources and standby generators.
- FM Solutions Inc.

**Parks and Recreation**

**39. IGA WITH CITY OF PHOENIX RELATED TO THE MARICOPA TRAIL PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) between Maricopa County, through its Parks and Recreation Department, and the City of Phoenix which will allow the City to provide support for the Maricopa Trail ("Project") segments that were approved by the County on August 16, 2004, and which are part of the City's South Mountain Park Master Plan. The Project will provide off-street non-motorized multi-use paths through the City of Phoenix to Estrella Mountain Regional Park. Funding for construction of these segments is approved in the FY 2007-08 General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) appropriated budget and will not exceed \$250,000. (C3008016200)

**40. SETTLEMENT WITH LAKE PLEASANT WATERCRAFT RENTALS**

**FORMAL SESSION**  
**February 6, 2008**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement proposed by Lake Pleasant Watercraft Rentals to Maricopa County in lieu of possible court action by Maricopa County for the collection of past due storage fees and failure to remove an office/storage building in accordance with the provisions of a Special Use Agreement that terminated October 30, 2006. In lieu of court action, Lake Pleasant Watercraft Rentals would donate the office/storage building of nominal value and pay \$900 for past due storage fees. This matter was discussed in Executive Session on January 14, 2008. (C3008017100) (ADM409)

**41. IGA WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT FOR NETTING SYSTEM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Intergovernmental Agreement between the Maricopa County Community College District and Maricopa County where College will erect a netting system on County property currently known as Paradise Valley Golf Course. The netting will be installed with the intent of preventing potential property damage and bodily injury. There is no financial impact. (C3008018200)

**42. ACCEPTANCE OF ARIZONA BOATING SAFETY GRANT FROM ARIZONA GAME AND FISH**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept from the Arizona Game and Fish Department (AGFD) the awarded Arizona Boating Safety Grant. The award is for \$2,958 and will be used to facilitate expansion of boating safety by educating the public about the dangers of carbon monoxide and reduce the number of exposure incidents. Also, authorize the Parks and Recreation Department to sign necessary reporting and reimbursement paperwork to administer the grant. The indirect cost recovery rate for Parks & Recreation is 17.57%. The unrecoverable indirect cost associated with the funding are estimated to be \$520. This grant does not allow for indirect cost recovery. (C3008019300)

**ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES**  
**Emergency Management**

**43. PALO VERDE OFFSITE EMERGENCY RESPONSE PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Maricopa County/State of Arizona Palo Verde Offsite Emergency Response Plan. The plan will be valid until superseded by an updated version. The plan will be effective March 1, 2008. There is no cost to the County and no revenue will be generated. (C1508009000) (ADM903)

**Equipment Services**

**44. EXEMPTION FROM VEHICLE MARKINGS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the exemption from markings of the list of vehicles on file in the Clerk of the Board's office, until March 31, 2009 pursuant to A.R.S. §38-538.03. The exemption from markings is requested due to the vehicles being used for felony investigations, activities of a confidential or sensitive nature and social service work. (C7408003M00) (ADM3101V)

**ASSISTANT COUNTY MANAGER – PUBLIC WORKS**  
**Facilities Management**

45. **BUDGET ADJUSTMENTS TO MAJOR MAINTENANCE PROGRAM FOR VARIOUS PROJECTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the following amendments to the FY 2007-08 Five-Year Major Maintenance Program, General Fund (100):

- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Admin Building Improvements (ABII) project in Non-Departmental (470) by \$34,783 from \$1,088,070 to \$1,053,287; and increase FY 2006-07 projected expenditures to final actual expenditures in Appropriated Fund Balance (480) by \$30,403 from \$1,872,877 to \$1,903,280, and adjust the project budget in Appropriated Fund Balance (480) as follows: Increase Year 1 (FY 2007-08) by \$4,380, from \$1,870,076 to \$1,874,456.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Apache Lake (ALSO) project in Appropriated Fund Balance (480) by \$25,241 from \$615,672 to \$640,913 and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$25,241 from \$115,842 to \$90,601.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Garfield Adult Probation (APGR) project in Appropriated Fund Balance (480) by \$5,660 from \$14,056 to \$8,396 and adjust the project budget in Appropriated Fund Balance (480) as follows: Increase Year 1 (FY 2007-08) by \$5,660 from \$110,944 to \$116,604.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Durango Parking Garage (DPTI) project in General Government (470) by \$267,593 from \$600,000 to \$867,593 and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$267,593 from \$400,000 to \$132,407.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the East Courts Infrastructure Improvements (EEII) project in Appropriated Fund Balance (480) by \$12,389 from \$2,769,774 to \$2,757,385 and adjust the project budget in Appropriated Fund Balance (480) as follows: Increase Year 1 (FY 2007-08) by \$12,389 from \$295,254 to \$307,643.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Elections & Records Remodel (ELRC) in Non-Departmental (470) by \$221,313 from \$58,802 to \$280,115 and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$221,313 from \$441,198 to \$219,885.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Elections Warehouse (ELWA) project in Appropriated Fund Balance (480) by \$33,569 from \$329,922 to \$363,491, and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$34,161 from \$34,161 to \$0. The amount of \$592 is the projected savings for the Elections Warehouse, reducing the total project budget from \$364,083 to \$363,491.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the 11th Ave Bldg Restoration (HLOR) project in Appropriated Fund Balance (480) by \$1,634 from

- \$500,000 to \$501,634 and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$1,634 from \$100,000 to \$98,366.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Old Courthouse Bldg Improvements (OOHI) project in Appropriated Fund Balance (480) by \$729 from \$17,000 to \$16,271 and adjust the project budget in Appropriated Fund Balance (480) as follows: Increase Year 1 (FY 2007-08) by \$729 from \$150,000 to \$150,729.
  - Increase FY 2006-07 projected expenditures to final actual expenditures for the Scottsdale Adult Probation (SAPO) project in Non-Departmental (470) by \$28,507 from \$160,000 to \$188,507 and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$28,507 from \$2,040,000 to \$2,011,493.
  - Increase FY 2006-07 projected expenditures to final actual expenditures for the St Vincent de Paul Demolition (SVDP) project in Appropriated Fund Balance (480) by \$288,955 from \$9,789 to \$298,744, and adjust the project budget in Appropriated Fund Balance (480) as follows: Decrease Year 1 (FY 2007-08) by \$290,211 from \$290,211 to \$0. The amount of \$1,256 is the projected savings for the St. Vincent de Paul Demolition project, reducing the total project budget from \$300,000 to \$298,744.
  - Decrease FY 2006-07 projected expenditures to final actual expenditures for the West Court Infrastructure Improvements (WCII) in Non-Departmental (470) by \$50,000 from \$50,000 to \$0 and decrease FY 2006-07 projected expenditures to final actual expenditures in Appropriated Fund Balance (480) by \$34,864 from \$203,000 to \$168,136; and adjust the project budget in Appropriated Fund Balance (480) as follows: Increase Year 1 (FY 2007-08) by \$84,864 from \$1,041,000 to \$1,125,864.

In addition, transfer FY 2007-08 expenditure appropriation of \$760,638 from the Appropriated Fund Balance (480) General Fund (100) to the Non-Departmental (470) Non-Departmental Grants Fund (249) Expenditure Authority Reserve (4711) "Potential Fee Increases" line.

The requested action is necessary because the actual spending during FY 2006-07 for various projects was greater than anticipated, but the actual spending for the Admin Phase III, Garfield APO, East Courts, Old Courthouse and West Court projects was less than anticipated. (C7008027800) (ADM800-003)

**46. BUDGET ADJUSTMENTS TO FIVE-YEAR MAJOR MAINTENANCE PROGRAM FOR PUP TENTS AND JAILS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the following amendments to the FY 2007-08 Five-Year Major Maintenance Program in the Appropriated Fund Balance (480) Detention Fund (255):

- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Estrella Jail (EJIS) project by \$10,749 from \$361,179 to \$350,430, and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$6,099 from \$1,159,908 to \$1,166,007. The remaining balance of \$4,650 is the projected savings on the cell door locks project, and is not being requested to roll forward into Year 1 (FY 2007-08).

FORMAL SESSION  
February 6, 2008

- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Lower Buckeye Jail (LBJP) project by \$17,534 from \$1,000,000 to \$982,466 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$17,534 from \$2,618,732 to \$2,636,266.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Pup Tents (PUPT) project by \$23,213 from \$3,850 to \$27,063 and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$23,213 from \$850,695 to \$827,482.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Towers Jail Services Building (TIJU) project by \$966,732 from \$593,000 to \$1,559,732 and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$966,732 from \$4,129,709 to \$3,162,977.

In addition, transfer FY 2007-08 expenditure appropriation of \$966,312 from the Appropriated Fund Balance (480) Detention Fund (255) to the Non-Departmental (470) Non-Departmental Grants Fund (249) Expenditure Authority Reserve (4711) "Potential Fee Increases" line.

The requested action is necessary because the actual spending during FY 2006-07 for the Pup Tents and Towers Jail projects were greater than anticipated, but the actual spending for the Estrella Jail and Lower Buckeye Jail projects were less than anticipated. (C7008028800) (ADM800-003)

**47. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR BUCKEYE HILLS SHOOTING RANGE**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendment to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422):

- Increase FY 2006-07 projected expenditures to final actual expenditures for the Buckeye Hills Shooting Range (BBHS) project by \$2,701,553 from \$1,000,000 to \$3,701,553, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$2,701,553 from \$9,351,324 to \$6,649,771.

In addition, transfer expenditure authority of \$2,701,553 from the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) to the Non-Departmental (470) Grants Fund (249) Expenditure Authority Reserve (4711) "Potential Fee Increases" line item.

The requested action is necessary because FY 2006-07 actual spending for the Buckeye Hills Shooting Range was greater than anticipated. The requested action has a net impact of \$0 on the approved project budget. (C7008029800) (ADM800-003)

**48. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR HUMAN SERVICES CAMPUS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendment to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) County Improvement Fund (435):

- o Increase FY 2006-07 projected expenditures to final actual expenditures for the Human Services Campus (HHSC) project by \$60,285 from \$2,715,975 to \$2,776,260, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$60,285, from \$143,166 to \$82,881.

The requested action is necessary because the actual spending during FY 2006-07 for the Human Services Campus was greater than anticipated. The requested action has a net impact of \$0 on the approved project budgets. (C7008030800) (ADM800-003)

**49. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PROJECTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2007 (440) Fund:

- o Increase FY 2006-07 projected expenditures to final actual expenditures for the Central Court Building Remodel (CCBR) project by \$4,182 from \$67,090 to \$71,272, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$4,182, from \$9,526,910 to \$9,522,728.
- o Increase FY 2006-07 projected expenditures to final actual expenditures for the Santan Consolidated Justice Courts (CHJC) project by \$553,344 from \$6,115,006 to \$6,668,350, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$553,344 from \$826,246 to \$272,902.
- o Increase FY 2006-07 projected expenditures to final actual expenditures for the Durango Animal Care & Control (DACC) project by \$1,719,950 from \$1,200,000 to \$2,919,950 and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$1,719,950 from \$15,730,000 to \$14,010,050.
- o Decrease FY 2006-07 projected expenditures to final actual expenditures for the Southeast Justice Center, (SEJC) project by \$349,352 from \$2,800,000 to \$2,450,648 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$349,352 from \$37,687,527 to \$38,036,879.

The requested action is necessary because actual spending during FY 2006-07 for the Central Court Building Remodel, Santan Consolidated Justice Courts, and Durango Animal Care & Control was greater than anticipated, and actual spending for Southeast Justice Center was less than anticipated. The requested action has a net impact of \$0 on the approved project budgets. (C7008031800) (ADM800-003)

**50. AMEND CAPITAL IMPROVEMENT PROGRAM FOR CRIMINAL COURT TOWER**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2008 (441) Fund:

FORMAL SESSION  
February 6, 2008

- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Criminal Court Tower (JUST) project by \$1,766,383 from \$1,800,000 to \$33,617, and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$1,766,383 from \$22,075,189 to \$23,841,572.

Bond proceeds are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures from the Financing Series 2008 (441) Fund are not subject to the limitation. 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.

The requested action is necessary because actual spending during FY 2006-07 for the Criminal Court Tower was less than anticipated. The requested action has a net impact of \$0 on the approved project budget. (C7008032800) (ADM800-003)

**51. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PROJECTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) General Fund County Improvement Fund (445):

- Increase FY 2006-07 projected expenditures to final actual expenditures for the Downtown Justice Center (DCJC) project by \$99,292 from \$3,991,975 to \$4,091,267, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$99,292, from \$1,310,662 to \$1,211,370.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Human Services Campus (HHSC) project by \$515 from \$362,022 to \$362,537, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$515 from \$277,890 to \$277,375.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Criminal Court Tower (JUST) project by \$24,718 from \$800,000 to \$775,282 and add the Court Tower project in Year 1 (FY 2007-08) with a budget of \$24,718.
- Increase FY 2006-07 projected expenditures to final actual expenditures for the Security Building (SSCB) project by \$4,381,353 from \$1,993,994 to \$6,375,347 and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$4,381,353 from \$8,162,257 to \$3,780,904.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Entry Stations, Monuments, and Restrooms (ENTR) project by \$44,897 from \$1,503,332 to \$1,458,435 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$44,897 from \$60,000 to \$104,897.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Estrella Campground Design (ESCD) project by \$4,722 from \$79,000 to \$74,278 and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$20,000 from \$20,000 to \$0. The project has been completed.

- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Maricopa Regional Trail System (MRTS) project by \$45,972 from \$520,045 to \$474,073 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$45,972 from \$1,025,114 to \$1,071,086.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Restroom Projects Phase 3 (REST) project by \$134,820 from \$421,016 to \$286,196 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$134,820 from \$1,241,084 to \$1,375,904.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Parks System Master Plan (PSMP) project by \$9,077 from \$210,000 to \$200,923 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$9,077 from \$275,200 to \$284,277.
- Decrease FY 2006-07 projected expenditures to final actual expenditures for the Visitor Centers and Amphitheaters (VAMP) project by \$147,345 from \$561,931 to \$414,586 and adjust the project budget as follows: Increase Year 1 (FY 2007-08) by \$147,345 from \$6,280,769 to \$6,428,114.
- Increase Visitor Centers and Amphitheaters (VAMP) project expenditures in Year 1 (FY 2007-08) by \$226,921 from \$6,428,114 to \$6,655,035 (approved for FY 2006-07 in C-30-07-027-0-00). Also increase expenditures in Year 2 (FY 2008-09) by \$35,842 from \$0 to \$35,842 to utilize funding not spent on the completed Estrella Campground Design (ESCD), Estrella Mountain Irrigation System (EMIS), and Usury Mountain Water System (UMWS) projects.

In addition, transfer expenditure authority of \$3,867,410 from the Appropriated Fund Balance (480) General Fund County Improvement Fund (445) to the Non-Departmental (470) Grants Fund (249) Expenditure Authority Reserve (4711) "Potential Fee Increases" line item.

The requested action is necessary because the actual spending during FY 2006-07 for the Downtown Justice Center, Human Services Campus and the Security Building was greater than anticipated, and the actual spending for the Criminal Court Tower was less than anticipated. Similar adjustments are made for various Parks projects. (C7008033800) (ADM800-003)

**52. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR DURANGO JUVENILE DETENTION CENTER**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Detention Capital Projects Fund (455):

- Increase FY 2006-07 projected expenditures to final actual expenditures for the Durango Juvenile Detention Center (JJDR) project by \$6,900,958 from \$7,217,688 to \$14,118,646, and adjust the project budget as follows: Decrease Year 1 (FY 2007-08) by \$6,900,958 from \$7,279,390 to \$378,432.

FORMAL SESSION  
February 6, 2008

The requested action is necessary because the actual spending during FY 2006-07 for the Durango Juvenile Detention Center was greater than anticipated. The requested action has a net impact of \$0 on the approved project budgets. (C7008034800)

**Solid Waste**

**53. AMEND IGA WITH THE TOWN OF QUEEN CREEK RELATED TO REAL PROPERTY AT QUEEN CREEK LANDFILL – CONTINUED**

Item: Approve Amendment No. 2 to Intergovernmental Agreement with the Town of Queen Creek to extend the term of the IGA for a six month period from December 2, 2007 through May 31, 2008. Also, authorize the conveyance of an additional 1.66 acres of real property at the Queen Creek landfill, at no cost to the Town, for the development of a Town Park, and authorize the Chairman of the Board to execute all documents approved by County Counsel necessary to convey real property to the Town of Queen Creek. This matter was discussed in Executive Session on January 14, 2008. (THIS ITEM REQUIRES A UNANIMOUS VOTE OF THE BOARD.) (C6704001202)

The Clerk announced the continuance of this item to the February 20, 2008, meeting when a full membership quorum is expected for the vote.

**Transportation**

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

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, 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)

TT261.001      Project No.: TT261 – Riggs Road and Sossaman Road – Agreement for Right of Entry  
(DK)            – Parcel No.: 304-90-066U (a portion of) – ASB, LLC - for the sum of \$500.00.

**55. IGA WITH THE TOWN OF GILA BEND FOR EXCHANGE OF SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, and the Town of Gila Bend to extend their exchange of services agreement (Entente Agreement). This Amendment shall be effective as of the date filed with the County Recorder and shall automatically expire five (5) years after its effective date. (C6403005201)

**56. IGA WITH THE CITY OF GOODYEAR FOR EXCHANGE OF SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County, through the Maricopa Department of Transportation, and the City of Goodyear to enter into an exchange of services agreement (Entente Agreement). This IGA shall be effective as of the date filed with the County Recorder and shall automatically expire five (5) years after its effective date. (C6408130200)

**FORMAL SESSION**  
**February 6, 2008**

**57. AMEND FISCAL YEAR 2008-2012 FIVE-YEAR TRANSPORTATION IMPROVEMENT PROGRAM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an amendment to the current FY2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08) by decreasing the capital budgets for the following projects:

| <b>Project Number</b> | <b>Name</b>                             | <b>Capital Budget</b> |
|-----------------------|---|-----------------------|
| T002                  | Project Reserves Account                | \$2,219,000           |
| T006                  | Unallocated Force Account               | \$278,875             |
| T177                  | 7th Street: Carefree Hwy – Desert Hills | \$ 1,118,965          |
| T199                  | Dobson Road Bridge at Salt River        | \$500,000             |
| T275                  | Meridian Road: Empire to Germann        | \$500,000             |

And, adjusting the following project by increasing the FY2007-2008 (Year 1) capital budget for:

| <b>Project Number</b> | <b>Name</b>                          | <b>Amount</b> |
|-----------------------|--------------------------------------|---------------|
| T180                  | Cotton Lane Bridge at the Gila River | \$500,000     |

Project T180 construction spanned two years (FY07 and FY08), with expenditures not meeting projections by \$2,000,000 in FY 2006-07. Scour protection for \$2,500,000 for the bridge had to be added to the contract with Change Order no. 9; approved by the Board on August 8, 2007; work that was scheduled to be completed by a partnering developer. Partnering shares (50% MCDOT and 50% Goodyear) of the project were utilized to cover the increased cost. This budget adjustment increases the FY 2007-08 project budget to account for the slower than expected FY 2006-07 construction invoicing and the scour protection change order.

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6408125800) (ADM2000-003)

**58. RESOLUTION RELATED TO DEDICATION OF RIGHT-OF-WAY FOR GERMANN ROAD**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Resolution #MCDOT 08-128000, which will memorialize the dedication of right-of-way for Germann Road across the Maricopa County Department of Transportation Southwest Maintenance Facility. Said dedication will bring the total half-width for Germann Road to 65 feet across this property. (C6408128000) (ADM2007-001)

**RESOLUTION**

**APPROVING A ESTABLISHMENT OF A SIXTY-FIVE FOOT HALF-WIDTH RIGHT-OF-WAY FOR GERMANN ROAD ACROSS THE DEPARTMENT OF TRANSPORTATION'S SOUTHEAST MAINTENANCE FACILITY FOR ROADWAY PURPOSES.**

**WHEREAS**, Maricopa County is the fee owner of land located within a portion of the southwest quarter of the southwest quarter of in Section 3, Township Two South, Range Five East said Section.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

**WHEREAS**, said land is commonly known as the Southwest Maintenance Facility.

**WHEREAS**, a portion of this land has been approved by the Maricopa County Board of Supervisors as excess land and is available for sale or lease.

**WHEREAS**, Maricopa County has entered into a lease agreement with Phoenix Fuel Company for a portion of the Southwest Maintenance facility for use as a fuel cardlock facility.

**WHEREAS**, said lease for a cardlock facility necessitated a Special Use Permit application by Phoenix Fuel Company to Maricopa County Planning and Development.

**WHEREAS**, on June 6, 2007, Maricopa County Board of Supervisors approved Maricopa County Zoning Case Z20006053 application for a Special Use Permit for a fuel cardlock facility on a portion of the Southwest Maintenance Facility.

**WHEREAS**, Special Use Permit approval was subject to stipulations, in particular stipulation "d" the dedication of additional right-of-way to bring the total half-width dedication to 65 feet for Germann Road.

**NOW, THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows: That Maricopa County hereby authorizes for public roadway and right-of-way purposes the dedication of said land described in Exhibit "A" attached hereto.

**DATED** this 6<sup>th</sup> day of February 2007.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST"

/s/ Fran McCarroll, Clerk of the Board

Legal Description For Roadway Dedication

Parcel No. 303-28-017B, 030B, 031B; Project No. 69022; MCDOT Southeast Yard; Item No. MI-2S5E-03.001

The South 5 feet of that portion of the Southwest quarter of the Southwest quarter (SW4 SW4) of Section 3 - T2S, R5E of the G&SRB&M, Maricopa County, Arizona, described as follows:

Commencing at the Southwest corner of said Section 3;

thence, along the South line thereof, North 88°54'17" East a distance of 438.70 feet;

thence North 00°26'26" West a distance of 60.00 feet to the North line of the South 60.00 feet of said SW4 SW4 and the point of beginning;

thence, continuing North 00°26'26" West, a distance of 436.70 feet;

thence North 88°53'23" East a distance of 883.90 feet;

thence South 00°24'35" East a distance of 436.93 feet to the North line of the South 60.00 feet of said SW4 SW4;

thence, along said North line, South 88°54'17" West a distance of 883.66 feet to the point of beginning; containing 4,418 square feet or 0.1014 acres.

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**59. APPOINTMENTS/REAPPOINTMENTS**

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

- a. Community Development Advisory Committee - accept the resignation of Vice-Mayor Gail Barney and Appoint Council Member Joyce Hildebrandt as the primary representative for the Town of Queen Creek. The term will be effective upon Board approval through June 30, 2008. (C1708036900) (ADM1501-001)
- b. Ryan White Title I Planning Council – approve the reappointment of Supervisor Mary Rose Wilcox as the Board's designee as nominated by Chairman Kunasek. Also approve the reappointment of Terri Leija as the alternate representative. The term of the appointments will be effective as of March 1, 2008 through February 28, 2009. (C0608060900) (ADM2153-001)

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

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

No vouchers or warrants were presented for approval at this meeting. No update was given to the Board at this meeting.

**SETTING OF HEARINGS**

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

**Clerk of the Board**

**61. SCOTTSDALE COUNTY ISLAND FIRE DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to receive the formation request for the proposed Scottsdale County Island Fire District, located in the City of Scottsdale municipal planning area and set a public hearing pursuant to A.R.S. § 48-851, for Wednesday, March 12, 2008.

FORMAL SESSION  
February 6, 2008

At the hearing on March 12th, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district formation request and authorize the persons proposing the district to circulate petitions.

The revised map and list of proposed organizing board members are on file in the Clerk of the Board's office. (C0608059700) (ADM4454)

### Transportation

#### 62. ROAD FILE DECLARATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing to declare the following roads into the county highway system for Wednesday, March 12, 2008.

- a. **Road File No. (A391)** - Said alignment is also known as Maddock Road and 17th Avenue from Maddock Road to Joy Ranch Road. (C6408129000)
- b. **Road File No. (A389)** - Said alignment is also known as Briles Road from Reems Road to 151st Avenue. (C6408131000)

### Air Quality

#### 63. REVISIONS TO RULE 280 - FEES

Pursuant to A.R.S. §49-479(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for March 12, 2008, to solicit comments on proposed revised Maricopa County Air Pollution Control Regulation Rule 280 (Fees) and on submitting the rule to EPA as a revision to the Title V program. Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 280 (Fees) and to submit the rule to EPA as a revision to the Title V program. (C8508017700) (ADM2354)

#### 64. REVISIONS TO RULE 300 - VISIBLE EMISSIONS

Pursuant to A.R.S. §49-479(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for March 12, 2008, to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulations Rule 300-Visible Emissions and to solicit comments on submitting this rule 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 Rule 300 and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (C8508018700) (ADM2354)

#### 65. REVISIONS TO RULE 314 - OPEN OUTDOOR FIRES AND INDOOR FIREPLACES AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS

Pursuant to A.R.S. §49-479(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for March 12, 2008, to solicit comments on

FORMAL SESSION  
February 6, 2008

proposed revisions to the following Maricopa County Air Pollution Control Regulation: Rule 314, Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments, and to solicit comments on submitting the rule 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, Rule 314 and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (C8508019700) (ADM2354)

**66. REVISIONS TO RULE 316 - NONMETALLIC MINERAL PROCESSING**

Pursuant to A.R.S. §49-479(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for March 12, 2008, to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulations Rule 316-Nonmetallic Mineral Processing and to solicit comments on submitting Rule 316 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 Rule 316 and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (C8508020700) (ADM2354)

**67. REVISIONS TO RULE 200-PERMIT REQUIREMENTS, RULE 310 - FUGITIVE DUST FROM DUST GENERATING OPERATIONS, RULE 310.01 – FUGITIVE DUST FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST AND APPENDIX C – FUGITIVE DUST TEST METHODS**

Pursuant to A.R.S. §49-479(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for March 26, 2008, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 200-Permit Requirements, Rule 310-Fugitive Dust From Dust Generating Operations, Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust, and Appendix C-Fugitive Dust Test Methods 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 200, 310, 310.01, and Appendix C and to submit the revised rules as a revision to the (Arizona) State Implementation Plan (SIP). (C8508021700) (ADM2354)

**CONSENT AGENDA**

**Clerk of the Board**

**68. ASRS CLAIMS**

No payment of claims request was submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

**69. CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)

Roosevelt Water Conservation District ADM4397-001

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
February 6, 2008**

**70. CLASSIFICATION CHANGES**

No recommendation was received from the Assessor for approval at this meeting. (ADM723)

**71. CHECK ENFORCEMENT FUND QUARTERLY REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July, 2007 through December, 2007. Reports are on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)

**72. DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and/or ratify 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> |
|-----------------------------|----------------|-------------|---------------|
| J. Stewart                  | 380021196      | Expense     | \$946.20      |
| Giana Holden                | 280022120      | Payroll     | \$558.30      |
| Connie Jo Hernandez         | 280019080      | General     | \$25.00       |
| Litchfield Park Service Co. | 380017171      | Expense     | \$65.74       |

**SCHOOLS**

| <b>NAME</b>                  | <b>SCHOOL</b>          | <b>WARRANT</b> | <b>AMOUNT</b> |
|------------------------------|------------------------|----------------|---------------|
| Janice Coggius               | Treasurer              | 180147550      | \$1,005.99    |
| Jill Michalski               | Isaac SD #5            | 480065031      | \$3,200.00    |
| Diana Salas                  | Isaac SD #5            | 5910984        | \$576.32      |
| Maria Munoz                  | Isaac SD #5            | 180053642      | \$422.78      |
| Mitchell Garcia              | Laveen Elem SD #59     | 180057141      | \$939.09      |
| City of Phoenix              | Alhambra SD #68        | 480055021      | \$2,296.14    |
| Lauren Bates                 | Littleton Elem SD #65  | 180057340      | \$971.09      |
| Manuela Fimbres              | Littleton Elem SD #65  | 180057322      | \$454.49      |
| J.D. Anderson-Nickel         | Murphy Elem SD #21     | 180046485      | \$736.68      |
| Office Max                   | Littleton Elem SD #65  | 480036375      | \$1,540.64    |
| Stephen Acosta               | EVIT #401              | 480020325      | \$15.00       |
| Stephen Acosta               | EVIT #401              | 470149757      | \$15.00       |
| Elias Zepeda                 | EVIT #401              | 470135384      | \$250.50      |
| Sharon Butler                | Treasurer              | 180147545      | \$696.74      |
| Chrysalis Academy LLC        | Litchfield Elem SD #79 | 480059279      | \$4,142.00    |
| Refrigeration Supplies Dist. | Avondale SD #44        | 480027179      | \$474.93      |

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
February 6, 2008**

**73. MARKET RANGES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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. (ADM3308-006)

| <b>Market Range Title</b> | <b>Minimum</b> | <b>Midpoint/ Hiring Maximum</b> | <b>Maximum</b> |
|---------------------------|----------------|---------------------------------|----------------|
| Educator                  | \$28,724.80    | \$34,923.20                     | \$41,121.60    |
| Educator Coordinator      | \$34,756.80    | \$42,265.60                     | \$49,774.40    |

**74. MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held August 8, 2007 and September 5, 2007.

**75. PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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 February 6, 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)

**76. SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

| <b>YEAR</b> | <b>FROM</b> | <b>TO</b> | <b>AMOUNT</b> |
|-------------|-------------|-----------|---------------|
| 2007        | 30774       | 31686     | -\$186,543.22 |
| 2006        | 14340       | 15146     | -\$256,552.54 |
| 2005        | 19872       | 20145     | -\$9,589.50   |
| 2004        | 16249       | 16484     | -\$8,425.12   |
| 2003        | 28199       | 28200     | -\$1,393.26   |
| 2004        | 16442       | 16503     | -\$123,401.52 |
| 2005        | 19875       | 20270     | -\$35,224.14  |
| 2006        | 14569       | 15317     | -\$110,519.22 |
| 2007        | 30795       | 32406     | -\$907,333.06 |
| 2003        | 28198       | 28198     | -\$301.70     |
| 2004        | 16250       | 16521     | -\$2,887.12   |
| 2005        | 19873       | 20291     | -\$39,077.78  |

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

| <b>YEAR</b> | <b>FROM</b> | <b>TO</b> | <b>AMOUNT</b> |
|-------------|-------------|-----------|---------------|
| 2006        | 14576       | 15365     | -\$156,258.76 |
| 2007        | 30808       | 32605     | -\$594,028.46 |

**77. SETTLEMENT OF PROPERTY TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases dated February 6, 2008. (ADM704)

| <b>2004</b>   | <b>2007</b>   |
|---------------|---------------|
| TX2004-000651 | TX2006-000356 |

**78. STALE DATED WARRANTS**

No claims were presented for approval at this meeting. (ADM1816)

**79. TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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> |
|-------------------|-------------|---------------|
| 972-48-606        | 2001        | \$319.28      |
| 173-33-015B       | 2004        | \$179.12      |
| 173-33-015B       | 2005        | \$192.08      |
| 173-33-018A       | 2004        | \$50.62       |
| 173-33-018A       | 2005        | \$53.62       |
| 132-70-159        | 2000        | \$9,364.65    |
| 132-70-159        | 2001        | \$7,631.67    |
| 132-70-159        | 2002        | \$7,792.64    |
| 132-70-159        | 2003        | \$2,489.82    |
| 132-70-159        | 2004        | \$2,510.55    |
| 132-70-159        | 2005        | \$2,504.60    |
| 132-70-159        | 2006        | \$2,276.07    |
| 132-70-159        | 2007        | \$2,369.31    |
| 501-39-063B       | 2002        | \$117.46      |
| 501-39-063B       | 2003        | \$870.47      |
| 921-08-611        | 2002        | \$85,631.71   |
| 505-05-004P       | 1991        | \$109.34      |
| 505-05-004P       | 1992        | \$80.00       |
| 505-05-004P       | 1993        | \$75.60       |
| 505-05-004P       | 2002        | \$32.54       |
| 505-05-004P       | 2003        | \$31.85       |
| 505-05-004P       | 2004        | \$30.32       |
| 505-05-004P       | 2005        | \$26.02       |

SUPPLEMENTAL

Assessor

**S-1. WAIVER TO PERFORMANCE-BASED SALARY ADVANCEMENT PLAN AND EMPLOYEE COMPENSATION PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a waiver to the FY 2007-08 Performance-Based Salary Advancement Plan, and Employee Compensation Plan, Section VI. This waiver would allow a salary advancement of \$21.93 per hour for William VanZile retroactively to September 24, 2007. The Assessor's Office will absorb the financial impact of a retroactive pay raise for Mr. VanZile. (C1208005M00) (ADM3308-001)

Sheriff

**S-2. AGREEMENT AND ACCEPTANCE OF GRANT FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the agreement and acceptance of \$70,000 in continued grant funds from the Oversight Council on Driving or Operating Under the Influence Abatement, c/o Arizona Criminal Justice Commission. The purpose of this funding is to reimburse overtime costs associated with DUI enforcement and investigations. The term of this funding is January 1, 2008 through June 30, 2008. The Sheriff's Office FY 2007-08 Indirect Cost rate is 11.7%. The unrecoverable indirect costs associated with this funding are estimated to be \$8,190. 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. This increase in revenue and expenditure was anticipated in the Sheriff's Office FY 2007-08 Midyear Grant Reconciliation of fund (251) in the amount of \$70,000; therefore, no adjustment is necessary. (C5008544300)

Workforce Management and Development

**S-3. RENEWAL OF PEAK PERFORMERS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to renew the Peak Performers Program (also known as the Spot Award Program) as a continuing employee recognition program for FY 2007-08, to allow for the purchase of American Express AMEX Persona cards (02059-RFP) in denominations of 25 points for maximum award of 50 points per employee per event; for both General Fund and Non-General Fund departments, with total program cost of not-to-exceed \$709,000: \$373,475 General Fund and \$335,525 Non-General Fund. These gift cards have no cash value. The General Fund portion of \$373,475 is budgeted in Dept (470) Fund (100) Org (4712) - Other General Fund Programs line item "Human Resources Peak Performers." The Non General Fund portion of \$373,475 must be absorbed in their budgets by Departments choosing to participate in the Peak Performers Program, and this action will not increase the participating departments' appropriations. The program year will cover the period from January 1, 2008, through December 31, 2008. (C3108009100) (ADM3336)

Risk Management

**S-4. PARTIAL WAIVER OF CLAIM AGAINST TIMOTHY FREEMAN**

FORMAL SESSION  
February 6, 2008

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a partial waiver of Maricopa County's claim against Timothy Freeman for damage incurred to MCSO vehicle number 11647 on April 23, 2007, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on February 4, 2008. (C7508027800) (ADM413)

### SETTING OF HEARINGS

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

#### Clerk of the Board

#### S-5. TEMPE COUNTY ISLAND FIRE DISTRICT

Pursuant to A.R.S. § 48-851, receive the signed formation petitions for the proposed Tempe County Island Fire District located in the City of Tempe municipal planning area and set a hearing on the petition for 2:00 p.m., Wednesday, February 13, 2008, in the Tom Sullivan Room, 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, AZ.

At the hearing on February 13th, the Board will order the formation of the district if the petitions are valid and appoint the three members of the initial governing board of the district. The order of the Board shall be final and the proposed district will be formed as of March 14, 2008. The signed petitions are on file in the Office of the Clerk of the Board. (C0608061700)

Chairman Kunasek called for speakers to come forward.

Peggy Wright, citizen, said she collected the petitions and submitted them to the Clerk's Office and could answer any questions. There were no questions.

Victor Zaharchenko, citizen member of the fire board, said he had not read the statute prior to signing the petition and after reading it last Friday morning he wanted to withdraw from the fire board and rescind his signature on the petition. He said he would continue to use Rural Metro as his fire service.

Victoria Mangiapane said the petitions were submitted early last week and she had just been told of Mr. Zaharchenko's request and had briefly researched it and would have a complete report by the February 13<sup>th</sup> meeting. She confirmed that there are state statutes that deal with withdrawals that she will review in forming her opinion on the request. She explained that the February 13<sup>th</sup> meeting is to report on the validity of all the petitioners so the Board can make its determination on forming the district.

Supervisor Brock asked Mr. Zaharchenko for his understanding of Rural Metro's current service to residents in the area of the proposed district. Mr. Zaharchenko replied that they are currently providing service he felt was as good as in some metro areas. He thought the statute on forming a fire district was too vague on cost and type of service that would be available.

Supervisor Brock asked him if it was his impression that Rural Metro will continue to service this area. He said, "We still get bills for service." He felt this billing provided intent to continue service.

FORMAL SESSION  
February 6, 2008

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the formation petitions for the Tempe County Island Fire District.

**Public Health**

**S-6. VARIABLE FEE SCHEDULE FOR ADULT IMMUNIZATION FOREIGN TRAVEL**

Pursuant to A.R.S. §11-251.08, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for 9:00 a.m., Wednesday, March 12, 2008, to authorize and approve the Department of Public Health to use a variable fee schedule with the ability to increase fees for any cost increase in vaccine cost for the Maricopa County Public Health Adult Immunization Foreign Travel.

The proposed variable fee schedule will be attributable to and defray or cover the expense of the product or service for which the fee will be assessed. No fee will exceed the actual cost of the product or service provided.

Use of the variable fee schedule will be based on the following Board of Health recommendation.

If the individual vaccine cost increases above 30% of the established actual vaccine cost, as of January 31, 2008, plus the fixed administration cost of \$41.10, Public Health will seek Board approval through the public hearing process, pursuant to A.R.S. §11-251.08.

The Variable Fee Schedule will be as follows: \$41.10 plus listed vaccine cost. Vaccine cost is established by County contracted vendors through established procurement procedures. The variable fee schedule will be effective upon Board approval. (C8608058M00) (ADM2151)

**Planning and Development**

**S-7. PUBLIC HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for February 20, 2008, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows: (F23254)

**DMP2006-011** - Development Master Plan - Silver Springs Ranch  
**DMP2006-012** - Development Master Plan - Silver Water Ranch  
**Z2006-132** - Special Use Permit - T Mobile  
**Z2007-022** - Zone Change - Avalon

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

**80. PUBLIC COMMENT ON MATTERS PERTAINING TO MARICOPA COUNTY GOVERNMENT**

No members of the public came forward to comment at this time. (ADM605)

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

Supervisor Wilson said that last week was a magical week for Arizona and Maricopa County in hosting the Super Bowl Game and festivities leading up to it last Sunday; the PGA's FBR Pro-Open Golf Tournament – also last week; and made reference to the strong Super Tuesday political turnout of voters and the fact that Arizona has a candidate running for President. (ADM606)

Supervisor Wilcox commented on the Arizona-Sonora Bowl game held the Sunday before the Super Bowl, saying it had rained all day but they still had 3,000 attendees. She said that Arizona won the game, 44-0, pleasing the Governor who had “mandated” (in fun) an Arizona win. She also commented on the high number of people who had exercised their rights by going to the polls to vote in Tuesday's election. She complimented Helen Purcell and Karen Osborne for another well-run election.

Both Supervisor Brock and Chairman Kunasek added comments in agreement with the “magical” week of events for Maricopa County and the world-wide interest gleaned for the region because of them.

Supervisor Brock advised residents to take advantage of voting by Absentee Ballot in the future to avoid the long lines that were the result of the very heavy voter response. He said that some voters had to stand in line more than an hour to get to the voting booth and in the early Absentee Ballot you can vote from the comfort of your living room and mail it to the Elections Department.

Chairman Kunasek asked for positive thoughts for Max Porter, Public Health Department, who has been battling health issues for some time and seems to have turned the corner to recovery.

**PLANNING AND DEVELOPMENT ITEMS**

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Supervisor Stapley was not present at this meeting. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CODE ENFORCEMENT REVIEW**

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

**CODE ENFORCEMENT REVIEWS**

**PZ-1. Kenneth Beloit:** Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200701429. (ADM3417-054)

Darren Gerard reported that complaints were received from neighbors of Mr. Beloit on June 27, 2007, alleging an occupied, unpermitted trailer, without water and with a generator providing electricity, on his property. The complaint was verified and Mr. Beloit notified of the non-compliance. No action was taken by him to clear the property. At a hearing on November 8, 2007, the Respondent, who did not appear at the hearing, was found responsible for the violation and fines of \$300 + \$30 per diem were ordered, with the per diem fines to be suspended if compliance was verified by December 17, 2007. The Hearing Officer's Order of Judgment specified that the base \$300 fine was not subject to suspension. He reported

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

that staff verified the property was cleared and compliance attained on December 17, 2007, and that all charges are dropped. Mr. Gerard asked that the Hearing Officer's Order of Judgment, including payment of the \$300 base fine, be upheld.

Mr. Beloat came forward, in a wheel chair, to voice his appeal. He asked that the \$300 base fine be quashed because a medical condition, fluid build-up affecting his heart and lung, had forced him to miss the November hearing and he was "convicted in 'abstentia'." He said he had a letter from his doctor confirming his condition. He added that his property was cleared before the deadline and was in compliance before the date of inspection. He added that he was retired and on a fixed income and the amount of the fine would affect him.

Supervisor Wilson said that the property was in compliance ahead of schedule and remains in compliance and he felt that this was the motivating factor, not the \$300. He added that he felt the \$300 was not as significant to the County as it was to Mr. Beloat.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to overturn the \$300 fine levied in the Hearing Officer's Order of Judgment. The per diem charges were dropped because compliance was attained.

**PZ-2. Glen and Shirley Martin** – Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200700029, Glen and Shirley Martin (ADM3417-055)

Darren Gerard reported that several complaints were received from neighbors in January 2007, on a two-story barn under construction on the Martin's property without a permit. One complaint also alleged an RV cover and chicken shed was built without permits. Inspectors concurred and this violation caused a case to be opened. The code enforcement officer worked with the Martins over the next months and gave additional time extensions to prepare and file for the necessary as-built permits. On July 25, 2007, Mr. Martin claimed that his property was exempt from the County's zoning authority per an agricultural use, ARS 11-830. On July 30, 2007, staff advised him that they do not have an approved land use designation as an Agricultural Exemption for this property. On August 15, 2007, a summons was issued to the respondent to appear before the Hearing Officer on October 16, 2007. Mr. and Mrs. Martin were found to be in non-compliance by the Hearing Officer and fined \$300 and a per diem fine of \$30 until compliance is verified and if compliance was verified by January 28, 2008, the per diem fine would be suspended. The property remains non-compliant and the per diem fine continues to accrue. To date, this fine totals \$3,690. Mr. Gerard said that Mr. Martin's paperwork has now been completed and just needs to be wrapped up and if he calls for an inspection a sign-off could be done immediately. This would stop the accruing fines.

Neither Mr. or Mrs. Martin nor their representative was present to testify on their behalf.

Motion was made by Supervisor Wilson to uphold the Hearing Officer's Order of Judgment. Supervisor Brock seconded the motion, which carried unanimously (4-0-1).

**PLANNING AND DEVELOPMENT AGENDA**

**CONSENT AGENDA**

**1. Z2003-007 District 4**

FORMAL SESSION  
February 6, 2008

**Applicant:** Roger Buttrum Olive & Dysart Tree Farm, LLC  
**Location:** South of Olive Avenue and west of Dysart Road (in the west Glendale area)  
**Request:** Removal of a Special Use Permit (SUP) for Vehicle Storage in the AD-3 Airport Zone 1, and Rural-43 zoning district, (the site is also partially located within the Accident Potential Zone 1 for Luke Air Force Base) (approximately 2 acres) – Antique Vehicle Storage

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-007. Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 6-0.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission in approving the removal of this Special Use Permit.

**2. Z2007-074 District 4**  
**Applicant:** Orcutt / Winslow Partnership  
**Location:** North of Meeker Boulevard and east of Granite Valley Drive (in the Sun City West area)  
**Request:** Plan of Development in the CO-PD SC WHSC zoning district (approximately 2.61 acres) – Mountain View Medical Office building II

**COMMISSION ACTION:** Commissioner Jones moved to approve Z2007-074, subject to stipulations “a” through “t”. Commissioner Johnson seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled “Mountain View Medical Plaza II”, consisting of one (1) sheet, dated (revised) October 17, 2007, and stamped received December 4, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Precise Plan of Development, Mountain View Medical Plaza II”, consisting of four (4) pages, dated (revised) November 19, 2007, and stamped received November 20, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Mountain View Medical Plaza II”, consisting of one (1) sheet, dated (revised) December 3, 2007, and stamped received December 6, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the sign package for “Mountain View Medical Plaza II”, consisting of four (4) pages, stamped received October 18, 2007, except as modified by the following stipulations.
- e. Development of the site shall be in conformance with the elevations “Mountain View MOB II”, consisting of one (1) sheet, date (revised) October 17, 2007 stamped received October 18, 2007, except as modified by the following stipulations.
- f. All trees shall be double-staked when installed.

- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- i. All buildings constructed upon this property shall be constructed to attain a noise reduction level as per ARS 28-8482.
- j. Posted in the lease office of "Mountain View Medical Office Building II" shall be a sign notifying the current and future leasors that the property is located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You will occupy in a property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at on 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."

Such notification shall be permanently posted the lease office of the Mountain View Medical Plaza II on not less than an 8½ inch by 11 inch sign and be included in all rental agreements.

- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- m. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.

FORMAL SESSION  
February 6, 2008

- n. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- o. 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.
- p. 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.
- q. 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.
- r. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- 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.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission in approving this Plan of Development with stipulations "a" through "t."

#### **REGULAR AGENDA**

**Chairman Kunasek moved item #3, CPA2007-03, to the end of this meeting.**

- 4. **DMP2007-006 District 4** (Continued from 01/02/08) - **CONTINUED**
  - Applicant:** Leadermark Homes, LLC for El Mirage Camelback, LLC
  - Location:** Northwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area)
  - Request:** Major Amendment to the Wigwam Creek Development Master Plan DMP to change the land use designation from Commercial to Medium Density Residential (5-15 d.u./ac.) (approximately 20.47 gross acres) – The Villas at Camelback West

FORMAL SESSION  
February 6, 2008

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2007-006, subject to stipulations “a” through “g”. Commissioner Barney seconded the motion, which passed with a majority vote of 7-1, with Commissioner Brooks dissenting.

- a. Development and use of the site shall comply with the narrative report entitled, “Narrative Report for an amendment to the Wigwam Creek Development Master Plan”, a document dated revised November 2, 2007 consisting of nine pages plus figures including a 24”x36” land use plan dated October 2007, except as modified by the following stipulations.
- b. If the final plat for this proposed project has not been approved within five (5) years from the date of development master plan amendment approval, this development master plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Commercial designation.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  1. The Applicant has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and among other things, shall address driveway access onto El Mirage Road and the need for dual left turn lanes on southbound El Mirage Road. The TIS must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved TIS.
  2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit. The Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
  3. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways and the ultimate half-width of all perimeter roadways. Roadways must meet all county standards. Roadway improvement plans must be approved and permitted by MCDOT.
  4. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process (602) 506-8797 to initiate the SLID process.
  5. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

- d. The following Drainage Review stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- e. A quality of life assessment of \$596.00 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:
- "You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights 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 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."
- Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8 1/2 inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- g. All other stipulations approved by the Board of Supervisors for the Wigwam Creek Development Master Plan shall remain in effect.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the April 9, 2008, meeting.

5.     **Z2006-147**     **District 4 – CONTINUED**  
   **Applicant:**     Leadermark Homes, LLC for El Mirage Camelback, LLC  
   **Location:**     Northwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area)  
   **Request:**     Rezone from C-2 to R-3 (approximately 17.3 net acres) – The Villas at Camelback West  
   **Note:**         Request for case to be continued to the 04/09/08 BOS hearing.

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-147, subject to stipulations “a” through “o”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a.     Development of the site shall be in substantial conformance with the zoning exhibit entitled, “The Villas at Camelback West – A Preliminary Plat and Precise Plan of Development for Rezoning”, consisting of fifteen (15) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- b.     Development of the site shall be in substantial conformance with the narrative report entitled, “The Villas at Camelback West – A Preliminary Condominium Plat and a Zoning Change from C-2 to R-3”, consisting of twelve (12) pages, dated revised August 2, 2007, and stamped received September 5, 2007, except as modified by the following stipulations.
- c.     Landscaping of the site shall be is in substantial conformance with the landscape plan entitled, “The Villas at Camelback West”, consisting of nine (9) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- d.     The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - 1)     The developer shall provide ultimate half-width improvements with pavement, curb, gutter, and sidewalk to El Mirage Road and Camelback Road.
  - 2)     Off-Site improvements shall accommodate the anticipated traffic demand for this project.
  - 3)     The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit.
  - 4)     All landscaping in county right-of-way shall conform to Chapter 9 of the MCDOT Roadway Design Manual.
- e.     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.

FORMAL SESSION  
February 6, 2008

- f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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

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

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

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

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

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

- g. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- h. All trees shall be double-staked when installed.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- l. Prior to Final Plat approval, the developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- o. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the April 9, 2008, meeting.

**6. Z2006-107 District 3 - CONTINUED**

**Applicant:** Sonora West Development for Cadora Desert Hills  
**Location:** Northwest corner of Desert Hills Drive & 7th Avenue (in the Anthem/Desert Hills area)  
**Request:** Rezone from Rural-43 to Rural-43 RUPD (approximately 74.23 acres) – Desert Hills Equestrian Estates

**COMMISSION ACTION:** Commissioner Aster moved to continue Z2006-107 for 60-days. Commissioner Jones seconded the motion, which failed 4-4 as follows:

|                            |                           |
|----------------------------|---------------------------|
| Commissioner Jones - yes   | Commissioner Pugmire - no |
| Commissioner Aster - yes   | Commissioner Bowers - no  |
| Commissioner Barney – yes  | Commissioner Brooks - no  |
| Commissioner Johnson – yes | Chairman Smith - no       |

**COMMISSION ACTION:** Commissioner Aster moved to deny Z2006-107. There was no second. Motion failed.

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2006-107, subject to stipulations “a” through “v”. Commissioner Brooks seconded the motion, which passed with a majority vote of 6-2 with Commissioners Aster and Jones dissenting.

- a. Development of the site shall comply with the Zoning Exhibit entitled “Desert Hills Equestrian Estates”, consisting of three (3) full-size sheets, dated revised May, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

Within thirty (30) days of Board of Supervisors approval, a revised zoning exhibit will be submitted to the County to address changes to the RUPD table.

- b. Development of the site shall be in conformance with the narrative report entitled "Desert Hills Equestrian Estates", consisting of eighteen (18) pages, dated revised September 5, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Preliminary Landscape Plan Desert Hills Equestrian Estates", consisting of four (4) full size sheets, dated revised August 16, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- d. The Rural-43 RUPD zoning district for Desert Hills Equestrian Estates shall be subject to the following development standards:

| <b>Development Standard</b>                       | <b>Rural-43<br/>Base</b>                | <b>Rural-43 RUPD<br/>Proposed</b> |
|---|---|-----------------------------------|
| Maximum building height / stories                 | 30'2 stories                            | 30'2 stories                      |
| Minimum front setback                             | 40'                                     | 40'                               |
| Minimum side setback                              | 30'                                     | <b>20'</b>                        |
| Minimum street side setback                       | 20'                                     | 20'                               |
| Minimum rear setback                              | 40'                                     | <b>30'</b>                        |
| Minimum lot size                                  | 43,560 sq. ft.                          | <b>35,000 sq. ft.</b>             |
| Minimum lot width                                 | 145'                                    | <b>110'</b>                       |
| Average lot area per dwelling unit                | 43,560 sq. ft.                          | 47,000 sq. ft.                    |
| Maximum lot coverage                              | 15%                                     | <b>20%</b>                        |
| Minimum distance between<br>Buildings on same lot | 15'                                     | 15'                               |
| Required parking spaces per unit                  | 2                                       | 2                                 |
| Wall Height                                       | 6'                                      | 6'                                |
| Signage   | 32 sq. ft.                              | 32 sq. ft.                        |
| Equestrian Arena Lighting                         | Max. 25' per Anthem<br>Design Standards | 25' Maximum                       |

- e. Construction of a bridge will not be allowed over Skunk Creek Wash to bridge the development of this site into the interior roadway network of Anthem.
- f. The equestrian facility will be for the use and benefit of the residents of Desert Hills Equestrian Estates only. A Special Use Permit will be required and approved by the Board of Supervisors if the facility is expanded beyond the use and benefit of the residents of Desert Hills Equestrian Estates.
- g. The private equestrian facility arena lights shall be shut off by 9:00 p.m.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:

1. Provide a total half-width of 65' right-of-way on Desert Hills Drive.
  2. Provide a total half-width of 40' right-of-way on 7th Avenue (total length).
  3. Construct ultimate half-width improvements, including pavement, curb and gutter, to perimeter roads (7th avenue and Desert Hills Drive).
- i. All trees shall be double-staked when installed.
  - j. A continuous parapet shall screen all roof-mounted equipment.
  - k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
  - l. All interior streets within the proposed development are to be constructed to minimum County standards.
  - m. 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.
  - n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
  - o. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
  - p. Drainage review of planning and or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
  - q. The applicant or his successor shall obtain approval of any development plans from the Office of Arizona State Fire Marshal prior to any construction.
  - r. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the 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.
  - s. Prior to Final Plat approval, 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.
  - t. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

- u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- 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 case that was continued from January 16, 2008.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this item to the March 12, 2008 meeting, at the request of the applicant.

7.     **Z2007-141     District 1**  
       **Applicant:**     Scott F. Ward of Ward Development  
       **Location:**     Southwest corner of Ocotillo Road & 148th Street (in the Chandler area)  
       **Request:**       Major Amendment to the R1-18 RUPD zoning district (approximately 40.83 acres) – Finisterra

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2007-141, subject to stipulations “a” through “c”. Commissioner Bowers seconded the motion, which passed with a unanimous vote of 6-0.

- a. All stipulations of Z2005040 as may remain applicable except as modified by the following list.
- b. Development shall be in general conformance to the narrative entitled “Narrative Report for Finisterra...” dated revised October 2007 and stamped received November 20, 2007.
- c. The applicant shall provide written support of a maximum building height of 30’ and two (2) stories from the City of Chandler prior to zoning clearance for any single-family residence building permits.

Darren Gerard reported the background of this case and said there was no known opposition. The recommendation is for approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations “a” through “c.”

8.     **Z2006-075     District 1 – WITHDRAWN**  
       **Applicant:**     Desert Colony, LLC  
       **Location:**     South of Riggs Road and east of Hawes Road (in the Queen Creek area)

FORMAL SESSION  
February 6, 2008

**Request:** Special Use Permit (SUP) for a feed store in the Rural-43 zoning district (approximately 3.64 acres) – Horse and More Country Store

**COMMISSION ACTION:** Commissioner Brooks moved to continue Z2006-075 to the regular meeting of January 3, 2008. Commissioner Aster seconded the motion, which failed with a vote of 4-2.

**COMMISSION ACTION:** Commissioner Brooks moved to recommend approval of Z2006-075, subject to stipulations “a” through “ee”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled “Desert Colony, LLC Special Use Permit for Horse & More Country Store”, consisting of one (1) full-size sheet, dated (revised) September 8, 2007, and stamped received November 2, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled “Desert Colony, LLC-Horse & More Country Store”, consisting of thirteen (13) pages, dated (revised) September 20, 2007, and stamped received October 30, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Desert Colony LLC, Horse and More Country Store Case Z2006075”, consisting of one (1) full-size sheet, date(revised) August 10, 2007 and stamped received October 30, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the elevation plan entitled “Horse and More Country Store”, consisting of one (1) full-size sheet, stamped received October 30, 2007, except as modified by the following stipulations.
- e. Development of the site shall be in conformance with the sign package “Sample Sketch of Wall Sign Type W4-NON” and “Sample Sketch of Monument Sign Type M2”, consisting of two (2) pages, stamped received May 18, 2007, except as modified by the following stipulations.
- f. The feed store shall operate Monday through Saturday from 7:00 a.m. to 6:00 p.m. and Sundays from 9:00 a.m. to 4:00 p.m. No deliveries shall occur before 6:00 a.m. or after 10:00 p.m.
- g. The store shall only hold two (2) special events per month and the hours of operations when special events shall be consistent with the feed store, but extended on Saturdays to 9:00 p.m. and Sundays to 6:00 p.m. No additional exterior signage shall be allowed and off-site parking is prohibited.
- h. The use of speakers or loud sound devices shall not be allowed to promote regular operations or special events.

- i. Dedication of additional right(s)-of-way to bring the total half-width dedication to 70' for Riggs Road shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- j. Dedication of additional right(s)-of-way to bring the total half-width dedication to 65' for Hawes Road shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Riggs Road and Hawes Road along the perimeter of the site.
- l. The following stipulations from Maricopa County Department of Transportation (MCDOT) shall be met:
  - 1. Bonding for perimeter roadway improvements (curb, gutter, paving, and sidewalk).
  - 2. Any landscaping in County Right-of-Way shall meet Chapter 9 (Roadway Design Manual) and be MCDOT permitted.
- m. The following stipulation from Flood Control District shall be met:

Prior zoning clearance, a Floodplain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- n. All trees shall be double-staked when installed.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. 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.
- s. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- t. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.

- u. 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.
- v. 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.
- w. 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.
- x. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- y. The applicant shall submit a written report outlining the status of the development at the end of two (2) and ten (10) 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.
- z. 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.
- aa. 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.
- bb. 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.
- cc. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- dd. Fire sprinklers shall be installed in the hay barn.
- ee. The applicant shall pay for installation of a fire hydrant within 300' of the subject property.

FORMAL SESSION  
February 6, 2008

Darren Gerard gave background information on this case, that was continued from January 16, 2008, requesting a Special Use Permit for a country feed store. There is neighborhood opposition to this request and Queen Creek has protested it, as well. The number neighbors in opposition became sufficient yesterday to push this to a super majority vote. A Queen Creek city planner was present to reiterate the City's opposition to this request. The city's concerns were originally stated in a letter mailed to the Board in December 2006, which was not received in Supervisor Brock's office.

The applicant, Tim Steele, came forward to state that he would withdraw this application and reserve the right to resubmit it in the future.

Supervisor Brock thanked Mr. Steele for his cooperation and asked him to meet with Queen Creek's planners and to hold neighborhood meetings to gain citizen support prior to submitting his request again.

**9. Z2007-098 District 5**

**Applicant:** Gammage & Burnham for Waste Management of Arizona  
**Location:** Northwest corner of Butterfield Stage Road & 99th Avenue (in the Mobile/south Goodyear area)  
**Request:** Stipulation Modification to an approved Special Use Permit (SUP) for a landfill in the Rural-190 zoning district (approximately 962 acres) – Butterfield Station Landfill

**COMMISSION ACTION:** Commissioner Johnson moved to recommend approval of Z2007-098, subject to stipulations "a" through "w". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in accordance with the site plan entitled "Plan of Development - Butterfield Station Facility – Mobile, Arizona" consisting of two full-size sheets prepared by GeoSyntec Consultants, dated November 14, 2001 and stamped received November 15, 2001, except as modified by the following stipulations.
- b. Development of the site shall be in accordance with the narrative report entitled "Waste Management of Arizona, Inc. – Narrative Report – Regard Special Use Permit for the Proposed Expansion of The Butterfield Station Landfill" consisting of 66 pages prepared by Gammage & Burnham, PLC, et al, dated revised November 15, 2001 and stamped received November 15, 2001, except as modified by the following stipulations.
- c. Additional dedication to provide a total half-width of 55 feet along the entire southern and western boundaries of Sec. 17, T4S, R1E and along the western and northern boundaries of Sec. 8, T4S, R1E shall occur prior to zoning clearance.
- d. Abandonment of the right-of-way dedication along the northern boundary of Sec. 17, T4S, R1E through the Department of Transportation shall occur prior to zoning clearance.
- e. The Special Use Permit shall expire upon closure of the landfill and completion of all monitoring requirements associated with the closure.
- f. The applicant shall submit status reports to the Planning and Development Department outlining the status of the development at every five (5) years, following approval of this request by the Board of Supervisors. The report shall outline the status of the

development, indicate compliance with all stipulations of approval, and shall work to ensure record retention with regard to State mandated record destruction after 25 years. The Department may accept the report, request additional reports, carry the matter forward to the Planning and Zoning Commission or take other action as deemed appropriate at that time.

- g. Major changes to this Special Use Permit with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes to the Special Use Permit may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- h. There shall be a one-foot non-vehicular access easement on the entire perimeter of the buffer except at the entrance identified on the site plan referenced in stipulation 'a'. However, a Minor [administrative] Amendment will be allowed to approve secondary access onto perimeter roadways at the discretion of the Department of Transportation.
- i. The applicant shall remain in compliance with all rules and regulations of the Arizona Department of Environmental Quality, and shall submit copies of all approved changes to the Arizona Department of Environmental Quality Solid Waste Facility Plan for Butterfield Station (No. 07032700) to the Planning and Development Department.
- j. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- k. All drinking water must meet the Safe Drinking Water Act Standards.
- l. All heavy equipment used in the landfill operation shall be stored inside the bermed area.
- m. The operator shall obtain either a post-closure bond or a letter of credit if a bond is not available in accordance with State and/or federal requirements.
- n. A security fence shall be placed on the outside of the berm surrounding the entire site.
- o. The maximum overall height of the landfill shall be 250' above grade.
- p. The maximum depth of the landfill shall be 80' below grade.
- q. The maximum finished, external slope of the landfill shall be 3:1. The Planning & Development Department may, in review of the revegetation plan required under stipulation 't', determine that less of a slope is required to support adequate revegetation efforts.
- r. As each disposal cell is closed it shall be covered with hardscape or live landscaping such as native desert grasses and wildflowers to the greatest extent possible, in an effort to mitigate soil loss and dust due to water and air erosion and to mitigate the visual

FORMAL SESSION  
February 6, 2008

impact of the facility's mass and height. A revegetation plan shall be submitted to and approved by the Planning & Development Department prior to zoning clearance.

The applicant shall commence construction on initial demonstration plots for the revegetation process by December 31, 2008, and shall include information regarding the success of demonstration plots in its next five year status report. County staff may require the applicant to revise the revegetation plan as a result of this report.

In the following five year status report, the applicant shall provide a schedule for implementation of the revegetation plan based on the experience of the demonstration plots.

- s. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- t. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control Department may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- u. Non-compliance with the condition of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- v. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- w. The applicant shall perform biweekly inspections of Butterfield Access Road from the facility entrance to 91st Avenue, of 91st Avenue from Butterfield Access Road to SR 238, and of SR 238 from 91st Avenue east to the Maricopa County line for litter left by trucks traveling to and from the Butterfield Landfill. The applicant shall conduct litter control activities as needed as a result of such inspections.

Darren Gerard gave background information on this case that was originally heard on December 5, 2007. He said the stipulation modification of the Special Use Permit (SUP) being requested is to change the 50-year time span to run with the life-span of the landfill with no temporal stipulation. He said that Goodyear supports this change and five letters of support have been received. There is no known opposition. Staff's recommendation is for approval.

Supervisor Wilcox said this area is changing dramatically as Goodyear has recently annexed lands surrounding the landfill, which has been in place for years and fulfills a great need for the County as a whole. She said this request would protect the landfill and also provide buffering and meet some needs for any new Goodyear residents that move the area.

Motion was made by Supervisor Wilcox to approve this item, which has been approved by staff, Goodyear and the Planning Commission. Motion was seconded by Supervisor Brock.

Chairman Kunasek said he had several questions of the applicant and said that there are several speakers to the request.

Steven Anderson came forward to speak for the applicant.

Chairman Kunasek asked about the “unacceptable level of trash” he had observed on several different occasions from the road to the landfill, and he also reported a near collision he and his family had with a transfer truck traveling on that road. He questioned the safety of the people traveling that road, as well as the excessive litter, and asked Mr. Anderson what could be done to address these problems.

Mr. Anderson said that Vince Murphy, Regional Director of Operations for Waste Management, and Jack Coltannus, Manager of the Butterfield Waste Management facility, were both present and will immediately address these concerns with their drivers and staff. He said that Butterfield is so old (1988) that there was no “Litter Control Stipulation” in the original SUP, however, such a stipulation has been added to this requested amended permit with regulations also imposed on the operation of the facility.

Supervisor Kunasek next questioned the “volume increases” if there is no time limit on continuing the operation and with the rapid population increase in the West Valley. Mr. Anderson replied that there was no time limit imposed in the 1988 SUP but instead, there had been a volume limit imposed, on height, depth, grade, etc. The landfill was expanded in size in 2002 to increase the capacity, which vastly increased the life-span of the landfill, however, a 50-year time limit was also added in 2002. Waste Management agreed to that time limit because it was felt the facility would continue to be isolated for a long period of time. Then Goodyear made a huge, unprecedented annexation that brought the town to adjoin the Waste Management facility. He said this prompted them to remove any time limit and go back to the original approval that had a volume limitation. He reported that the best estimate is that the landfill has approximately a century of life left. Mr. Anderson said they were trying to react to Goodyear’s action and plan for the next 20 years, which will bring residents much closer to them than ever before.

Chairman Kunasek asked about the volume increases expected over the next 50 years and referenced advancing the fees to reflect the current market values. Discussion ensued on expected increases in the flow of trash with Vince Murphy taking the lectern. Mr. Murphy said the volume of trash flow should match population growth. Currently the flow is 7,000 tons daily but this could change if other landfills close and they are contracted to take up the gap.

Mr. Anderson discussed the attempts to work with the City of Goodyear to establish appropriate buffers and possibly rearranging the traffic flow into the facility. He added the possibility that the facility will also be annexed into Goodyear as they are now almost completely surrounded by the city limits.

Harvey Crouse, Community Development Director for Goodyear, discussed Waste Management’s application for a Use Permit and said they were anticipating an application for annexation and zoning of Butterfield. Landfill operations, similar to those of the County, would be addressed at that time.

Supervisor Wilcox said a host agreement had been negotiated with Waste Management that has served the County well. She felt a new host agreement would best be left to Goodyear in view of the probable annexation and added that the host agreement with the County would remain in effect.

Chairman Kunasek voiced concerns on impact to future residents who would have had no input on the issue. He felt a strong concern that there was no time frame determination for the landfill. He added, “Even on wastewater treatment plants we assign a termination date for a use permit.”

FORMAL SESSION  
February 6, 2008

Darren Gerard said the City of Goodyear has worked closely with the applicant and staff followed many of their suggestions on the stipulations since they are the jurisdiction having the master planning around the site. Goodyear is not concerned with the temporal time frame.”

Supervisor Brock asked about the amount of the current competitive tipping fee.

Supervisor Wilcox said there are comparisons that could be done. She said that Goodyear is negotiating annexation with Waste Management and she believes they will negotiate a tipping fee as part of the annexation. Because landfills are so difficult to locate and relocate she felt volume control, as originally stipulated, rather than a time frame provided more protection for residents. She stated that citizen protests in the past were to stop proliferation of more landfills but residents accept the Butterfield facility and supervision provided by Waste Management.

Supervisor Brock referenced the territorial courtesy between Supervisorial Districts but pointed out that such things as water tables, air supply and odors as well as the traffic and speeding vehicles that accompany transfer stations and landfills affect all residents and all districts as a whole. He said that tipping fees provide available monies for such things as environmental and hazardous waste clean-ups throughout the Valley. He said that grave concerns are rising over the number of prescription drugs that are being discarded in landfills and seeping into the water tables to affect the health of wildlife and water life. Discussion ensued on transfer station and landfill problems in other areas of the County, as well as the impact on Goodyear and other nearby towns in the area with the increasing volume.

Chairman Kunasek called for the vote, which was split with Supervisors Wilcox and Brock voting “aye” and Supervisors Wilson and Kunasek voting “nay.” Supervisor Wilcox asked for a continuation to obtain a vote of the full Board. She said she doesn’t look at this request as an expansion but as fulfilling the volume that was approved years ago. The landfill was sited years ago and fulfills a need for the area.

Terry Eckhardt said, “The tie vote, in effect, failed the motion and therefore I think it is off the table at this point.” Supervisor Wilcox asked, “If I withdraw that, does that negate what we just did?” Mr. Eckhardt replied, “The motion was made, seconded and voted on and it failed.” He offered to research the question. Supervisor Wilcox asked him to do the research.

Mr. Anderson disagreed and said, “You had a motion, you had a vote on the motion, the motion has failed. The case is still pending before you. If there is an alternate motion, either to continue or to deny, I think that would be perfectly appropriate and I would like to know if County Counsel agrees.”

Discussion ensued on policy and rules adopted by the Board for use, and/or the adoption of Roberts Rules of Order. Mr. Eckhardt will do the necessary research to resolve this issue and report back to the Board.

~ Supervisor Wilcox left the meeting and would not return ~

~ Chairman Kunasek declared a conflict of interest in the following case and left the dais ~

With the loss of a quorum this item was continued to the February 20, 2008, meeting

3. CPA2007-03 District 4 - CONTINUED  
Applicant: Happy Valley 303 West, LLC  
Location: South of Happy Valley Road and west of Vistancia Boulevard (in the Peoria area)

FORMAL SESSION  
February 6, 2008

**Request:** Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Mixed Use Employment to Neighborhood Retail Center and High Density Residential (approximately 20 gross acres) – Happy Valley West 303

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of CPA2007-03, subject to stipulations “a” through “f”. Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled “Happy Valley West Major Comprehensive Plan Amendment”, a bound document, dated October, 2007, and stamped received October 15, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Happy Valley West Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Happy Valley West Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The precise plan of development for the Happy Valley West Major Comprehensive Plan Amendment shall be approved by the Board of Supervisors within five (5) years of approval of this comprehensive plan amendment. If the precise plan of development has not been approved within this timeframe, this comprehensive plan amendment shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this major comprehensive plan amendment. If revoked, all zoning and other entitlement changes approved that are associated with the Happy Valley West Comprehensive Plan Amendment shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this comprehensive plan amendment due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 250 dwelling units.
- f. Prior to approval of the precise plan of development, the applicant shall provide the Maricopa County Planning and Development Department with a signed and recorded pre-annexation agreement with the city of Peoria that identifies the date or timeframe when the proposed project will be annexed. No development shall occur in unincorporated Maricopa County after the annexation date or timeframe identified in the pre-annexation agreement. This pre-annexation agreement shall be signed by the Happy Valley West developer and the city of Peoria.

- g. The following MCDOT stipulations shall apply:
1. Amend the Cavan Commercial Project site plan to accommodate the future realignment of Happy Valley / Jomax Road with Vistancia Boulevard. This realignment will have Jomax Road from the west come off alignment in a southeasterly direction and tie into Happy Valley Road that is built west of current Vistancia Boulevard. Specifically, the realignment will have Happy Valley / Jomax Road west of the Cavan property continue due east and reconnect with the existing Happy Valley alignment as the through movement in the general area where existing Vistancia Boulevard connects with Happy Valley Road. It is planned that Vistancia Boulevard will cross Happy Valley / Jomax Road east of the Cavan property. This realignment is not currently designed or programmed by either Maricopa County or the City of Peoria, but this site plan should show this realignment and dedicate the required right-of-way at this time.
  2. It should be noted, that the current "secondary access" located along the north property boundary of the Cavan property (east driveway) will continue to act as their secondary access with the current roadway configuration. However, when the realignment occurs and Vistancia Boulevard is carried south along the Cavan property's east boundary, the developer will have an additional access along their east boundary onto Vistancia Boulevard. The site plan should be amended to show where this future access will be.
  3. Provide traffic study or analysis discussing turning movements into and out of Happy Valley Road access.
  4. The east access on to Happy Valley Road shall need to be right in/right out only.
  5. Provide a total half-width of 75 feet R/W on Happy Valley Road (straight from the west boundary.)
  6. The Cavan Commercial Project will be responsible, for ultimate half-width improvements including curb, gutter, sidewalk, and paving, for the ultimate design of Happy Valley Road. Details of the actual construction, or possible bond for these improvements, will be decided and approved by MCDOT in the future.
- h. That the following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built is made available to the Maricopa County Library District.
- i. The following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to

future designs that are not in conformance with the Drainage Regulation and design policies and standards.

- j. That the following Sheriff's Office stipulation shall apply:

Prior to any final plat or precise plan, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to the development and surrounding areas. This development and Law Enforcement Services agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs (vehicle purchase and patrol equipment, e.g. radios, tasers and vehicle laptops) and interim fees for law enforcement services with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement may also include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space complete with tenant improvements or land (the size to be determined in the development and Law Enforcement Services agreement), or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to the development and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first home (dwelling unit) within the development, or as agreed to in the development and Law Enforcement Services agreement. The developer(s) who incur the above Sheriff's Office costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the development agreement. This stipulation shall be modified should a Sheriff's Office Impact Fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

- k. The following SHPO stipulation shall apply:

An archeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- l. The following Luke Air Force Base stipulation shall apply:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 6, 2008**

The residential leasing agency shall notify future tenants that they are located near a military airport with the following language:

“You are locating in a residential dwelling outside the “territory in the vicinity of a military airport,” however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes an average of approximately 165 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 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.”

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

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