

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 2:00 p.m., February 13, 2008, in the Tom Sullivan Conference Room, 301 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. Absent: Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

1. CANVASS OF THE PRESIDENTIAL PREFERENCE ELECTION – CONTINUED

Item: Pursuant to A.R.S. §16-642 through §16-645, approve the canvass of the Presidential Preference Election held February 5, 2008. The official canvass is on file in the Clerk of the Board's office. (C2108002700) (ADM1717)

Helen Purcell, County Recorder, reported that because of the heavy voter turnout, and the fact that 50,000 voters cast provisional ballots, which need to be hand counted, the canvass has not yet been completed. She informed the Board that they would be able to complete it within 24 hours. She said that more provisional ballots were cast in this election than the total number cast in the 2006 general election. She added there had been a 50% voter turnout Tuesday, and the norm has been around 30%. Karen Osborne reported that the required hand count once again had 100% accuracy.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to set a meeting for 3:30 p.m., Thursday, February 14, 2008, to receive the official canvass.

2. TEMPE COUNTY ISLAND FIRE DISTRICT

Item: Pursuant to A.R.S. § 48-851(A)(9), convene a public hearing on receipt of the signed formation petitions for the proposed Tempe County Island Fire District located in the City of Tempe municipal planning area. If the petitions are determined to be valid, the Board shall order the formation of the district and enter its order in the minutes. The order will include the appointment of the three initial governing board members of the district as set forth in the petition:

- Peggy Ann Wright
- Victor Zaharchenko
- Jerry Denton

Chairman Kunasek convened the public hearing and asked Ms. Mangiapane to brief Members on the results of her research on issues that arose at the February 6, 2008, Formal Meeting of the Board.

Ms. Mangiapane said that 79 property owners had signed the petitions filed with the Clerk on January 25, 2008, and at least 40 valid signatures were required to qualify. The Assessor certified 43 names as valid, giving enough support to form the District. She reported on the answers to several questions that had been raised:

- If the District is formed today it will be legally effective in 30 days.
- Withdrawal of petition signatures could have been done prior to filing them but it is now too late to withdraw.
- Anyone originally agreeing to serve on the Governing Board is a member when the District is formed but they could withdraw from that position afterwards.

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- Ms. Mangiapane read a letter from Rural Metro regarding their continuing service in that area into the Record, as follows:

February 1, 2008

Maricopa County Board of Supervisors
301 West Jefferson
Phoenix, AZ 85003

Dear Chairman Kunasek and Supervisors:

The staff of the Maricopa County Board of Supervisors has inquired into the status of private fire protection services being provided by Rural/Metro Corporation in the proposed Tempe County Island Fire District. We understand that the Board of Supervisors approved the district formation request and authorized the circulation of petitions at its January 2, 2008 meeting.

In accordance with A.R.S. §48-851, Rural/Metro hereby affirms at it will not be providing fire protection services in the proposed Tempe County Island Fire District at the time of the District's formation.

Please do not hesitate in calling on us if we may be of further assistance.

/s/ John Cole
Division General Manager
Rural/Metro Corporation

Supervisor Brock asked what the term of office was for the appointed board members. Ms. Mangiapane replied that the three appointed members would serve until the first general election, which will be November 4, 2008. At that time, five members will be elected to the board, and terms will be staggered two-year terms that would be allotted on the proportion of the votes they get.

Victor Zaharchenko, citizen and one of the proposed board members, voiced concerns about serving on the board and in forming a District after reading the Statute, saying that he and others had, unfortunately, signed without reading it and were now regretting it. He asked to have his name removed from the petition and as a board member. He indicated that he had talked to Rural Metro's fire chief and he had indicated they would continue to service businesses in the northern portion of the proposed district. He said he would prefer to remain with their service.

Discussion ensued with the Supervisors pointing out the benefits of a District, including the annexation option, which some residents do not want but might accept to get Tempe fire services. Supervisor Brock said he had met with the Mayor of Tempe earlier in the day and he had no concerns in letting the County Island remain. He added that the City of Tempe really cannot push annexation on residents.

Melanie Hocevar, citizen and resident, said that petitions had been available for signatures at her place of business and she had personally made sure everyone who signed knew the facts of the petition and what a district would cover and that cost was an unknown. She felt that enough literature had been distributed that a responsible citizen should know what the petition signified.

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Peggy Wright, reported on her efforts to notify residents and to promote a district began last June. She said she, and the several other homeowners located in the northern area (that is mostly commercial), had not had fire or emergency services since July 1989. She showed samples of the many different mailings she had sent to more than 200 addresses and said she had personally knocked on many doors to speak with residents over the months and had informed them of the details, good and bad.

Supervisor Wilson said that the signatures had been filed and couldn't be "taken back" and added, "We have to deal with the facts we have."

Ms. Wright said that Melanie Hocevar would be willing to accept a position on the district's board if Mr. Zaharchenko did not wish to serve. Mr. Zaharchenko immediately said, "I plan to stay on the board."

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to order the formation of the Tempe County Island Fire District and appoint the three people named above as the initial governing board members of the District. (Note: Supervisors Stapley and Wilcox were not present.)

**ORDER OF DISTRICT ORGANIZATION
TEMPE COUNTY ISLAND FIRE DISTRICT**

WHEREAS, a request for formation was presented pursuant to A.R.S. §48-851(A), proposing the organization of the Tempe County Island Fire District; and

WHEREAS, the request for formation contained a revised map of the proposed district representing all of the county island areas that are contained within the municipal planning area in the City of Tempe; legal description of the boundaries of the proposed district; list of parcel numbers, and the names, addresses, and occupations of the proposed members of the organizing Board of Directors; and

WHEREAS, the Board of Supervisors determined the creation of the district will promote public health, comfort, convenience, necessity or welfare and approved the request for formation at a hearing held on January 2, 2008, and circulation of petitions was authorized; and

WHEREAS, petitions were presented pursuant to A.R.S. §48-851, proposing the organization of the Tempe County Island Fire District; and

WHEREAS, a hearing was held regarding the petition on February 13, 2008; and

WHEREAS, the petitions were signed by more than one half of the aggregate number of property owners in the county island areas contained in the proposed district;

IT IS THEREFORE ORDERED that the said TEMPE COUNTY ISLAND FIRE DISTRICT is hereby declared organized and created thirty (30) days from this date; and

IT IS FURTHER ORDERED that Peggy Ann Wright, Victor Zaharchenko and Jerry Denton are hereby declared as the organizing Board of Directors to administer the affairs of the district until a duly constituted board of directors is elected; and

IT IS FURTHER ORDERED that the boundaries of the said Tempe County Island Fire District be declared as follows:

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All county island areas that are contained within the municipal planning area of the City of Tempe generally described as bounded on the west by the City of Phoenix, with its west most boundary being 48th Street and on the east by Mesa, with its east most boundary just E. of interstate 101 (Price Road) and it shares the southern boundary with Chandler, with its southern most boundary of Ray Road and the Northern limits abut Scottsdale, with its northern most boundary of McDowell Road. Township 1N & Township 1 S, Range 4 East & Range 5 East, including but not limited to sections 3, 10, 2, 11, 15, 14, 13, 9, 16, 17, 24, 23, 22, 21, 20, 29, 28, 27, 26, 25, 32, 33, 34, 35, 36, 31, 30, 19, 4, 1, & 12 and further described in map and parcel list.

DATED this 13th day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 3:50 p.m.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board